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Committee on Economic, Social and Cultural Rights

Decision adopted by the Committee under the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights concerning communication No. 265/2022*,**,***

Communication submitted by:	Girolama Tabbita (represented by counsel Emanuela Isopo, Unione Inquilini)
Alleged victims:	The author and Giuliana Riggio
State Party:	Italy
Date of communication:	24 March 2022 (initial submission)
Date of adoption of Views:	13 February 2026
Subject matter:	Eviction of a family without an alternative housing
Procedural issue:	Exhaustion of domestic remedies
Substantive issue:	Right to adequate housing
Article of the Covenant:	11 (1)
Articles of the Optional Protocol:	2 and 3

1.1 The author of the communication is Girolama Tabbita, an Italian national born on 25 January 1938. She is acting on her own behalf and on behalf of her daughter, Giuliana Riggio, born on 20 December 1962. The author claims that the State Party has violated their rights under articles 11 and 12 of the Covenant because she and her daughter are subject to an eviction order in respect of the property they live in and have no alternative housing. The Optional Protocol entered into force for the State Party on 5 May 2013. The author is represented by counsel.

1.2 On 5 April 2022, the Committee, acting through its Working Group on Communications, registered the communication and, in accordance with article 5 of the Optional Protocol, requested the State Party to take measures to avoid possible irreparable harm to the author and her daughter by suspending their eviction from the property they occupied while the communication was being considered by the Committee or, alternatively,

* Adopted by the Committee at its seventy-ninth session (9–25 February 2026).

** The following members of the Committee participated in the examination of the communication: Aslan Abashidze, Nadir Adilov, Lazhari Bouzid, Asraf Ally Caunhye, Peijie Chen, Laura-Maria Crăciunean-Tatu, Charafat El Yedri Afailal, Peters Sunday Omologbe Emuze, Santiago Manuel Fiorio Vaesken, Ludovic Hennebel, Joo-Young Lee, Karla Vanessa Lemus de Vásquez, Seree Nonthasoot, Laura Elisa Pérez, Julieta Rossi, Preeti Saran and Michael Windfuhr. Pursuant to rule 23 of the rules of procedure under the Optional Protocol, Giuseppe Palmisano did not participate in the examination of the communication.

*** A dissenting opinion by Committee member Julieta Rossi is annexed to the present Decision.

by granting them alternative accommodation on grounds of special need, following genuine and effective consultation with them.

A. Summary of the information and arguments submitted by the parties

Factual background

2.1 On 18 January 2018, the author entered into a three-year lease agreement with a monthly rent of EUR 671.39. The author is a person with a severe disability[1] and is unable to perform essential daily activities independently. She lived in the apartment with her daughter, who provides her with daily care and assistance. Following the outbreak of the COVID-19 pandemic, the author's daughter lost her employment and has remained unemployed to date. As a result of this deterioration in the household's economic situation, the author was no longer able to meet the rental payments as of 2020. The author's annual income amounts to EUR 7,869.00, derived exclusively from her social pension. The annual income of her daughter amounts to EUR 2,144.80.

2.2 On 20 May 2020, the owner of the apartment filed a request to evict the author and her daughter. By decision of 28 September 2020, the Civil Rome Tribunal upheld the request, ordered the eviction, and scheduled its enforcement for 1 January 2021. The enforcement of the eviction was suspended until 31 December 2021 pursuant to emergency measures adopted by the Italian Government in response to the COVID-19 public health crisis.[2] Upon the expiration of these measures on 30 June 2021, the eviction order became enforceable once again. Accordingly, enforcement proceedings resumed, and the author was notified that the eviction would be carried out on 18 January 2022.

2.3 On 30 November 2021, the author's daughter attempted to reach an amicable settlement and wrote to the property owner explaining her personal circumstances, including that her husband had been admitted to a psychiatric facility and that her mother was in a particularly precarious state of health. As the family was not legally represented at the time, she proposed paying EUR 500 per month and making an immediate payment of EUR 3,000 to be deducted from the outstanding debt. These efforts were unsuccessful.

2.4 On 15 March 2022, the judicial officer set 13 April 2022 as the new date for the enforcement of the eviction, to be carried out with the assistance of public force. In November 2021, the author's daughter requested a medical certificate attesting that the author required continuous assistance and that relocating her to another dwelling could pose a significant risk to her health. On 21 March 2022, the author applied for social housing with the Municipality of Rome. According to the information provided, the only solution proposed by the public authorities was to separate the family by placing the author in a long-term care facility, without offering any alternative housing to the author's daughter.

Exhaustion of domestic remedies

2.5 The author acknowledges that domestic remedies have not been exhausted. They explain that she did not challenge or appeal the eviction order, as the applicable Italian legislation allows landlords to request a court order for eviction in cases of rent arrears, without imposing any corresponding obligation on the authorities to safeguard the tenant's right to adequate housing or to prevent repeated displacement from one temporary accommodation to another.

2.6 The author further submits that lodging an opposition would not have postponed the eviction, as domestic law permits the judge to issue an eviction order prior to delivering the

[1] According to the *Commissione Medica per l'accertamento dell'Handicap*, as of 13 October 2015, the author has been recognized as having a 100 per cent disability due to persistent difficulties in carrying out tasks essential to her daily life. The author was diagnosed with cognitive deterioration, multifactorial encephalopathy, and diabetes mellitus, along with the after-effects of a left knee arthroplasty and gonarthrosis in the right knee. Her condition is further complicated by dysphagia and a loosening syndrome affecting the stability of previous orthopedic interventions.

[2] Emergency Decree No. 183 of December 31st, 2020 (which passed without alterations by the Law No. 21 of February 26th, 2021).

final judgment. They add that any such opposition would likely have resulted in an order requiring them to bear the opposing party's legal costs. For the same reasons, filing an appeal was not an effective remedy, given that the eviction order remained enforceable pending the appellate decision. The author also notes that Italian legislation does not provide for the suspension of enforcement in circumstances such as theirs, where the household includes a person with a disability and is eligible for public housing.

2.7 The author explains that the only potential avenue to seek a suspension of the eviction would have been to apply to the enforcement judge, requesting that the matter be referred to the Constitutional Court. Such a referral would ask the Court to determine whether a family entitled to public housing may nonetheless be evicted, or whether, alternatively, the eviction should be suspended until the allocation of suitable public housing. The author notes, however, that this mechanism is discretionary, exceptional in nature, and does not constitute an effective remedy capable of preventing the eviction in practice.

Events occurred after registration of the communication

2.8 Following the request for interim measures, the author submitted an application for suspension of the eviction before the Municipality of Rome and the Civil Court of Rome. The Court initially granted the suspension and scheduled a hearing for 21 September 2022. However, at that hearing, the Court revoked the suspension, reasoning that the authorities are required to enforce regulations that carry binding legal force and cannot attribute such force to non-binding recommendations. Following this decision, the bailiff proceeded to order the enforcement of the eviction.

2.9 On 8 November 2022, the author and her counsel were summoned to the Department of Housing Policies of the Municipality of Rome for an interview with a social worker. During this meeting, the authorities acknowledged the need to secure adequate alternative housing for the family before the eviction. As no follow-up was provided, on 12 December 2022, the author submitted a written communication to the Mayor of Rome requesting either the suspension of the eviction or the provision of suitable alternative accommodation.

2.10 On 14 December 2022, the bailiff, accompanied by a doctor, a locksmith, the property owner, and assisted by the police, ordered the author to vacate the premises. The author presented a medical certificate attesting to her fragile health condition; however, the doctor, in agreement with the bailiff, deemed her "transportable", and the eviction was carried out. The author subsequently obtained precarious and temporary shelter with family friends, who were unable to accommodate her daughter. The daughter was therefore compelled to sleep in her car.

Complaint

3.1 At the time of submitting the present communication, the author alleged that the State party would violate their rights under articles 11(1) and 12 of the Covenant were it to allow the eviction scheduled for 13 April 2022 to proceed without taking all appropriate measures, to the maximum of its available resources, to ensure that the family is not rendered destitute. She further contends that the Social Services of the Municipality of Rome had consistently failed to provide any adequate or effective response to their precarious situation.

3.2 The author submits that national legislation allows the execution of evictions without ensuring access to adequate alternative housing for individuals and families who are unable to secure such housing on their own, a situation compounded in this case by the complete absence of any response or assistance from the City of Rome. The author recalls that the state of health emergency arising from the COVID-19 pandemic remains in force throughout Italy, and that local authorities bear primary responsibility for safeguarding public health. Pursuant to Law No. 883 of 23 December 1978, all mayors, including the Mayor of Rome, are required to adopt all necessary measures to protect the health of residents. In the present circumstances, the municipality could have issued contingency and urgent ordinances—such as temporary requisition measures—to guarantee a home-to-home relocation for the author and her daughter if public housing was not immediately available. The enforcement of the eviction order against the author and her family, without any provision for relocation despite their situation, their eligibility for social housing at a social rent, and the presence of a family

member with a 100% disability, constitutes a serious breach of these obligations and of the domestic legislation intended to protect vulnerable households.

State Party's observations on admissibility and the merits

4.1 On 6 June 2022, 5 October 2022, the State Party submitted its observations on the admissibility and merits of the communication.

4.2 The State party notes that the Constitutional Court deals only with infringements of the 1948 Constitution and can act either *ex officio*, through a prosecutor, or upon request from the plaintiff or defendant. It adds that, when the Court considers that an act is unconstitutional, such evaluation leads to a suspension of *a quo* proceeding. The State party mentions that, pursuant to article 134 of the Constitution, the Constitutional Court decides on disputes concerning: (a) the constitutionality of laws and acts with the force of law adopted by the State or the regions; (b) the allocation of powers among branches of government, within the State, between the State and the regions and among the regions; and (c) charges brought against the Head of State in accordance with the Constitution. The State party notes that, more generally, the Constitutional Court determines the validity of legislation, its interpretation, and whether its implementation, in both form and substance, is consistent with the Constitution. It also notes that, when the Court declares a law or an act with the force of law to be unconstitutional, the norm loses force the day after the publication of the decision.

4.3 According to the State party, none of the circumstances described by the author are applicable in the present case. It asserts that the authorities offered the author accommodation in a long-term care health facility and that her daughter does not reside in the flat concerned. The State party also notes that, as indicated by the author herself, there was no appearance at the relevant court hearing. In addition, the State party submits that domestic remedies were still pending, noting that opposition proceedings against the eviction had been initiated, with a hearing scheduled for 21 September 2022, and that enforcement of the eviction order had been suspended pending the outcome of those proceedings.

4.4 The State party contends that the author has failed to exhaust domestic remedies, noting that remedies must be available, effective, and sufficient or adequate. The State party emphasizes that the rule regarding the non-exhaustion of domestic remedies becomes relevant when such remedies are unavailable, when they lack effectiveness or adequacy, and when there are a denial of justice or the remedies that apply are discretionary.

4.5 Concerning the merits, the State party submits that, since 2011, it has adopted a series of legislative measures extending the suspension of evictions and introducing special provisions aimed at mitigating the housing emergency. It further notes that, during the COVID-19 health emergency, the Italian legislature strengthened—albeit on an exceptional and temporary basis—the protection of the right to housing by modifying certain aspects of the regulation of lease contracts. The State party also refers to the National Housing Plan, approved by D.P.C.M. of 16 July 2009, which it describes as an integrated framework of interventions addressing the full range of beneficiaries of public housing policies. In addition, it highlights several programmes intended to reduce housing hardship, including initiatives for the rationalization of public housing, the recovery of properties confiscated from organized crime, the disposal of public residential assets, the fund for access to rental housing, the fund for tenants in rent arrears, and the Housing Conditions Observatory. At the local level, Roma Capitale is said to have implemented various housing-related welfare measures, such as vouchers for Temporary Housing Assistance Centres, rent subsidies, contributions for rent arrears, social housing initiatives, and the allocation of housing units on an exceptional basis.

Author's comments on the State Party's observations on admissibility and the merits

5.1 On 9 January 2023, the author submitted her comments on the admissibility and merits of the communication.

5.2 The author recalls her previous submissions concerning the role of the Constitutional Court and the exhaustion of domestic remedies. She reiterates that the structural shortcomings of Italy's housing system, and the absence of policies capable of ensuring

compliance with Article 11 of the Covenant, render the remedies cited by the State party ineffective in practice.

5.3 With respect to admissibility, the author emphasizes that the State party's assertion that tenants may oppose eviction does not reflect the reality of Italian law or practice. Under Articles 662 and 665 of the Code of Civil Procedure, judges are required to validate or declare enforceable an eviction order whenever the lease has expired or even a single month's rent is unpaid. Judges have no discretion to refuse an eviction order, nor may they take into account the tenant's economic situation or the absence of adequate alternative housing. Opposition proceedings do not suspend enforcement, and tenants are frequently ordered to pay the landlord's legal costs. The law provides no remedy enabling tenants to challenge eviction enforcement on the basis of the rights protected under Article 11 of the Covenant. The only postponements available are the limited extensions occasionally granted by statute, which the Constitutional Court has recently discouraged.

5.4 In practice, eviction enforcement proceeds rapidly. After service of a precept and a notice of enforcement, the bailiff typically executes the eviction at the second access, accompanied by the police, a doctor, and a locksmith, regardless of the tenant's vulnerability or lack of alternative accommodation. There is no possibility of postponing enforcement on humanitarian or social grounds. In the present case, despite a medical certificate declaring the author "non-transportable", the eviction was carried out with police assistance and in the absence of any municipal officials, leaving her without adequate housing.

5.5 Regarding the merits, the author submits that the State party's references to legislative measures, COVID-19 protections, and national housing programmes do not address the structural deficiencies of Italy's housing policies. The temporary suspension of evictions during the pandemic expired on 31 December 2021, and no subsequent measures were adopted to ensure home-to-home relocation or to protect vulnerable households. The National Housing Plan of 16 July 2009, even if fully implemented, would produce only approximately 3,500 units nationwide over five years, of which roughly 1,000 would be public social housing, far below the needs of more than 650,000 households on waiting lists, including 14,000 in Rome. The various programmes cited by the State party have shown minimal results, often producing housing at "lowered rent" levels that remain unaffordable for low-income households facing eviction for arrears. Subsidies for access to rental housing are delayed for years, capped at inadequate amounts, and frequently inaccessible due to bureaucratic obstacles or landlord refusal. Local measures in Rome, including vouchers, rent contributions, and emergency allocations, are either inapplicable to households currently facing eviction, insufficient in amount, or not implemented in practice. The municipality has issued no directive governing emergency allocations, and the quota of units available for such allocations has already been exhausted for the coming years.

5.6 The author submits that, at the time of the eviction, no representative of the municipality was present, and no alternative accommodation was offered, despite her advanced age and disabling health condition. As a result, she was compelled to rely on temporary hospitality from a friend in another municipality, while her daughter was forced to sleep in her car. More than a month after the eviction, the municipality had still not provided any adequate housing solution. The author maintains that none of the measures cited by the State party address the structural failure to protect the rights guaranteed under articles 11 and 12 of the Covenant.

B. Committee's consideration of admissibility

6.1 Before considering any claim contained in a communication, the Committee must decide, in accordance with rule 10 (2) of the rules of procedure under the Optional Protocol, whether the communication is admissible.

6.2 The Committee recalls that article 3 (1) of the Optional Protocol precludes it from considering a communication unless it has ascertained that all available domestic remedies have been exhausted. The Committee takes note of the State party's argument that the principle of exhaustion of domestic remedies has not been respected in the individual communications under examination. The Committee also takes note of the authors'

contention that the domestic remedies must be available and effective and of the claim that, if a State party objects to the admissibility of a communication on the basis that domestic remedies have not been exhausted, it bears the burden of proving that remedies exist that are available and effective.

6.3 The Committee further takes note of the authors' uncontested allegation that an appeal against the firm sentence and eviction order of 13 April 2022 had no prospect of success, and that such an appeal would impose on them an undue financial burden in view of the need to cover the legal costs. The Committee observes that the State party refers in general terms to the existence of the Constitutional Court and to the fact that the principle of exhaustion of domestic remedies has not been respected. The State party fails to identify, however, what remedies would have been effective and accessible in the present cases, in particular in the light of the authors' argument that the remedy of constitutional challenge is inaccessible to individuals. The Committee recalls its previous jurisprudence, according to which a State party raising an objection of admissibility on the ground of non-exhaustion of domestic remedies must prove that the author of the communication has not exhausted available and effective remedies capable of redressing the alleged violation.[3] The Committee considers that, if a State party argues for inadmissibility on the ground of non-exhaustion of local remedies, it must identify which remedies should have been exhausted, showing that they are appropriate and effective,[4] which it has failed to do in the present cases. The Committee thus considers that article 3 (1) of the Optional Protocol is not an obstacle to the admissibility of the present communications.

6.4 In accordance with article 3 (2) (e) of the Optional Protocol, the Committee recalls that it will declare inadmissible any communication that is manifestly ill-founded or insufficiently substantiated. The Committee notes that States parties have a positive obligation under article 2 (1) of the Covenant to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to achieving progressively the full realization of the rights recognized in the Covenant by all appropriate means. The Committee recalls, however, that States parties may adopt a range of possible policy measures for the implementation of the rights set forth in the Covenant, as provided for in article 8 (4) of the Optional Protocol. In this regard, the Committee recognizes that States parties may establish administrative channels to facilitate the protection of the right to housing, including by requiring individuals to undertake certain procedures to notify the authorities of their need for assistance, provided that such formalities do not impose an excessive or discriminatory burden.[5]

6.5 In the present case, the Committee notes that it has not been alleged that the procedures proposed by the State party, namely applying for housing or for assistance from social services, would have placed an excessive or unnecessary burden on the author or would have had a discriminatory effect.[6] It observes that the author ceased paying rent as of 2020, eviction proceedings started in May 2020, and she was notified of the eviction order in September 2020 yet did not apply for social housing until 22 March 2022—almost two years after receiving notice of the eviction and only two days before submitting her communication to the Committee. The Committee further observes that, despite being represented by counsel and being aware of the eviction proceedings, the author has not explained why she failed to apply for social housing in a timely manner.

6.6 The Committee is of the view that the lateness of the author's request for assistance and therefore her failure to make use of the administrative channels established by the State party, such as the procedure for applying for social housing, constitute a lack of due diligence in this case.

6.7 While the Committee acknowledges the author's particular vulnerability as a result of her disability and her economic status, the Committee is of the view that she has not shown

[3] *Ziablitsev v. France* (E/C.12/71/D/176/2020), para. 6.6.

[4] *I.D.G. v. Spain* (E/C.12/55/D/2/2014), para. 9.5.

[5] *Taghzouti Ezqouihel v. Spain* (E/C.12/69/D/56/2018), paras. 6.3–6.4; *Loor Chila et al. v. Spain* (E/C.12/70/D/102/2019), paras. 6.3–6.4; and *Sariego Rodríguez and Dincă v. Spain* (E/C.12/70/D/92/2019), paras. 7.2 and 7.4

[6] E/C.12/71/D/39/2018 para. 6.4

that she was diligent in seeking assistance from the administrative authorities to secure access to alternative housing, even though he had been aware of the eviction order since September 2020 at least[7]. Consequently, the Committee finds the communication inadmissible under article 3 of the Optional Protocol.

Interim measures and eviction of the author and her daughter

7.1 On 5 April 2022, the Working Group on Communications, acting on behalf of the Committee, requested the State Party to suspend the eviction of the author and her daughter while the communication was being considered or, alternatively, to grant them adequate housing following genuine and effective consultation with them.

7.2 The Committee notes that, according to its jurisprudence,[8] the adoption of interim measures pursuant to Article 5 of the Optional Protocol is vital to the Committee's fulfilment of the responsibility entrusted to it under the Optional Protocol,[9] as the reason for the existence of interim measures is, inter alia, to preserve the integrity of the process, thereby ensuring the effectiveness of the mechanism for protecting Covenant rights when there is a risk of irreparable harm.[10] It also recalls that, as established in its guidelines on interim measures, any State Party that does not respect the interim measures requested by the Committee is in breach of its obligation to respect in good faith the individual communications procedure established in the Optional Protocol, since failure to respect the interim measures makes it difficult for any future Views to reverse the harm caused to the victims.[11]

7.3 The Committee notes that, on 14 December 2022, the author and her daughter were evicted despite the Committee's request for the State Party to adopt interim measures and without having been granted adequate alternative housing following genuine consultation with them.

7.4 As the State Party did not explain why the interim measures could not be taken, the Committee is of the view that, in the circumstances, this constitutes an infringement of Article 5 of the Optional Protocol.

C. Conclusion

8.1 The Committee therefore decides:

(a) That the communication is inadmissible under article 3 of the Optional Protocol;

(b) That this decision shall be communicated to the State party and to the author.

[7] Leonardo Fabio Muñoz García v. Spain (E/C.12/71/D/39/2018), para. 6.5

[8] *S.S.R. v. Spain* (E/C.12/66/D/51/2018), paras. 7.6 and 7.7.

[9] *Subakaran R. Thirugnanasampanthar v. Australia* (CAT/C/61/D/614/2014), para. 6.1.

[10] See, mutatis mutandis, European Court of Human Rights (Grand Chamber), *Mamatkulov and Askarov v. Turkey* (applications No. 46827/99 and No. 46951/99), judgment of 4 February 2005, para. 128; and *Subakaran R. Thirugnanasampanthar v. Australia*, para. 6.1.

[11] See https://www.ohchr.org/en/treaty-bodies/cescr/individual-communications.

Annex

Voto particular disidente de Julieta Rossi

1. En primer lugar, en cuanto a la admisibilidad de la comunicación, considero que se encuentran cumplidos los requisitos establecidos en el artículo 3 del Protocolo Facultativo y que, por lo tanto, la comunicación es admisible. Al respecto, concuerdo con el voto de la mayoría en considerar que los recursos internos han sido agotados conforme al artículo 3 (1) del Protocolo Facultativo por los argumentos allí expuestos (párrs. 6.2 y 6.3). No obstante, disiento con la decisión mayoritaria de declarar la petición inadmisible en virtud del artículo 3 (2) (e) del Protocolo Facultativo por estimar que la comunicación se encuentra insuficientemente fundamentada, al no demostrar la autora una actuación diligente para solicitar asistencia a las autoridades administrativas con el fin de obtener acceso a una vivienda alternativa.

2. A mi juicio, este requerimiento carece de relación directa con el objeto de la comunicación —denuncia de un desalojo forzoso—, especialmente cuando se plantea como una condición determinante y excluyente para su admisibilidad. De este modo se impone una carga excesiva a la autora, una mujer de más de 80 años con discapacidad plena, quien, junto a su hija, enfrentó un proceso de desalojo en el contexto excepcional de la pandemia de COVID-19. Debe tomarse en cuenta, además, que la hija de la autora intentó alcanzar un acuerdo con la propietaria del inmueble y, al fracasar esta gestión, la autora solicitó vivienda social a las autoridades pertinentes y posteriormente dirigió una comunicación escrita al alcalde de Roma requiriendo la suspensión del desalojo o la provisión de un alojamiento alternativo, según los antecedentes fácticos del caso (párrs. 2.1 a 2.4 y 2.8 a 2.10 del dictamen).

3. En cuanto al fondo del asunto, a la luz de los hechos relevantes, la cuestión a resolver es si el desalojo de la autora y su hija, sin un proceso de consulta ni revisión de alternativas habitacionales y sin garantizar un alojamiento alternativo cuando el desalojo fue ordenado y ejecutado, constituyó una violación del derecho a una vivienda adecuada reconocido en el artículo 11, párrafo 1 del Pacto. Para responder a esta cuestión, me remito a los estándares sobre protección contra los desalojos forzosos desarrollados en el dictamen del Comité del caso El Korrichi y otros c. España[12].

4. Considero que la autoridad judicial interviniente en el desalojo de la Sra. Tabbita y de su hija no realizó un examen de proporcionalidad que ponderara adecuadamente los derechos en juego ni evaluara si la medida era razonable y proporcionada a la luz de sus consecuencias para la autora y su hija en las circunstancias del caso. Durante el proceso judicial no se examinaron debidamente sus condiciones particulares, no se abrió un proceso genuino de consulta con ellas ni se dio intervención a las agencias estatales con capacidad de prevenir el desalojo sin provisión de una alternativa habitacional.

5. En particular, el tribunal omitió considerar la situación de especial vulnerabilidad de la autora, una mujer de 84 años al momento del desalojo, con una discapacidad acreditada del 100%, que requería cuidados y asistencia para las actividades esenciales de la vida diaria, así como la situación de su hija, de 59 años, desempleada y cuidadora de su madre. El desalojo se ejecutó incluso sin tomar en cuenta el certificado médico presentado en la causa que acreditaba el frágil estado de salud de la autora y la declaraba “no transportable”, y en ausencia de funcionarios municipales. Tampoco se valoró la situación económica precaria del núcleo familiar ni el impacto desproporcionado que el desalojo tendría sobre la autora y su hija, considerando factores interseccionales como el género, la edad, la discapacidad y la situación económica[13].

6. Asimismo, no se abrió una instancia de consulta para analizar alternativas habitacionales ni se convocó a las agencias administrativas competentes ante la inexistencia

[12] *El Korrichi y otros c. España* (E/C.12/76/D/188/2020), párrs. 8.1 a 8.10 y 9.1 a 9.4.
[13] *Vázquez Guerreiro y otros c. España* (E/C.12/74/D/70/2018), párrs. 8.9 y 8.10.

de opciones viables para prevenir una situación de falta de hogar. En consecuencia, las autoras fueron desalojadas sin que se les ofreciera una alternativa habitacional, ni temporal ni permanente. Según la información disponible no refutada por el Estado, la Sra. Tabbita tuvo que recurrir a la hospitalidad temporal de un amigo en otro municipio, mientras que su hija se vio obligada a dormir en su vehículo. Más de un mes después del desalojo, el municipio aún no había proporcionado una solución de vivienda adecuada. En estas circunstancias, los argumentos del Estado parte resultan insuficientes para demostrar que hizo todos los esfuerzos posibles, utilizando el máximo de los recursos disponibles, para evitar que la autora y su hija quedaran en situación de falta de hogar.

7. Por estas razones, estimo que el Estado parte violó el derecho de la autora y de su hija en virtud del artículo 11, párrafo 1, del Pacto, leído por separado y conjuntamente con los artículos 2 y 3 y el artículo 5 del Protocolo Facultativo, al incumplir las medidas provisionales ordenadas por el Comité. A la luz de esta conclusión, el Estado debería evaluar las necesidades de vivienda de la autora y su hija y proporcionar una alternativa habitacional si fuera necesario. Como garantía de no repetición, debería modificar su legislación para permitir un adecuado análisis de proporcionalidad en los desalojos, asegurar consultas efectivas y, cuando corresponda, garantizar la provisión de una alternativa habitacional.