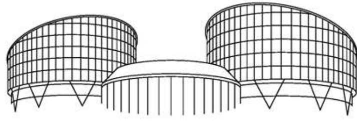

EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

Press Release
issued by the Registrar of the Court

ECHR 028 (2025)
30.01.2025

Prolonged inaction by Italian State on widespread dumping put *Terra dei Fuochi* residents' lives at risk

In today's **Chamber** judgment[1] in the case of Cannavacciuolo and Others v. Italy (applications nos. 51567/14 and three others) the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 2 (right to life) of the European Convention on Human Rights.

The case concerned dumping, burying or burning of waste on private land, often carried out by organised criminal groups, in the parts of the Campania region known as the *Terra dei Fuochi*, where some 2.9 million people live. Increased rates of cancer and pollution of groundwater had been recorded in the area.

The Court found in particular that the Italian State had failed to deal with such a serious situation with the diligence and expedition required – despite having known about the problem for many years – specifically in assessing the problem, preventing its continuation, and communicating to the affected public.

The Court held, unanimously, under **Article 46 (binding force and enforcement of judgments)**, that Italy had to draw up a comprehensive strategy to address the *Terra dei Fuochi* situation, set up an independent monitoring mechanism, and establish a public information platform. The time-limit for this is two years, during which the pending 36 related applications from around 4,700 applicants will be adjourned.

A legal summary of this case will be available in the Court's database HUDOC (link).

Principal facts

The applicants are 41 Italian nationals, who live in Caserta or Naples provinces in Campania (Italy), and five organisations based in Campania.

Terra dei Fuochi ("Land of Fires") refers to an area of 90 municipalities in Campania with a population of around 2.9 million. It describes the effects of the illegal dumping, burying and/or uncontrolled abandonment of hazardous, special and urban waste on private land, frequently combined with its burning, which had taken place there. The applicants all asserted that they had suffered directly or indirectly from the effects of illegal waste disposal, and that this problem had been known to the authorities for a significant period.

According to the latest information, a total of seven parliamentary commissions of inquiry have been set up into illegality in waste management. Their findings included the following:

There were multiple illegal dumping sites in the provinces of Caserta and Naples, particularly in the countryside around Aversa and the Domizio-Phlegrean coast. The illegal waste disposal was controlled by organised criminal groups. Considerable amounts of waste had been transported from across Italy. The problem had been known to the authorities since 1988.

1. Under Articles 43 and 44 of the Convention, this Chamber judgment is not final. During the three-month period following its delivery, any party may request that the case be referred to the Grand Chamber of the Court. If such a request is made, a panel of five judges considers whether the case deserves further examination. In that event, the Grand Chamber will hear the case and deliver a final judgment. If the referral request is refused, the Chamber judgment will become final on that day.
Once a judgment becomes final, it is transmitted to the Committee of Ministers of the Council of Europe for supervision of its execution. Further information about the execution process can be found here: www.coe.int/t/dghl/monitoring/execution.

One method of disposal was dumping and burying the waste in illegal tips, which were frequently quarries, waterways, or large pits that were sometimes dug on agricultural land and then covered up, with the land continuing to be used for agriculture thereafter. It was noted that when waste was not dumped it was sometimes mixed with other substances to be used, for example, as material in construction or as compost, with negative impacts on groundwater. Regarding auto disposal, one report observed in Marcianise and Castelvolturno "actual mountains of car tyres [going] up in smoke".

The Northern Naples countryside had become "a receptacle for waste of every kind". One report referred to Campania's being treated as "the dustbin of Italy" (*la pattumiera d'Italia*). Another stated that it was an "environmental disaster ... comparable only to the spread of the plague in the seventeenth century".

Dioxin contamination had resulted in the pollution of a considerable area. An exceptional concentration of heavy metals had been observed in certain areas, such as around Villa Literno. There was "persistent poisoning" of the soil.

Among other findings regarding health, it was noted that rates of cancer had greatly increased in the area. Italian and International reports, such as from *The Lancet Oncology*, *Epidemiologia&Prevenzione*, the Italian Senate, and the World Health Organisation, confirmed health outcomes outside of Italian norms in the area.

The parliamentary commissions highlighted the legal issues around dealing with the pollution, including deterrence being "practically non-existent", a lack of "necessary firmness" in the State response, the near impossibility to secure convictions for environmental crimes, and, among other things, the short limitation periods. They were critical of the clean-up plans and the long delays in taking action.

Complaints, procedure and composition of the Court

Relying on Articles 2 (right to life) and 8 (right to respect for private and family life) the applicants complained, in particular, that the Italian authorities had been aware of, but had not taken measures to protect them from the illegal dumping, burying and burning of hazardous waste in their areas; and that the authorities had failed to provide them with information in that regard.

They also relied on Article 13 (right to an effective remedy). Mario Cannavacciuolo also complained under the procedural limb of Article 2.

The applications were lodged with the European Court of Human Rights on various dates between 28 April 2014 and 15 April 2015.

ClientEarth; MacroCrimes the Forum for Human Rights and Social Justice of Newcastle University, the Newcastle Environmental Regulation Research Group of Newcastle University, Let's Do It! Italy, and Legambiente (in a single submission); Professor M. Carducci and Mr V. Lorubbio (Centro di Ricerca Euro Americano sulle Politiche Costituzionali - CEDEUAM); Professor F. Bianchi (Pisa Institute of Clinical Physiology); and Mr G. D'Alisa (University of Coimbra) and Professor M. Armiero (KTH Royal Institute of Technology in Stockholm) were given leave to make submissions as third parties.

Judgment was given by a Chamber of seven judges, composed as follows:

Ivana **Jelić** (Montenegro), *President*,
Alena **Poláčková** (Slovakia),
Georgios A. **Serghides** (Cyprus),
Tim **Eicke** (the United Kingdom),
Erik **Wennerström** (Sweden),
Raffaele **Sabato** (Italy),

Frédéric **Krenc** (Belgium),

and also Ilse **Freiwirth** , *Registrar.*

Decision of the Court

The Court rejected, by 6 votes to 1, the applicant associations' applications as they were not victims of the *Terra dei Fuochi* pollution under Articles 2 and 8 (incompatible *ratione personae* with the Convention).

Several of the individual applicants did not live in the officially listed affected municipalities, so the Court rejected their applications (incompatible *ratione personae*). As for some of the other applications, they were declared inadmissible for not complying with the then six-month time-limit for lodging an application with the Court.

Articles 2 and 8

Accepting that there was a "sufficiently serious, genuine and ascertainable" risk to life, which could be qualified as "imminent", the Court held that this case came under the aegis of Article 2. In line with a "precautionary approach" and the length of time that the pollution problem had been known about, the Court held that the State could not rely on the fact that the precise effects the pollution might have had on the health of a particular applicant could not be ascertained to avoid its protective duty to the remaining applicants.

Several duties had fallen on the State as a result of this crisis:

The Court held that there was insufficient evidence of a systematic, coordinated and comprehensive response on the part of the authorities in dealing with the *Terra dei Fuochi* situation. Progress had been glacial in **assessing the pollution impact** when expedition had been necessary. It noted a generalised problem of coordination and attribution of responsibilities in Campania regarding **decontamination**. It was impossible to get an overall sense of where had yet to be decontaminated.

The Government stated that a large number of actions had been taken to **investigate the health impacts** of the pollution, such as strengthening cancer screening. However, most of these measures had only been taken after 2013. In view of the delays characterising the authorities' response, they had not acted with the required diligence in their investigation of the health-related impact of the *Terra dei Fuochi* pollution.

The Government provided only seven examples of purportedly related convictions for environmental crimes. Given the long duration of the crisis, it was impossible for the Court to gain an overview from just those submissions. It was not satisfied, therefore, that the State had taken the necessary criminal-justice action to **combat the illegal disposal of waste** in the *Terra dei Fuochi* area. The Court added that the Italian authorities appeared to have been rather slow to address the systematic shortcomings affecting the waste-management system in Campania.

Given the magnitude, complexity, and seriousness of the situation, a comprehensive and accessible **communication strategy**, in order to inform the public proactively about the potential or actual health risks, and about the action being taken to manage these risks, was necessary. This had not been delivered. Indeed, some of the information had for considerable periods been covered by State secrecy.

Overall, the Court found that the Italian authorities had not approached the *Terra dei Fuochi* problem with the diligence warranted by the seriousness of the situation. The Italian State had not done all that was required of it to protect the applicants' lives.

Given that the arguments under Article 8 were the same as those already decided on under Article 2, the Court held that it was not necessary to examine this complaint separately.

Other articles

The Court held that it had examined the main legal questions raised in the present applications and that there was no need to give a separate ruling under Article 13 and Article 2 (procedural limb).

Article 46 (binding force and execution of judgments)

Under Article 46, the Court, taking into account the persistent nature of the problem and the systemic shortcomings that have characterised the State's response to it, coupled with the large number of people it has affected and is capable of affecting, and the urgent need to grant them speedy and appropriate redress, considered it appropriate to apply the pilot-judgment procedure in the present case.

The Court indicated that Italy had to draw up a comprehensive strategy bringing together existing or envisaged measures to address the *Terra dei Fuochi* problem; it had to set up an independent monitoring mechanism, including members free of any institutional affiliation with the State authorities; and it had to establish a single, public information platform drawing together all relevant information concerning the *Terra dei Fuochi* problem.

The above measures had to be implemented within a time-limit of two years of the current judgment becoming final.

Just satisfaction (Article 41)

The Court reserved pronouncing on non-pecuniary damage for a period of no later than two years after the present judgment had become final. The Court held that Italy was to pay the applicants the amounts set out in the judgment in respect of costs and expenses.

Separate opinions

Judge Krenc expressed a concurring opinion. Judge Serghides expressed a partly concurring and partly dissenting opinion. They are annexed to the judgment.

The judgment is available only in English.

This press release is a document produced by the Registry. It does not bind the Court. Decisions, judgments and further information about the Court can be found on www.echr.coe.int. To receive the Court's press releases, please subscribe here: www.echr.coe.int/RSS/en or follow us on X (Twitter) @ECHR_CEDH.

Press contacts
echrpress@echr.coe.int | tel.: +33 3 90 21 42 08

We are happy to receive journalists' enquiries via either email or telephone.

Neil Connolly (tel: + 33 3 90 21 48 05)
Tracey Turner-Tretz (tel: + 33 3 88 41 35 30)
Denis Lambert (tel: + 33 3 90 21 41 09)
Inci Ertekin (tel: + 33 3 90 21 55 30)
Jane Swift (tel: + 33 3 88 41 29 04)

The European Court of Human Rights was set up in Strasbourg by the Council of Europe member States in 1959 to deal with alleged violations of the 1950 European Convention on Human Rights.