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EUROPEAN SOCIAL CHARTER

16th National Report on the implementation
of the European Social Charter

submitted by

THE GOVERNMENT OF PORTUGAL

Follow-up to collective complaints

Report registered by the Secretariat on

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CYCLE 2021

EUROPEAN SOCIAL CHARTER

National Report on the implementation of the European Social Charter

Submitted by

PORTUGAL

- Follow-up to collective complaint No. 61/2010

CYCLE 2020

16th R E P O R T

Submitted by the Government of Portugal

In accordance with Article C of the revised European Social Charter and Article 23 of the European Social Charter, copy of this Report

was sent to

General Confederation of Portuguese Workers;

General Union of Workers

and

Confederation of Portuguese Industry.

Introductory note

Portugal submits its 16th Report (2020) prepared in accordance with the reporting system, adopted by the Council of Ministers Decision (CM (2014) 26), of April 2nd, 2014, on the presentation of national reports by States Parties in relation to the application of the revised European Social Charter.

This Report addresses the follow-up given to the decisions of the European Committee on Social Rights in the area of collective complaints, namely **complaint 61/2010**.

I - INFORMATION ON FOLLOW-UP GIVEN TO THE DECISIONS OF THE EUROPEAN COMMITTEE ON SOCIAL RIGHTS IN MATTERS OF COLLECTIVE COMPLAINTS

European Center for the Rights of the Roma Community (ERRC) v. Portugal (nº61 / 2010) Violation of Article E (non-discrimination) in conjunction with Article 31§1 (right to housing - adequate housing); Article E (non-discrimination) in conjunction with Article 16 (family right to social, legal and economic protection); of article E in conjunction with article 30 (right to protection against poverty and social exclusion); Decision on the merit of 30 June, 2011.

Portugal's Reply

In recent years, until the outbreak of the COVID-19 Pandemic, the economic and social situation in Portugal registered significant progress in the main economic indicators - with those of the labour market, poverty, social exclusion and inequalities showing positive progress. According to the most recent data, it is estimated that in 2019, the number of people at risk of poverty or social exclusion decreased by 542 thousand people compared to 2008, making Portugal reach the target set for 2020, in the framework of the 2020 Strategy, to remove 200,000 people from poverty. However, some structural deficits persists, namely in terms of qualifications, income, poverty and inequalities.

These problems occur most acutely with the most vulnerable groups at risk of social exclusion, especially low skilled persons, including Roma communities.

Within the framework of the Constitution of the Portuguese Republic, the State is responsible for promoting well-being and equality, as well as the realization of economic, social, cultural, educational and environmental rights, through the modernization of economic and social structures. In this sense, Portugal has been developing, in recent years, a set of measures, namely, with the Gypsy Community, in order to promote well-being, mutual knowledge, positive interaction and deconstruction of stereotypes, seeking to fight against persistent high levels of discrimination, poverty and social exclusion.

In 2013, Portugal approved for the first time a **National Strategy for the Integration of Roma Communities 2013-2020 (ENICC)**, adopted by the Resolution of the Council of Ministers no. 25/2013, of 17th April and aligned with the Communication from the European Commission

"A European framework for national Roma integration strategies up to 2020" from April 5th, 2011.

The monitoring process proved to be decisive in the need to introduce changes, and in the definition of the Strategy, especially in relation to the clarification and operationalization of measures, as well as in the determination of priority areas of intervention, namely equality between women and men, knowledge about Roma people and their participation in the implementation of ENICC. The Government then decided to proceed with the review of ENICC through the Resolution of the Council of Ministers no. 154/198 of November 29th ¹ - **with an extended term until 2022**. It now comprises **8 strategic objectives and 38 concrete and operational measures**. The objectives and targets were also adjusted to enhance the positive impact in improving the living conditions of the people and communities involved.

The Strategy adopted as priorities:

1. The reinforcement of schooling and professional integration;
2. Improvement of housing conditions for Roma people in situations of social exclusion;
3. Recognition and reinforcement of intercultural mediation intervention, improvement of information and knowledge and combating discrimination against Roma people;
4. Reinforce the relevance of the theme of the integration of Roma people in the political and public agenda, as well as the concertation of different sectors in the promotion of this same integration, highlighting, in particular, the central role of the national strategy for the integration of Roma communities in local policies and integration of the most vulnerable Roma populations.

The ENICC review process was based on a wide consultation of various actors, namely with local authorities and other local public services and with civil society entities, at national and local level, with emphasis on associations representing Roma communities. Consultants for the Consultative Council for the Integration of Roma Communities (CONCIG) and the ENICC focal points were consulted.

Based on the listed guiding principles, **the strategic objectives identified are as follows:**

¹ <https://dre.pt/home/-/dre/117142874/details/maximized>

- a) To improve the efficiency in the implementation of ENICC and to increase knowledge about Roma people;
- b) Promote inclusive and non-discriminatory citizenship;
- c) Reinforce the intervention in intercultural mediation;
- d) Promote equality between women and men in measures to integrate Roma people;
- e) Guarantee effective conditions for access to education, educational success and lifelong learning for Roma people;
- f) Guarantee the conditions for full and equal participation of Roma people in the labour market and in the professional activities;
- g) Guarantee the conditions for effective equality on the access to adequate housing for Roma people;
- h) Guarantee effective conditions for health gains throughout the life cycles of Roma people.

Integrated in these areas, and for 2019, the following execution must be reported:

- Considering the reinforcement of ENICC's implementation and monitoring mechanisms developed with the involvement of Roma people, **the model of local integration plan defined with the involvement of Roma people was implemented**, through the *Guide for the design of Local Plans for Roma Integration of Roma communities*²;
- To strengthen the role of the Observatory of Roma Communities (OBCIG), **three studies were carried out**: "*When I leave, I just want to work like this: perspectives on the social reintegration of Roma women in the post-incarceration*"; "*Social policies RSI and PER as an instrument for the social integration of Roma families*"; "*Roma and digital Literacy: a case study in the district of Évora*"³;

² Available in:

<https://www.obcig.acm.gov.pt/documents/58622/202673/Guia+para+a+Conce%C3%A7%C3%A3o+de+Planos+>

³ Studies are available at:

https://www.acm.gov.pt/documents/10181/167771/COLECAO_OLHARES_11_perspetivas+em+orno+da+Reinser%C3%A7%C3%A3o+Social.pdf/b8c2d2dc-d8d4-4778-957a-9811e45fb984

- Regarding the improvement of knowledge of the school situation of students and trainees in Roma schools and *Qualifica Centres*, **there was a presentation of data and discussion of policies and practices**, involving the Public Administration, specialists, teachers and Roma people;
- Regarding the promotion of protection rights literacy against discrimination against Roma people, information actions were developed about the Commission for Equality and Against Racial Discrimination and the anti-discrimination legal regime aimed at Roma people;
- In the area of promoting Roma people's associations, awareness was developed towards associating with Roma people, projects were supported by Roma Representative Associations (ARPC) through the Roma Associations Support Program (PAAC) and there was a training aimed at ARPC, within the scope of PAAC;
- To reinforce the intervention in intercultural mediation, **training actions were developed for schools in Educational Territories with Priority Intervention**, in order to reinforce the involvement of intercultural mediators as well as the reinforcement of mediators integrated in the Romed Program;
- With a view to promoting civic, political and associative participation of Roma girls and women, **awareness of associativism among women took place in a campaign using Roma women with a role-model profile**;
- The implementation of mechanisms to encourage access and permanence of young people in secondary education was carried out through the Roma Educa Program;
- Mechanisms have been developed to encourage access and permanence of young people in higher education, through the OPRE Program;
- **Social security professionals and the protection of children and young people were made aware of the cultural and intercultural history of Roma**;
- Bilingual brochures on ENICC were prepared (in Portuguese and English).

https://www.acm.gov.pt/documents/10181/167771/COLECAO_OLHARES_12_Pol%C3%ADticas+Sociais+e+RSI.pdf/540f3191-3e71-4d8d-bcfb-6cb78890558e

https://www.acm.gov.pt/documents/10181/167771/COLECAO_OLHARES_10_Ciganos+e+Literacia+Digital_.pdf/443aaeb4-9b29-4d01-ac63-aa958719c41c

ENICC is thus a platform for the development of a broad and articulated intervention, for the elimination of barriers to participation in citizenship and the elimination of stereotypes that are the basis of direct and indirect discrimination due to racial and ethnic origin. The guiding principles are based on interculturalism, non-discrimination, cooperation and participation, territorialisation and gender equality.

Social Protection

According to Law 4/2007⁴ that approves the general bases of the social security system, in its first article, everyone has the right to social security. For that matter, general principles of the system include the principles of universality, equality, solidarity, social equity, positive differentiation, subsidiarity, social inclusion, intergenerational cohesion, the primacy of public responsibility, complementarity, unity, decentralization, participation, effectiveness, protection of acquired rights and rights in formation, judicial guarantee and information.

For example, within the Social Action Subsystem and in order to prevent and repair situations of socio-economic deprivation and inequality, dependency, social exclusion or vulnerability, as well as the community integration and promotion of people and the development of their capacities, a variety of measures are envisaged, such as:

- a) Cash benefits, of contingent nature and in exceptional circumstances;
- b) Benefits in kind;
- c) Programmes to combat poverty, marginalization and social exclusion;
- d) Social services and facilities.

On the other hand, the access to benefits granted under the Solidarity Subsystem, which obeys the principles of social equity and positive differentiation and aims at contributing to the promotion of the social inclusion of individuals and families, is achieved through the granting of a set of benefits, namely:

⁴<https://dre.pt/web/guest/legislacao-consolidada//lc/66738585/201312300000/66802655/diplomaExpandido/indice>

- a) Social Integration Income (RSI);
- b) Social pensions;
- c) Social Unemployment Benefit;
- d) Solidarity Supplement for the Elderly
- e) Other social supplements
- f) Other benefits or transfers earmarked for specific purposes in the context of achieving the objectives of this subsystem.

It must also be mentioned that the Social protection system of citizenship aims to guarantee basic rights of citizens and equal opportunities, as well as to promote social welfare and cohesion. To achieve those objectives the citizenship social protection system is responsible for:

- a) The realization of the right to vital minimums of citizens in a situation of economic deprivation;
- b) The prevention and eradication of situations of poverty and exclusion;
- (c) Compensation of family burdens; and
- (d) Compensation of expenses in the areas of disability and dependence.

The Social Security Institute is responsible for managing these benefits, insuring their effectiveness and promoting the fulfilment of the obligations of the beneficiaries of the social security system.

ENICC seeks, among others, to monitor the realization of those rights with this community. In fact, ENICC's first strategic objective is to improve information and knowledge of the situation of Roma people through a process of data collection mechanism and monitoring of the various services of the Social Security Institute. However, we must note that **in Portugal, there is no ethnic-racial statistical collection of citizens and that all quantitative data relating to the identification of Roma individuals only happens because they are the ones to identify themselves.**

An instrument that allows the collection of information quarterly was implemented at the 18 District Social Security Centres, on Social Assistance of beneficiaries in the scope of Social

Action and Minimum Income Scheme (RSI)⁵. These consultations/accompaniments are a support that gives expression to the technical work developed with the recipients.

Regarding assistance/follow-up at the RSI level, approximately 121 549⁶ assistances to Roma beneficiaries were carried out, 58,553 of which were with women.

These assistance/follow-ups carried out in Social Action and RSI often **have the collaboration of Roma mediators**. The mediator figure is essential for the resolution of conflicts, in the establishment of bridges, promoting the acceptance of differences, explaining the diverse and the unknown. Its role is very important in promoting the integration of the Roma community, in areas such as education, housing, health and work, among others, and the EU recommends the need to train mediators to work with the Roma community (Program European Training Course for Roma Mediators - ROMED). These mediators' act as intermediaries, promoting dialogue between the technicians and Roma beneficiaries.

It was found that the Districts where there was greater intervention by the mediators were: Porto (102), Lisbon (75) and Beja (69). On the other hand, there are also some Districts that did not use mediators: Castelo Branco, Évora, Guarda, Leiria, Portalegre, Vila Real and Viseu.

Education

One of the eight objectives identified by ENICC, focuses on the Education component, namely, that of ensuring effective conditions for access to education, educational success and lifelong learning for Roma people, seeking, in particular, to combat school dropout early, as it is one of the most notorious challenges of these communities. Relative data⁷ of the 2015/2016 school year revealed that school dropout in the 2nd and 3rd cycles was still expressive, especially

⁵ The RSI is a support designed to protect people in extreme poverty, consisting of: a cash payment to ensure the satisfaction of their minimum needs, and an insertion program that includes a contract (set of actions established according to the characteristics and conditions of the applicant's household, aiming at the progressive social, labour and community insertion of its members.

⁶ A beneficiary can benefit from several services over the period under review.

⁷ <https://dre.pt/home/-/dre/117142874/details/maximized>

among girls (195 girls for 131 boys in the 2nd cycle; 93 girls for 57 boys in the 3rd cycle). However, positive data showed that 60% (58.3% girls and 61.9% boys) of Roma children, who entered the 1st cycle of basic education, had already attended pre-school education.

In this context, **the ROMA Educa Program aims to prevent school dropouts and support secondary school students, through the awarding of scholarships, to the attendance and permanence in secondary education of students from Roma communities.** This initiative was implemented in Portugal for the first time in the academic year 2019/2020, aimed at awarding 100 scholarships and provide, in addition to financial support, a voluntary mentor to each fellow, who was responsible for communicating and articulating with the student under their guidance, ensuring regular mentoring with a view to fostering academic success and increasing the student's cultural and social capital. 60 students applied for this program, resulting in 56 scholarships awarded. In the end, 49 scholarship holders remained, as there were some dropouts. Of these 49 scholarship holders, 13 corresponded to female students and 36 male students. Regarding the geographic distribution of the scholarship holders, 14 districts were represented.

As for the distribution by cycles and school years, 17 scholarship students attend regular education, 32 professional courses, 27 the 10th year, 7 the 11th year and 15 the 12th year.

Aware of the importance of including children and young people in the education system, in April 2019, the General Directorate for Education/Ministry of Education presented a Guide that aims to direct and support the work of schools to pursue this objective - ***Guide: Promote the inclusion and educational success of Roma communities***⁸. Resources, proposals and examples of work are presented, integrated in a useful tool for the daily pursuit of the central mission of the Portuguese educational system: education for all, valuing the presence, participation and development of all children and young people, regardless of cultural and socio-economic contexts, within a framework of equal opportunities and respect for difference.

⁸http://www.dge.mec.pt/sites/default/files/ECidadania/Educacao_Intercultural/documentos/guiao_comunidades_ciganas.pdf

The Guide counted on the collaboration of different entities, namely schools, and presents reports of practices and projects, as well as testimonies in a useful sharing of knowledge that we hope can serve as an inspiration to consolidate the work in this area.

In terms of Higher Education, it is worth mentioning the **Operational Program for the Promotion of Education (OPRE), a scholarship and training program financed by the High Commissioner for Migration (ACM) for young university students from Roma communities.**

In the academic year 2016/2017 (the first year of the program), 25 students (11 men and 14 women) received this support. In addition to the annual scholarship of (up to) 1,500 euros, the participants benefited from specialized technical support, namely in terms of family awareness and mediation, as well as monitoring and mentoring by specialists in the area of school integration of Roma communities.

The 4th Edition of OPRE, implemented in the academic year 2019/2020, provided 39 scholarships (20 women and 19 men) in areas such as Anthropology, Medicine, Tourism, Law, Theatre, Management and Administration. It represented an increase in the number of scholarships awarded. 6 more scholarships than in the previous academic year and 15 more than in 2016. In 2019, **the school achievement rate was 88%. For 2021 and 2022, the government set the goal of allocating 40 scholarships.**

Citizenship

Within the scope of ENICC, Portugal has developed financing programs to promote civic, political, cultural and associative participation, and volunteering for the Roma community. Transversally, the **Support Program for Roma Associations (PAAC)** is intended to support the development of citizenship actions, to promote the fight against discrimination, to raise public awareness, to support projects by civil society organizations, to value history and Roma culture, insertion through support for Roma associations and awareness of intercultural mediation as a strategy to promote services that are more inclusive. In 2020, **in its fourth edition and following the application evaluation process, 10 projects with a duration of up to 12 months were supported, with a total allocation of 60 thousand euros.**

In view of the current pandemic situation of COVID-19, the program also made it possible to support projects related to the current social emergency. Of the 10 approved projects, 3 promoted activities related to food support and basic necessities (such as the preparation and distribution of food baskets), health support (such as awareness/information activities on COVID-19, distribution personal protective equipment and alcohol gel), and social support (such as raising awareness of Roma and youngsters' return to school).

Also in the context of the pandemic, a protocol was signed between the Calouste Gulbenkian Foundation and the High Commission for Migration (ACM), which supported 8 Roma associations that identified food shortages and individual protection needs. This funding made it possible to support around 950 families throughout the country over various Roma associations:

1. Colossal Custom - Association for the Integration of Roma Communities;
2. Grab Examples - Association and Development and Promotion of Roma Communities;
3. TECHARI - National and International Roma Association;
4. AMEC - Association of Roma Mediators of Portugal;
5. Sílabá Dinâmica - Intercultural Association;
6. AMUCIP - Association for the Development of Portuguese Roma Women;
7. Letras Nómadas - Association for the Research and Dynamization of Roma Communities, and
8. Coimbra Cultural Roma Social Recreational Association

ACM also supported the **“Awareness and Prevention Campaign with Roma Communities | COVID-19 ”**, promoted by Sílabá Dinâmica in partnership with Letras Nómadas and Ribalta Ambição - Association for Gender Equality in Roma Communities. Campaign videos are available on Youtube⁹. ACM also supported these same associations in a campaign aimed at Roma children and their families, “O Ciganinho Chico Alerta”, available on Youtube¹⁰.

⁹ <https://www.youtube.com/watch?v=-CElrUy-DY>

¹⁰ Part 1 <https://www.youtube.com/watch?v=uAMxtxJXkKo>

Part 2 <https://www.youtube.com/watch?v=HiUUSack0rA>

Professional Training and Employability

The national public employment service - Institute of Employment and Professional Training (IEFP, IP) - has the mission of promoting the creation and quality of employment and combating unemployment through the implementation of active employment policies, namely vocational training. Thus, based on ENICC, it created the legal conditions to promote the improvement of indicators of well-being and integration of Roma people. These were developed in particular through the training of services, adaptation of training responses to the specificities of these communities, enhancing access to employment and the creation of employment itself and increasing professional qualifications. Depending on the career evaluation, skills and expectations of the registered candidates, carried out by the employment services at the time of defining or redefining the personal employment plan, different employment and training responses were mobilized, such as, for example, the measure «Employment Contract Insertion + »(Integration in social economy institutions that pursue socially necessary activities), professional training actions in their various modalities, To facilitate the operationalization of ENICC, an interlocutor was appointed in each Employment Service to produce internal guidelines, defining procedures, responsibilities and establishing the strategy on the measures to be privileged in response to the Roma community.

With the change of ENICC in 2018, objectives and targets were also adjusted in this dimension, as shown in the following table.

Table 1 - Objectives and targets of ENICC 2013-2020

Strategic Objectives	Specific Objectives	Measures	Indicators	Target				
				2018	2019	2020	2021	2022
4. Promoting equality between women and men in measures for the integration of Roma people	4.1. Encourage and support the participation in professional, civic and political life of Roma girls and women	4.1.2. Promote the participation of Roma girls and women in the labour market and professional activity	No. of Roma women hired under Employment Contract and Employment Premium/Training Measures	5	5	5	5	5
			6. Ensure the conditions for full and equal participation of Roma people in the labour market and professional activity	6.1. Ensure conditions for access of Roma people to wage employment and self-employment	6.1.2. Promotion of increased registration in the EC and EFC and integration of unemployed Roma people and/or seeking their first job	No. of registrations/registers in the EC and EFC of unemployed Roma people and/or seeking their first job	1500	
			No. of Roma people with Personal Employment Plan (PPE)			700	700	700
			No. of Roma enrolment in EC/CEFP promoted by GIP Network	20	20	20	20	
			No. of mentoring processes for monitoring the professional integration of Roma people	50	100	100	100	
			No. of Roma covered by active employment measures or other employability promoting actions, including job creation itself (e.g. Active Youth Employment Measure, Investe Joven Programme, Employment Contract and Integration+, Internship Measure)	500				
		6.1.3 Qualification of trainers and technicians based on the Continuous Pedagogical Training Benchmark for Trainers "Professional Training in a Context of Cultural Diversity: Specificities of Working with Roma"	No. of training actions for CE/CEFP technicians	2	2	2	2	2

Source: IEFP, IP

With the objective of illustrating the levels of integration of Roma communities, through the labour market, the data report the implementation of measures with a very significant impact on the lives (personal and professional) of Roma people.

Table 2 shows the high number of candidates covered by ENICC and referrals for employment and vocational training measures. The referrals are an expression of the technical work developed with the recipients, always focused on their interests and skills. We also highlight the high number of people included in the answers already mentioned, with special emphasis on professional training. The approximation/integration in the labour market was consolidated during the execution of ENICC, as shown by the values of presentations and placements in job offers.

Table 2 - Execution of ENICC from 2014 to 2018

Priorities	Measures	Indicators	2014	2015	2016	2017	2018
30. To promote greater knowledge of Roma communities	Identify potential recipients	ENICC signposted users	1065	2485	3159	3962	4587
	Promote the registration of unemployed people in SE, or update the registration	New registered EPPs	1065	308	528	998	1394
	Survey of previous interventions and referrals to measures, employment and FP	Referrals to measures and programmes	485	2081	2269	2583	3131
		Forwarded vocational training	445	1960	2126	2286	2647
		Integration into measures and programmes	239	1037	997	1116	1428
		Professional Training	223	985	997	1047	1334
	Employment measures	15	52	54	59	55	
32. Enhancing access to employment and job creation	Adjusting to offers	Presented to offers	56	335	572	887	2629
		Placed in offers	1	17	62	98	122
	CEI+	Forwarded	31	84	89	138	164
		Integrated	13	34	38	55	52
	Job Internships	Forwarded	1	2	4	1	2
		Integrated	1	2	2	1	2

Source: IEFP, IP (Mainland)

Table 3 shows the implementation already achieved in 2020 in the framework of the new measures under the responsibility of IEFP, IP in the new version of ENICC.

Table 3 - Execution of ENICC in the first three quarters of 2020

ENICC 2020										
	T1		T2		T3		T4		2020	
Measures and Indicators	Target	Executed	Target	Executed	Target	Executed	Target	Executed	Target	Executed
MEASURE 4.1.2. Promotion of the participation of Roma girls and women in the labour market and professional activity										
• No. Roma women hired under the Employment Contract and Employment Prize / Professional Traineeship Measures	1	0	1	0	1	0	2		5	
MEASURE 6.1.2. Promotion of increased enrollment in CE and CEFP, and the integration of unemployed Roma people or or looking for their first job										
• Number of enrollments / re-enrollments in the CE and CEFP of Roma unemployed and or looking for their first job	94	476	94	241	94	258	94		375	
• No. Roma people with Personal Employment Plan (PPE) Contracted in the period	175	479	175	222	175	296	175		700	
Assets in the period	-	4546	-	4528	-	4639	-			
• Number of Roma people enrolled in CE / CEFP promoted by the GIP Network	5	97	5	2	5	8	5		20	
• Number of tutoring processes for monitoring the professional integration of Roma people	13	91	13	27	13	39	11		50	
• Number of Roma people covered by active employment measures or in other actions promoting employability, including creating their own jobs (eg Active Youth Employment Measure, Investe Jovem Program, Employment and Insertion Contract +, Professional Internship Measure)	31	234	31	30	31	273	32		125	
MEASURE 6.1.3. Qualification of trainers and technicians based on the Continuous Pedagogical Training Referential of Trainers "Professional Training in a Context of Cultural Diversity: Specificities of Working with Roma People".										
• Number of training actions for CE / CEFP technicians		0		0		0			2	

Subtitles:

T: Quarter.

CE: Employment Center.

CEFP: Employment and Vocational Training Center.

GIP: Professional Insertion Office.

Table 4 - Candidates flagged as covered by ENICC, presented and placed in job vacancies registered with the local employment services, in the first three quarters of 2020.

ENICC 2020		T1	T2	T3
Candidates	H	229	161	273
	M	106	75	125
	T	335	236	398
Featured	H	300	145	343
	M	132	65	151
	T	432	219	494
Placed	H	9	6	21
	M	6	4	7
	T	15	10	28

Source: IEFP, IP

Housing

At the national level, access to housing remains one of the greatest difficulties for many families and, therefore, since 2018, Portugal has made it a priority to improve access to decent housing.

Among the various measures, there is **1º Direito – Housing Access Support Programme** established by Decree-Law no. 37/2018, of May 4th, in the implementation phase.

It pursues the first objective of the **New Generation of Housing Policies** aimed at families living in a situation of severe housing shortage, being a **new public support program that aims**

to guarantee conditions of access to adequate housing for people living in unworthy conditions and lack the financial capacity to access an adequate housing solution.

Among other principles defined in article 3 of the aforementioned Decree-Law no. 37/2018, the principle of participation aims to ensure that recipients of housing financed under *1º Direito* are called upon to participate in the definition and implementation of solutions housing and social services for them, with specific mention being made of more vulnerable people and groups, in particular Roma communities.

Equally relevant is the fact that, through the provision of article 11 of the same diploma, housing solutions financed under the this programme for these most vulnerable groups residing in precarious areas, namely in camps, are the object of additional financial support lost. The Municipality is responsible for signalling and diagnosing unworthy housing situations in its territory for the purpose of preparing its Local Housing Strategy to access the Program's support.

This granting of public financial support promotes housing solutions for these people, namely through the transfer of budget allocations from the State Budget, aimed at paying the charges related to the contributions to be granted under the program to provide housing to the most needy families. In this sense, RCM 50-A / 2018 establishes a budget of 700 million euros to be allocated to the *1º Direito* between 2018 and 2024.

In parallel, the Housing to Habitat Program launched in 2018. This program is based on pilot interventions whose anchor is innovative solutions for integrated and participatory management, concertation of objectives and articulation of the actions of the different government areas and entities, public and private, present in the neighbourhoods.

The program was implemented in 4 different neighbourhoods: São Pedro in Elvas, Quinta da Fonte in Loures, Cabo Mor in Vila Nova de Gaia and Escola Técnica in Ponte de Lima. The first three neighbourhoods mentioned have a strong presence of the Roma community and, therefore, the pilot projects implemented are expected to contribute strongly to the socio-territorial integration of the community.

In 2019, the first **Local Housing Strategies were approved** and the first Collaboration Agreements were signed with the Municipalities of Arruda dos Vinhos, Lisbon and Almada that encompass **housing solutions for 6940 families, in a total investment ((Instituto da Habitação**

e da Urban Rehabilitation (IHRU) and Municipalities)) of € 291,867,217.17. In 2020, three more Agreements have already been signed with the Municipalities of Oeiras, Évora and Matosinhos.

The Local Housing Strategies of the Municipalities of Porto, Silves, Torre de Moncorvo, Viseu, Mortágua, Ovar, Alfandega da Fé, Celorico da Beira, Funchal, Guimarães and Lousada are also approved and awaiting the signature of the corresponding Collaboration Agreements.

All 14 Local Housing Strategies already approved to date show that, in cases where Roma communities reside in the territories, these cases are being signalled and housing solutions are being defined in accordance with the specific characteristics of each community.

In terms of the conservation and qualification of its social housing stock, consisting of more than 12 thousand dwellings, the IHRU schedules interventions according to need, making no distinctions according to ethnicity or other characteristics of the resident population.

In 2018, IHRU carried out conservation works in 795 houses, major rehabilitation works in 449 houses and rehabilitation works for unoccupied houses in 174 houses.

In 2019, 421 dwellings were rehabilitated, and in 2020, the IHRU plans to invest around € 6.2 million in major rehabilitation interventions in its neighbourhoods, distributed as follows:

- a) Social Housing Heritage - around € 4.86 M.**
- b) Assets to be allocated to Affordable Leasing (PAA) - around 1.28 M €.**
- c) With regard to vacant houses, an intervention in 215 houses is foreseen, which will correspond to an investment of 2.26 M €.**

In 2019, the electronic platform for Supported Leasing (eAA) was launched, the objective was, among others, to create a platform that would allow centralized requests for housing support and, thus, more quickly meet the housing needs of families. Until June 2020, 45 entities joined this platform and 5,610 housing applications were registered. However, there are not enough housing available to respond to existing requests so increasing the public offer of affordable housing has become a primary objective of housing policies.

In this sense, on January 2nd, 2020, the IHRU launched three tenders for the selection of Projects for the Design of Housing Buildings related to the construction of three projects, in a

total of 212 houses destined to the allocation in accessible lease which integrate the 1st phase of the **Almada Poente Housing Project**, with a total investment of more than 20 million euros.

Seeking to promote access to housing, the **Affordable Leasing Program (PAA)** stands out which is not exactly an instrument for offering social housing but is a housing policy program that aims to make housing available for rent at compatible prices with the household incomes and a minimum duration of 5 years. To this end, the program provides homeowners with an attractive framework for greater security, with mandatory insurance, and at a lower cost, through the granting of tax benefits.

Within the scope of the PAA, the rent must be at least 20% less than a reference value calculated based on several factors, such as the area of accommodation, the median price released by INE, the typology and other specific characteristics of the accommodation (for example, the degree of energy efficiency, the existence of parking, equipment and furniture, the existence of elevators, etc.).

With regard to the IHRU's heritage, 18 dwellings were rented on an accessible lease in February 2020, with a greater number of dwellings expected to be available from September 2020.

Judicial Protection for Housing

Under Article 60 with the heading, Defence of the interests and rights of citizens, of the **Basic Housing Law** (Law No. 83/2019, of 3 September)¹¹ to everyone is recognized the right to full and effective protection of their legally protected rights and interests in matters of housing.

Procedural rights to that effect include, in particular:

- a. The right to action to defend subjective rights and legally protected interests, as well as the right to public action and popular action to defend diffuse, collective and individual homogeneous interests with regard to the level of conservation of the housing heritage and habitat;

¹¹ <https://dre.pt/home/-/dre/124392055/details/maximized>

- b. The right to request the immediate cessation of a situation of gross violation of the right to housing or the dignity of the human person in housing matters;
- c. The right to promote the prevention, termination and reparation of violations of property and values in the quickest possible way;
- d. The right to petition before the public authorities.

Whenever the right to housing as a fundamental human right is called into question by action or inaction of the public administration, a complaint can be filed with the Ombudsman.

Particularly relevant are articles 13 and 60 of this Law, which regulates the protection and monitoring of evictions, and the defence of citizens' interests and rights, which establishes that everyone has the right to full and effective protection of their citizens legally protected rights and interests in housing.

During the exceptional situation of prevention, containment, mitigation and treatment of the epidemiological disease COVID-19, some measures were taken to safeguard the right to housing for all citizens:

1. Eviction actions, special eviction procedures and processes for the delivery of leased property were suspended, when the tenant, due to the final court decision to be handed down could be placed in a situation of fragility due to lack of own housing or other compelling social reasons (no. 11 of article 7 of Law no. 1-A / 2020, 19 March in the wording of Law no. 4-A / 2020 of 6 April);
2. The following were suspended:
 - a) The effects of denunciations of housing and non-housing lease contracts made by the landlord;
 - b) The forfeiture of housing and non-housing lease agreements, unless the tenant does not object to termination;
 - c) The effects of the revocation of the opposition to the renewal of housing and non-housing lease contracts carried out by the landlord;

- d) The period indicated in article 1053 of the Civil Code, if the end of that period occurs during the period of time in which these measures are in force;
 - e) Foreclosure on property that constitutes the defendant's own and permanent home (Article 8 of Law No. 1-A / 2020).
3. An exceptional regime was established for situations of delay in the payment of rent due under the terms of urban housing and non-housing lease agreements, within the scope of the COVID-19 pandemic (Law No. 4-C / 2020, of 6 April).