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RESEARCH ARTICLE

Irreparable damage: international housing rights and local housing struggles in Rome after 2020

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ABSTRACT: The recent interventions of the UN High Commissioner of Human Rights (OHCHR) to suspend evictions of tenants in Rome, Italy, allows us to shed light into the forthcoming social catastrophe caused by Italian housing policies, and into the new advancements of social movements for housing. As two scholar-activists involved both in research on housing and in political actions to prevent evictions, we describe how housing movements in Rome are facing the contradictions between local and international discourses on the right to housing.

KEYWORDS:

evictions, housing policy, rental housing, rent strike, human rights, housing rights, activism, Italy

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1. Introduction

In the spring of 2021, a migrant woman we will call Zenaida was risking eviction from her flat in a working-class neighborhood of the Eastern periphery of Rome. The threat of eviction was exacerbating a condition of extreme vulnerability due to both her precarious employment as a

racialized woman in a country marked by structural racism, and to the gender violence she had suffered previously to her arrival in Rome. The landlord who was trying to evict her had never completed the formal registration of her rental contract, so Zenaida could not benefit neither of the Covid-19 eviction moratorium, nor of the meager housing subsidies meant to support families while sheltering in place. The local authorities not only did not offer her any viable housing alternative other than temporary accommodating her and her daughter in an emergency facility (thus separating them from her older son); they also failed to act against the landlord, breaking out from the eviction trial the procedure to sanction the landlord for renting her the apartment illegally. The unjust eviction enforced by an abusive landlord would have certainly condemned Zenaida to homelessness or marginality, as often happens to vulnerable people in Rome and elsewhere. For once, however, the story had a different outcome.

The authors of this essay, both living near Zenaida's neighborhood, were by then collaborating to set up a network of housing activists and scholars engaged in countering the negative consequences of Covid-19 lockdown on housing. The network, born in 2020, initially took the name *Sciopero Affitti* (rent strike), resonating with the online movements that flourished at the beginning of the Covid-19 pandemic (Massarenti 2020), and collaborated with pre-existing activist groups in Rome to support tenants at risk of eviction. When Zenaida asked for help to face the judiciary officers that had already scheduled an eviction, repeated calls to early morning solidarity gatherings in front of her door managed to physically prevent the eviction for several months. In late May, after the police had left the site promising they would execute the eviction the following month – we received an unexpected message in our mailbox. The United Nations' Office of the High Commissioner of Human Rights (OHCHR) responded positively to our request of interim measures to suspend Zenaida's eviction, in order to avoid the risk of irreparable damage to her family. It was the first time in Italy that a UN Committee intervened in defense of the right to housing.¹

In this essay we will discuss the new possibilities and contradictions that international human rights institutions represent for the Italian housing movements, through a special focus on Rome, the city where more interim measures requests were forwarded. Zenaida's case, in fact, inaugurated a flood of petitions forwarded by *Sciopero Affitti*, which later took the name of *Assemblea di autodifesa dagli sfratti*, and other organizations, that managed to suspend several evictions in Rome and elsewhere, eliciting controversies in the media and in national institutions. The strategic employment of this underused tool of international law (Callejón, Kemileva, Kirchmeier 2019) presents implications that may help to orient the future direction of housing struggles, and contribute to a debate on how to muddle through post-pandemic injection of liquidity and concentration of wealth appealing to 'housing rights'. Rome, an understudied 'global city' (Clough-Marinaro and Thomassen 2005) with an epic history of squatting and housing struggle that started immediately after World War two (Mudu 2014; Grazioli and Caciagli 2018; Caciagli 2021), is heavily targeted by the financialization of housing (Aalbers 2016) made possible by several decades of privatization of state properties, retaliation of welfare, and dismantlement of tenants' rights. The city, however, also has a strong network of grassroots activism against evictions.

Before 2020 the authors of this essay had participated in several other anti-eviction initiatives, in Rome and elsewhere, while engaging in academic research on housing, evictions, displacement, and gentrification. In 2020 together with other activists and scholar-activists (Portelli, Tschoepe 2021) we

¹ In fact, in 2005 the squatting network “Coordinamento cittadino di lotta per la casa” had been invited to an interview with a UN delegation (see Clough Marinaro and Thomassen 2005).

contributed to setting in place *Assemblea di autodifesa dagli sfratti – Sciopero Affitti Roma* (Assembly for self-defense against eviction – Rent strike Rome) that combined collective direct action against evictions, and scholarly reflection on the structural reasons behind them. This article is based on the first interviews and conversations shared with members of this new network that are suffering evictions. We will briefly describe how the Covid-19 crisis is rooted in a wider housing crisis raging in Italy since the 2000s, with Rome as one of the harshest places. We will then reflect on how housing movements organized in the last two decades to resist and survive to that situation, and on how this scenario was impacted by the tool of individual communications, concluding with a brief exposition of some tenants whose evictions were suspended by the UN. The Covid-19 pandemic skyrocketed social inequalities and gave a strong impulse to the process of real estate concentration that started in the 1990s (Mansilla 2020, Aveline-Dubach 2020, Mendes 2020). As states institutions worldwide abdicate to the mandate of protecting rights and turn into machines for the extraction of private profit, social mobilizations everywhere are reclaiming the return of basic resources to local communities, often challenging the social pact itself (Portelli and Tschoepe 2021; Moiso, ed. 2022). It is crucial to understand how domestic institutions react to international mandates, and how local groups respond to their language and requirements.

2. The political economy of housing after 2020

Zenaida's eviction is a part of the dramatic increase in housing insecurity caused by the Covid-19 pandemic and by the measures for sheltering in place which plunged the Italian economy into further recession and precariousness. Since March 2020, the Italian Government promulgated a series of laws and decrees to prevent evictions of people impoverished by the Covid-19 pandemic or lockdown measures;² these measures, however, were not available for irregular tenants such as Zenaida, whose landlord never offered a regular contract. In a country where black market rents are extremely common, the moratoria left out huge groups of renters, including students and migrants, especially in the South. For regular renters, the executions of evictions for arrears were stalled for almost one year, though landlords could still request evictions, so the Courts kept confirming and processing eviction procedures. The eviction moratorium blocked the tap outlet in a pipeline without stopping the water flow, leading to the huge wave of evictions that started in the first months of 2022.

The eviction moratorium had been requested by the UN special rapporteur on housing Leilani Farha, and was not the first in Italy (in 2007, for example, evictions for end of contract were suspended to 'contain housing distress and guarantee housing alternatives for specific social categories';³ such emergency suspensions were confirmed every year until 2014, leading to a peak of executions in 2015-2016); nonetheless, on July 16th, 2020, the constructors' lobby *Confedilizia* declared that it should be revoked, since for landlords was 'an unprecedentedly severe measure that is causing suffering to thousands of families', producing 'incalculable depressive effects on the real estate market'.⁴ This rhetoric aimed at conflating the interests of small and big landlords (Peverini 2020, Gaeta 2017), overlooking the increasing amount of people evicted by big companies, private equity funds, and public administrations. Moreover, the Italian Constitution at its Art. 42 sets norms

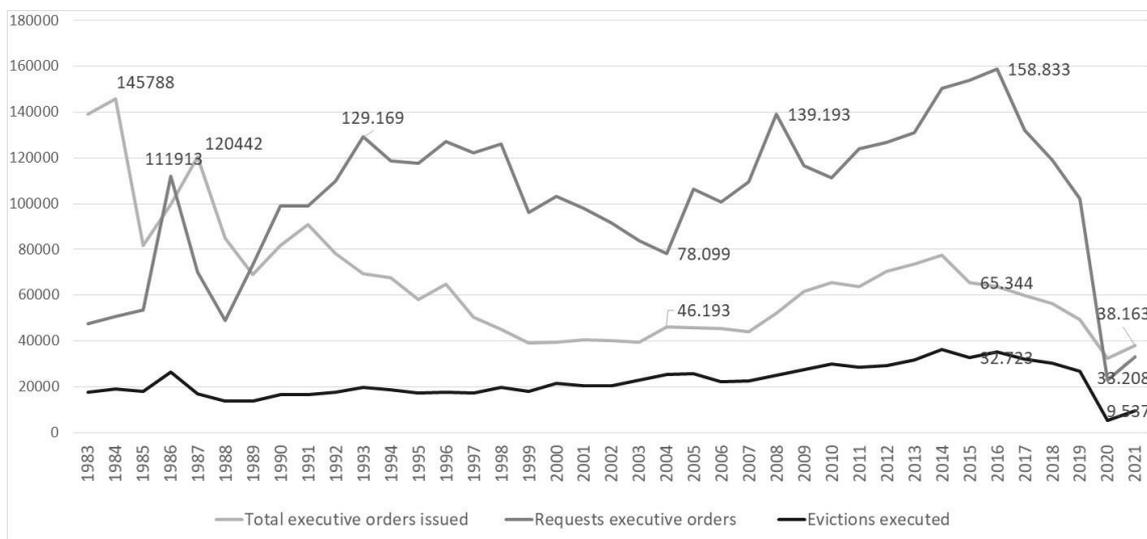
2 Decreto "Cura Italia" (Legge n.18, 17/3/2020), Decreto "Rilancio" (n.34, 19/5/2020), Decreto "Milleproroghe" (n.183, 31/12/2020).

3Art. 1 of Law 9, February 14th, 2007: «in order to reduce housing deprivation and facilitate the transition from home to home for particular social groups».

4 <https://www.confedilizia.it/blocco-sfratti-non-sulla-mia-pelle/>, Retrieved June 19, 2022.

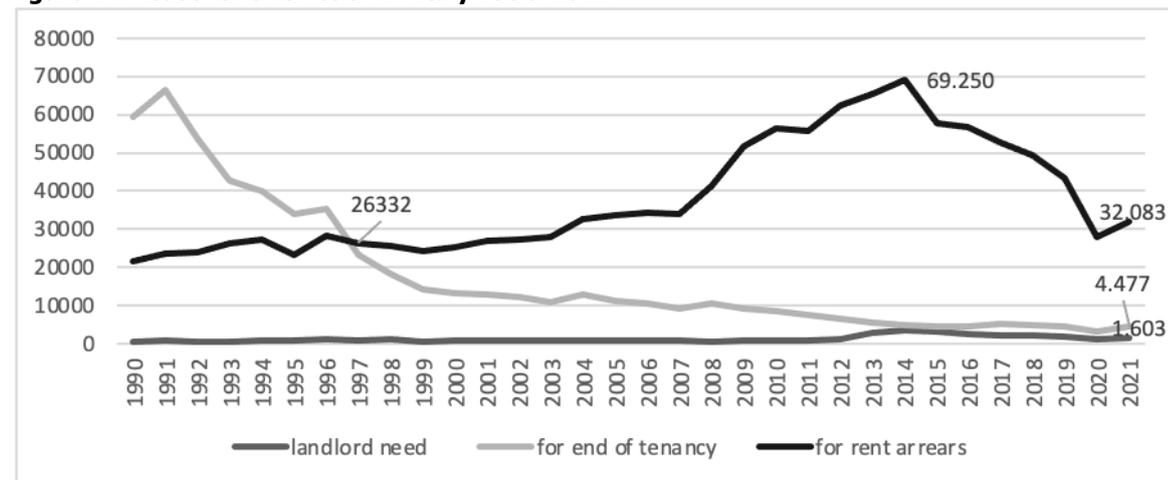
and limits to private property, which is not understood as a form of sovereignty over a commodity, but as a part of a system of rights and obligations (see Art. 832, Civil Code). Facing the ambiguity of pro-eviction discourses, it is important to remind that limits to property are at the core of several institutional structures, in Italy and elsewhere, inherently designed to guarantee basic rights over the extraction of rent. Observing the last fifteen years, we can identify an increase in eviction procedures immediately after the 2008 global financial crisis and after 2011, with the explosion of the financial crisis of sovereign debt in Italy and Europe. In 2020 the curve descends (due to the moratoria) but in 2021 and 2022 it grows again. The second graph shows how the 1990 liberalization of rent and the 2008 GFC increased evictions for arrears, reducing to almost zero those for end of tenancy.

Figure 1 - Eviction trends in Italy 1983-2021



Source: Author's elaboration on data of Ministero Interno

Figure 2 - Reasons for eviction in Italy 1990-2021



Source: Author's elaboration on data of Ministero Interno

On their side, Italian housing policies always proved unable to fulfill their mandate of redistributing wealth among the population. Since the end of World War II, they focused on tax reduction and access to credit (Minelli 2004; Tosi 2008) rather than on social housing, despite a season of left-wing governments in major cities such as Rome led to the erection of several social housing complexes. The housing question in Italy worsened with the polarization of industrial development; productive structures focused in specific areas, causing an unbalance between central and peripheral regions. Cities such as Rome, Turin, Milan, increased substantially their resident population, but without corresponding housing and planning policies (Insolera 1960; Ginsborg 1990); the high demand and real estate speculation fueled the growth of housing prices, instead of matching the demand with a corresponding offer. The gap between developed and underdeveloped areas not only affected the axis between North and South, or between city and countryside, but also between center and periphery, and between urbanized and non-urbanized areas. Thus, major urban areas were shaped primarily by the social stratification and inequalities produced by uneven development (Balestrini, Moroni 1988; Della Pergola 1974). Between the 1950s and 1980s, Italy's construction sector boomed, but thousands of houses were left empty due to the high rental prices: builders preferred to keep prices high, waiting for inflation to make invested capital grow (Della Seta 1978). Historian Paul Ginsborg explains clearly the causes of the increase in housing inequalities:

The governments of the 1950s and 1960s decided to allow the maximum degree of freedom to private initiative and speculation in the building sector (...). The law of 1942 made provision for *Piani Regolatori Particolareggiati* (local development plans) to be drawn up and enforced by local communes. The plans would have been an important step forward, but the communes were never granted the resources or powers to put them into operation. As a result, they were either never formulated or else remained dead letters. The building speculators, with money to spend and to corrupt, were left with a free hand. Houses were built, and fast: 73,400 in 1950, 273,500 in 1957, 450,000 in 1964 (...). Very little attempt was made to safeguard the needs of the poorest sections of the community by the creation of a public- or council-housing sector like those of Britain, Holland or West Germany. Between 1948 and 1963 public housing schemes accounted for only 16 per cent of total investment in the construction of houses (1990, 246-247)

All the history of housing laws in Italy can be told as the parallel advancement of laws depriving the poor of houses or rights, and laws that aim at compensating it but fall very short of accomplishing it. Law 167/1962 (updated in 1971) ordered the demolition of the self-built neighborhoods built by migrants in interstitial areas of major cities, and promoted social housing, both created directly by the city council, and through public-private partnerships called *Piani di zona*, 'Zonal Development Plan.' Private speculation prevailed anyway, as many of those houses were rented or sold at market prices. In 1971 a new law instituted public housing (*Edilizia Residenziale Pubblica* or ERP) as a policy targeting the needs of families unable to access the private rental market.⁵ Again, the pressure from the real estate sector heavily influenced the initiative, and in mid-1980s only 125,000 of the planned 600,000 houses had been built (Graziani 2005). Law 431/1998 gave a final blow to the housing question, by abolishing post-war rent control *equo canone*. As in other Southern European countries, the liberalization of land and housing was an initiative of left-wing parties: evictions for arrears

⁵ Law 865/1971.

became prevalent, and the government had to institute rent subsidies⁶ (Davoli 2018b). A measure to compensate the end of rent control was *canone concordato* ('agreed rental fee'), an optional agreement with which landlords could reduce their taxes if they kept rents below a certain index; but in many cities these indexes were set slightly below market prices, thus becoming a sheer tax reduction for landlords and no benefit for tenants.

The use of public funding is also inconsistent. The budget for housing subsidies was reduced from €335 million in 2001 to €100 millions in 2015, at the peak of the global eviction crisis, and to zero in subsequent years. To compensate for the lack of funding, in 2013 the judiciary type of “non fault arrears” (*morosità incolpevole*) was instituted and granted with a fund endowed to Regional authorities.⁷ This subsidy, however, could only cover a small fraction of the rent (up to €1,200 per family/year, when the average rent in big cities is around €5,000),⁸ and from 2016 to 2017 it was cut by about 50 millions (from 59,7 to 11 millions), then in 2019 it was increased by 46 millions; 9,5 more were added in 2020 (Rindori, 2015);⁹ with the pandemic crisis, in 2020 housing subsidies were refinanced with approximately 200 million euro, while the fund for non-fault arrears was reduced to zero at the end of 2022, with the eviction crisis looming at the horizon.

As a consequence, the number of evictions executed in the last 20 years grew by almost 30%, and those for arrears by 66%. In 2020, more than 28,000 of the 32,536 firm eviction procedures are for arrears. In 2020 more than 5,000 households were evicted, and one year later this figure grew by 80%. More than 38,000 eviction requests were submitted in 2021, over 33,000 executive orders were issued, and 9,537 evictions were actually carried out. Every day 26 families were evicted.

These families are doubtlessly among the poorest sectors of the population. Though a small fraction of Italian families lives in rent (18%), this fraction is doubtlessly the poorest; almost the half of Italian poor families rent their houses.¹⁰ According to the National Institute of Statistics 2021 report, absolute poverty hits 18,5% of families living in rent, and only 4,3% of those who own a property. Families that rent and suffer absolute poverty were 866,000 in 2020; in 2021 their number grew by 3%, reaching 889,000.

As for today, therefore, housing and rent are still the weakest parts of Italian welfare policies. Even in the huge 'National Recovery and Resilience Plan' (PNRR) financed in 2021 by the EU to respond to the Covid-19 economic crisis, housing is not a stand-aside issue. It is fragmented among different 'missions', and no new funding is devoted to increase the provision of council housing.¹¹ Over approximately 191,5 billion euros, 9 are devoted to urban regeneration and so-called *social housing*, a policy that involved private investors that offers minimum guarantees of benefitting vulnerable sectors of the population (Tozzi 2021). Only 5,000 new public housing facilities are planned.¹² To the contrary, all recent government-led initiatives on housing focus on the promotion and reinforcement

6 Provided for by Article 11 of Law 431/98, they are contributions for partial reimbursement of the rent regularly paid for a property for residential use and they are intended for Italian or foreign citizens with a residence permit, that they prove to have a low ISEE, and they are resident in a municipality with high housing tension.

7 Decree-Law No. 102/2013: it is a contribution to legalize all or part of the rent arrears (or to legalize the security deposit of the new contract) for those who have an arrears eviction because of sudden job loss and reduction of family income, serious illness, or accident.

8 See Istat, <https://www.istat.it/it/archivio/271611> Retrieved June 19, 2022.

9 Cfr. Corte dei Conti, Funds to support rented housing for vulnerable social groups (2014-2020).

10 Dati Istat; Examination of bills C. 1429, C. 1904 and C. 1918 on municipal property tax.

11 In missions 2, 4 and 5.

12 See PNRR p. 214 <https://www.governo.it/sites/governo.it/files/PNRR.pdf>, retrieved June 19, 2022.

of private property,¹³ though economic vulnerability is spreading among homeowners (Filandri, Olagnero, Semi 2020). It is enough to consider that 28% of families living in owned houses suffer overcrowding: they are forced to purchase smaller houses than they need. If the housing market is unregulated, and rent prices are not controlled, local institutions can at best provide stopgap measures.

In January, 2021, the European Parliament approved the *Decent and Affordable Housing for all* resolution, which starts from the premise of acknowledging a housing crisis that is causing exclusion and spatial segregation 'both in wealthy and less wealthy countries'.¹⁴ In fact, according to Eurofound (2021), a quarter of the European population – 156 million people – suffer poverty also due to housing expenses; during 2020 three over ten retired people were late in the payment of utility bills, and two over ten were in arrears with the rent or mortgage.¹⁵ Homelessness also increased in all EU states: an estimated number of 700,000 people live in homeless shelters or in the streets, with a 70% increase in the last 10 years. The Resolution invites the commission and authorities to counter speculative investments, to guarantee tenants' rights by preventing forced evictions and housing inequalities, and to establish strategies to address forced evictions.

In Rome, the City Council's Institute of Statistics already in 2017 included among the factors that made the housing question critical the 'shortage of housing policies for the middle and low income population, the lack of offer of affordable houses for rent, the scarcity of the provision of public housing' (Sistan 2017, 44). As Costantini and Caroselli show (2021) the effects of the pandemic showed how the availability and quality of housing was a precondition for health and care. However, and despite the UE resolution, local institutions do not offer any viable alternative to people suffering evictions. As happened to Zenaida, most of the families threatened to lose their house are offered emergency shelters, that only temporarily accommodate women and children. The idea that the state should take care of housing rights seems to have declined in favor of a situation in which thousands of people are exposed to the risk of forced eviction without any alternative. Many people are naturally pushed to find solutions elsewhere.

3. Anti-eviction struggles in Rome

Italy's history of struggles for housing dates from shortly after the fall of Mussolini's regime, with major cities such as Turin, Milan, Rome, Naples, Palermo as its strongholds. In Rome, the first network of 'Neighborhood assemblies' (*Consulte popolari*) emerged in the early 1950s: internal migrants that inhabited self-made neighborhoods in the outskirts of big cities, and assignees of social housing estates, organized strikes and other forms of collective action to reclaim transportation, services, drinking water (Tozzetti 1989, 25-31). These protests were connected with struggles for land razing in rural areas, and were closely followed by intellectuals and activists linked to the Communist Party, or to extra-parliamentary groups. In the 1960s and 1970s Rome's housing movement had become one of the most important in Europe: old activists remember thousands of migrants and slum dwellers massively squatting private and public buildings to reclaim public housing; they blocked entire sectors of the city with columns of cars, or night-long protest camps in front of institutional buildings, often engaging in fierce battles with the police, even with firearms. Some casualties are still remembered in public celebrations.

13 E.g., 110% *ecobonus* subsidy to improve the energetic quality of buildings, for example, represents a new push for rental increases and gentrification; *Decreto Sostegni Bis* provides guarantees for the access to mortgage to people under 36.

14 2019/2187(INI), clause P. See https://www.europarl.europa.eu/doceo/document/TA-9-2021-0020_EN.html

15 *Ibid.*, clause R.

When the COVID-19 lockdowns began, a galaxy of anti-eviction networks, squatting collectives, and tenants' unions was already active in Rome. Following Davoli (2016) we can distinguish three groups of housing activists: (1) those that spurred from the struggles of the 1960s and 1970s, that mostly converged into political parties; (2) those that emerged in the 1990s and 2000s season of *centri sociali* squatting that followed deindustrialization and the collapse of the Communist Party; and (3) the newest ones, mostly born of the post-Global Financial Crisis wave of squatting and anti-eviction struggles. The most important organizations are, respectively: *Unione Inquilini*, very close to the refunded Communist Party *Rifondazione Comunista*; ASIA (Associazione Sindacale Inquilini e Abitanti) tenants' union, affiliated with the workers' union USB (Unione Sindacale di Base, previously RDB); and the squatting networks *Blocchi Precari Metropolitan* (BPM), *Coordinamento Lotta per la casa*, and *Action – Diritti in movimento* (Davoli 2018a; Grazioli e Caciagli, 2018), that in 2012-2013 led a huge season of squatting, known as *tsunami*, that housed thousands of families.

All these organizations share a common frame of challenging the neoliberal retaliation of resources for public housing and the widespread interference of real estate speculators in public policies. Nonetheless, they vary in their methods of protest (e.g., on the use of squatting to pressure the City Council to assign public housing), and in the social composition of the beneficiaries of their demands (e.g., BPM focuses on non-resident migrant families, ASIA on assignees of council flats). Before the pandemic, several attempts occurred to create wider networks or alliances against evictions, especially of squatted buildings; but also, important divisions emerged. Between 2016 and 2019 there was a crucial rupture between the two most active tenants' organizations in the city, around the *canone concordato* agreement proposed to cope with the 1998 liberalization of rent.¹⁶ A common element, however, cuts across these differences: the idea of a 'housing right' (*diritto alla casa*) that should be acknowledged by state institutions, over the right to private property and profit. This concept resonates among the general public, making it difficult for landlords' associations such as *Confedilizia* to defend their right to evict and speculate (see Hartman ed. 1983, Hartman 1998, Rolnik 2014).

This contradiction only became more evident with the Covid-19 lockdowns, which exacerbated a tendency to the impoverishment of tenants living in privately rented apartments, a sector of population that was traditionally not included among beneficiaries of pro-housing associations. One of the aims of the newly created *Sciopero Affitti* network, which took momentum from the Rentstrike movement in the US, and from the call for a *huelga de alquileres* in some regions of the Spanish state,¹⁷ was to highlight the importance of renters as a structural component of the housing market, against the insistent rhetoric of Italy as a 'country of property owners', and of rent as a marginal or temporary condition mostly affecting migrants and students. Hence, among the activities promoted by the new network there was the creation of an observatory of the housing market, that showed how the global financial crisis of 2008 turned rent into a crucial field of capital accumulation. As a consequence, activists should shift from focusing only on the extremely poor, excluded from the housing market and living in council houses or in occupied vacant buildings, to including the huge sector of the working poor that would soon be threatened of eviction. This borderline population was less evident,

16 As mentioned before, the indexes in Rome were set so high that protected rents sometimes even exceeded market prices, turning an optional form of rent control into a sheer gift to landlords. While *Unione Inquilini* signed the agreement, ASIA did not, and considered *UI*'s compliance as treason. See <https://www.usb.it/leggi-notizia/asia-usb-non-firma-laccordo-sugli-affitti-a-canale-concordato-a-roma-nuovi-forti-aumenti-e-norme-in-violazione-della-convenzione-nazionale.html>, retrieved June 19, 2022.

17 <https://napolimonitor.it/covid-19-lo-sciopero-degli-affitti-come-immunita-di-gregge/>, retrieved June 19, 2022.

but greater in numbers than those that are already in poverty, and had different sociological features than council house assignees, or squatters. New tools were needed to address it (Davoli 2019).

During the lockdown months of April, May and June 2020, the network engaged in creating online meetings to prepare a new season of struggles over rents in Italy. Though mostly uncovered by local media, similar events happened in many Italian cities, especially in the North; in Bologna, a group of students and precarious workers living in the same building in the gentrifying neighborhood of Bolognina, collectively stopped paying the rent, giving birth to *Rent Strike Bolognina*; in Milan a group of activists that in 2017 had occupied an entire vacant public building in the council estate of Barona, created a new network to support tenants at risk of eviction, even cleaning up empty flats to accommodate families in need while searching for permanent solutions; new groups of activists came together in Pisa, Naples, Parma, Turin, Brescia, Bergamo, around the looming threat of an unprecedented wave of expulsions. As soon as physical meetings were allowed, a huge two-days meeting was held in the squatted building *Metropoliz*¹⁸ in Rome; another event was held in October 2021 in Pisa, where local activists squatted a three-story monastery in the middle of the ancient city; and another one in Milan in July 2022, where a periodic publication of the new network was kickstarted.¹⁹ The network grew to include sporadic contacts with other European housing movements, such as Berlin's promoters of the *DWE* referendum for the nationalization of real estate corporations (McGath 2021, Strack 2021, Kusiak 2021), the Portuguese *Habita* housing collective (Tulumello and Allegretti 2020, Mendes 2020) and the Catalan and Spanish *Sindicats d'habitatge / Sindicatos de vivienda* (Palomera 2018). Due to the massive financialization of housing in Spain, (the first Southern European country in which huge private equity funds such as Cerberus and Blackstone had massively entered in the housing market) activist networks had developed both theoretical analysis innovative to the Italian scenario (Palomera 2014; Gil 2019, Portelli 2021), and the expertise to recur to international treaty bodies to suspend evictions. This knowledge was shared among the international informal network triggered by the *Sciopero Affitti* initiative, and the above-mentioned mobilizations against Zenaida's eviction were the first occasion to test the tool.

4. Petitioning the UN

Despite the Italian Constitution does not mention the right to housing, the perception of injustice associated with evictions corresponds indeed to a legislative requirement. Article 117 of the Constitution, in fact, provides that '[t]he legislative power is exercised by the state and the regions in compliance with the Constitution and with the *constraints deriving from EU legislation and international obligations*' (our italics). International obligations also include those stemming from international treaties that Italy ratified, among which the International Covenant on Economic, Social and Cultural Rights (ICESCR), entered into force in Italy in 1978. The treaty affirms 'the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing *and housing*' (Art. 11, our italics). An additional protocol approved in 2008, after a two-decades long campaign, endows the Committee on Economic, Social and Cultural Rights (CESCR) with a quasi-judicial function, allowing it to receive individual communications on alleged irreparable violations of human rights committed by the state parties to the Convention, and to dictate interim measures to prevent them while studying each case (Mahon 2008, Cole 2012, 2013). Despite a recent

18 To know more about *Metropoliz* squat see Careri and Muzzonigro 2013; Grazioli 2017.

19 See Luca Alteri, "Case in rivolta, bollettino delle lotte abitative", *Le Monde Diplomatique – Il Manifesto* January 2023, p.33.

growth in the number of communications (by 400% between 2017 and 2018), the mechanism is underused everywhere (Callejon et al. 2019: pp. 9Sgg.), and since its entry into force, individual communications to CESCR have mostly concerned the violation of the rights to adequate housing by Spain in the context of evictions. In Spain and Catalonia, in fact, tenants' unions had been submitting communications to CESCR to suspend evictions since at least 2017 (helped by the fact that Spanish is a working language of the Committee). Only one communication was submitted to CESCR from Italy before 2021;²⁰ lawyers and activists alike considered somewhat naive the idea that the UN could make a difference in such a structural and persistent crisis as the housing crisis. This consideration resonates with concerns on scarce visibility and access to individual communication procedures among both victims of violations and human rights organizations (ibid., p. 12).

This is why the outcome of Zenaida's case came as a surprise. Recurring to CESCR does not require a lawyer, nor any expertise other than language. Individual communications can be filed by email through a simple textual form; they have to present the basic facts that put the person at risk of violation, mentioning the articles that are violated (Art. 11 for evictions). Clear evidence of the claim has to be provided, attaching all the relevant documents together with an executive summary of those that are not in one of CESCR's working languages (English, French, Spanish and Russian). Despite the High Commissioner for Human Rights sets a deadline of two days for individual communications, submissions to prevent evictions shall be presented not later than four working days before the eviction.²¹ This is probably due to the fact that each Committee has their own working methods and practice, but it induced confusion in petitioners, who often did not know exactly when to present a communication. OHCHR's *Petition and Urgent Action Section* immediately acknowledges reception and proceeds to send the admissible petitions to the Committee, composed of 18 independent experts.²² The Committee analyzes the petition within a few days; if it acknowledges a risk of violation, and the inefficiency of the state to guarantee respect for the Covenant, it registers the case and notifies to the author of the petition a letter signed by the Chief of the Human Rights Treaty Branch. Another letter is sent to the State, requesting to either suspend the eviction or provide an alternative housing solution appropriate to the petitioner's needs. With that communication, the author's lawyer can formally oppose the execution of the eviction to Court. Until May 2022, the Court of Rome has suspended the eviction procedures immediately after receiving the notice, setting a new hearing to confirm the suspension. 35 evictions were blocked in Italy during the first six months after

20 A woman that underwent medical treatment without consent managed to obtain financial compensation from the Italian state for the violation of reproductive rights she suffered. Communication 22/2017. See International Human Rights Center Loyola Law School, Los Angeles - Ass. Luca Coscioni – Science for Democracy. 2020. *NGO Parallel Report on the Italian Republic's 6th Report on the Implementation of the ICESCR*. Retrieved at <https://www.associazionelucacoscioni.it/wp-content/uploads/2020/03/CESCR-Italy-Parallel-Report-66th-session-March-2020.pdf>, June 5th, 2022. See also <https://news.un.org/en/story/2019/03/1035601>.

21 CESCR's automated email in response to individual communications says that "Requests for interim measures to prevent irreparable harm - such as deportations/extraditions or evictions - need to be submitted at least *two working days* before the day of deportation or eviction, to ensure that your request can be processed", while emails from CESCR mention that "in order to process a request for interim measures, it is necessary that the request is submitted at least *four full working days* prior to the date when the alleged irreparable harm, i.e. eviction in the present case, is expected to materialize". Our italics.

22 See <https://www.ohchr.org/en/treaty-bodies/cescr/membership>, retrieved June 19, 2022.

Zenaida's case.²³ From Rome the tool began spreading to other Italian cities, also thanks to a free anti-eviction handbook circulating since January 2022, a dedicated chat, and a video tutorial.²⁴

Italian judges at first seemed to be puzzled on how to react to the OHCHR's demand: the first one, in May 2021, requested an unusual time to respond, possibly knowing it would set a precedent, at least informally. In early June 2022, another judge responded to a request of suspension motivated by CESCR's interim measures, but requested time to study the procedure, due to the 'absolute novelty' of the petition.²⁵ Few weeks later a judge rejected a UN request of interim measures, stating that OHCHR 'seems not to have judiciary value'; in another occasion, a judicial officer bypassed a suspension and visited the family under eviction anyway, despite the suspension had been confirmed by the Court. In two occasions, the Judges requested the communication to be forwarded to the Presidency of the Council of Ministry. At the same time, however, some municipal institutions accepted CESCR's request of providing housing to the petitioners: on two occasions they granted public housing that had been denied before the UN's intervention. The first case was in Rome, where a solidarity picket line had managed to physically prevent the eviction of an unemployed migrant man with six children, two of whom disabled, giving time to prepare the request.²⁶ Interim measures were granted on April 5th, 2022; the Court suspended the eviction on April 7th, and on June 13th Lazio's Regional body for public housing (*ATER*) granted the family a council flat, though very far from his neighborhood. The second case happened in the Northern city of Verona, where in mid-May the local branch of a left-wing political party presented their first petition on behalf of a migrant family with two children, whose father is precariously employed and has a disability. On June 17th, the local Council housing body granted the man a public flat, in the same neighborhood from where he was being evicted. Both families had requested social housing in vain before; local authorities claimed not to have resources to house them, condemning them to de facto homelessness, if the evictions were to be executed.

On May 25th, 2022, the entire procedure entered a new phase, as the Presidency of the Council of Ministries was called to a Court hearing about the eviction of an 87-year-old woman from a flat rented to her by a real estate company that had benefited from public funding. The company built subsidized housing in a *Piano di Zona*, then raised rents illegally, to start evicting low-income tenants; but CESCR had granted to the woman interim measures to suspend the eviction. The Presidency, however, suggested to the Judge to reject interim measures and resume her eviction, stating that 'the resolutions of the High Commissioner and of the Committee on Economic Social and Cultural Rights *are not binding* for the State party, according to articles 7 and 9 of the Optional Protocol, and *do not have the juridical value* to the point of influencing internal juridical procedures' (our italics). The document concluded that 'the guarantee of the right to adequate housing cannot compress to the point of annihilating the right to property, *likewise* on a Constitutional level'; an implicit acknowledgement of the Constitutional protection of international treaties. In brief: the Presidency of the Council of Ministries, by then occupied by the former Goldman Sachs employee Mario Draghi, asked to resume the eviction of an 87-years-old woman, to benefit a private company which had been subsidized to provide housing for the poor.

23 See <https://www.ohchr.org/en/treaty-bodies/cescr/table-pending-cases>. The successful procedures to which authors of this essay contributed are: 216, 222, 223, 226, 227, 230, 235, 246, 247, 264, 274, 271, for which interim measures were granted between May 27th, 2021, and May 5th, 2022. Help and information or other forms of indirect collaboration have been supplied for approximately the same number of communications, both in Rome and in other Italian cities.

24 See <https://scioperodegliaffitti.noblogs.org>, retrieved June 19, 2022.

25 "...la questione sottesa all'opposizione, di assoluta novità, meriti un approfondimento da parte del giudice assegnatario della procedura." Provvedimento del Tribunale delle esecuzioni mobiliari di Roma, May 30th, 2022.

26 Case 264/2022.

Beside promoting the breach of international treaties, the Italian government also began responding to each individual communication through a body called CIDU, *Comitato Interministeriale per i Diritti Umani*, ('Interministerial committee for human rights'). This body was created to negotiate with civil society,²⁷ but had always refused to respond to the authors of individual communications.²⁸ In the fall of 2022 CIDU solicited the City Council of Rome to convoke all authors of petitions individually; they were all received by a social worker of the Department of Housing, who immediately explained them that the encounter was not aimed at offering a solution, but at better understanding the individual situations to inform CIDU. On its side, CIDU had already dismissed all their communications in its observations to CESCR, even before receiving the new information. It is important also to note that an interministerial committee is not the adequate body to overlook on the application of human rights, because it is not independent from the government's interests (See Layolo di Cossano 2017). This role has to be played by a *National Human Rights Institution* (NHRI). Italy pledged to create such an institution since 2007, and even entrusted to CIDU the task to follow the process; despite the repeated expressions of concern by the UN,²⁹ it is still one of the few European countries that failed to comply with its obligation of instituting it.³⁰

Following the Presidency's intervention, in late 2022 the Court of Rome agreed in not ratifying any other suspension requested by CESCR, and even to condemn to the payment of legal expenses anybody who tried to request a suspension on the basis of CESCR's interim measures. It is unclear if this decision affects other Courts, neither if any of the judges or institutions involved will be called to respond to what appears to be a violation of international treaties; nor if any judge or organ of the state will raise the level of this controversy to the Constitutional Court, the body that supervises contradictions among constitutional rights. Meanwhile, the Committee will keep evaluating the 35 cases, and possibly at some point it will reach a conclusion. A recent resolution by another OHCHR Committee recently condemned Italy to sanction and reparations for the victim of a violation, requesting a change in the law; and CESCR itself in 2021 condemned Belgium for a 2018 eviction that violated the treaty.³¹ If CESCR will adopt a similar resolution for any, or for many, of the 35 individual communications forwarded since May 2021, this will surely be a crucial contribution to enforcing the right to adequate housing for all in Italy.

27 D.M.517/2013 established CIDU, with the task 'To maintain and develop the adequate relations with civil society organizations that are active in the sector of promotion and protection of human rights.'

28 The author of communication 222/2021, Emiliano Piccioni, requested a meeting with CIDU by telephone and by certified email in October 2022, but only received an informal response stating that CIDU does not communicate with the authors of petitions. The tenants' association ASIA-USB had previously requested an encounter with CIDU on November 12th, 2021; despite a first positive answer, it never managed to obtain an appointment.

29 UN General Assembly, Letter dated 17 April 2007 from the Permanent Representative of Italy to the United Nations addressed to the President of the General Assembly (A/61/863), p.6; United Nations General Assembly, Report of the Working Group on the Universal Periodic Review - Italy. December 10th, 2014 (A/HRC/28/4), I.A.9, p.4; Concluding observations of the Fifth report on Italy (CCPR/C/ITA/CO/5), October 28th, 2015, observations 14 and 15, p.3; Concluding observation of the Sixth report on Italy (CCPR/C/ITA/CO/6), May 1st, 2017; UN General Assembly, Human Rights Council, Working Group on the Universal Periodic Review, 34th session (A/HRC/WG.6/34/ITA/3), August 14th, 2019, II.B, p.2; and Committee on Economic, Social and Cultural Rights, Sixth periodic report submitted by Italy under articles 16 and 17 of the Covenant, due in 2021, August 26th, 2021 (E/C.12/ITA/6), II.36, p.7.

30 Together with Bulgaria, Cyprus, Czech Republic, Estonia, Finland, Hungary, Latvia, Lithuania, Malta, and Sweden: See EU Agency for Fundamental Rights, *National Human Rights Institutions in the EU Member States*, 2010, p. 12.

31 On Belgium, see CESCR, Views adopted by the Committee under the OP-ICESCR concerning communication n.61/2018. 23 November 2021, E/C.12/70/D/61/2018. On Italy, see <https://www.democraziaradicale.it/2020/05/06/vittoria-storica-il-comitato-diritti-umani-dellonu-conferma-le-ragioni-del-duran-adam/>.

5. Who are the petitioners?

The stories and biographies of the petitioners are the only information we have on the current wave of evictions. All the people affected present at least one of the features acknowledged as recurrent among people in absolute poverty;³² Covid-19 only exacerbated structural difficulties due to migration, minor children, old age, accidents, traumas, early pregnancies, divorce, disabilities. Most live in inadequate houses, rented by fraudulent landlords, who sometimes even received public subsidies to house the poor and diverted them to private profit. Almost half of the petitions concern big landlords, including former public companies such as *Ferrovie dello Stato* (Italy's national state-owned railway holding company), pension funds as *Enasarco* (owning 17.000 houses, partially sold to BNP-BNL-Paribas global corporate group), huge developers such as Francesco Caltagirone, and even charitable organizations linked to the Vatican State.

The second petition processed by *Sciopero Affitti* (after Zenaida's) concerned a 37 years old Polish woman living in a 13 m² flat with her 9-year-old son. The woman paid regularly during 13 years, but without a proper contract, she was cut off from subsidies and eviction moratoria. The Judge ordered her eviction, and the landlord repeatedly harassed her to force her out.³³ Two more petitions were submitted on behalf of a group of North African families who in the early 2000s refurbished a derelict public one-story block, turning a crack house into a home for 24 people, including 7 children. In 2008 the Italian Railway company, which now holds a real estate branch, took hold of the block with a dubious operation and requested an eviction, which was initially archived by the Penal Court. In 2012 a civil judge ordered the eviction and condemned the families to pay 32,000 euro each, plunging this group of precarious migrant workers into further poverty. When their eviction was blocked by CESCER, the Railway company requested to the City Council to provide houses for the families.³⁴

Another petition filed in October 2021 concerned a precariously employed Roman woman with two children and a partner in prison. After an eviction she had squatted a house left abandoned after the pension fund *Enasarco* had sold it in a portfolio to BNL-BNP Paribas. The fund owns over 17,000 flats in Rome, built with public subsidies for the poor, but since the 1990s turned into assets for profit.³⁵ Another petition was filed by the housing union Asia-USB to protect the house of a 73-years old woman living in the neighborhood of Centocelle; the eviction was stalled for one year, but the City Council did not provide any alternative housing solution. One of the early morning picket lines for the woman was attended by a 44-years-old Peruvian man living nearby, who had read about the protest in the news, and who would have faced an eviction few days later. He had suffered an invalidating accident for which he did not receive any compensation; he lost his job as a caregiver, then suffered a series of other misfortunes that made him unable to pay the rent. The landlord rents multiple houses to migrants, all in inadequate conditions. *Assemblea di autodifesa dagli sfratti* prevented his eviction with a picket line, then obtained the suspension by petitioning CESCER. In 2022 more petitions were submitted, one for two elderly artists living in a small attic of one of Rome's most central alleys. The flat was part of a donation for the poor, but the religious institute that should manage it was granted the right to raise the rent and evict tenants.³⁶ The two artists (one of which was

32 See ISTAT (2021), *Le Statistiche dell'Istat sulla povertà*.

33 Case 223/2021, registered August 9th.

34 Cases 226 and 227/2021, both registered September 15th.

35 Case 230/2021, registered October 6th.

36 See Stefano Portelli, "Perché il centro di Roma è vuoto: storia di due artisti di via Margutta sotto sfratto," *Napoli Monitor* May 25th, 2022.

born in the flat, when it was his father's studio), obtained CESCRC interim measures, just after the Court dismissed all UN suspensions. After several picket lines that prevented the eviction, they were finally thrown out of their house in February 2023. The City Council offered no alternative housing, nor any social worker was called to assist them during the eviction. While we write this article, the couple is sleeping on the doorstep of their former apartment.

Though some of these stories occasionally appeared in the press, very few corporate newspapers analyzed its implications in depth.³⁷ One of them is certainly the perception that rights perceived as denied as acknowledged by a very qualified institution, which in itself is an empowering gesture. Many authors of communications recall the astonishment of the police when they presented them the interim measures letter, as an instant in which they retrieved agency, after months or even years of feeling powerless and oppressed. Moreover, since most petitions are written within the frame of activist assemblies or tenants' unions, the process of collaboration to prevent an individual eviction restores the faith in community action. Some tenants suffering hardships learned to write UN petitions, to help other people, thus contributing to strengthen the local capacity to cope with the housing crisis. The tool also helped to reinforce the bonds among housing movements of different Italian cities, that shared information and expertise to submit individual communications effectively. Activists throughout Italy recognized this potential and shared the tool as a new way to make pressures on local institutions.³⁸

6. Shortcomings and contradictions

Petitioning to CESCRC, however, today does not guarantee anymore that an eviction will be suspended. The Italian government decision to promote breach of an international treaty obviously undermines the sense and scope of recurring to it, especially given the enormous amount of time and effort required to submit petitions. Each individual case, in fact, should be not only translated into English (fluency in English is low among the Italian working classes), but also into the language of human rights, often incompatible with activists and union members' frames of meaning. The 'right to housing,' for Italian activists, is part of a collective horizon for political action, not a private endowment of an individual. Any *individual* violation is seen as the product of structural injustices perpetrated against the working classes: the prevalence of black market rent, the astonishingly slow pace of council house assignments, the corruption of public employees,³⁹ the denial of legal residence to informal housing (Colucci, Gallo, Gargiulo 2022), the precariousness of working contracts, the patriarchal approach of Courts and social services towards single women, the racist bias of the police, and the pressure of landlord lobbies on all institutions. When writing individual communications these background injustices shall be presented as features of the specific case, in friction with the aim

37 But see “Ventimila sfratti già pronti a Roma: interviene l’Onu”, Marina de Ghantuz Cubbe, Salvatore Giuffrida, *La Repubblica*, 11/7/2021; “Sfrattati dallo stato fanno ricorso all’Onu: senza tetto non è legge”, Tommaso Giagni, *L’Espresso* 28/11/2021; “La battaglia per la casa”, Valentina Petrini, *La Stampa*, 6/2/2023.

38 A practical workshop on how to submit individual communications was held at the mentioned Milan meeting in May 2022, joined by people from Bergamo, Brescia, Parma, Verona, Milan, Pisa, Naples, Palermo, as well as international guest such as Barcelona’s *Sindicat d’Habitatge*, Berlin’s *Deutsche Wohnen and Co. Eintegen*, Nantes’ *Droit au Logement*, and Cluj-Napoca’s *Casi sociale acum*.

39 As an example, see “Corruzione per l’assegnazione delle case Ater: 2000 euro per scavalcare le graduatorie”, *RomaToday*, 17/9/2018. Seven employees of the Regional authority for council housing were arrested for bribery: fees of up to 2000 euro were paid to assign a council house, or speed up the procedures to obtain legal residence.

of trying to enforce structural changes to the systematic violation of a *collective* right. Though the individual communication procedure is not a tool for orienting policies (Callejón et al. 2019, 8), in Rome it is employed as a means to contribute to a political transformation in the access to housing: local institutions shall be forced to provide alternative housing to every evicted person, or to stop the eviction. All this is hard to sustain, especially given the scarce confidence in the political efficacy of the UN against structural injustices and against the pressures of governments that violate human rights (as cases such as Palestine or Kurdistan show).

Another contradiction concerns the notion of 'vulnerability' (Ranci 2002, Morawa 2003, Negri 2006, Merry 2007, Andorno 2016). CESCR correctly identifies 'vulnerable individuals and groups' such as women, children, ethnic minorities, as disproportionately suffering from forced evictions,⁴⁰ and all petitions submitted from Italy highlight these vulnerable features. Vulnerability, however, resonates even less with the language of Italian housing activism, since it shifts the focus from the violence inflicted to the specific harm that is caused, as if the same behavior was legally more tolerable if inflicted on less vulnerable categories of people. Coherently with Andorno's remark on founding human rights on *dignity* rather than vulnerability, the vulnerability frame shrinks the authors' agency and efforts to cope with the situation to a position of victims. This is not especially relevant for the Committee, that evaluates the risk of damage for people suffering violations, not their ability to escape it; for people involved, though, pressures to expose flaws, difficulties and despair, rather than strength, networks, and potentials for struggle, may be disempowering. Such constraint may possibly be avoided by overcoming the binary frame of 'resilience vs. resistance' to displacement with a focus on *survivability*, that is, coping with oppression with everyday acts of political engagement aimed at guaranteeing survival (Lees, Annunziata 2017; Lees, Robinson 2021; Sen 1979). Agency is not an obstacle to claiming rights; irreparable damage can also affect those who have the means to react.

7. Perspectives and conclusions

Two years later, Zenaida is still in her house, but Rome's housing activists are in a state of expectation. We may be on the verge of seeing a structural situation finally change for good, or the tool of individual communications may be deactivated by the government's influence on Courts. During 2023 individual communications will have to be protected from attempts to disregard them. Two evictions of people protected by interim measures have already been executed, and six more people granted IM suffered eviction attempts (all prevented thanks to picket lines).

At the core of the question there is the definition of what 'adequate' housing looks like. For the Italian state, emergency solutions such as temporary shelters (that often only accept women and children, dividing the family and forcing men to live in the street), emergency subsidies to access private rents (seldom accepted by any landlord), are considered 'adequate'. In a communication forwarded by CIDU, the solutions detailed for an 87-years old woman are: that she finds a new house in the free market; that recurs to a charitable organization; that she shares a flat with another person 'to contribute to her socialization', or that she moves to a geriatric residency. These solutions will perpetuate or even increase the damage, and show the lack of good faith of the Italian government. CESCR's request of 'alternative housing appropriate to his/her needs', in fact, obviously refers to a proper home, in conditions that allow the improvement of the persons' quality of life; and though the

40 CESCR, General Comment 7: The Right to Adequate Housing (Art. 11 (1)), 20/5/1997.

Italian government maintains that these requests are not binding, there is sufficient jurisprudence that showing that these treaties shall be respected: *Pacta sunt servanda*⁴¹.

These issues seem very far from the everyday struggle of activists against evictions and to enforce housing for all. A real debate on the contradiction of using legal tools in grassroots struggles (Kusiak 2021) has not yet reached Italy. What is at stake is a structural dysfunction, a systematic accumulation by dispossession of housing and resources, that cannot be solved by suspending individual evictions. UN individual communications are useful to make visible the contradiction of Western democracies, sliding into authoritarianism while increasingly relying on discourses of justice and inclusion. Even if the tool grows to reach hundreds of renters, though, it is necessary to create a coherent horizon for a broader political transformation. This should include strategies to regulate private markets through rent control, against the financialization of housing (Aalbers 2016, Tulumello and Allegretti 2020), for example by depenalizing squatting (which would make harder to keep properties empty), by taxes and subsidies that do not favor landlords, and by civil society self-defense organizations that look after the protection of tenants.

Before the tool of individual communications is completely deactivated by the pressure of real estate lobbies on governments, housing rights should be acknowledged locally as the basic constituents of civil life. The COVID-19 pandemic showed, (and the EU Parliament reiterated) that housing is not a roof, but the first requirement of a person's dignity and integrity. The adequateness of housing influences a persons' psychological conditions, but also their ability to socialize and maintain good relations with society at large. Even political opinions and public life are influenced by housing; thus, a single person without a house represents irreparable damage to everybody. The same governments that undermine these rights, are beginning to target housing activists with repression.⁴² Before both things escalate, society should develop a clear conscience that people struggling for housing are crucial in the strive for a just society.

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41 E.g., art. 26 of the Vienna Convention on the Law of Treaties clearly states that 'Every treaty in force is binding upon the parties to it and must be performed by them in good faith'.

42 In Milan, in November 2022, nine housing activists were condemned for 'criminal association' with penalties to up to five years of prison. The use of tools designed for mafias to crush dissent is growing in Italy. See "Le condanne dei militant di un comitato per la casa di Milano", *Il Post*, November 11th, 2022.

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