F. Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments

59. Article invoked	Explanation
	34. The applicants stress at the outset that the gravamen of their complaint is not the potential eviction, but the threat of eviction, which came in the form of the eviction notices they received (Annexes 8 and 9). They are therefore alleging an actual violation of the Convention. To the extent to which the threat of eviction without any provision of non-segregated and otherwise suitable housing still hangs over the applicants, the applicants invite the Court separately to find that there is a potential violation as well, on the basis of the same principles set out below.
Article 3	35. The applicants allege that the threat of eviction in itself amounts to a breach of Article 3, notably in light of the particularly vulnerable status of Elena PETRACHE, the first applicant, who is a disabled Romani woman. Threatening people with eviction on such very short notice (14 days) whilst failing to offer any alternative adequate housing solution and/or support amounts to inhuman and degrading treatment for people who are considered, under the Court's case law, to be in a category of particularly vulnerable people (Roma and persons with disabilities). See M.S.S. v Belgium and Greece (Grand Chamber, 2012), § 251; see also Price v United Kingdom (2001), § 30, in respect of the first applicant. Article 3 is moreover applicable to the present case given that the authorities have housed the applicants for several years, making the authorities responsible for the applicants' ongoing housing conditions; see, mutatis mutandis, Moldovan and others (no 2) v Romania (2005), § 104. The applicants also recall the Court's emphasis on "the necessity, in the event of the forced eviction of Roma and travellers, of providing them with alternative housing, except in cases of force majeure". Winterstein v France (2013), § 159. In this case, the applicants, who are Roma, and in an extremely vulnerable situation because of the first applicant's disability, are facing a risk of eviction and there is no intention to provide them with suitable housing. This is not a case of force majeure; indeed, there is no clear reason why the applicants are being evicted now. See M.S.S. v. Belgium and Greece (Grand Chamber, 2011), § 253; Sufi and Elmi v the United Kingdom (2001), § 279.
Article 8	36. The applicants further allege that the threat of eviction amounted to an interference with their right to respect for private and family life and home. The interference is not in accordance with Article 8 § 2 of the Convention in two respects. First, it is "not in accordance with the law". Article 3 § 4 of Law 241/1990 specifies that an "administrative act" must indicate the time in which and the authority before which it can be contested, yet none of these particulars appear on the eviction notices (Annexes 8 and 9). Indeed, the notices fly in the face of other requirements found in Articles 1-3 of Law 241/1990: there is no reasoning in fact or law for the eviction. Secondly, the interference is disproportionate, and therefore not necessary in a democratic society. Although the shelter was meant to provide temporary accommodation, the applicants lived there for over four years, making it their "home" as that term is used in the Convention. The threat of eviction is manifestly disproportionate in the light of the principles set out in the Court's case law. No alternative housing was proposed and the authorities have not taken into account the vulnerable situation of the applicants, both of them Roma and one of them a person with disabilities (see Winterstein v France (2013), § 87 and § 150; Buckley v United Kingdom (1996) § 76; D.H. v Czech Republic (2007) § 181; Yordanova and others v. Bulgaria (2012) § 130). Moreover, the impugned eviction measure threatened to separate the family unit. Prior to issuing the eviction notice, the Italian authorities did not conduct any balancing between the necessity of evicting the applicants and the consequences of this measure on the family, which include family separation and rendering an elderly, disabled person and her full-time carer, her daughter, street homeless. See, mutatis mutandis, Connors v United Kingdom (2004), §§ 86, 94. The applicants also note the complete failure to comply with any of the procedural requirements for forced evictions set out in the Court's judgment in Winterstein v France (2013), § 148.

Statement of alleged violation(s) of the Convention and/or Protocols and relevant arguments (continued)

60. Article invoked	Explanation
Article 13 (read with Articles 3 and 8)	37. The applicants allege that they do not enjoy an effective remedy against the breaches of Articles 3 and 8 about which they are complaining. This is further addressed below in relation to the exhaustion of domestic remedies. For the purposes of this section of the application, the applicants note that they have an arguable claim that issuing the eviction notice violates Article 3 of the Convention (see above), and that the eviction itself, if enforced, would breach Article 3. In cases where a person has substantial grounds to believe she is at real risk of a breach of Article 3, the Convention offers her a remedy with automatic suspensive effect. M.S.S. v Belgium and Greece (Grand Chamber, 2011), § 293. In the present case, the applicants were not informed at all in the eviction notice they were given about what means existed for them to challenge it. See, mutatis mutandis, M.S.S. v Belgium and Greece (Grand Chamber, 2011), §§ 304-309; Hirsi Jamaa and others v Italy (2012), § 204. In any event, domestic law does not provide any remedy against such an administrative act with automatic suspensive effect. At most, the applicants could have lodged a request for an interim measure with the administrative courts, but this would not, in itself, have suspended the eviction. The fact that the TAR, unusually, granted an interim measure to other inhabitants of the Ex Cartiera shelter facing eviction does not cure the defect in the system: the lack of automatic suspensive effect against eviction orders of this kind. See, mutatis mutandis, Čonka and others v Belgium (2002) § 83 ("the requirements of Article 13, and of the other provisions of the Convention, take the form of a guarantee and not of a mere statement of intent or a practical arrangement"); Gebremedhin v France (2006), § 63.
Article 14 (read with Articles 3 and 8)	38. The applicants allege that they are suffering treatment contrary to Articles 3 and 8 based on their Roma ethnicity, resulting in breach of Article 14 taken with those articles. 39. The applicants allege that they were treated differently based on their Roma ethnic origin. This is obvious from the very fact that only Roma are housed in this particular shelter, that the shelter itself is referred to in the regulations the applicants had to sign as "Roma emergency housing". Unlike non-Roma shelters in Rome, the Ex Cartiera shelter and the other Roma-only shelters were not in compliance (nor it seems required to comply) with the relevant domestic legislation governing such facilities. See, mutatis mutandis, East African Asians v United Kingdom (Commission, 1971), §§ 201-202. This labelling of residential facilities based on the ethnic origin of their inhabitants is particularly destructive of fundamental freedoms under the Convention. See, mutatis mutandis, Işik v Turkey (2010), §§ 37-43. Indeed, when the applicants indicate their address to anyone, they are automatically identified as Roma, resulting in stigmatisation. See, mutatis mutandis, Grzelak v Poland (2010), § 99. 40. For the purposes of this application, the main different in treatment with which the Court should be concerned is how the Romani inhabitants of Roma-only shelters were treated during the eviction process, as compared with the non-Roma inhabitants of other shelters. As set out in the statement of facts, whereas the applicants and other Romani inhabitants of shelters were not offered any alternative accommodation or relocation assistance prior to eviction, as a matter of practice non-Roma are offered such assistance. This amounts to direct discrimination based on ethnicity. 41. The applicants recall that when individuals are specifically identified by their ethnicity (see, e.g., Stoica v Romania (2008), § 127), or it is clear that the decision-making process is contaminated by discriminatory concerns (see, e.g., E.B. v France (Grand Chamber, 2008), §§ 74, 80) the practice of the Court is to shift the burden of proof to the Respondent State to show that there is no discrimination.

G. Compliance with admisibility criteria laid down in Article 35 § 1 of the Convention

For each complaint, please confirm that you have used the available effective remedies in the country concerned, including appeals, and also indicate the date when the final decision at domestic level was delivered and received, to show that you have complied with the six-month time-limit.

61. Complaint	Information about remedies used and the date of the final decision
This statement applies to all of the breaches alleged (Article 3 taken on its own, Article 8 taken on its own, Article 13 taken with Article 3 and Article 8, and Article 14 taken with Article 3 and Article 8).	42. The applicants again note that the gravamen of their complaint is the threat of eviction resulting from the eviction notices. 43. The applicants allege that the threat of eviction breaches Article 3 of the Convention. In such circumstances, Article 13 requires a remedy with automatic suspensive effect. Gebremedhin v France (2007), § 66. Article 35 § 1 of the Convention only requires applicants to exhaust those remedies which are effective as that term is used in Article 13. Selmouni v France (1999), §74. Even to the extent that the Court may wish to consider the eviction notices under Article 8, the applicants allege that an interference of this kind is so serious that it falls into that category of Article 8 violations where remedies with automatic suspensive effect are needed. See Al-Saadoon v United Kingdom (2010), § 160 (noting that in exceptional Article 8 cases it is appropriate to indicate interim measures); Winterstein v France (2013), § 148(δ). 44. There is no remedy in Italian law with automatic suspensive effect against the eviction notice. On this basis alone, the applicants submit that their application to the Court is appropriate. Indeed, it is the lack of automatic suspensive effect which makes the interference so serious: the applicants have no legal certainty about their situation following the terse eviction notice they received, causing them considerable distress. 45. The applicants were aware of no cases, prior to this eviction, where someone facing eviction in similar circumstances had successfully been able to turn to the administrative courts for injunctive relief. The applicants were, however, aware of several cases where Roma facing eviction had turned in vain to the administrative courts. See Annexes 11 and 12 (respectively, a complaint with a request for injunctive relief to stop an eviction and the final judgment delivered after the eviction; the request for injunctive relief was never considered or addressed); and Annex 13 (a complaint with a request for injunctive relief to stop an eviction; the court fixed a hearing in the case after the eviction took place, not having considered the request for injunctive relief, and the proceedings are still pending). The Court is already aware of the serious failings of the Italian administrative courts to provide remedies compatible with Article 13. Olivieri and others v Italy (2016) § 61. 46. In these circumstances, the applicants claim that the burden is on the Government to show there is an effective remedy. See, mutatis mutandis, Mikolajová v Slovakia (2011), § 34. For the sake of completeness, the applicants emphasise that neither the civil nor the criminal courts in Italy were competent to provide injunctive relief. 47. As of the date of this application, the authorities have not yet withdrawn the eviction notices. Even if the authorities were to do so, this would not mean that "the matter has been resolved" as that term is used in Article 37 § 1(b) of the Convention, as the applicants have still been a victim of a violation of their Convention rights due to the threat of eviction. In any event, respect for human rights would require continued examination of the matter: the applicants are members of an ethnic minority who face eviction from ethnically-segregated housing, and even if the eviction notices were withdrawn, the affront to their dignity is extreme, and the practice in Italy remains common. See Annex 20. The offer to rehouse the family at Camping River is not an appropriate solution; Camping River is yet another racially segregated site, and is inadequate for the family, particularly for the first applicant. As a result, the offer to move the family to Camping River does not mean that "the matter has been resolved" as that term is used in Article 37 § 1(b) of the Convention (Annex 22). 48. The applicants also allege that the proceedings they will initiate before the TAR will not affect the status of this application. For the reasons set out above, the TAR could not and cannot provide an effective remedy against the eviction notice, nor, in the applicants' view, could the proceedings in the TAR "resolve the matter": the TAR is incapable of rectifying the damage caused by issuing the eviction notices in the first place.

- Please ensure that the information you include here does not exceed the page allotted -