

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



18 March 2011

Case document No. 4

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

**RESPONSE BY THE ERRC
TO THE SUBMISSIONS FROM THE GOVERNMENT
ON THE MERITS**

Registered at the Secretariat on 4 March 2011

**RESPONSE BY THE EUROPEAN ROMA RIGHTS CENTRE TO THE OBSERVATIONS FROM
THE GOVERNMENT OF PORTUGAL ON THE MERITS IN COLLECTIVE COMPLAINT NO.
61/2010 – ERRC V PORTUGAL**

GENERAL REMARKS

1. The European Roma Rights Centre (ERRC) hereby submits its response to the observations from the government of Portugal on the merits in Collective Complaint No. 61/2010, *European Roma Rights Centre v Portugal* and serves to reinforce claims made in our earlier submission to the Committee in respect of Articles 16, 30, 31 and E..
2. This submission firstly addresses the information submitted by the government of Portugal on various housing programmes and other relevant institutions and programmes. Secondly, the submission addresses the claims set out by the government pertaining to the current situation of Roma in specific municipalities.
3. In response to the observations made by the Portuguese government regarding particular municipalities, the ERRC undertook further field research in early February 2011, visiting ten of the municipalities. The results of this field work were sometimes at odds with the claims of the government; but in many cases demonstrated that the reality on the ground for Romani communities does not reflect what the various initiatives cited are said to do. Field research in 2011 broadly reflects the situation the ERRC and Numena have encountered during the course of research from 2005 to 2010.

National Action Plans for Social Inclusion

4. The government of Portugal refers to legal provisions in the Constitution of Portugal concerning the principle of equality,¹ linking them to Article 65 of the Constitution, which protects the right to housing.² The government proceeds to outline various policies and programmes aimed at ensuring the right to housing and for the economic and social protection of family.
5. The government refers to the most recent National Action Plan for Social Inclusion (NAP) (2008-2010) to illustrate measures undertaken by the government to ensure social inclusion of vulnerable groups, in particular Roma.³
6. While the ERRC welcomes efforts by the government to address the deplorable housing conditions in the Romani community in Portugal, it maintains that the most recent NAP falls short of providing an adequate policy solution or identifying appropriate funding that will ensure adequate living conditions for Roma.⁴
7. The ERRC also notes that no NAP has been adopted for 2011 and onwards; as ERRC's most recent fieldwork demonstrates, the NAP has not resolved the issue of Roma inclusion, making the end of the NAP inexplicable. .

¹ Submission of the Government on the merits, para. 1.

² Ibid., para. 2.

³ Ibid., p. 1.

⁴ See Collective Complaint 61/2010 *European Roma Rights Centre v Portugal*, para. 61.

8. The government moreover refers to sets of policies aiming to address the conditions in which vulnerable groups live without providing specific information as to the current implementation of such policies and their results, evaluations or how they are monitored. Similarly, no data is provided by the government as to the present success rate of such policies.⁵ In addition, the government fails to provide any data on how many Roma have benefited from policies flowing from the NAP.

Special Re-housing Programme

9. The Special Re-housing Programme (PER), to which the government refers, is a central component of the NAP and falls within the mandate of the Institution for Housing and Urban Rehabilitation (IHRU). However, the realisation of the NAPs, in particular PER implementation, remains difficult to assess due to the absence of data disaggregated by ethnicity in Portugal. The information submitted by the government relates solely to the number of Accession Agreements, i.e. agreements that the central authority has with regional or municipal authorities, since 1993.⁶ It merely constitutes a general description of the PER agreements, their structure and number, but fails to provide information as to their impact on Romani communities in Portugal.
10. PER programmes have left out a significant number of Romani families. The last census of families living in informal settlements was conducted in 1993 and since then, no new population counts have taken place. The PER housing plans were based on the 1993 census figures and only included people in the original census.⁷ ERRC/Numena research from 2011 makes clear that relying on nearly 20 year old figures leaves entire Romani families unprotected. This is, for example, the case in Evora, where ERRC researchers interviewed two Romani families and a 66 year old widow who were living in vans adjacent to an abandoned social housing complex from which 14 Romani families had previously been re-housed. The residents reported that they were all registered in Evora and waiting for social housing.⁸ The field visit to the Roma living in vans was preceded by an interview with HabEvora (responsible for social housing allocation), at which ERRC was told that no Romani families resided by the complex.⁹

PROHABITA – Financing Programme for Access to Housing

11. PROHABITA targets families facing difficulties in accessing the housing market and promotes controlled cost housing, reinforces rehabilitation and provides direct financial support for families to ensure re-housing in situations of natural disasters or catastrophes and emergency situations.¹⁰
12. The government claims that it does not provide specific housing programmes based on ethnicity, as such programmes would violate constitutional principles and run counter to the objectives of social inclusion of the Romani minority.
13. The ERRC submits that as a particularly vulnerable and marginalised group in Portuguese society, the Romani community is exposed to a higher degree of discriminatory practices and exclusion, which warrant firm positive policies on part of national, regional and local authorities pertaining to integration and with the emphasis on social inclusion of Roma. Therefore, specific protection within the framework of housing policies and programmes is permitted under the European Social Charter and other international human rights instruments to which Portugal is a party and should be provided for particularly marginalised and

⁵ Submission of the Government on the merits, p. 1.

⁶ *Ibid.*, p. 3.

⁷ See *ERRC v Portugal*, para.68.

⁸ ERRC interviews with Ms C. P., Ms C. F. and Ms C. G., 31 January 2011.

⁹ Interview with HabEvora employees, 31 January 2011.

¹⁰ National Action Plan for Social Inclusion, p. 73.

vulnerable groups, such as Roma. At the very least, disaggregated data collection ought to monitor the extent to which PROHABITA is reaching Romani families.

14. The Government furthermore points to numerous projects and entities designed to promote Roma inclusion, such as the municipal mediators, the Choices Programme, and the GACI. Similarly, many of the municipalities note the fact that numerous Romani families are on waiting lists for resettlement into some form of government supported housing. While the ERRC appreciates the Government's efforts in this regard, without any public evaluation of the projects described by the Government, it is impossible to draw any meaningful conclusions as to their efficacy. Moreover, the facts on the ground point to the failure of these projects to achieve sufficient results in the area of housing for Roma. Indeed, the number and proportion of Roma on waiting lists for housing speaks to the fact that a disproportionate number of Roma, compared to the majority, presently lack adequate housing.

RESPONSE TO STATEMENTS BY THE MUNICIPALITY OF OPORTO

15. The ERRC notes that since its last field mission to Bairro São João de Deus on the outskirts of Porto, the municipality has dismantled the entire social housing complex and re-housed the approximately 3,000 Romani residents into different social housing areas in Porto. The ERRC was not able to meet with the responsible authorities in Porto to address where the Romani residents had been re-housed and research their current housing conditions.

RESPONSE TO STATEMENTS BY THE MUNICIPALITY OF BRAGA¹¹

16. The ERRC submits that the facts stated by the municipality concerning the Romani settlement Picoto in Braga are distorted. The Picoto settlement is a particularly distressing example of spatial segregation. It is located on the outskirts of the city of Braga, built as part of the social housing programme in 1998 exclusively to re-house 50 Romani families. According to municipality employees, the housing was designed in consultation with the Romani families.¹² This information was refuted by residents in Picoto, who reported that they were not consulted.¹³ Picoto is located on top of a steep hill, covered by a forest. The settlement is not visible from the main road below and is located approximately 3 km from the town centre and approximately 1 km from other residential areas. The houses are identical in size and design, failing to take into account needs of individual families and residents. Residents particularly reported problems with the 3 storey houses, in particular in the case of Ms A. R., a 60 year old Romani woman, who lives with her husband who suffers from severe arthritis and her mentally disabled adult son, both of whom have severe difficulties climbing the stairs.¹⁴
17. Ms A. R.'s home also typifies the substandard quality of housing in Picoto. All walls in her house are wet and stained by mould and in particular, window frames are rotten and discoloured due to the mould.¹⁵ There are similar problems in the home of Mr H.S., who had repainted the walls approximately one month prior to an ERRC field visit, which nonetheless bore clear signs of mould. In particular, Mr H. S. showed ERRC researchers the hole in the door frame he had had to drill in order to empty the wall of water.¹⁶ Residents believe that the severe mould problems affecting all houses in Picoto may have contributed to the high number of residents with respiratory problems, such as asthma, and with arthritis. For example, Mr H. S.'s 11 year old daughter suffers from severe asthma and arthritis.
18. The Picoto settlement in Braga is a striking example of failed government housing policy. Here, the municipal authorities resettled Roma on a steep hill top 3 km from the town centre

¹¹ See photographic evidence attached in Appendix 1.

¹² ERRC interview with Ms Maria Jose, municipality of Braga, 2 February 2011.

¹³ ERRC interview with Mr H. S., Romani resident of Picoto settlement in Braga, 2 February 2011.

¹⁴ ERRC interview with Ms A. R., Picoto settlement, Braga, 2 February 2011.

¹⁵ ERRC interview with Ms A. R., Picoto settlement in Braga, 2 February 2011.

¹⁶ ERRC interview with Mr H. S., Picoto settlement in Braga, 2 February 2011.

and 2 km from the closest shop and where public transportation does not exist. The claim by the municipality concerning the central location of the Picoto settlement is therefore inaccurate. In addition, initially the municipality had a police post at the entrance of the settlement to monitor “criminal behaviour” of the Romani residents. The police post is not functioning any longer due to protests by the Romani residents.¹⁷

19. The above issues as outlined regarding housing conditions in the resettled Picoto neighbourhood where Roma from Braga have been re-housed clearly are in clear violation of Articles 16, 30, 31 and Article E of the Revised European Social Charter.

RESPONSE TO STATEMENTS BY MUNICIPALITY OF LOURES

20. The ERRC referred in the original Collective Complaint to the municipality of Loures as a positive example of an integrated housing solution. In view of the submitted information on further steps undertaken to integrate more Romani families, the ERRC takes note of the efforts by the municipality of Loures and will keep monitoring the progress of the housing allocation process.

RESPONSE TO STATEMENTS BY THE MUNICIPALITY OF CASTELO BRANCO

21. The statements of the municipality of Castelo Branco concerning the number of housing units in the Sapateira settlement is correct: four of the current 14 units were built after ERRC’s last field visit. However, contrary to what the municipality states concerning the urban location of the settlement, the Sapateira settlement is located completely separate from the town. The settlement lies isolated next to the main highway, approximately 3 km from the town centre and approximately 2 km from the last row of non-Romani houses.¹⁸ The settlement is not served by public transportation.
22. In regard to the quality of housing, the ERRC research reveals that houses leak and flood when it rains and the settlement is served by substandard drainage, which overflows in heavy rain.
23. Furthermore, Romani families in the Sapateira settlement in several cases suffer from overcrowding. Multiple Romani families live together in small spaces designed for only one family. For example, Ms P. L. lives in a house with three families totalling 14 people in three rooms, each room ranging between 15-20 metres square in size.¹⁹
24. For the reasons above, the claims presented by the municipality of Braga in the government’s observations are inaccurate and are contrary to Portugal’s obligations under Articles 16, 30 and Article E under the RESC.

RESPONSE TO STATEMENTS BY MUNICIPALITY OF BEJA²⁰

25. The ERRC refutes the claims of the municipality of Beja concerning the issue of spatial segregation of the Pedreiras settlement, consisting of 50 Romani families, which was built as part of a resettlement programme for Roma. In fact, the municipality of Beja, either through active support or tacit consent, endorsed the construction of a concrete wall that runs a metre from the last rows of houses and which effectively cuts the settlement off on three sides from the urban fabric. According to employees at the Escolari organisation working with the Romani community, the wall was erected to protect the Romani inhabitants from the main road close-by.²¹ However, the way in which the wall is constructed makes this a dubious explanation. The wall stands 2 metres high and is some 200 metres away from the road.

¹⁷ ERRC interview with municipal worker Maria Jose, Braga, 2 February 2011.

¹⁸ ERRC field mission to Castelo Branco, 1 February 2011. On file with ERRC.

¹⁹ ERRC interview with Ms P. L., Sapateira settlement in Castelo Branco, 1 February 2011.

²⁰ See photographic evidence attached in Appendices 2, 3, 4, 5 and 6.

²¹ ERRC interview with employees of the Escolari programme, Beja, 4 February 2011.

Furthermore the wall runs the full depth of the settlement away from the direction of the road, cutting the settlement off from the neighbouring dog kennel and other business premises to either side. The wall seems, rather, to simply provide a physical and visual barrier to the world around.

26. The wall graphically illustrates the physical segregation. But it only underlines the existing reality that the settlement is segregated: it is in a non-residential area; the closest shop is approximately 3 km away; the two roads leading up to the settlement from the main road are in a poor state; there is no public transportation.
27. Alongside residential segregation, inadequate drainage is a big problem in the Pedreiras settlement in Beja, where an open sewer that previously served the neighbouring dog kennel runs through the settlement, constituting a health risk to the Romani residents. The open sewer is reportedly used by the municipal car depot for a car and truck wash. The waste water flows into the Pedreiras settlement, where the Romani residents have made a makeshift drainage system to prevent the water from contaminating their homes.²² Nevertheless, Romani residents complained of water leaking into the houses when it rains.²³
28. Contrary to what the municipality states, residents in Pedreiras reported that they had on several occasions turned to the municipality for assistance in repairs, without any adequate response. In one extreme case, a resident got her front door shortened and door frame broken by the municipal repair man and as a result, water leaks in through the door.²⁴
29. Concerning the claim by the municipality of the provision of tiling, residents reported that no floor tiling had been provided by the municipality despite promises to do so. Consequently, it is unclear what the municipality of Beja implies by its statement on page 12 in the government observations concerning the choice of flooring. What is clear, however, is that several of the homes visited by the ERRC had concrete floors without insulation.
30. As in many other social housing complexes built within the framework of resettlement programmes, the Pedreiras settlement suffers from overcrowding. Here, 50 Romani families live in identical sized dwellings and the vast majority of families have at least 7-8 members living together in three small rooms.²⁵ In addition, the dwellings are of substandard quality, outside the town centre, behind a 2 metre concrete wall and with 3 km to the closest shop.
31. In view of the above, the ERRC maintains that the municipality of Beja has failed in adhering to its obligations in ensuring the effective implementation of the rights contained in Articles 16, 30 and Article E of the RESC.

RESPONSE TO STATEMENTS BY MUNICIPALITY OF SEIXAL

32. In response to statements made by the municipality, the ERRC notes that previous poor living conditions cannot be used as justification for providing people in need with only the bare minimum standards as set out by both national and international legal frameworks, in particular Article 65 of the Portuguese Constitution and Articles 16, 30 and 31 of the RESC.
33. ERRC researchers reported that the only shop available in the Romani social housing neighbourhood closed eight months ago and that the opposite cafe acts in part as a shop for basic food supplies.²⁶ Residents however reported that they cannot afford the goods. The next closest shop is located approximately 4 km away. Residents further reported despite promises by the municipality for school bus services, such services are lacking and children have to rely on public transport which is also sporadic.

RESPONSE TO STATEMENTS MADE BY MUNICIPALITY OF BRAGANCA²⁷

²² ERRC field visit to Pedreiras settlement, Beja, 4 February 2011.

²³ ERRC interview with Ms N. R., Pedreiras settlement, Beja, 4 February 2011.

²⁴ Ibidem.

²⁵ ERRC interview with Ms N. R., Pedreiras settlement, Beja, 4 February 2011.

²⁶ ERRC field mission to Seixal, 31 January 2011.

²⁷ See photographic evidence attached in Appendices 7, 8 and 9.

34. Despite statements made by the municipality concerning resettlement under PROHABITA, the ERRC submits that resettlement has still not materialised and neither does the municipality indicate in the government's observations when such resettlement can be expected.
35. Meanwhile deplorable conditions were found by ERRC researchers in Braganca, where one Romani community lives on the former rubbish dump on the outskirts of town. The residents have lived in the Donai settlement for 20-25 years and according to L. N., a church aid worker in Braganca, the municipality instructed the Roma to move to the site.²⁸ Around 40 people from some 14 families live in makeshift metal, plastic and wooden shacks. There is one water source, no drainage and no electricity. Residents also complained about rat and snake infestation. The road leading up to the settlement is a mud road which becomes unusable in inclement weather. The closest school is approximately 5 km away, and residents reported that there is no school bus provided. Instead, the school children have to go to the public bus stop approximately 500 metres from the settlement.²⁹ Despite the various housing and slum eradication programs outlined by the municipality of Braganca in the government's observations, it is clear that there is no urgent action to resettle the Romani residents from the former rubbish dump. The prevailing housing and living conditions are in violation of Portugal's obligations under Articles 16, 30 and 31 and Article E of the RESC.

RESPONSE TO STATEMENTS BY MUNICIPALITY OF EVORA³⁰

36. With a view of the municipality's statements concerning the existence of permanent Romani camps in Evora, the ERRC submits that employees at the HabEvora (authority responsible for social housing allocation) stated that there were no Roma residing in the old Romani settlement from where Romani residents were relocated to different areas of the city.³¹ However, ERRC research reveals that at least three families, which include a 65 year old widow and minors, have taken up residence in vans in an empty space next to the emptied settlement and who have been there for at least five months. All residents reported that they were registered in Evora and were waiting to be assigned social housing. They further stated that social workers from the municipality make visits on occasion and thus, the municipality is aware of the situation of these Roma.³² Yet, no action has been taken to house the Roma, including particularly vulnerable people, such as the elderly and children.
37. In view of the above, the municipality of Evora, and by extension the Portuguese government, has failed to ensure the rights of the van dwelling Roma in accordance with Articles 16, 31 and Article E of the RESC.

RESPONSE TO STATEMENTS BY MUNICIPALITY OF RIO MAIOR

38. Firstly, the ERRC submits that it is of minor importance whether the exact distance from the last row of non-Romani houses is 300 metres or 500 metres; but maintains the distance is closer to 500 metres. Of importance is the location of the settlement itself, in the middle of a wood, which is a clear-cut example of spatial segregation. Furthermore, despite the provision of public street lighting in the settlement and the improvement of the asphalt road leading up to the it, the approximately 300 metre distance through the forest is not served by public street lighting, which discourages Romani residents from using the road after nightfall.
39. Secondly, the ERRC holds that the resettlement of the Romani community did not arise from a genuine concern for the well-being of the families who had been living in slum conditions for many years. Rather, the resettlement of the Romani community came in the wake of plans by

²⁸ ERRC interview with Ms L. N., 3 February 2011.

²⁹ ERRC interviews with Ms A. M., 3 February 2011.

³⁰ See photographic evidence attached in Appendices 10 and 11.

³¹ *Supra*, note 9.

³² *Supra*, note 8.

the municipality to use the land on which the Roma resided to construct a multi-use facility/exhibition hall.³³

40. Furthermore, residents in Espanadal were told at the time of resettlement that the housing in which they were re-housed was temporary. On page 17 of the government's observations, it is implied by the municipality that indeed, the purpose of the row of wooden houses on the outskirts of town was intended to be a temporary solution to deal with immediate needs of the Roma living in slums. However, since the 2003 resettlement the temporary housing has become de facto permanent and the municipality has not taken any steps to create a permanent housing solution.

RESPONSE TO STATEMENTS BY MUNICIPALITY OF VIDIGUEIRA³⁴

41. The ERRC draws the Committee's attention to a particularly alarming case of poor housing conditions for Roma. In the informal Romani settlement located behind the castle ruins in Vidigueira. Residents were deprived of their only water supply the day before ERRC researchers visited.³⁵ Residents, who have lived here for decades, reported that the municipality officials arrived together with police at the site on 3 February and destroyed the concrete water taps which had been provided to the Roma previously by the municipality.³⁶ According to the residents, no explanation was given for destroying the water supply. 16 families live in 20 poorly constructed metal shacks, some of which were built by the municipality to house the Roma. The barracks suffer substantial damage in inclement weather: the poorly constructed metal barracks leak water from roofs, walls and floors. Residents reported that they are plagued by rats and snakes.
42. As water constitutes one of the basic needs for survival, ERRC sent a letter of concern to the Mayor of Vidigueira, requesting the municipality to promptly reinstall the water supply and to act urgently to resettle the Roma in adequate and integrated housing.³⁷ According to Portuguese media reports,³⁸ the Mayor of Vidigueira accuses the Romani residents of asking for rights instead of acting in accordance with their obligations. The Mayor furthermore does not recognise the Roma as an ethnic minority but refers to them as disenfranchised Portuguese.³⁹ The attitude of the Mayor of Vidigueira is a further example of the unwillingness of Portuguese authorities to integrate Roma into mainstream society in accordance with the principles of social inclusion. The poor living conditions for the Romani community in Vidigueira furthermore runs contrary to Portugal's legal obligations under both national and international law, in particular Article 65 of the Portuguese Constitution and Articles 16, 30 and 31 and Article E of the RESC.

RESPONSE TO STATEMENTS BY MUNICIPALITY OF MOURA

43. The ERRC was unable to reach responsible authorities in Moura and is therefore unable to comment on the information on numbers of non-Roma and Roma awaiting resettlement. The government does not refute the statements by the ERRC of the deplorable housing conditions of the Romani families living in the informal settlement of Largo de Feira, deprived of water, electricity and adequate hygiene facilities and sewage. In this respect, there is an obligation on part of the municipality, and by extension the Portuguese government, to resettle the Romani families in adequate and integrated housing conditions in accordance with domestic

³³ ERRC interview with municipal worker in Rio Maior, 1 February 2011.

³⁴ See photographic evidence attached in Appendices 12 and 13.

³⁵ ERRC field visit to Vidigueira, 4 February 2011.

³⁶ ERRC interview with Ms M. E., 4 February 2011.

³⁷ ERRC letter of concern to mayor of Vidigueira available at: <http://www.errc.org/cms/upload/file/portugal-errc-appeals-to-restore-water-february-2011.pdf>

³⁸ News item available at: <http://www.tvi24.iol.pt/sociedade/ciganos-vidigueira-ameacas-gnr-seguranca-tvi24/1235419-4071.html>

³⁹ News item available at: http://diariodigital.sapo.pt/news.asp?section_id=13&id_news=494773

and international law, in particular Article 65 of the Portuguese constitution and Article 16 and 31 of the RESC.

RESPONSE TO STATEMENTS BY MUNICIPALITY OF MARINHA GRANDE

44. The ERRC was unable to reach responsible authorities in Marinha Grande and is therefore unable to confirm or refute the information concerning the number of families resettled by the municipality or the number of requests for resettlement between 2003 and 2009. The ERRC notes, however, that the government does not refute the arguments set out in the original Collective Complaint concerning the deplorable housing conditions Roma in informal settlements in Marinha Grande live. Approximately 33 Roma have been living in tents since 2006 in the woods next to a highway. Twenty-four of the residents are minors and they lack hot water, electricity or sewage and the only public water source is located approximately 100 metres from the tent camp. The ERRC stresses the obligation on part of the municipality of Marinha Grande, and by extension the Portuguese government, to resettle the Roma in adequate and integrated housing in accordance with domestic and international law, in particular Article 65 of the Portuguese Constitution and Articles 16 and 31 of RESC.

RESPONSE TO STATEMENTS BY MUNICIPALITY OF CAMPO MAIOR

45. The ERRC was unable to reach responsible authorities in Campo Maior and is therefore unable to comment on the information provided by the municipality of Campo Maior in relation to the number of families living in social housing and the number of Romani families waiting for resettlement. The ERRC however takes note of the information submitted by the municipality of Campo Maior concerning the application to IHRU for the resettling of the Romani community, totalling nearly 200 persons, living in deplorable slum conditions inside the castle wall in the centre of Campo Maior. The municipality has failed to include a time when such relocation may be expected and therefore the ERRC urges the municipality to act urgently to resettle the Romani community into adequate and integrated housing in accordance with Article 65 of the Portuguese Constitution and Articles 16 and 31 of the RESC.

RESPONSE TO STATEMENTS BY MUNICIPALITY OF SERPA

46. The ERRC notes that the municipality of Serpa concedes the claims set out by the ERRC in the original complaint describing the deplorable housing conditions of the two Romani communities living in informal settlements in Serpa.
47. The ERRC however does not accept the rationale for failing to address the slum conditions of the two Romani communities. The fact that the municipality of Serpa does not have a social housing programme may not be used as a justification to maintain the current housing conditions of these two Romani communities. In fact, the municipality of Serpa, and by extension the Portuguese government, has an obligation to resettle both Romani communities in adequate and integrated housing in accordance with domestic and international law, in particular Article 65 of the Portuguese Constitution and Articles 16 and 31 of the RESC.

CONCLUSION

48. The ERRC maintains that the government of Portugal is in violation of Articles 16, 30, 31 and Article E for failure to ensure the provision of adequate and integrated housing solutions for Roma in Portugal and to protect the Romani community from social exclusion.
49. The ERRC has been monitoring housing conditions of Roma in Portugal since 2005. The latest field mission from January-February 2011 shows that the overall poor housing conditions of Roma and the inaction of local authorities to resettle or improve living conditions

- for Roma has remained virtually the same. In some cases, housing conditions have further deteriorated. This is particularly the case for the Romani community of Vidigueira who had their water supply recently destroyed by the municipality.
50. The ERRC, through its submissions to the Committee, has also shown that national housing programmes fail to integrate Roma and often, in fact, result in spatial segregation, inadequate sized dwellings, poor infrastructure and limited or no access to public services. An example of failed housing programmes is the Pedreiras settlement in Beja where local authorities have walled off the Roma community, effectively segregating them from the rest of the urban fabric. In another case, a social housing complex built in 2003 within the framework of a resettlement programme for Roma and which is situated on a steep hill, has deteriorated into a state where severe mould problems are visible in most of the flats in the settlement and constitute a serious threat to the health of the residents.
 51. Some Romani communities have ended up settling in hazardous locations encouraged by municipalities. This is the case in Peso da Regua, where several Romani families were instructed by the municipality to settle next to the rail road tracks. Similarly, in the case of the Donai settlement in Braganca, the Romani families were instructed by the municipality to settle on the site of a former rubbish dump. Not only do these actions create hazardous living conditions, but they furthermore underline the social exclusion actively endorsed by municipalities.
 52. In addition, social exclusion is furthered by the fact that many Roma are ineligible for regular housing programmes. This fact is conceded to by the municipality of Beja, which in the government's observations state that Roma do not meet the necessary requirements to be eligible for social housing.⁴⁰
 53. The ERRC also notes that local authorities in many cases let poor housing and living conditions persist in informal Romani settlements. ERRC research from 2011 shows that the approximately 50 Roma in Peso da Regua⁴¹, who have resided between the river and the rail road tracks for 17-20 years, were instructed to do so by the municipality. The community includes elderly, women and children who live in makeshift metal, plastic and wooden shacks. Until a year ago no drinkable water was available, however, since 2010, the municipality provided one water tap next to the rail road tracks where high speed trains run every hour. The settlement has no electricity, no drainage, and no sanitation facilities and in inclement weather, the shacks are flooded and often get damaged.⁴²
 54. ERRC research on the housing situation of Roma in Portugal over a period of six years shows the inadequate and unacceptable state of informal Romani homes throughout Portugal. Recent research from 2011 confirms that the situation remains unchanged; whatever programs may be planned or in place, they do not meet Portugal's obligations under both national and international law to ensure that Roma are resettled in adequate and integrated housing. Although isolated attempts by local authorities to improve the substandard housing conditions for some Roma communities have been made; the overall situation is highly unsatisfactory. The poor housing conditions of Roma trigger a positive obligation of national and local authorities to improve the deplorable and constantly deteriorating housing conditions for Roma in informal settlements, where dwellings often consist of unprotected tents exposed to inclement weather conditions, makeshift shacks made of tin plates and wooden planks and dilapidated concrete housing blocks.
 55. The submitted information by the ERRC clearly illustrates the unwillingness of national and local authorities to remedy and improve housing conditions for Roma in Portugal. In many cases documented by the ERRC, political unwillingness and/or reluctance contributes on a large to scale to persisting deplorable housing conditions for Roma. In extreme cases, authorities go as far as erecting physical barriers to segregate Roma from the majority population and in other alarming cases, high ranking politicians denigrate Roma as an ethnic

⁴⁰ Government's observations, p. 13, para. 3.

⁴¹ See photographic evidence attached in Appendices 14 and 15.

⁴² ERRC field visit, Peso da Regua, 3 February 2011.

- group. Such actions and inactions on part of authorities bear the mark of discrimination as Roma are being treated differently than others in a similar situation. The government has failed to refute the arguments of discrimination set out in the original complaint.
56. The approach of the Portuguese government to the housing situation of Roma points to, at a minimum, indirect, discriminatory policies, which keep Roma excluded, marginalised and oppressed through residential and racial segregation and substandard quality housing. As a result, Romani families are often denied the most basic public services and benefits on the grounds of race and/or ethnicity, contrary to a range of international commitments undertaken by Portugal towards the elimination of all forms of discrimination. The implementation of policies and programmes that impact the housing situation of Roma also appears to be biased by discriminatory attitudes prevalent among some public authorities.
57. In view of the above, the ERRC reiterates its request to the Committee of Social Rights to find Portugal in violation of Articles 16, 30, 31 and Article E.

REQUEST FOR COSTS AND EXPENSES

58. The ERRC respectfully requests that the Committee consider reimbursements of costs of 18,080 Euro to the ERRC related to research and preparation of the ERRC Collective Complaint against Portugal. A detailed itemised budget is appended hereto.

Robert Kushen
Executive Director
European Roma Rights Centre

4 March 2011