

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS  
COMITE EUROPEEN DES DROITS SOCIAUX**



6 December 2010

**Case document No. 3**

**European Roma Rights Centre (ERRC) v. Portugal**  
Complaint n° 61/2010

**SUBMISSIONS OF THE GOVERNMENT  
ON THE MERITS**

Registered at the Secretariat on 30 November 2010



**EUROPEAN COMMITTEE OF SOCIAL RIGHTS**  
**European Roma Rights Centre v. Portugal**  
**Complain n.º 61/2010**

Following the Complaint submitted to the European Committee of Social Rights, concerning Roma housing rights in Portugal, in particular Articles 16 (The right of the family to social, legal and economic protection), 30 (The right to protection against poverty and social exclusion) and 31 (The right to housing) of the Revised European Social Charter, we hereby present the position of the Portuguese State:

**I. Legal background**

1. As a fundamental cornerstone, the Principle of Equality is ruled by Article 13 of the Constitution of the Portuguese Republic (CPR), as follows:

*“1. Every citizen shall possess the same social dignity and shall be equal before the law.*

*2. No one shall be privileged, favored, prejudiced, deprived of any right or exempted from any duty on the basis of ancestry, sex, race, language, place of origin, religion, political or ideological beliefs, education, economic situation, social circumstances or sexual orientation”.*

The normative provisions established in paragraph 1 of Article 13, of the CPR embodies the notion of equality in law enforcement, while the second paragraph of the same article specifically prohibits any discrimination based on the abovementioned factors. Nevertheless, the discriminatory factors listed there are not exhaustive, and therefore it is considered illegal any difference in treatment contrary to human dignity, and incompatible with the principle of democratic rule of law.

2. Referring to Section 3.1 of the Complaint, paragraph 38, the right to housing is foreseen in Article 65 of the CPR.

This legislative provision establishes the right to housing as a social right, whereas it is the State’s function to play an active role to set forth the necessary mechanisms for the promotion of a policy towards the creation of a rent system in accordance with family income or access to private housing.

**II. Economic and social protection of family**

Apart from the Constitutional Framework mentioned in paragraph I, the Portuguese ordinary legislative framework is also based on the non-discrimination principle, intended to enforce the right of the family to social, legal and economic protection (article 16 of the European Social Charter).

In this context, it is important to highlight that Portuguese authorities have put in place a National Action Plan for Inclusion (2008-2010) that provides measures to overcome discrimination and favour the social inclusion of more vulnerable groups, namely the Roma community. Efforts have been made to put in motion a set of policies aimed at preventing and/or rectifying such situations, and develop the necessary conditions that will allow the less favoured groups to fully enjoy citizenship rights. Both strategic agencies and actors are involved in these efforts.

These policy measures focus on the following key dimensions for intervention: income; services and facilities; accessibility; education, training and employment; institutional capacity building; citizen rights.

As for the Roma Community in particular, and their inclusion in the Portuguese society, it is important to note the Portuguese Authorities have long ago given them full access to an important set of general programmes and measures, aimed at both individuals and groups living in situations of poverty and exclusion, including the Integration Social Income (RSI), housing programmes (see item III) and measures for social protection. In the same way, Roma communities also benefit from some of the measures outlined in the Plan to Integrate Immigrants.

Furthermore, it should also be noted that in 2009 there was an increase both in RSI and social action expenditure<sup>1</sup> with the total RSI expenditure mounting to €507.8 million (an increase of 19.3% compared to 2008) and the Social Welfare benefits expenditure totalling €1 616 million (an increase of 9.8% compared to 2008).

### **III. National Housing Policy**

The promotion of social housing in Portugal is achieved through strict cooperation between the Central Government, the Autonomous Regions, and the Municipalities.

The Autonomous Regions and the Municipalities are responsible for selecting the projects which they feel should have the Government's financial support and, after receiving the Government's assistances, the Autonomous Regions and the Municipalities will also be responsible for ensuring the supply of decent housing to a certain social strata.

The Institute of Housing and Urban Rehabilitation manages the following State housing financial assistance programmes:

- **PER –Special Resettlement Programme:**

The Special Resettlement Programme in the Metropolitan Areas of Lisbon and Oporto (PER), was created by Decree-Law N°. 163/93, May 7<sup>th</sup>, later revised by Decree-Law N°. 271/2003, October 28<sup>th</sup>.

Only those families registered as living in tents and similar dwellings in the metropolitan areas of Lisbon and Oporto are eligible for this kind of assistance.

---

<sup>1</sup> This subsystem's objective is to prevent and correct situations involving want and socio-economic inequality, dependence, dysfunction, and social exclusion or vulnerability, as well as to ensure people's integration into and promotion within the community and the development of their capabilities. It seeks to offer special protection to the most vulnerable groups – particularly children, young people, persons with disabilities and the elderly, as well as anyone else who is in a situation of economic or social need.

This protection is primarily provided by means of: social services and facilities; programmes for fighting poverty and social dysfunction, marginalisation and exclusion; one-off monetary payments that are made under exceptional circumstances; and cash benefits or allowances.

Under the PER, since 1993, 29 Accession Agreements have been concluded between the Central Government and Municipalities of metropolitan areas of Lisbon and Porto, for the relocation of 48.416 households. The Programme currently presents a 71% execution rate.

- **PROHABITA – Financing Programme for Access to Housing**

PROHABITA financially supports Municipalities and other entities in order to respond to housing needs of low-income households living in Portugal.

To benefit from PROHABITA families should be in the following conditions:

- The family annual income should be under the equivalent to three minimum national salaries;
- Family members cannot own any other house in the same metropolitan area or in a neighboring municipality;
- Family members cannot benefit from any other public financial support for housing.

The Institute of Housing and Urban Rehabilitation also owns around 12,000 dwellings currently being leased in order to provide an additional response to housing needs. Access rules to these houses, and the order by which households are selected, are based on the households' socioeconomic conditions.

Therefore, without excluding particular situations such as those arising from natural disasters, housing access supported by the Central Government and promoted by the Municipalities is solely based on criteria of households' low income and the principle of non-discrimination, granting equal access to all social and ethnic groups, all communities and all individuals.

Consequently, the Portuguese State admittedly does not provide any specific programmes based on ethnicity, for such programmes would most likely violate our constitutional principles, or at least be contrary to the objectives of social inclusion of these communities.

We therefore consider that no discrimination accusations can be sustained regarding the access conditions to housing support national programmes.

Moreover, although statistical data in the abovementioned programmes does not include ethnicity, it is a fact that a high number of Roma households have been covered by them.

#### **IV. The role of the High Commission for Immigration and Intercultural Dialogue (ACIDI, I.P.)**

ACIDI, I.P.'s mission is to collaborate in the conception, implementation and evaluation of public policies, relevant for the integration of immigrants and ethnic minorities,

namely the Roma people, as well as promoting dialogue between cultures, ethnicities and religious.

In this context, the ACIDI, I.P. has designed and implemented various programs to combat discrimination against the Roma people and in promoting their integration in the Portuguese society, particularly as far as their rights under the Revised European Social Charter are concerned, especially Articles 16, 30, 31, as demonstrated by the following programmes:

- **Pilot Project for Municipal Mediators**

In April 2009, ACIDI, I.P. launched a Pilot Project for Municipal Mediators. This project was developed after the positive analysis of the conduct of mediators in multicultural contexts. Its main objective is to create a Roma municipal mediator in order to include him in local municipalities and in its Roma inclusion related services, so that they can establish a close relation with local services and organisations and local Roma communities. The programme was addressed to all Portuguese Municipalities that, having significant Roma population, were interested in building bridges to a constructive dialogue.

The mediators must be Roma, residents in the intervention area of the municipality or in adjacent municipalities, and are selected by the local government authorities. Therefore, under this project, the ACIDI, I.P. conceived and coordinated a set of training sessions for mediators in two major areas – Laws and Public Institutions Functioning/ Institutional Rules, and Mediation and Communication, being the Portuguese the primary language used in all areas.

Initially, the project included only ten municipalities, but having received additional financial support from the Social Security Institute (*Instituto da Segurança Social – ISS, I.P.*) another five applications were integrated. In the end, 24 municipalities applied having been selected the following 15: Lamego, Paredes, Peso da Régua, Idanha-a-Nova, Aveiro, Coimbra, Marinha Grande, Sintra, Amadora, Seixal, Setúbal, Sines, Beja, Moura e Vidigueira.

ACIDI, I.P. participates with 75% of the salaries and the municipalities with the remaining 25%. A partnership between all actors involved was established, in which the High Commission would be the promoter, the local municipalities would be the interlocutor, and the civil society institutions, associations, Private Institutions for Social Solidarity (*Instituições Particulares de Solidariedade Social – IPSS*) and others, the fund managers, with whom the mediator's working contract were celebrated. This project is financially supported by the European Social Fund under the National Strategic Reference Framework (*Quadro de Referência Estratégico Nacional – QREN*) - Portugal 2007/2013, through the Operational Program Human Potential (*Programa Operacional Potencial Humano – POPH*).

The project started on October 1<sup>st</sup> 2009, ending its first year on September 30<sup>th</sup> 2010. Currently on its second year, the programme is expected to last until September 30<sup>th</sup>, 2011, replicating, from the financial point of view, last year's model, i.e., the ACIDI supports 75% of the of the mediators' salaries and the municipalities, the remaining 25%.

The mediators work in the field is based on the Intervention Plan, which is prepared by both the mediator and his technical coordinator. The specific intervention to take place is determined by the actual local context and the verified needs, in coordination with the Roma Population and the local institutions, more capable of solving the various requests.

The project has an external evaluation team from the Centre for Territorial Studies (*Centro de Estudos Territoriais – CET*), ISCTE.

- **The Choices Programme (66 projects directed to young Roma community)**

The children and young people's social problems, due to the difficult socio-economic context in which they live, were crucial to the creation of the Choices Programme.

The Choices Programme is a nationwide governmental programme, under the direct administration of the Presidency of the Council of Ministers and coordinated by the High Commission for Immigration and Intercultural Dialogue. It aims to promote the social integration and equal opportunities of children and young people, between the ages of 6 and 24, coming from disadvantaged social backgrounds, many of which are immigrant descendants and members of ethnic minorities (Roma Communities included).

Currently in its 4th generation (2010-2013), the Choices Programme involves about 1003 local partners, 780 technicians and intends to cover 97,000 children and youth by the end of 2012. The Programme supports 130 local projects (66 of which targeting Roma Communities) with a total budget of €38,000,000.00, reflecting the needs felt at the local level to promote the integration of these young people.

At this stage there are 130 projects in progress, with the possibility of developing other 10 extra pilot projects, in order to strengthen the support for the mobilization of local communities to create social inclusion projects of children and youngsters coming from disadvantaged social backgrounds. Therefore, the areas of educational inclusion and non formal education, vocational training and employability, civic and community participation and digital inclusion, were established as priority areas of intervention of the Choices Programme.

It should also be mentioned the strong commitment to the mobilization and empowerment of communities taken by the Choices Programme, which created the figure of "Community facilitator", i.e. one young boy/girl drawn from a community that is integrated in one of the technical teams of the Choices projects, who has the profile of a positive leader and constitutes *de per se* a reference model, and contributes, by its close links with the area involved, for the mobilization of children, youth and community in general.

- **GACI – Support Office for Roma Communities**

The Support Office for Roma Communities (*Gabinete de Apoio às Comunidades Ciganas – GACI*) was created by the ACIDI, I.P. in 2007. This Office has structured its mission in three main guidelines: (i) the strengthening of intercultural dialogue, (ii) promotion of education, culture and citizenship and (iii) support for capacity-building.

The GACI also developed a set of activities towards the promotion and social integration of Roma in conjunction with responsible entities, which contemplates a mechanism to monitor the degree of integration of these communities, with a special emphasis on education, health, employment and housing.

The GACI also launched in 2007 a website dedicated to Roma communities, the so called “ciga-nos!” (available at <http://www.ciga-nos.pt>), that has the purpose, among other contents, to disseminate several scientific studies and publications of the Office, in particular the “Olhares” collection. The focus of this website is the dissemination and sharing of information, creation of working nets, dissemination of field projects, promotion of a positive image of the Roma community and a better knowledge of their history and their culture.

Initially, the GACI began as a multidisciplinary technical team of non-Roma. However, over the years, efforts have been made to implement training initiatives and to increase awareness about active citizenship amongst social and educational agents and members of the Roma communities in the most sensitive areas. Therefore, the Office has set up a Working Group with 6 elements (three women and three men) belonging to Roma communities, experienced in mediation and working in joint projects, that, until 2008, have been cooperating as consultants / mediators of the GACI. This process has been the role model that inspired the creation of the Pilot Project for Municipal Mediators.

## **V. Clarifications provided by the Municipalities**

The accusations towards several Portuguese Municipalities mentioned in the Complaint are also considered unfounded considering the evidences the Municipalities have presented and that are described below:

### **Municipality of Oporto**

Regarding Oporto Municipality, criteria for housing allocation and social housing occupancy is exclusively determined by severe housing and economic needs.

The Municipal Housing and Maintenance Company, DomusSocial EEM, does not hold any specific register of Roma households living in municipal housings.

The processed data related to the municipal aggregates does not include specific characteristics, such as race, religion or ideological views, as they do not constitute criterion or requirement for social housing allocation and are not relevant for the company’s activity.

Regarding paragraphs 81 and 101 of the Complaint, mentioning examples of alleged discrimination we inform that:

DomusSocial EEM regularly updates data pertaining to households living in social housing, in order to adjust typologies when necessary.



Nonetheless, and admitting the situation described in paragraph 81, DomusSocial EEM does not have sufficient elements to confirm if the families in question are living in social housings owned by Oporto Municipality competency.

Regarding paragraph 101, the Oporto Municipality decided, in 2002, to demolish all the buildings of “Bairro S. João de Deus”, due to severe social problems faced by its residents and the general community and aiming to solve the lack of quality of living conditions. Residents were transferred to houses on several locations throughout the city, according to house availability and resident’s preference.

Therefore, the paragraph’s reference to “Bairro S. João de Deus” is untimely, as the “Bairro” mentioned was completely demolished, in a process that began in February 2003 and ended in December 2008.

### **Municipality of Braga**

As far as paragraphs 71 and 80 of the Complaint are concerned, the Municipality of Braga would like to clarify the following:

- The Picoto housing complex, built in 1998, is located in the parish of “S. José e São Lázaro” integrated in the most central area of the city of Braga, served by social, education and health facilities, and various providers of goods and services (including “Loja do Cidadão”). This parish has the highest number of social facilities of all the 6 Municipalities encompassed by the Cávado sub-region (39).

- The access to the complex is made by asphalt road, connected at less than 50 meters to the National Road n. 101, which is served by the TUB public transport stop (routes 38, 56, 57 and 59).

- The Complaint concerning this housing complex is therefore considered unfounded in particular the allegation that "roads are poorly constructed, public transportation is limited and quarters are located far from the city centre."

- The household sizes are always taken into account in the process of resettling families, and the name presented in the Complaint – Luis Maia – does not appear in the records of the Housing Municipal Company Bragahabit as either a beneficiary, or as a candidate for social housing.

Hence, we refute the following allegation:”Many households have several families living together in exiguous spaces designed for only one family. This is the case of Mr. Luís Maia, who lives in a re-settled neighbourhood in Braga, with is wife and children at his father’s house. They are nine people living in a small municipal dwelling”.

- The number of families housed in municipal dwellings is 568, 189 of which are Roma.

- The number of families receiving housing assistance under other systems is 471, 23 of which are Roma.

### **Municipality of Loures**

Regarding the Complaint's footnote number 117, the Municipality of Loures clarifies the following:

- There are 2681 families housed in municipal propriety, 260 of which are Roma.
- 497 families await reallocation, including 4 Roma families.
- There are currently 5 cases involving Roma families under review, which are expected to be in condition to be integrated under PER (Special Resettlement Program).
- While preparing the resettlement of Roma families, the Local Authority allocated municipal dwellings at the buildings' lower floors (at the families' request), trying to ensure, as often as the availability of houses allows it, the proximity with relatives already resettled, allowing therefore to maintain or provide mutual ties.
- Due to the numerous requests for transfer of relocated families that, for various reasons, have had their physical integrity at risk, in agreement with the families, the Municipality has done everything possible to find other locations ensuring a quiet life. There are currently 9 families waiting to be transferred.
- Households presenting weaker social situations have been under close monitoring by the appropriate experts and have been referred to various institutions.

### **Municipality of Castelo Branco**

Regarding paragraphs 68 and 73 of the Complaint, the municipality of Castelo Branco clarifies the following:

- In the district of Castelo Branco in Carapalha quarter there was a tent camp, illegally built, without health or housing conditions occupied by Roma. (See Attachment A)
- The municipality of Castelo Branco carried out the demolition of illegal tents and took care of the resettling of families, some in existing housing owned by the municipality and others in houses built in Sapateira quarter.
- As can be confirmed locally, 14 dwellings were built and not 10 as alleged in the Complaint. All the houses have living conditions, including water supply, electricity and sanitation. (See Attachment A)
- The houses have a kitchen, toilets and other housing divisions, like in any other home and are needed to everyday family life.
- The Sapateira quarter is located in an urban area near the district of Carapalha with easy access to downtown and services. The residents have access to a regular public transport network and school children transport at their disposal.
- The municipality of Castelo Branco also clarifies that the construction of new resettling houses in the Sapateira quarter did not result from any kind of pressures from Roma citizens nor any pressure from the National Railway Network (REFER). The

municipality relocated all the families as it was its wish, putting an end to the degrading situation in which they lived.

- The municipality of Castelo Branco does not agree with the conclusions of the "European Roma Rights Centre (ERRC)" in which is said that a significant number of Roma families were excluded or left out of the Special Resettlement Programme (PER) of the IHRU. On the contrary the municipality has relocated all Roma citizens.
- The Municipality of Castelo Branco also informed that there are 261 families relocated in houses owned by the municipality, including 5 families from Africa and 42 Roma families.
- Currently, the municipality of Castelo Branco does not have any Roma family waiting for resettlement.

### **Municipality of Beja**

The Municipality of Beja takes part, through an agreement signed on September 11, 2009, in the Pilot-Project of Local Mediators, in partnership with the High Commission for Immigration and Intercultural Dialogue (ACIDI). The ultimate purpose of this partnership is to build bridges allowing for a constructive dialogue between Roma and non-Roma populations. The specific goals of a Local Mediator's work (performed by a Portuguese citizen of Roma origin) are about creating favourable conditions for the social and cultural integration of this community. This demonstrates that the Beja City Council continues to be committed to making all necessary efforts to integrate and include citizens of Roma origin.

### **The process of resettlement**

In Beja, there have been measures aimed at the Roma families in question – the ones previously living in shacks in the Esperança neighbourhood – since 1993, when GISA (Group for Integrated Social Intervention) was set up. GISA was a working group made up by technical staff from the Beja Municipality, the Institute for Solidarity and Social Security, the Santa Maria da Feira Local Council (or parish), Beja Caritas, the Institute for Social Reintegration and the Lower and Coastal Alentejo Education Board. Through the years they worked on the ground intensively and on a voluntary basis, in order to try to change a grave and complex social situation in that neighbourhood – a challenge that no one had been able to master. This partnership made an application to a Poverty Reduction Programme, which led to the construction of a Community Centre, non-curricular activities for children, a pre-school service, and later a kindergarten – all of these of course were also geared to the Roma community. Several training programmes were also given to the residents and the overall social situation was improved.

In 1999 the municipality's application for a Local Technical Office was approved. This Office worked in the Esperança neighbourhood for two years and produced the Esperança Neighbourhood Conversion Plan (the documentation is available in the Municipal Archive). The January 2006 resettlement of the Roma families to the new Pedreiras neighbourhood was thus the culmination of a long process that started in the early nineties.

### Concerning Paragraph 67 of the Complaint

In order to draft this Plan a comprehensive, home by home, investigation of the Esperança neighbourhood was performed, which also covered the area of shacks at the North end inhabited by members of the Roma community. This led to conclusions about the approach to the conversion of the neighbourhood, which was divided in two phases:

1. Elimination of the area of shacks; resettlement of 50 families;
2. Urban and environmental conversion of the Esperança neighbourhood description

The Social Observatory – which was in the meantime created by the Social, Cultural and Recreational Centre of the Esperança Neighbourhood – took part in performing a social and economic survey of each Roma family, as well as a study of their recent past. Through dozens of interviews and hearings with the Roma themselves and their non-Roma neighbours, their origins, family and neighbourhood networks were established, in order to draft a resettlement priority list – to put in practice as soon as the financial means would be available.

Once this survey was complete, an ambitious project was drafted to build what was initially called “Nomadic Park”. The goal was to set up a spacious area to host nomads in transit, which would include all the necessary basic infra-structures, such as animal resting places, showers and washing quarters, as well as a multipurpose area for social, cultural and educational activities, which was conceived to host activities aimed at nomadic children that would be delivered by the Education Board, the municipality and other associations. The park would be part of a network of similar infra-structures placed along the travelling routs of the nomadic populations in Algarve and Spain.

This very comprehensive project had a high budget and never succeeded in obtaining the required funding.

In parallel and simultaneously, a project was set up to build 50 homes for the sedentary families that were identified as such in the shack elimination plan that was part of the overall Esperança Neighbourhood Conversion Plan.

In this initial Project, the type of dwelling took into account the Roma life style and was designed according to models obtained by studying similar initiatives in other countries – the need for ample room for life close to the outdoors, for areas where community events can take place, in order to keep deep-rooted cultural traditions alive and to ensure that a fixed dwelling is compatible with raising livestock for sale, which was one of the sources of income for the community. With this in mind, it became clear that it would make sense to have an area that could be shared both for residential purposes and to host nomads. The fact was that there is a substantial overlap between these groups, which often share kin. Also, the transit routes, and short settling periods, of the nomadic population can be linked to family issues, weddings, illnesses and hospital stays and funerals and related needs.

With this purpose in mind, the municipality searched for some years for a piece of land (of an appropriate size) to purchase. Several attempts were unsuccessful due to a lack of availability and willingness on the side of the various property owners.

Finally, through an agreement with the Santa Casa da Misericórdia (a private institution with links to the State), a piece of land was bought where the new Pedreiras neighbourhood was built. This property had a more or less adequate size and it was close to the municipal water and electricity grids, which would lower the costs for building. At this point, the project that was designed for that property changed its name to “Nomadic and Residential Park”, since it aimed to separate the property into two areas for those two distinct purposes.

In other words, between 2002 and 2005, the municipality deployed all available efforts to put into practice one of the most thorough attempts at residential, social, cultural and educational integration of the resident Roma community, as well as nomads coming from all over the country.

It is not true that the municipality “preferred to separate the Roma from the rest of the population”, by moving them away from the centre. It would have simply been impossible to find 50 available dwellings within the city. If we follow that logic, the remaining, non-Roma, residents of the Esperança neighbourhood, are also “separated” from the rest of Beja’s population, since their neighbourhood is also at a 3km distance of the city centre. They also don’t have a medical centre, and are equally left with no alternative than to travel to the city to get medical assistance. Again, the same applies to villages that are 30km away from the city, also lacking medical centres and whose inhabitants – mostly low-income senior citizens – must also travel to the city to be able to get medical assistance, be it of a regular or urgent nature.

Finally, and so as to complete the information related to the first set of issues raised, we should add that, beyond these 50, there are other Roma families, which have been resettled in Social Housing dwellings together with other citizens, since 1984.

Contrary to what is said in the Complaint, the Roma were never segregated in Beja: the first attempt to socially integrate Roma families goes back more than 20 years, when a social housing estate was built (Beja I). The same applies to another social housing estate: João Barbeiro.

In short, another 23 Roma families were resettled within the city. Seven of these were resettled in 1999, together with five non-Roma families, in 12 houses on Rua da Lavoura, which the municipality acquired from the National Rail Company.

### The living conditions

Prior to the resettlement, each Roma family was approached by partner associations, which aimed to prepare them to move and resettle. Note was taken of the neighbourly relations they were keen to preserve, the tensions with other residents, and dwellings were assigned according to their own requests.

School transportation was planned in advance for those children that were already going to Esperança neighbourhood’s school EB1 nr. 7. The same applies to non-curricular activities for children, which started working as soon as the resettlement took place.

The school and the other child support services are at less than 1km distance of the new neighbourhood and school transportation takes place on a daily basis. Since the beginning, occupational activities take place with children and adults, but also training, and weekly follow-up. Families are included in projects that take place outside the neighbourhood, aimed at the larger community with the purpose to deconstruct stereotypes and foster the relationship between Roma and non-Roma citizens, of which a recent example was the celebration of the Day of the Gypsy, in the Pax Júlia Theatre.

In conclusion, this whole technical, human and political effort, developed through all these years, demonstrates that the accusations in Complaint 61/2010 are incorrect, since the Beja municipality has resettled several Roma families that lived in a situation of utter social exclusion in the Esperança neighbourhood. Beyond that, and despite serious financial limitations, a considerable effort was made to gather information about the particular needs of the Roma community and to apply the results on the ground.

#### Concerning Paragraph 79 of the Complaint

The concept of “water heating systems” is not clear. No municipal dwelling is equipped with “water heating systems”. Boilers and other similar equipment have to be acquired by the tenants themselves according to their needs and taste and the same applies to all sorts of heating system “to heat the houses during the winter”. All houses were equipped with a fire place from the start.

The floor of the houses was initially covered with an isolating product and it was left for future negotiations with each tenant whether to install tiles or linoleum, according to their needs and taste. However, most tenants chose their own solutions, which they found in a more immediate way.

It is also untrue that the municipality neglected to perform any repairs – these were gradually made in response to the most urgent needs and according to financial availability. Repairs were distributed according to the priorities established in housing intervention lists, which also include all other non-Roma families living in the city and suffering from serious housing problems. These measures are guided by municipal regulations.

To the contrary of what is said, the area includes two roads that allow for direct access to the neighbourhood. These roads, as much as dozens of other municipal roads around Beja, are in need of repairs. It isn't always possible to perform these repairs as soon as they are needed. In any case, some urban planning is needed in this area, in order to equip it with all the necessary access-related infra-structures. However, this also applies in several rural parishes and therefore priorities have to be defined. The discrete areas within the neighbourhood are interconnected through asphalt roads, as can be seen in the photos attached.

#### Concerning Paragraph 82 of the Complaint

In acquiring the property, the municipality was left to its own devices and, with its own budget as the only source of financing, it also came up with a settlement plan and built a

residential area. However, due to the lack of financial means, T2-type dwellings<sup>2</sup> had to be built, which amounted to changing the initial project that was supposed to be put into practice.

According to further information provided by the municipality, out of 340 dwellings that belong to it, 66 (19,41%) have Roma citizens as tenants, 14 (21,21%) of which suffer from overcrowding. The total number of Roma families living in municipal housing is 77 (22, 64%).

As for housing requests (caused by lack of housing), it should be mentioned that 25 Roma families have applied for resettlement at the municipality and 34 other applications were made on behalf of families in the framework of the Social Integration Income scheme. However, candidates in both cases do not fulfil the necessary requirements, due to what is stipulated on Article 5, paragraph a) 1) of the Municipal Regulation of the Scheme of Social Allocation and Management of Housing that is owned by the Beja Municipality.

Finally, the municipal list of social housing needs mentions 189 families – of which 6 are of Roma origin.

(Check pictures in Annex B)

### **Municipality of Seixal**

According to paragraphs 76 and 92 of the Complaint, the Municipality of Seixal would like to clarify the following issues:

- Firstly, a serious insalubrious problem was solved with the resettlement of 164 families in Urbanização da Cucena.
- Secondly, it is important to note that, prior to the resettlement, these families (composed of Roma, non-Roma and African communities) lived in extremely poor living conditions - illegal wooden shacks lacking bathrooms and kitchens, with no sewer infra-structures and no water nor electricity. (See Appendix C).
- When planning the Urbanization of Cucena, the project contemplated social service facilities and commercial spaces to support the population and the surrounding area.
- This urban planning was accompanied by social planning, particularly through the establishment of a Community Center with various capacities and whose management was handed over to a local IPSS (Santa Casa da Misericórdia of Seixal), and included also a wide range of activities inherent to the relocation project, such as: (I) the signalling and prioritization of families with the greatest social and housing needs; (II) a diagnostic study on the families to be resettled; (III) preparation of families on the new space they were about to move in to (home, public spaces / neighbourhood and surrounding community), conducted on an individual basis as well as in group workshops; (IV) preparation and distribution to the residents, of a handbook on housing and ways to use or own the house and the location of public and private services; (V)

---

<sup>2</sup> T2 dwellings consist of two rooms, a living-room, a kitchen and at least one bathroom.

the direct participation of the resettled people through an individual and anonymous questionnaire to each householder regarding the expectations and needs for the new house, neighbours and priority services necessary to their daily lives, among others. It was noted that during this process, the communities involved have shown satisfaction with the housing and social responses that were being implemented, voicing the desire to rapidly move to the new facilities, all expecting a substantial improvement in their lives, at various levels.

- The issue of mobility has been designed from the beginning, in an integrated manner similar to what happens with any other municipal urban projects. Thus, still in draft form, contacts were established with various public transport companies serving the municipality in order to rethink the route and transport timetables.

- Although article 2 of the Decree-Law no. 229/84, dated 5<sup>th</sup> September, stipulates that the municipal assistance for school transportation only applies to children residing within a radius of 3-4 km away from school, the local authority decided to allocate a school bus to all children and youngsters from the 1st, 2nd and 3rd Cycles of Primary and Secondary School residing within 1 km distance of the school they attend, which covers the entire school population of these levels of education of residents in the Urbanization of Cucena.

- All existing housing in the Urbanization of Cucena has quality drinking water from the public network, so the issue of “mobility for the purchase of water” has no fundament.

- The type of commercial spaces in existing Cucena have resulted of a poll made to the population and allows access to essential consumer goods, in addition to the immediate and broader access to the surrounding commercial areas.

- Many intervention programs have been developed, with particular emphasis to the Roma Women's Association of Portugal (*Associação de Mulheres Ciganas de Portugal* – AMUCIP) – the only one of its kind in the country – which has its own facilities in the Urbanization of Cucena, assigned by the Municipality of Seixal.

- Likewise, the Church of Filadélfia (at Seixal) which also works with the Roma community has its own facilities, provided by the municipality to perform the religious services and charitable activities.

- The Roma community is widely represented in all phases of social intervention in the Urbanization of Cucena, always accompanied with financial support, technical and logistics of the municipality.

- In the context of the Project for Municipal Mediators of the ACIDI, I.P., the President of AMUCIP, Mrs. D. Olga Mariano, was placed in the Municipality of Seixal to encourage civil society initiatives, to improve access of Roma to local services and to promote communication between the Roma and the surrounding community for the prevention of any kind of conflict.

### **Municipality of Bragança**



Regarding paragraphs 77 and 107 of the Complaint, the municipality of Bragança clarifies the following:

- In 2010 the municipality of Bragança owned 270 housing units, in 3 different neighbourhoods: B.S. Providência, built in 1976, B.S. Mãe d'Água, built in 1979 and B.S. Coxa, built in 1982. As difficult as it is to determine to which community all the families living in these houses belong to, we estimate that about 15 of them belong to the Roma Community..
- In 2010 the municipality of Bragança identified in its request data base, around 150 family requests for a new house, all under analysis, 10 of which are Roma families.
- 27 Roma families are currently waiting for resettling under the PROHABITA Program, which will allow the construction of new houses for Roma families.
- A Cooperation Agreement was signed between the Municipality and IHRU on 1<sup>st</sup> June, 2009, for the construction of 27 housing units with a total investment of € 2.001,285,00.
- The ongoing project under PROHABITA program is sponsored by the municipality of Bragança. This project is called "Plan for the Eradication of Slums" and intends to provide housing for 27 families, representing the resettling of 117 people.

Local Development Social Contract (ISS, IP) 2009-2012 - Project "Innovate and Participate to Include"

- This project is developed by the following entities: Municipality of Bragança, the Social Centre and Parish of Santos Mártires (coordinating entity) and Institute for Social Security (Bragança).
- The project aims to stimulate action to tackle persistent poverty, exclusion of depressed areas and marginalized social groups, and is supported by a fund of € 525.000,00 (€432.516,67 supported by the ESF - European Social Fund, and €2.483,33 by national authorities).
- Furthermore, the project intervenes in areas such as employment, training and professional qualification, parental and family intervention, community empowerment, and information accessibility. It also intervenes in areas specifically related with the needs of the Roma citizens.

Institutional coordination, mediation and follow-up by Social Action Services of Municipality

During the process of preparing future resettlement of the Roma, the municipality has developed a set of steps with a view to promoting personal, social and working skills and empowerment through partnerships with local non profitable institutions. Most of the Roma citizens (in urban areas) benefit from social support such as Integration Social Income (RSI).

### **Municipality of Évora**

Regarding paragraphs 69 and 105 of the Complaint, the Municipality of Évora clarifies the following:

- Number families living in Habévora, municipal housing company in the city of Évora: 840, 48 of which are Roma families.
- Number of families requesting housing support: 1448, 59, of which 59 are Roma families.

In 2004, the Municipality of Évora signed an agreement with IRHU - PER regarding the construction of new houses at controlled costs and supported rents. In this context, 136 houses were built, in three different locations within the city of Évora (Horta das Figueiras, Corunheiras and Senhora da Saúde). Its main goal was the demolition of illegal construction in slum quarters and the resettling of families.

In this program, all Roma families living in sacks in Évora District were identified and all of them were relocated (14 families).

Following this resettling, other Roma families occupied the same slum areas asking for resettling. However, and given the fact that during the implementation of this project, those families were not living in the area, it was no longer possible to resettle them.

The Roma families were relocated in the different neighbourhoods of the city, in order to promote an easier integrations of the Roma people in the society.

- There is no information about the Silva Ganhão family. There is no record of this family at the time of the resettlement under PER, nor is there any current record. Civil servants working in the community have never heard of this family.

- According to the principle of legality, Habévora only resettles families who live in Évora's Metropolitan Area (each Municipality is responsible for the citizens living in their area). Currently there are no permanent camps of Roma families in the District of Évora, although we might admit that there are itinerant Roma families (not identified) who occasionally pass by the area.

- All Roma families are free to apply for social housing to Habévora, and are submitted to the same qualitative and quantitative analysis for assignment of priority scores in identical terms of other subscribers, without any type of discrimination (positive or negative).

### **Municipality of Rio Maior**

- There are 140 families living in the Municipality's dwelling, 26 of which are Roma;
- There are currently 80 pending requests for social housing, including 4 of Roma families.

Regarding paragraphs 74 and 78 of the Complaint, the Municipality of Rio Maior would like to clarify the following:

- The petitioners live in private dwellings at the Social Neighborhood of Espadanal, which was built in 2003, under the Project to Fight Poverty "Paths of Citizenship" (*Projecto de Luta Contra a Pobreza "Percurso de Cidadania"*) in the municipality of Rio Maior, with the partnership of various organizations, such as: *Associação Centro de Convívio e Recreio do Outeiro da Cortiçada*; *Centro de Emprego de Santarém*; *Centro de Formação de Santarém*; *Centro de Saúde de Rio Maior*; *Coordenação Concelhia do Ensino Recorrente e Educação de Adultos e Centro Distrital de Solidariedade* and *Segurança Social de Santarém*.
- Contrary to what is referred in paragraph 74 of the Complaint, the whole neighbourhood is supplied with public street lighting and asphalted access and, as stated in the Charter of Guidelines attached (the so called *Carta de Enquadramento*), is situated about 400 meters away from the urban area perimeter and 600 meters from the existing infrastructure in the periphery of the town, such as schools, bus station and supermarket (See Appendix D).
- The neighbourhood in question, as well as the private dwellings, schools, businesses and public infrastructure have been built near an old industrial unit, deactivated approximately 60 years ago. No health issues, including respiratory diseases, related to this ancient activity, have ever been reported.
- As far as paragraph 78 of the Complaint is concerned, and taking in account the reasons given in the previous paragraph, the reference to the distance between the Social Housing and the centre of the city of Rio Maior is completely untrue.
- As for the supposed "inadequate waterproofing and / or drainage of rain water", and although the management of Social Neighbourhood is not included in this Municipality's competences, due to the Lending Agreement celebrated in 25/03/2003 with the *Associação Centro de Convívio e Recreio do Outeiro da Cortiçada*, (the landlord of the complainants and of other residents), the Municipality of Rio Maior was never aware of any formal Complaint lodged by any resident of the referred Social Neighbourhood.
- It should be also mentioned that the construction of the Social Neighbourhood of Espadanal, which was exclusively allocated to needy Roma families, had the immediate goal of urgently solving the precarious living conditions of those who lived in "slums" made of wood, canvas and other materials, built illegally by themselves, without minimum housing conditions, health and hygiene.

### **Municipality of Vidigueira**

- The Municipality does not own any social housing units.
- There are 62 families waiting for housing support. Among them, 32 are of Roma origin.

Currently there are 15 Roma families living in Vidigueira, 2 of which in rented houses; 7 families living in Pedrógão, 1 of which in a rented house and 10 families living in Vila de Frades, 5 of which in rented houses.

### **Municipality of Moura**

- There are 83 families living in private dwellings, given by the municipality, 22 of which are Roma families;
- There are currently 244 families waiting for resettling, 117 of which are Roma families.

The Municipality would like to further inform that there are several Roma families living in their own private homes (as opposed to social housing provided by the Municipality).

### **Municipality of Marinha Grande**

- There are around 240 families resettled by the Municipality, none of which are of Roma origin.
- Between 2003 and 2009 the Municipality received approximately 500 requests for resettlement, six of which originated from Roma families.

### **Municipality of Campo Maior**

Regarding paragraph 106 of the Complaint, the Municipality of Campo Maior would like to clarify the following:

- There are 42 families living in houses belonging to the Municipality, none of which are Roma families.
- There are 83 families waiting for relocation, including 50 Roma families.
- The municipality has submitted an application to IHRU for the resettling of 75 families, including 50 Roma families, in order to address the poor conditions in which the Roma community is living inside the walls of Campo Maior Castel. The remaining houses will be allocated to families in need living in poor conditions in “Quartéis of the Campo Maior Castle”.

### **Municipality of Serpa**

- The Roma families living in the Municipality are settled in Telheiro and Canada Neighbourhoods, located in Pias.
- Currently, there are around 10 families, including 18 children, living in Telheiro Neighbourhood. Around 11 Roma families, including 20 children, live in the Canada

Neighbourhood. These numbers do not include individuals who are temporarily in the vicinity.

Thus, there is a total of 21 Roma families living in Serpa, in the abovementioned Neighbourhoods.

- The living conditions are precarious, especially in the Canada Neighbourhood, where the majority of the buildings are in vacant areas. In Telheiro Neighbourhood the buildings were illegally built in bricks masonry, even though they all have water supply as well as electricity. The municipality of Serpa has no social housing and therefore can not ensure the resettling of populations.

## **VI. Conclusion**

The Portuguese Constitutional Framework as well as the Portuguese Legal Framework is based on the fundamental principle of equality of all citizens, regardless of their ethnic origin.

Therefore, the development of social policies and specifically social housing policies is solely founded in social-economic criteria and aimed at those groups who are more affected by poverty and social exclusion. In this contexts, the members of the Roma Community living in Portugal, who wish to apply for social housing, have the same access as any other member of the society, in the same social-economic circumstances. Furthermore, the Roma Community members have profited in a non discriminatory way, from the enormous efforts the Portuguese Authorities have put in motion in order to put an end to precarious life in insalubrious shacks.

Portugal acknowledges that it hasn't always been easy or possible to accommodate the specific needs of many members of the Roma Community. However, we can not, in any way, agree with the statement that this Community has been subject to repeated and systematic violations of their social right to a house, as we believe has been illustrated by the Municipalities' clarifications above. If anything, the Municipalities' contributions state the gigantic effort that both central and local governments expend in promoting the Roma Community's integration in the Portuguese Society, and including them in the social and housing policies. Many examples illustrate the attempt to adapt some programmes to the specific needs of that Community.

The present document shows that the Municipalities have tried hard to adapt the housing solutions to the Roma Community, taking into account their specific needs in terms of family composition, cultural habits and ways of life.

These efforts are nevertheless sometimes limited by the natural lack of human and financial resources that would allow the Authorities to better accommodate the habitation needs of this particular group. However, these limitations do not affect immeasurably the rights of the Roma People, representing only a limitation to the full application of the social housing policies as a whole.

Given the Portuguese State and the Municipalities' efforts to ensure an equal access to social housing, and the results achieved in the resettling of this Community so far, we must refute the complaint that the Portuguese State is violating articles 16, 30 and 31 of the Revised European Social Charter (as stated in Complaint 61/2010, sent by the European Comittee of Social Rights), for the reasons above.