

Portugal
RAXEN National Focal Point

Thematic Study

Housing Conditions of Roma and
Travellers

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Executive summary

The right to appropriate housing is affirmed at the highest institutional level, in the Portuguese Constitution, and it is, according to the same Constitution, incumbent upon the state, to develop, as part of a general plan, and in articulation with local authorities, policies to ensure such right.

However, even if Roma are identified by many sources as a group with a significant percentage of its population living in precarious conditions, there are no specific policies directed to the Roma population, as there are not specific policies directed to any ethnic or cultural group. Law and policy-making in Portugal are not targeted to specific groups, and the definition of ethnic or national minority is not assigned in Portuguese law and institutions. Therefore, although Roma are frequently referred to as an ethnic minority or a specific cultural group, with five centuries of permanence in Portugal, even in government reports, they are not considered, from a legal point of view, as an ethnic minority. There are some signs of change, but they are as yet faint. The Alto Comissariado para a Imigração e Diálogo Intercultural, I. P. [High Commission for Equality and Intercultural Dialogue] (ACIDI, I. P.), has, within its structure, the Gabinete de Apoio à Comunidade Cigana [Office for Support to the Roma Community], with a website dedicated exclusively to Roma issues. But the recognition of the specific problems and vulnerabilities of the Roma has yet to be translated in a set of policies directed at the roots of those problems and vulnerabilities.

Such political orientations are also present regarding the collection of information, with the gathering of data taking into account the ethnic belonging of individuals being extremely rare, even when it is solely for the purposes of use at an aggregate level. These dispositions are a hindrance to a reliable knowledge of the Roma population living in Portugal, and particularly to the housing problems. It also makes difficult the assessment of existing policies in terms of its suitability to solve situations of social and economic exclusion suffered by many Roma in Portugal.

The lack of accurate data does not mean that the Roma population in Portugal have not benefited from state policies. We know that Roma have benefited from the large re-housing projects, launched in the 1990's and still continued today by central-government but with a major role from the local authorities, but once again we do not have estimates as to the number of beneficiaries. Existing evaluations of the impact on the Roma of the policies of resettlement all point to an effective improvement of the housing conditions of the Roma families, but also to the insufficiency of the processes of re-housing when measured against wider objectives of social inclusion. Two important research projects mentioned in 1.2 of this report realised, within six years of each other, point to the same general results: re-housing processes were incapable of breaking the cycles of social and economic exclusion that were at the root of the poor housing

conditions that the re-settlement was supposed to resolve. Among the agreed causes is the creation of re-housing neighbourhoods effectively segregated, with no integration in the mainstream urban fabric, and the general public stigmatisations that ends up being associated with such neighbourhoods. It is also important to mention that throughout the years buildings and equipment suffered, sometimes, severe deteriorations without any systematic rehabilitation on the part of public authorities. One of the most severe shortcomings of many re-housing projects is that they only considered eligible for re-housing those that were counted in the original census made of the shantytown where the future re-housed populations lived. Since the processes started many times many years after, the families and individuals, who have arrived in the meanwhile not only did not have the right to receive a house, but were also subject to forced evictions, leaving them without any housing solution.

Although the National Action Plans for Inclusion in Portugal in the last nine years contain several goals and measures directed at housing, namely at the level of re-housing, these are addressed to the population in general and none of them aimed specifically at the Roma populations.

There are references, in Portuguese legislation and policies, to the question of housing for disabled persons, but these are directed to the population in general, with no specific mention of Roma.

Regarding the question of anti-discrimination in the field of housing, the Council Directive 2000/43/EC (29.06.2000) was already transposed, forbidding discrimination on the grounds of racial and ethnic origin, and referring explicitly to the question of housing. Functioning within High Commission for Equality and Intercultural Dialogue, is the Comissão para a Igualdade e Contra a Discriminação Racial [Commission for Equality and Against Racial Discrimination] (CICDR), which receives complaints of racial discrimination in all areas, housing included. There is no other body dealing specifically with racial and ethnic discrimination in housing. Some critiques were pointed to the transposition, specifically the capability that Portuguese Law gives to associations to defend the rights of victims of discrimination, is considered not to be in line with the Directive.

The previously mentioned lack of data on Roma, because of the non-existence of ethnically classified data, makes it impossible to have reliable statistical data on the housing situation of Roma. There is no serious sociographic study of this population, and we do not know exactly even the total number of Roma living in Portugal. The efforts of associations and research centres allow us to have an estimate of that number. Those efforts resulted also in an estimate of the number of Roma living in a precarious situation. And although the available estimates are very different, one of them refers to 31 per cent, the other 16 per cent, both are well above the figure for the Portuguese population in general, which is about 0.8 per cent.

Although statistics on Roma and Housing are extremely scarce, there are a number of reports, by public bodies, international organisations, or resulting from social-scientific research that approach, or deal with, the housing situation of Roma. Even when the subject is not specifically housing, but the general situation of Roma, housing is always referred to, since it is an area where Portuguese Roma faces serious problems, and it is an essential domain of social and economic integration. Most reports also point to the great precariousness in which many Roma are living, frequently without the most basic amenities. Although the effort by the Portuguese state at re-housing is recognised, it is also criticised many times, as it produces segregation and is unable to develop integrated policies, in connection with education and labour market inclusion. Public authorities are also regularly accused of effectively discriminating against Roma, treating them as undesirables, forcing their eviction or trying to avoid their presence in the territory. This often reflects the negative feelings of the population in general towards Roma, because of widely held abusive and negative stereotypes about these populations. Such stereotypes and negative attitudes have translated into blatant hostility on the part of non-Roma populations towards Roma families, and the impossibility of their settlement in locations nearby where those populations live.

1. Desk research

1.1. Legal and policy framework

1.1.1. Protection of the right to adequate housing in national legislation

There is no legislation and policies addressing specifically Roma issues in Portugal. There is also no legal definition of ethnic minority in Portuguese law, and Roma are not legally recognized as such, although informally Roma are identified as a particular cultural group or community. Although that identification is popular and widespread among Portuguese society, it has no legal translation in the Portuguese state framework, oriented by principles of general citizenship. Article 13 of the Constituição da República Portuguesa [Constitution of the Portuguese Republic] condenses that orientation under the 'Principle of Equality', which states that: 'No one shall be privileged or favoured, or discriminated against, or deprived of any right or exempted from any duty, by reason of his or her ancestry, sex, race, language, territory of origin, religion, political or ideological convictions, education, economic situation or social circumstances.'¹ The constitution also forbids any kind of discrimination. In Article 26, number 1 it states: 'Everyone is recognized as having the right to his or her personal identity, personality development, civil capacity, citizenship, good name and reputation, and likeness, the right to speak out and the right to the protection of the privacy of his or her personal and family life and to legal protection against any form of discrimination.'

There is no reference, in Portuguese law, regarding the rights of Roma in housing, but the right to adequate housing is declared at the highest legal level, in the Constitution of the Portuguese Republic, where it can be found under Article 65:

- Everyone has the right, both personally and for his or her family, to a dwelling of adequate size, which meets satisfactory standards of hygiene and preserves personal and family privacy.
- In order to ensure the right to housing, it is the duty of the State to:

¹ English Version of the Constitution of the Portuguese Republic, available on the Website of the Portuguese Government:
http://www.portugal.gov.pt/Portal/EN/Portugal/Sistema_Politico/Constituicao/constituicao_p03.htm (23.03.2009)

- Draw up and implement a policy for housing as a part of general national planning and to support plans for urban areas that guarantee an adequate network of transport and social facilities;
- To promote, in conjunction with local authorities, the construction of economic and social housing;
- Promote private building, when in the public interest, and access to privately owned or rented dwellings.
- Encourage and support the initiatives of local communities for the resolution of their housing problems and for promoting the establishment of housing co-operatives and their own building projects;
- The State shall adopt a policy for the institution of a system of rents that are compatible with family incomes and for individual ownership of housing.
- Interested parties shall be guaranteed participation in the drawing up of urban planning instruments and any other instruments for physical planning of the territory.²

Access to social housing in Portugal is not regulated at central government level, but by the local authorities.³

In 2009 the Decree n. 35.106, of 06.11.1945 that regulates the occupation and assignment of public housing to impoverished families was revoked. After two previous proposals from left wing parties,⁴ the parliament voted a new law on public housing regulations that revoked an outdated decree from the fascist regime. It contained a series of norms that were considered abusive and could be used in a discriminatory way. In Article 12 it stated that the occupants of municipal houses could be evicted whenever they 'become unworthy of the occupation right that was given to them'. Decree n. 35.106 of the 06.11.1945 was revoked by Law n 21/2009 of 20.05.2009⁵. The new Law gives the tenants 90 days to leave the house after they have been notified of the eviction. If that period is not respected, the proprietor can request the police force to identify or evict the tenants. The Law lists several reasons for the tenant to lose the right to occupy the house, among them: a change in the economic conditions that lead to the ascribing of the house; making false declarations regarding the income of the household or any other requirements for the ascribing of the house; a delay of more than three months in the payment of the rent; if the tenant does not use

² See:
http://www.portugal.gov.pt/Portal/EN/Portugal/Sistema_Politico/Constituicao/constituicao_p08.htm (12.03.2009)

³ Portugal/Regulating Decree n 50/77 (11.08) available at:
<http://dre.pt/pdf1sdip/1977/08/18500/19681973.pdf> (25.05.2009)

⁴ In the preamble of its law proposal, the Portuguese Communist Party accused the municipality of Porto of making use of this decree to pursue its objectives.
http://www.pcp.pt/index.php?option=com_content&task=view&id=6307&Itemid=196

⁵ Available at <http://dre.pt/pdf1sdip/2009/05/09700/0322303223.pdf> (22.05.2009)

the house for more than three months or his family for more than two months; receiving public financial support for housing or possession of another house, that is adequate to the family. The tenant loses the right to the utilisation of the house when he fails to meet certain requirements, namely: providing the entity who owns the house all the information relative to the composition and income of the household; not using the commons of the building for its own benefit or commit any act that endangers the security of the persons or of the building; not realising unauthorised construction works and not lodging any person not belonging to the household for a period of more than two months without the consent of the owner.

The legalisation of illegal housing is regulated by the Regime Jurídico da Urbanização e Edificação [Juridical Regime of Urbanisation and Construction]. This regime is governed by Law-Decree 555/99,⁶ of 16.12.1999, which has undergone some changes, the latest of them introduced by Law n° 60/2007, of 04.09.2007. There is a special regime for the Áreas Urbanas de Génese Ilegal [Urban Areas of Illegal Origin], regulated by Law n° 91/95 of 02.09.1995,⁷ which was modified by Law n° 10/2008, of 20.02.2008.⁸ These areas are defined, in Article 1° of Law 91/95, as constituted by buildings or sets of buildings, which although unlicensed, are classified as urban in the municipal territory plans.

Portugal has no national legal regulation for halting sites, which is a situation that is dealt with by the local authorities.

Relevant legal provisions at the national level do not have any specific focus on Roma. They extend to all citizens, including Roma. The general lines of organisation of territory at the national level are set by the Programa Nacional de Política de Ordenamento do Território, set by Law n° 58/2007 of 04.09.2007,⁹ modified by the rectifying declaration n° 103-a/2007 of 02.11.2007. The Planos Directores Municipais [Municipal Directive Plans] are the instruments, defined and approved at the local level, which define the areas to be urbanised, and thus eligible for housing. These plans must respect the Regime Jurídico dos Instrumentos de Gestão Territorial [Juridical Regime of Territorial Management], set by Law-Decree 316/2007 of 19.09.2007¹⁰. The construction of housing, or any other building, is regulated by the Regime Jurídico de Urbanização e Edificação [Juridical Regime of Urbanisation and Building] established in Law 60/2007, of 04.09.2007¹¹. This document establishes concrete guidelines on the building of housing.

⁶ <http://dre.pt/pdf1sdip/1999/12/291A00/89128942.pdf> (22.05.2009)

⁷ <http://dre.pt/pdf1sdip/1995/09/203A00/55425550.pdf> (22.05.2009)

⁸ <http://dre.pt/pdf1sdip/2008/02/03600/0114501147.pdf> (22.05.2009)

⁹ <http://dre.pt/pdf1sdip/2007/09/17000/0612606181.PDF> (10.07.2009)

¹⁰ <http://dre.pt/pdf1sdip/2007/09/18100/0661706670.PDF> (10.07.2009)

¹¹ <http://dre.pt/pdf1sdip/2007/09/17000/0625806309.PDF> (10.07.2009)

1.1.2. Specific protection of Roma rights in national legislation

The only institutional place where the expression ethnic minorities occurred was in the name of the Alto-Comissariado para a Imigração e Minorias Étnicas [High-Commission for Immigration and Ethnic Minorities] (ACIME), which is the state equality body. In 2007 the High-Commission for Immigration and Ethnic Minorities became the High Commission for Equality and Intercultural Dialogue, thus becoming a public institute, with added competences in the field of policy making.¹² However, within High Commission For Equality And Intercultural Dialogue , functions the Gabinete de Apoio à Comunidade Cigana [Office for Support to the Roma Community], which has its own website,¹³ and which serves mainly to publicise projects involving Roma, as well as national and international news concerning Roma.

There are no laws dealing with specific issues concerning the housing of Roma in Portugal. There are practices, by the authorities, at the local level, regarding the settlement of camps, and the circulation of nomadic people, which sometimes hit the media, and are frequently interpreted as being against the presence of Roma. However, there is no systematic account of such practices.¹⁴

Segregation is not defined in Portuguese law.

There is no specific legal instrument of defence for citizens in general, and Roma in particular, against forced evictions. Citizens have at their disposal administrative legal means that are not targeted specifically to the question of evictions, but are the legal means that citizens have against any administrative act, independent of the object.

¹² The legal document that defines ACIDI's mission, Decreto-Lei [Law-Decree] n° 167/2007 is available at: http://www.acidi.gov.pt/docs/ACIDI/Lei_organica_ACIDI.pdf (23.03.2009)

¹³ <http://www.ciga-nos.pt/Home.aspx> (23.03.2009)

¹⁴ The human rights association SOS Racismo [SOS Racism] told the NFP that in a village in Alentejo, in the south of Portugal the local police forced at least a Roma individual to sign a term of responsibility, when the marriage of his daughter was held in that locality, assuming responsibility for damages, robberies and alterations of public order. Furthermore, he assumed that the guests of the marriage would not use the bars and coffees of the locality. SOS Racism told the NFP that such constraints to Roma mobility are current practice in the Alentejo region.

1.1.3. Ethnic data collection on housing

Data collection identifying racial or ethnic origin is extremely rare in Portugal. There is only one public database where cultural origin is identified; this is regards to the schooling situation of the diverse cultural groups in Portuguese schools. The database, formerly run by Entreculturas [translates directly as Between cultures],¹⁵ is now run by the Gabinete de Estatística e Planeamento da Educação [Educational Statistics and Planning Office] (GEPE),¹⁶ belonging to the Ministério da Educação [Ministry of Education]. One of the ethnic groups considered in this database, which is used chiefly to measure the school attainment of the cultural/ethnic groups, is the Roma. Generally, the collection of ethnic and racial data is regarded as a sensitive issue, and frequently interpreted as contrary to Portuguese legislation. Article 35 number 3 of the Constitution of the Portuguese Republic regarding the use of computerised data states that: 'Computerised storage shall not be used for information concerning a person's ideological or political convictions, party or trade union affiliations, religious beliefs, private life or ethnic origin, except where there is express consent from the data subject, authorisation provided under the law with guarantees of non-discrimination or, in the case of data, for statistical purposes, which does not identify individuals.'¹⁷ Also Lei 67/98 [Act 67/98] of 26 October 1998, the Lei da Protecção de Dados Pessoais [Act on the Protection of Personal Data] (transposing into the Portuguese legal system Council Directive 95/46/EC of the European Parliament and of the Council of 24.10.1995 on the protection of individuals with regard to the processing of personal, data and on the free movement of such data), declares, in Article 7, number 1, that 'The processing of personal data revealing philosophical or political beliefs, political party or trade union membership, religion, privacy and racial or ethnic origin, and the processing of data concerning health or sex life, including genetic data, shall be prohibited.'¹⁸ Both dispositions refer to the processing of individual data, and Article 35 of the constitution allows for the use of such data for statistical purposes, as long as there is not individual identification. Even so, the use of ethnic categories in the collection of data, even for uses restricted to aggregate levels, without personal identification, remains difficult. The Instituto da Habitação e da Reabilitação Urbana [Institute for Housing and Urban Rehabilitation] (IHRU) wanted to count the number of Roma inhabitants in one of the social housing projects that it runs and, having asked the Comissão

¹⁵ <http://www.entreculturas.pt/Publicacoes.aspx?to=160> (18.03.2009)

¹⁶ GEPE substituted, as from March 2007, the Gabinete de Informação e Avaliação do Sistema Educativo (GIASE – Educative System Information and Evaluation Office). Available at <http://www.3.gepe.min-edu.pt/EstatisticasAnuais/> (05.10.2007)

¹⁷ Available at the website of the Comissão Nacional de Protecção de Dados [National Commission for the Protection of Data] (CNPd) at <http://www.cnpd.pt/english/bin/legislation/article%2035.HTM> (18.03.2009)

¹⁸ Available at the website of the Comissão Nacional de Protecção de Dados [National Committee for the Protection of Data] (CNPd) at <http://www.cnpd.pt/english/bin/legislation/Law6798EN.HTM> (18.03.2009)

Nacional de Protecção de Dados [National Commission for the Protection of Data] (CNPd) has obtained no answer so far.¹⁹

1.1.4. Public Policy on Housing

There is no public policy on housing which targets or has targeted specifically the situation of Roma, but there are programmes, directed to no specific ethnic group, but to people with housing problems, from which Roma have benefited. Among them the Programa Especial de Realojamento [Special Re-Housing Programme] (PER), by its scope and size, must be referred to. The Special Re-Housing Programme was launched in 1993 through Decree-law 163/93 with the objective of eradicating the slums existing in the metropolitan areas of the two biggest Portuguese cities, Lisbon and Porto.²⁰ These were focused in these Metropolitan Areas in order to eradicate the vast shantytowns that had been progressively growing since the eighties.²¹ The public programmes of housing promotion developed by the Portuguese state, like many others, in order to eliminate such clusters of exclusion, aimed at giving an opportunity to groups with poor capacities for residential choice to improve their housing conditions, promoting in this way a greater equality of inter-group conditions. It must be said that these programmes were not specifically directed to ethnic minorities but to the dwellers of the shantytowns, but many of those who lived in shanties where either immigrants from African Portuguese ex-colonies, or Portuguese citizens of African origin, or Roma. After this first Programme another, the PER – Famílias (decree-law ° 76/96 of 20.06.1996) was launched in order to regulate the participation and financing in the support to the acquisition or rehabilitation of houses by the families covered by Special Re-Housing Programme.

In 2008, the Plano Nacional para a Integração Social [National Plan for Social Integration] (PNAI), included in the Estratégia Nacional para a Protecção Social

¹⁹ The representatives of IHRU told the NFP in interview that they have little hopes of getting the permission from the CNPD to gather data regarding the ethnicity of the inhabitants of the neighbourhood.

²⁰ http://www.oim.pt/body_dl79_96.html

²¹ Decree-law 163/93, that created the Special Re-housing Programme at the Lisbon and Porto Metropolitan Areas, foresaw the endowment of financial resources either for the acquisition of housing or for the construction of social housing. The funding was obtained through the Instituto de Gestão e Alienação do Património do Estado [Institute for the Management and Selling of State Patrimony] (IGHAPE), which participated in 50% of the expected expenditure, either for acquisition or for construction. IGHAPE has, meanwhile, ceased to exist, and gave place to the Instituto de Habitação e Reabilitação Urbana, Instituto Público [Institute for Housing and Urban Renewal, Public Institute] (IHRU, I.P.), which resulted from the integration of IGHAPE with the former Instituto Nacional de Habitação [National Housing Institute] (INH) and the former Direcção-Geral dos Edifícios e Monumentos Nacionais [General Direction of National Monuments and Buildings] (DGEMN).

e a Inclusão Social²² [National Strategy for Social Protection and Social Inclusion], for the years 2008-2010 was approved. The Plan recognises the precarious housing situations of the Roma population, often due to 'local strategies but also social-cultural incapability' of Roma and of the rest of the population, which origins 'prejudice and stereotypes which hinder those citizens to escape from vulnerable situations'.²³ Nonetheless, the National Plan for Social Integration only defined one policy measure addressing this problem with the creation of an Advisory Group for the Inclusion of Roma Communities. Six Roma members, with associative and mediation experience, were gathered to develop actions close to the Roma community, amongst them to mediate neighbourhood conflicts.²⁴

The National Action Plan for Inclusion for the period 2001-2003 included no reference to the housing of Roma.²⁵

The National Action Plan for Inclusion for the period 2003-2005, included re-housing as one of its goals and the re-housing programme referred to in 1.1.4. as one of its instruments. It also makes reference to Roma, but not in the context of the goals and instruments within the domain of housing.²⁶

The National Action Plan for Inclusion for the period 2006-2008 defines a set of objectives for the area of housing, to be attained by several measures, among them the Special Re-Housing Program, but no reference is made to the Roma in the context of these measures and objectives.²⁷

The final document of the Housing Strategic Plan for the 2007-2013 period is yet to be produced. The provisional guidelines should allow a regional analysis of the housing needs, a critical analysis of the recent housing policies, the elaboration of detailed strategies for planning, implementing, monitoring and assessing housing policies, and the fulfilment of these objectives in a participative mode, mobilising social actors.²⁸ Even if the Roma housing problem is not targeted in guidelines, the vulnerability of this population will be addressed as stated by the interview with a Senior Technician in the Institute Of Housing And Urban Rehabilitation, the public body responsible for the

²² Estratégia Nacional para a Protecção Social e a Inclusão Social, parte II – Plano Nacional para a Integração Social [National National Strategy for Social Protection and Social Inclusion, part II - Plan for Social Integration] (2008),

²³ Estratégia Nacional para a Protecção Social e a Inclusão Social, parte II – Plano Nacional para a Integração Social [National National Strategy for Social Protection and Social Inclusion, part II - Plan for Social Integration] (2008), p. 9.

²⁴ Estratégia Nacional para a Protecção Social e a Inclusão Social, parte II – Plano Nacional para a Integração Social [National National Strategy for Social Protection and Social Inclusion, part II - Plan for Social Integration] (2008), p. 35.

²⁵ http://www.gep.mtss.gov.pt/estudos/peis/pnai0103_en.pdf (10.07.2009)

²⁶ http://www.gep.mtss.gov.pt/estudos/peis/pnai0305_en.pdf (10.07.2009)

²⁷ <http://www.pnai.pt/docs/PNAI%202006-2008%20-%20português.pdf> (10.07.2009)

²⁸ Available at http://www.planoestrategicohabitacao.com/docs/Guidelines_Diagnostico_abr07.PDF

elaboration of the Plan.²⁹ It is not possible, at the moment, to know if the Housing Strategic Plan for the 2007-2013 period has any specific focus on elderly Roma, women, Roma with disabilities or children, but since the provisional guidelines do not target specifically the Roma, any specific focus on Roma sub-groups should not be expected.

Though there were, and are several re-housing initiatives in place, specially carried out by Municipalities there is no specific programme targeting ethnic and minorities, Roma or otherwise, concerning housing.

1.1.5. Positive action

There are no positive action measures directed towards Roma or any other specific ethnic or cultural groups in Portugal.

Since laws and policies are directed to all, irrespective of ethnicity, there is no possible assessment of their relevance for a specific group such as Roma.

1.1.6. Housing components in national gender equality legislation and policies

There is no specific reference to Roma in national gender equality legislation and policies.

1.1.7. Housing in national disability legislation and policies

Portuguese legislation and policies on disability do not contain any specific reference to Roma.

The I Plano De Acção Para A Integração Das Pessoas Com Deficiências ou Incapacidade para os Anos de 2006 A 2009,³⁰ [First Action Plan for the Integration of Persons with Disabilities or Incapacities for the years from 2006-2009], which sets as its general goal the social inclusion of persons with disabilities or incapacities, which was approved through Resolution of the Cabinet number 120/2006, of 21.09.2006, in Point 1, Axis nº 1, includes Strategy nº 1.1. with the explicit aim of 'Promoting the universal access to the physical environment, buildings and transports'. within this, Point 3.1.3. states

²⁹ Interview with the IHRU, Lisbon, 09.03.2009, 44'.

³⁰ http://www.inr.pt/bibliopac/diplomas/res_120_2006.htm (10.07.2009)

as an objective the reinforcement of the ‘quality and capacity of the network of social facilities to persons with disabilities [...]’.

The Plano Nacional de Promoção da Acessibilidade³¹ [National Plan for the Promotion of Accessibility] systematises a number of measures with the explicit goal of providing persons with restrained mobility or sensorial difficulties the autonomy, equality of opportunities and social participation to which they are entitled as citizens. One of the specific targets of this plan, established in its Point 2.2.2 is to ‘Guarantee the accessibility in public space and in built spaces’, establishing a minimum level of accessibility in new buildings, and the adaptation of existing buildings and houses to the special needs of their dwellers.

The National Action Plan for Inclusion 2006-2008 refers, under Priority 3, the need to ‘Overcome the discriminations, reinforcing the integration of persons with disabilities and immigrants.’³²

The Normative Dispatch 28/2008 of 03.05.2008 regulates the conditions of organisation, setting and functioning of residential structures for persons with disabilities, without any reference to Roma citizens.³³

Law nº 46/2006 forbids discrimination on the grounds of disability, without any reference to the question of racial or ethnic discrimination.³⁴

1.1.8. The impact of legislation and especially of the Race Equality Directive on the housing situation of Roma

Council Directive 2000/43/EC (29.06.2000), which applied the principle of equal treatment of people without distinction with regard to racial or ethnic origin, was transposed to the internal legal system through Law 18/2004, of 11.05.2004,³⁵ which established the legal framework for combating discrimination on the basis of racial or ethnic origins the areas covered by Council Directive 2000/43/EC (29.6.2000). One of the most important aspects of this Directive is the obligation for Member States to designate specialised bodies for promoting equality of treatment in the terms of the Directive (article 13). The main functions of these bodies are to provide independent assistance to victims in following up their complaints and to prepare independent studies, reports and recommendations. In Portugal the specialised body is the High

³¹ <http://www.inr.pt/content/1/3/pnpa> (10.07.2009)

³² <http://www.pnai.pt/docs/PNAI%202006-2008%20-%20português.pdf> (10.07.2009)

³³ <http://www.dre.pt/pdf1sdip/2006/05/085B00/32173222.PDF> (10.07.2009)

³⁴ <http://www.dre.pt/pdf1sdip/2006/08/16500/62106213.PDF> (10.07.2009)

³⁵ <http://www.portolegal.com/DiscriminacaoRacial.htm> (6.03.2009)

Commission for Immigration and Intercultural Dialogue.³⁶ Within High Commission For Equality And Intercultural Dialogue , works the Comissão para a Igualdade e Contra a Discriminação Racial [Commission for Equality and Against Racial Discrimination] (CICDR), specialising in the fight against racial discrimination, with the task of collecting information regarding racism and other related discriminations, receiving complaints of racism and directing them to the competent bodies for the instruction of the processes³⁷. Another important feature of Law 18/2004, of 11.05.2004, was the introduction of indirect discrimination as a legal concept. In Article 3, number 3, b) indirect discrimination is defined as ‘whenever a disposition, criterion, or practice, apparently neutral, places individuals of a certain racial or ethnic origin in a situation of disadvantage comparatively to other individuals.’ However, in the same article 3, number 3, c) is stated that ‘discrimination does not occur when behaviour is based on any of the above-mentioned factors and, due to the nature of the activities or the context in which they are carried out, that factor is a justified condition and determining for their exercise, provided that the objective is legitimate and that the condition is proportionate.’ In what concerns specifically the question of housing, Article 3, number 2, c) of Law 18/2004 considers as discrimination the refusal to sell, let or sub-let or place restrictions on the sale, lease or sub-lease of immovable property based on grounds of race, colour or nationality.

There is no assessment as to the impact of the transposition of the directives in any particular group of potential victims, Roma or other. The ‘Portuguese Report on Measures to Combat Discrimination’, drafted by Manuel Malheiros for the European Network of Legal Experts in the non-discrimination field contains an assessment, up until January 2007, of the implementation of the directives and points to some insufficiencies. One of them concerns the capacity that the law grants to the associations which, in the opinion of the author, is not in line with the directives, since Portuguese law gives them little right to intervene in administrative or legal proceedings.³⁸

³⁶ <http://www.acidi.gov.pt/> (6.03.2009)

³⁷ <http://www.cicdr.pt/> (6.03.2009)

³⁸ ‘Associations have practically no right to intervene in administrative or legal proceedings to impose fines concerning discrimination at work (Article 9(2) of Directive 2000/78). As far as labour legislation is concerned, Article 477(d) of the Labour Code stipulates that trade union associations have the right to ‘initiate and intervene in legal cases and administrative proceedings in matters relating to the interests of their associates as provided for by law’. Also employers’ organisations cannot intervene to support their members when they are prosecuted for employment related to discrimination.’ *Report on the Measures to Combat Discrimination*. Council Directives 2000/43/EC and 2000/78/EC. Country Report Portugal. State of Affairs up to 8 January 2007. p. 6 Available at: http://www.migpolgroup.com/multiattachments/3430/DocumentName/ptrep05_en.pdf (12.03.2009)

1.1.9. The impact of general public policies on the housing situation of Roma

The Special Re-Housing Programme prompted some research projects, to evaluate its impact, some of them addressing the question of the specific impact of the re-housing processes in particular groups, such as the Roma. According to some authors the Special Re-Housing Programme contributed to the reduction of residential segregation levels of ethnic minorities – especially the poor – due to the assemblage of ethnic minorities and population from the majority group.³⁹ Other studies, however, point to more critical aspects of the re-housing processes. Some research has been made as to the spatial segregation of immigrants and ethnic minorities, as well as to interethnic relations arising from spatial co-existence. Since many of the re-housed individuals were immigrants or ethnic minorities (especially Roma or Africans), some reports have focused on the specific question of inter-ethnic relations or on the contribution of re-housing programmes for the integration of immigrants and ethnic minorities. This is the case of a study⁴⁰ conducted by the Centro de Ecologia Social [Centre for Social Ecology] (NESO) of the Laboratório Nacional de Engenharia Civil [National Laboratory of Civil Engineering] (LNEC), requested by the Instituto Nacional de Habitação [National Housing Institute] (INH) of the Ministério do Equipamento Social [Ministry of Social Equipment]. The relationship between housing and the processes of social integration of Ethnic Minorities from African Countries Having Portuguese as their Official Language (PALOP) and Roma populations residing in the Metropolitan Areas of Lisbon and Porto is the main theme.⁴¹ The request for this study was based on the necessity of providing municipalities with research that helped them in dealing with a population of African and Roma origin in need of public support for the resolution of their housing problems. Special attention was given to the way minority members perceive themselves, how they evaluate their residential situation, how they perceive the majority ‘other’ (in these case Portuguese whites) and how they suppose that that other perceives them and the territories they inhabit. As to inter-ethnic relations among the re-housed population, if we consider the total population it is not a very relevant dimension, but it is if we consider solely Roma re-housed in

³⁹ Fonseca, M.L. et al. (2002) Immigrants in Lisbon – Routes of integration. CEG, Lisbon University, Studies for Urban and Regional Planning, n 56 pp. 91-92.

⁴⁰ Ministério do Equipamento Social- Laboratório Nacional de Engenharia Civil- Grupo de Ecologia Social [Ministry of Social Equipment- National Laboratory of Civil Engineering- Center of Social Ecology] (2001), Habitat e Minorias: Limites e Potencialidades da Promoção Pública de Habitação em Processos de Integração socio-urbanística. Relatório Final. [Habitat and Minorities: Limits and Potencialities of the Public Promotion of Housing in processes of socio-urban integration. Final Report] Trabalho executado para o Instituto Nacional de Habitação [Work executed for the National Housing Institute]

⁴¹ The population target of the study was divided into four groups for analysis, taking into account ethnic belonging, the type of housing and the geographical area of residence: Africans in Lisbon residing in degraded areas; Africans in Lisbon living in re-housing neighbourhoods; re-housed Roma in Lisbon; re-housed Roma in Oporto.

Lisbon. This population manifests their dislike with the multi-ethnic character of their neighbourhood but also that they have to live with other families of Roma origin. In this respect it should be pointed out that half the Roma population states that, if they could, they would choose as neighbours non-Roma white Portuguese.⁴² Another important aspect covered by this study is that of inter-ethnic relations between the re-housed population and the population of the neighbourhoods surrounding the re-housing site. All the neighbourhoods covered by this study have, according to the authors, and based on the statements from the re-housed population, negative public images more or less embedded in the social imagery of the populations. This negative image comes from the simple fact of being re-housing neighbourhoods, with populations coming from shanties, and that the latter were perceived by society as dangerous areas. Reinforcing this aspect is the occurrence of violence, and the presence of marginality and delinquency, which tends to be amplified. The interviews show that the residents have a clear perception of the negative image affecting their neighbourhood.⁴³ In some cases, like Vale do Forno and Quinta da Fonte in the Lisbon Metropolitan Area, the re-housing occurred with little care and in a hurried way, responding to the momentary need to re-locate some populations. In the case of Vale do Forno the land was necessary for the realisation of public works and thus the population was re-located to a derelict army headquarters. Both neighbourhoods were in a peripheral situation with poor accessibility to the centre, thus in a situation of socio-spatial isolation which, for most of the dwellers meant that they were being relegated to the periphery. The case of Vale do Forno was the more significant of the two. That it was a headquarters with only one way out and surrounded by a high wall, must be added the fact the population is constituted only by Roma, configuring a situation of spatial segregation. Since the realisation of this study the population of Vale do Forno was relocated to proper social housing. The study also comprised an evaluation on the contribution of

⁴² Only 26% of individuals claim to prefer to co-habit with members of the same ethnic background. 22% of Roma said that if they could they would avoid living with other Roma, and 30% of them stated that Africans are to be avoided as neighbours. The same percentage of Africans, 30%, point to individuals of Roma ethnic background as persons to avoid as neighbours. 44% are indifferent as to the ethnic origin of neighbours. Ministério do Equipamento Social- Laboratório Nacional de Engenharia Civil- Grupo de Ecologia Social [Ministry of Social Equipment- National Laboratory of Civil Engineering- Centre of Social Ecology] (2001), *Habitat e Minorias: Limites e Potencialidades da Promoção Pública de Habitação em Processos de Integração socio-urbanística. Relatório Final.* [Habitat and Minorities: Limits and Potential for the Public Promotion of Housing in processes of socio-urban integration. Final Report] Trabalho executado para o Instituto Nacional de Habitação [Work executed for the National Housing Institute] pp. 27-28

⁴³ Ministério do Equipamento Social- Laboratório Nacional de Engenharia Civil- Grupo de Ecologia Social [Ministry of Social Equipment- National Laboratory of Civil Engineering- Center of Social Ecology] (2001), *Habitat e Minorias: Limites e Potencialidades da Promoção Pública de Habitação em Processos de Integração socio-urbanística. Relatório Final.* [Habitat and Minorities: Limits and Potential for the Public Promotion of Housing in processes of socio-urban integration. Final Report] Trabalho executado para o Instituto Nacional de Habitação [Work executed for the National Housing Institute] pp. 26-27

the PER in ending with processes of social exclusion of which inhabiting in shanties is just the most visible aspect. One of the assumptions both of the researchers and the decision makers that commissioned the study is that the housing dimension can prevent, and even contribute to reversing the aspects of social mismatch. Therefore, one of the main issues is a weighing of the gains and losses between the shanties and the re-housing neighbourhoods, with one of the guiding questions of the study focusing on the continuity between the two spaces and with what concerns certain dynamics will eventually hinder the integration of ethnic minorities living in situations of poverty? In what measure can these initiatives stop vicious cycles of social exclusion? Or instead, do they constitute solely an opportunity to improve the housing conditions of the beneficiaries? The authors suspect that many times re-housing programmes are an improvement in the housing conditions of the beneficiary populations, but do not constitute significant steps in the processes of integration. This may be because of the already mentioned continuity of specific traits of shanties into the social housing neighbourhoods, namely its social isolation in relation to the enviroing community and the bad images of the shanties that accompany the population to the new neighbourhoods, prompting the rejection by the population that lives nearby the re-housing site. The authors assume that precariousness in housing constitutes only the most visible aspect of a social exclusion present in other domains such as the social, the economic and the politic, and that these factors, at the root of the processes of social exclusion, are not tossed away because of re-housing projects. As to the judgements of the Roma population re-housed, both in Lisbon and Porto, Re-housed Roma in Lisbon reveal the greater dissatisfaction as to their present residential condition. The main focus of negative judgment is the neighbourhood itself, with the Roma claiming to prefer their previous place of residence. Re-housed Roma in Porto show greater levels of satisfaction than those of Lisbon. Despite the negative evaluation of the place of residence, they say that they are presently better lodged in comparison with the past. There is no reference as to the impact of the re-housing projects regarding the situation of sub-groups such as the elderly Roma, women, Roma with disabilities or children.

During 2006, the European Roma Rights Centre (ERRC) and Númena – Centro de Investigação em Ciências Sociais e Humanas [Numena – Research Centre in Human and Social Sciences] conducted a research project, aimed at evaluating the impact of public social services in the processes of social inclusion of the Roma and Traveller population in three countries: Portugal, France and Czech Republic. Guided by the hypothesis that equal access to social services is a necessary condition for the promotion of the social inclusion of groups living in difficult economic and social conditions such as Roma, the research focuses on four domains of public services. the access to: social assistance, social housing, state-sponsored health insurance, and state-sponsored pensions.⁴⁴ The authors

⁴⁴ Bedard, T. and Olomoofe, L. (2007) Social Inclusion Through Social Services: The Case of Roma and Travellers. Accessing the Impact of National Action Plans for Social Inclusion in

highlight the benefit that the Special Re-Housing Programme represents for the Roma populations, since it is often the only way to obtain an improved housing situation,⁴⁵ but they also identified several deficiencies in the current Portuguese State housing policies, based on existing documentation, and in fieldwork carried out specifically for this study, conducted ahead of the Roma populations. One of the main problems that are pointed in the report is that the re-housing processes resulted many times in segregated neighbourhoods, with substandard living conditions,⁴⁶ since the estates in which the Roma were re-housed suffered rapid degradation and were not the object of rehabilitation. Another negative aspect is that the cultural specificities of Roma are not taken into account in re-housing and furthermore the re-housing settlements are not adequately integrated in the urban fabric. Typically, they occur many times in areas far from the urban centre, with disregard for the question of accessibility, thus reinforcing the spatial segregation of Roma.⁴⁷

A major problem with the Special Re-Housing Programme is that the original census of the families living in informal settlements was conducted in 1993, and since then no new census has been carried out. The municipalities, however, did not conduct the re-settlements immediately after the census took place, the plans were drawn up, and the re-housing implemented, so taking into account only those individuals covered by the 1993 census. Since these implementations took place many times and more than a decade after 1993, many new individuals have moved into the areas to be resettled, and are not eligible to receive a new house, since they were not taken into account in the original census. Furthermore, they are exposed to the threat of eviction since, when the time comes for the eligible population to move into the new houses, the shacks are to be demolished.⁴⁸

Czech Republic, France and Portugal. Budapest: ERRC/Númena. Available at: <http://www.errc.org/cikk.php?cikk=2737> (5.03.2009)

⁴⁵ Bedard, T. and Olomoofe, L. (2007) Social Inclusion Through Social Services: The Case of Roma and Travellers. Accessing the Impact of National Action Plans for Social Inclusion in Czech Republic, France and Portugal. Budapest: ERRC/Númena P. 58. Available at: <http://www.errc.org/cikk.php?cikk=2737> (5.03.2009)

⁴⁶ Bedard, T. and Olomoofe, L. (2007) Social Inclusion Through Social Services: The Case of Roma and Travellers. Accessing the Impact of National Action Plans for Social Inclusion in Czech Republic, France and Portugal. Budapest: ERRC/Númena P. 58. Available at: <http://www.errc.org/cikk.php?cikk=2737> (5.03.2009)

⁴⁷ Bedard, T. and Olomoofe, L. (2007) Social Inclusion Through Social Services: The Case of Roma and Travellers. Accessing the Impact of National Action Plans for Social Inclusion in Czech Republic, France and Portugal. Budapest: ERRC/Númena P. 58. Available at: <http://www.errc.org/cikk.php?cikk=2737> (5.03.2009)

⁴⁸ Bedard, T. and Olomoofe, L. (2007) Social Inclusion Through Social Services: The Case of Roma and Travellers. Accessing the Impact of National Action Plans for Social Inclusion in Czech Republic, France and Portugal. Budapest: ERRC/Númena P. 58. Available at: <http://www.errc.org/cikk.php?cikk=2737> (5.03.2009)

A new public housing programme named PROHABITA was presented in 2004,⁴⁹ by the government with the purpose of solving the most precarious and extreme housing cases. It provided a permanent mechanism that could be used by regions and municipalities to face situations involving people living in buildings, parts of buildings or provisory structures that are seriously damaged, are not safe, compromise health or are over populated or people who lived in houses that were demolished or destroyed. It was also intended to reinforce and promote housing rehabilitation instead of the acquisition or building of new ones as in previous public housing programmes. This programme explicitly addressed the referred problem with the population not included in the Special Re-Housing Programme, contemplating the possibility of temporarily renting rooms in tourist facilities for families that were evicted as a consequence of the Special Re-Housing Programme demolitions. Although a specific evaluation of this programme was not accessible, its relevance and impact were mentioned in a document written by the team preparing the previously mentioned Strategic Housing Plan.⁵⁰ In general terms, the regional forums convoked by them indicated that this programme presented high costs and that the bureaucracy of rehabilitation programmes results in a very low number of applications. Furthermore, it does not consider local diversity since the eligibility criteria privileges urban characteristics.

⁴⁹ The Decree-Law n. 135/2004 of July 3rd, creates the PROHABITA program [Financial Program for Housing Access]. Later on the new Decree-Law n. 54 n/2007 of March 12th deepened its coverage of precarious housing situations. The Prohabita website is available at: <http://www.portaldahabitacao.pt/pt/portal/habitacao/programasapoio/prohabita.html> (6/26/2009)

⁵⁰ Contributos para o Plano Estratégico de Habitação 2008/2013 – Relatório 1: Diagnóstico de dinâmicas e carências Habitacionais [Contributions for the Housing Strategic Plan 2008/2013 – Report 1: Diagnosis of housing dynamics and necessities] (2008), p. 180-181

1.2. Quantitative data on the housing situation of Roma and Travellers

1.2.1. Number of Roma in Portugal

There is no exact knowledge as to the number of Roma living in Portugal. The census of the Portuguese population that the National Statistics Institute releases every ten years, does not demand any information concerning the ethnic origin of the individuals, for reasons stated in 1.1. Therefore, all we have are estimates that are not always very reliable. In 2001, the association SOS Racismo [SOS Racism] launched a nationwide survey of 307 Municipal Councils, of which 206 responded, and arrived at the number of 21,831, an underestimation, according to SOS Racismo itself.⁵¹ After considering this number, SOS Racismo placed the total number of Portuguese Roma at around 40,000. Portuguese authorities in its national reports to CERD used this same figure, referring to the SOS Racismo survey.⁵² The researcher Alexandra Castro, of the Centro de Estudos Territoriais [Centre for Territorial Studies] (CET) also sent a survey to local councils and to the Guarda Nacional Republicana [National Republican Guard – the police force] in 2006, which, combined with data collected by SOS Racismo, represents coverage of about 75.5 per cent of the national territory. The estimate that was arrived at was approximately 34,000 Roma living in Portuguese territory.⁵³ The European Commission Against Racism and Intolerance (ECRI), of the Council of Europe mentions, in its third report on Portugal, the existence of about 40,000 to 50,000 Roma living in Portugal, but no reference is given as to how this estimate was arrived at.⁵⁴ National Work of the Roma Pastoral has on its website an estimated figure of about 50,000 Roma living in Portugal.⁵⁵

⁵¹ SOS Racismo (2001) *Sastipen ta li, Saúde e Liberdade. Ciganos – números, abordagens e realidades*. [Health and Freedom. Roma – numbers, approaches and realities] Lisboa: Ed. SOS Racismo.

⁵² UN Committee on the Elimination of Racial Discrimination CERD (2004) UN Committee on the Elimination of Racial Discrimination: State Party Report, Portugal, 6 May 2004, CERD/C/447/Add.1, available at: <http://www.unhcr.org/refworld/docid/41176bd34.html>

⁵³ CASTRO, A. (2007), *Dos Contextos Locais à Invisibilização Política. Discussão em Torno dos Ciclos de Exclusão Habitacional dos Ciganos em Portugal*. [From Local Contexts to Political Invisibility. Discussion around the Cycles of Housing Exclusion of Roma in Portugal] In *Cidades, Comunidades e Territórios* 15

⁵⁴ European Commission Against Racism and Intolerance (2007) *Third Report on Portugal*. Strasbourg: Council of Europe. Page 28

⁵⁵ <http://www.ecclesia.pt/pnciganos/> (12.03.2009)

1.2.2. Data on the housing conditions of Roma in Portugal

There is no reliable figure as to the housing conditions of Roma. Housing conditions that are considered in the Census of the Portuguese population produced every ten years by the National Statistics Institute, but not the ethnicity of the population. There are, however, some estimates, resulting from the initiatives of associations or research centres. According to field research by the National Work of the Roma Pastoral in 2000 covering the Portuguese continental territory,⁵⁶ there were about 834 families housed in precarious and segregated conditions. These families represent a total number of 4,398 persons.

In the inquiry developed by SOS Racismo in 2001 and the estimate at which it arrived, is that 31 per cent of all Roma in Portugal live in precarious conditions, which are particularly severe in the districts of Viana do Castelo, Castelo Branco, Coimbra and Évora. The researchers Alexandra Castro and André Correia, of the Centre for Territorial Studies presented, more recently, a different estimate for the number of Roma living in precarious conditions, based on research conducted by the CET, referred to in 1.2 where 6,516 Roma individuals were found to be living in precarious housing conditions, corresponding to 16 per cent (if the total Roma population is 34,000) according to the CET estimate) or to 18 per cent (according to the estimate of the National Work of the Roma Pastoral of the estimated number of Roma living in Portugal. If we compare this number to the data of the Portuguese population, conducted by the National Statistics Institute, we see that there are 78,385 persons living in non-classic dwellings in Portugal, which represents 0.8 per cent of the resident population. In conclusion, whichever figure is closest, the one advanced by SOS Racismo (31 per cent) or that calculated by CET (16-18 per cent), the percentage of Roma living in poor housing conditions is always far above the national average, which is a clear sign of the situation of housing disadvantage faced by these populations.⁵⁷

⁵⁶ Exception made to the Lisbon district where a similar work was done five years earlier.

⁵⁷ CASTRO, A., CORREIA, A. (forthcoming) *Ciganos E Precariedade Habitacional: Uma Aproximação À Realidade Em Portugal*. In *Actas do Seminário Internacional Ciganos, Território e Habitat*. Unpublished proceedings of the International Seminar Roma, Territory and Habitat, which took place in Lisbon on the 8th and 9th of April 2008. Kindly granted to the NFP by the publisher, the CET. P. 31

1.2.3. Data on housing tenure of Roma

There is no data available on the housing tenure of Roma and Travellers.

1.2.4. Number of Roma living in regulated encampments

There was one such regulated encampment in Coimbra, which no longer exists, since it was converted to an area where Roma make the transition to mainstream housing before the municipalities provide accommodation (see section 1.5 of this report).

1.2.5. Number of Roma living in unregulated encampments

There is no estimate of the Roma living in unregulated encampments, nor on public utilities in unregulated encampments.

1.2.6. Number of Roma living in segregated settings

There are no officially recognised and identifiable segregated settings. There are, however, cases where Roma live effectively segregated. The impossibility of identifying persons by their ethnicity effectively hinders such an assessment. There is no data on household size and type of Roma.

1.2.7. Data on household type and size

There is no quantitative data on the type and size of the households of Roma in Portugal.

1.2.8. Data on forced evictions

There is no quantitative data on forced evictions of Roma.

1.2.9. Data on the access of Roma to public utilities

There is no data on the access of Roma to public utilities.

1.2.10. Data on available halting sites

There is no information regarding halting sites for Roma in Portugal.

There is no official information demonstrating the impact of housing on education, employment or health care for Roma.

There is no relevant information on the situation of elderly Roma, women, Roma with disabilities or children.

There is no available data regarding the housing situation of Roma from other States of the EU.

1.3. Qualitative information on the housing situation of Roma and Travellers

1.3.1. Quality of housing available to Roma in Portugal

The 'Portugal Country Report on Measures to Combat Discrimination', drafted by Manuel Malheiros for the European Network of Legal Experts in the non-discrimination field refers to the difficult housing situation of Roma, often living in shantytowns and illegal camping places. The re-housing efforts made by the local authorities of some cities, of which Roma have benefited are also referred in the report.⁵⁸ However, negative reactions of the neighbourhood are also mentioned, and social housing considered as insufficient in resolving the housing problems of Roma. On a more general level, in its conclusions the report states that 'In terms of racial and ethnic discrimination, the most vulnerable groups are Roma, immigrants and ethnic minorities, even when they have Portuguese nationality' and calls for positive action, targeting the Roma community, as it would facilitate their integration.⁵⁹

Between 2000 and 2008, the ECRI launched two reports on Portugal, one in 2002 and another in 2007. The difficult housing situation of Roma is acknowledged by both of the reports, which discuss the re-housing projects and cases of discrimination in access to housing. In 2002, the Re-housing Programme, which entailed the eradication of shanty ghettos, where some Roma families used to live in Lisbon and Porto, was still under way and there is a positive note in the report to give credit for such initiative. There were, however, alleged cases of discrimination of local authorities against the location of Roma accommodation. In one of them, detailed by the ECRI report and supported with information provided by the former High Commission For Equality And Intercultural Dialogue and the Ombudsman, a 'certain municipality issued a statement to the effect that 'undesirables' must be excluded from the local community and that property must therefore not be

⁵⁸ MALHEIROS, M. (2007) Report on the Measures to Combat Discrimination. Council Directives 2000/43/EC and 2000/78/EC. Country Report Portugal. State of Affairs up to 8 January 2007. Pp. 33, 44.

Available at:

http://www.migpolgroup.com/multiattachments/3430/DocumentName/ptrep05_en.pdf

⁵⁹ MALHEIROS, M. (2007) Report on the Measures to Combat Discrimination. Council Directives 2000/43/EC and 2000/78/EC. Country Report Portugal. State of Affairs up to 8 January 2007. Pag. 69.

Available at:

http://www.migpolgroup.com/multiattachments/3430/DocumentName/ptrep05_en.pdf

rented or sold to members of ethnic or nomadic groups.’⁶⁰ Through the mediation several official institutions, which included, among others, the ones mentioned above, the statement was replaced but the report notices that ‘Portuguese authorities do not always appear to have taken such acts as seriously as they ought [to].’⁶¹

Five years later, in 2007, the ECRI ‘deplores the fact that a large number of Roma still live in difficult, if not very difficult conditions, despite the progress made in this area in recent years’,⁶² namely through the Re-housing Programme. The report also laments the fact that ‘some Roma communities live in the most basic encampments on the outskirts of towns, sometimes without any access to the essential services such as water and electricity’.⁶³ Furthermore, allegations of discrimination against Roma by some local authorities persisted: some of the latter ‘have deliberately cut off access to water for Roma communities in order to intimidate and humiliate them into leaving.’⁶⁴ As for forced evictions, there were also ‘allegations of arbitrary evictions and demolition of Roma housing without any alternative accommodation being offered.’⁶⁵ Finally, as most of the Roma population in Portugal is now sedentary, the ECRI urges authorities to find ‘lasting solutions for those currently living in the most basic encampments and avoid their having to constantly to move from one place to another under the pressure of local residents and authorities.’⁶⁶

The Assembleia da República [Portuguese Parliament] held a public hearing on the situation of the Portuguese Roma⁶⁷ within the scope of the 2008 European

⁶⁰ European Commission on Racism and Intolerance (2002), Second Report on Portugal, p. 21. Available at: http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_02/02_CbC_eng/02-cbc-portugal-eng.pdf (11.03.2009)

⁶¹ European Commission on Racism and Intolerance (2002), Second Report on Portugal, p. 21. http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_02/02_CbC_eng/02-cbc-portugal-eng.pdf (11.03.2009)

⁶² European Commission on Racism and Intolerance (2007), Third Report on Portugal, p. 28. http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/PRT-CbC-III-2007-4-ENG.pdf (11.03.2009)

⁶³ European Commission on Racism and Intolerance (2007), Third Report on Portugal, p. 28. http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/PRT-CbC-III-2007-4-ENG.pdf (11.03.2009)

⁶⁴ European Commission on Racism and Intolerance (2007), Third Report on Portugal, p. 28. http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/PRT-CbC-III-2007-4-ENG.pdf (11.03.2009)

⁶⁵ European Commission on Racism and Intolerance (2007), Third Report on Portugal, p. 28. http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/PRT-CbC-III-2007-4-ENG.pdf (11.03.2009)

⁶⁶ European Commission on Racism and Intolerance (2007), Third Report on Portugal, p. 28. http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/PRT-CbC-III-2007-4-ENG.pdf (11.03.2009)

⁶⁷ Assembleia da República (2009), Relatório das audições efectuadas sobre Portugueses Ciganos no âmbito do Ano Europeu para o Diálogo Intercultural, Comissão Parlamentar de Ética, Sociedade e Cultura, Sub-Comissão para a Igualdade de Oportunidades e Família, Assembleia da República. [Assembly of the Republic, Report on the public hearings held on Portuguese Roma within the scope of the European Year for Intercultural Dialogue,

Year for Intercultural Dialogue. Considering the lack of knowledge about the situation of the Roma community in Portugal, the Comissão Parlamentar de Ética, Sociedade e Cultura [Parliamentary Commission of Ethics, Society and Culture], through its Subcomissão para a Igualdade de Oportunidades e da Família [Sub-commission of Equal Opportunities and Family], held hearings for six months with representative organisations, figures of the Roma community and relevant experts, as well as promoted some visits to significant sites.

The report that summarises the conclusions reached by public hearing states that ‘the housing situation of the Roma community is very precarious and difficult to solve’. It stresses, on the one hand, ‘the weak economic capacity of the Roma community’ and ‘their inability to live alongside other groups and abide by communal ways of living which are different from their own.’⁶⁸ On the other hand, there is widespread discrimination against Roma citizens: people are generally unwilling to have Roma citizens as neighbours, or to rent or sell them a house; it is usually difficult for Roma citizens to access to mortgages.⁶⁹

On the re-housing process, the report affirms that, with the exception of a few successful cases, there are a number of problems, which it highlights: ‘the concentration of Roma families in council estates, far away from the urban fabric, with poor transport accessibilities’; ‘the concentration of Roma families with other vulnerable groups’; ‘high rise housing solutions, which makes lifestyles and shared common spaces, difficult to manage’; ‘housing incompatible with the Roma family size and their way of living’; ‘poorly built housing’; ‘top-down solutions regarding location and floor plan.’⁷⁰ As a way to

Parliamentary Commission of Ethics, Society and Culture, Sub-Commission for Equal Opportunities and Family] Available at

<http://www.parlamento.pt/sites/COM/Paginas/DetalheNoticia.aspx?BID=2622> (5.03.2009)

⁶⁸ Assembleia da República (2009), Relatório das audições efectuadas sobre Portugueses Ciganos no âmbito do Ano Europeu para o Diálogo Intercultural, Comissão Parlamentar de Ética, Sociedade e Cultura, Sub-Comissão para a Igualdade de Oportunidades e Família, Assembleia da República. [Assembly of the Republic, Report on the public hearings held on Portuguese Roma within the scope of the European Year for Intercultural Dialogue, Parliamentary Commission of Ethics, Society and Culture, Sub-Commission for Equal Opportunities and Family], p.33.

Available at <http://www.parlamento.pt/sites/COM/Paginas/DetalheNoticia.aspx?BID=2622> (5.03.2009)

⁶⁹ Assembleia da República (2009), Relatório das audições efectuadas sobre Portugueses Ciganos no âmbito do Ano Europeu para o Diálogo Intercultural, Comissão Parlamentar de Ética, Sociedade e Cultura, Sub-Comissão para a Igualdade de Oportunidades e Família, Assembleia da República. [Assembly of the Republic, Report on the public hearings held on Portuguese Roma within the scope of the European Year for Intercultural Dialogue, Parliamentary Commission of Ethics, Society and Culture, Sub-Commission for Equal Opportunities and Family], p. 33.

Available at <http://www.parlamento.pt/sites/COM/Paginas/DetalheNoticia.aspx?BID=2622> (5.03.2009)

⁷⁰ Assembleia da República (2009), Relatório das audições efectuadas sobre Portugueses Ciganos no âmbito do Ano Europeu para o Diálogo Intercultural, Comissão Parlamentar de Ética, Sociedade e Cultura, Sub-Comissão para a Igualdade de Oportunidades e Família, Assembleia da República. [Assembly of the Republic, Report on the public hearings held on

avoid those re-housing problems, the report suggests some recommendations to be taken into account during the process, namely, ‘the re-housing must respect the principles of inclusion, avoid locations far away from city centres and with difficult access to public utilities, and or former waste dumping sites.’⁷¹

Nonetheless, if the report is fairly critical of past housing policies and presents a bleak picture of the situation of Roma housing, there are some positive features that must be mentioned: there are ‘families with the financial capacity to buy private houses, where they choose’; ‘some old accommodation inside the villages were re-built and assigned to Roma families’; ‘municipalities bought or rent accommodation within the urban fabric, or in the municipality area, destined for social housing’; creation of ‘transitory solutions for training skills for life in an urban environment’, creation of ‘neighbourhood commissions with shared management.’⁷²

Another EU report confirms that there is some evidence of housing discrimination among the Roma in Portugal. In fact, the Council of Europe’s Commissioner for Human Rights Gil-Robles reported that on its visit to Portugal ‘every so often, particularly in rural towns, local councils were seen to disparage or put at a disadvantage local Roma in efforts aimed at their relocation. Fortunately, such declarations and practices tended to be firmly condemned both by central authorities and the national press in the country.’⁷³

Portuguese Roma within the scope of the European Year for Intercultural Dialogue, Parliamentary Commission of Ethics, Society and Culture, Sub-Commission for Equal Opportunities and Family], p. 35.

Available at <http://www.parlamento.pt/sites/COM/Paginas/DetailheNoticia.aspx?BID=2622> (5.03.2009)

⁷¹ Assembleia da República (2009), Relatório das audições efectuadas sobre Portugueses Ciganos no âmbito do Ano Europeu para o Diálogo Intercultural, Comissão Parlamentar de Ética, Sociedade e Cultura, Sub-Comissão para a Igualdade de Oportunidades e Família, Assembleia da República. [Assembly of the Republic, Report on the public hearings held on Portuguese Roma within the scope of the European Year for Intercultural Dialogue, Parliamentary Commission of Ethics, Society and Culture, Sub-Commission for Equal Opportunities and Family], p. 34.

Available at <http://www.parlamento.pt/sites/COM/Paginas/DetailheNoticia.aspx?BID=2622> (5.03.2009)

⁷² Assembleia da República available at <http://www.parlamento.pt/sites/COM/Paginas/DetailheNoticia.aspx?BID=2622> (5.03.2009), Relatório das audições efectuadas sobre Portugueses Ciganos no âmbito do Ano Europeu para o Diálogo Intercultural, Comissão Parlamentar de Ética, Sociedade e Cultura, Sub-Comissão para a Igualdade de Oportunidades e Família, Assembleia da República. [Assembly of the Republic, Report on the public hearings held on Portuguese Roma within the scope of the European Year for Intercultural Dialogue, Parliamentary Commission of Ethics, Society and Culture, Sub-Commission for Equal Opportunities and Family], p. 36. Available at <http://www.parlamento.pt/sites/COM/Paginas/DetailheNoticia.aspx?BID=2622> (5.03.2009)

⁷³ Gil-Robles, A. *Final report on the human rights situation of the Roma, Sinti and Travellers in Europe*, (Report on the Commissioner’s visit to Portugal, 27-30 May 2003, CommDH(2003)14.) p. 15

On the subject of housing problems, during the International Seminar on Roma, Territory and Habitat,⁷⁴ referred in 1.5 of this report, the researchers Alexandra Castro and André Correia presented a paper in which they diagnosed four types of problems faced by the Roma population: 'illegal occupation of sites, houses or torn-down buildings; construction of illegitimate houses or shanties; temporary re-housing in wooden houses or in containers; social housing neighbourhoods socially homogeneous and peripheral to the urban centres'.⁷⁵ Focusing on the external reasons for the persistence of precarious housing situations, Castro identified several strategies commonly undertaken by local authorities that reinforced this reality, amongst others: 'limit the access to water, electricity or sanitation, under the pretext that it would be an incentive for other families to join in'; 'demolition of precarious housing, without any alternative accommodation being provided'; 'no recognition of the resident status, without which one cannot access certain services (like a bank account); 'lobbying local public opinion to hinder house rental or purchase in the private market'.⁷⁶

Still on the temporary housing issue, Castro explained in another study,⁷⁷ 'even if Roma families seek to settle in villages where they feel they belong, they live a very precarious territorial insertion due to continuous persecutions, expulsions and aggression by the police forces. These situations occur because they are occupying public or private land, as there is, with the exception of the municipality of Vila Viçosa, no settlement areas in the country destined for itinerant populations'.⁷⁸ According to the enquiry conducted of the municipalities and to the police force, in more than 40 per cent of the cases the

Available at:
<https://wcd.coe.int/ViewDoc.jsp?id=962605&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679> (12.03.2009)

⁷⁴ MONTEIRO, J. (forthcoming) *Ciganos E Precariedade Habitacional: Uma Aproximação À Realidade Em Portugal*. In *Actas do Seminário Internacional Ciganos, Território e Habitat*. Unpublished proceedings of the International Seminar Roma, Territory and Habitat, which took place in Lisbon in the 8th and 9th of April 2008. Kindly granted to the NFP by the publisher, the CET.

⁷⁵ CASTRO, A., CORREIA, A. (forthcoming) *Ciganos E Precariedade Habitacional: Uma Aproximação À Realidade Em Portugal*. In *Actas do Seminário Internacional Ciganos, Território e Habitat*. Unpublished proceedings of the International Seminar Roma, Territory and Habitat, which took place in Lisbon in the 8th and 9th of April 2008. Kindly granted to the NFP by the publisher, the CET, p. 32.

⁷⁶ CASTRO, A., CORREIA, A. (forthcoming) *Ciganos E Precariedade Habitacional: Uma Aproximação À Realidade Em Portugal*. In *Actas do Seminário Internacional Ciganos, Território e Habitat*. Unpublished proceedings of the International Seminar Roma, Territory and Habitat, which took place in Lisbon in the 8th and the 9th of April 2008. Kindly granted to the NFP by the publisher, the CET, p. 38.

⁷⁷ CASTRO, A. (2007), *Dos Contextos Locais à Invisibilização Política. Discussão em Torno dos Ciclos de Exclusão Habitacional dos Ciganos em Portugal*. [From Local Contexts to Political Invisibility. Discussion around the Cycles of Housing Exclusion of Roma in Portugal] In *Cidades, Comunidades e Territórios* 15

⁷⁸ CASTRO, A. (2007), *Dos Contextos Locais à Invisibilização Política. Discussão em Torno dos Ciclos de Exclusão Habitacional dos Ciganos em Portugal*. [From Local Contexts to Political Invisibility. Discussion around the Cycles of Housing Exclusion of Roma in Portugal] In *Cidades, Comunidades e Territórios* 15, p.20-21.

police try to expel Roma populations when they extend their presence in public places more than 48 hours. In addition, in similar situations, nearly a third of the considered municipalities contact the police force.⁷⁹ This study does not include an estimated frequency of that practice for all the country or for single municipalities. Particular examples are also not available, since the aim of this study was only to evaluate if the non-regulated practice of expelling people from public areas was performed or not by municipalities and police forces throughout the country. Only municipalities and police forces were supposed to answer the questionnaire.

Although no systematic information exists on the cultural adequacy of social housing, we were able to collect statements referring to such practices in certain municipalities. A representative of the the National Pastoral Works of Roma refers to the municipality of Alcobaça, Santa Maria da Feira and Famalicão, where some attention was given to public areas. At the Housing Institute, where we have conducted an interview, the example of Alagoas neighbourhood in Peso da Régua was also pointed to as an example. Other examples could be presented but they are just isolated cases.

There is no available data on housing affordability or information campaigns by authorities.

1.3.2. Issues of spatial and social segregation

The report that summarises the conclusions of the public hearing promoted by the Portuguese Parliament referred in 1.3.1., deals also with spatial integration issues as there is still ‘prejudice which leads these families to be placed on the outskirts, in sites which are unfit for building.’⁸⁰ Among other problems, it should be highlighted that ‘there is still a high number of families that still do not have access to social housing and live in slums’; ‘there are several places throughout the country where the permanence of Roma families is refused’ or ‘where the access to water for the settlements is refused’; ‘there are distant

⁷⁹ CASTRO, A. (2007), *Dos Contextos Locais à Invisibilização Política. Discussão em Torno dos Ciclos de Exclusão Habitacional dos Ciganos em Portugal*. [From Local Contexts to Political Invisibility. Discussion around the Cycles of Housing Exclusion of Roma in Portugal] In *Cidades, Comunidades e Territórios* 15, p.21.

⁸⁰ Assembleia da República (2009), *Relatório das audições efectuadas sobre Portugueses Ciganos no âmbito do Ano Europeu para o Diálogo Intercultural, Comissão Parlamentar de Ética, Sociedade e Cultura, Sub-Comissão para a Igualdade de Oportunidades e Família, Assembleia da República*. [Assembly of the Republic, Report on the public hearings held on Portuguese Roma within the scope of the European Year for Intercultural Dialogue, Parliamentary Commission of Ethics, Society and Culture, Sub-Commission for Equal Opportunities and Family], p.36. Available at: <http://www.parlamento.pt/sites/COM/Paginas/DetalheNoticia.aspx?BID=2622> (5.03.2009)

neighbourhoods with only one entrance and exit route, some of them walled, without mail boxes, only accessible by foot or by private transportation.’⁸¹

Although there is no academic research on the housing segregation of Roma, such segregation is many times referred to in the discourse of the media and NGO’s. Several organisations⁸² and most of the interviewees⁸³ affirm that several Roma populations live in segregated neighbourhoods. A common spatial and architectonic configuration is more frequently than is desirable chosen for municipal re-housing. Conjointly, remote placement and singled entry neighbourhoods configure a relatively common segregation practice by Portuguese municipalities. Inaccessible places surrounded by motorways, lacking public transport, commerce and other facilities are common claims. These neighbourhoods are not aimed at Roma, but to the general population with housing needs. However, Roma find themselves too often in such neighbourhoods. Examples of this could be the Cucena neighbourhood in Seixal (Lisbon metropolitan area), the Pedreiras neighbourhood in Beja (Alentejo-south region), Quinta da Torrinha in Lisbon⁸⁴ or Margens do Arunca Neighbourhood in Pombal (centre of the country).

1.3.3. Access to private housing

The information available on the access of Roma to private housing in Portugal is very scarce. The pilot study on migrant’s experiences of racism and xenophobia in 12 EU member states published by the EUMC⁸⁵ in 2006 is an important source of information regarding discrimination in housing. It is based on the national studies conducted in each country and the results focus mainly on comparisons within a country rather than cross-country studies. In Portugal, the study took place in 2004. A quota-sampling procedure was adopted, as no list of the target groups was available. Interviews were made with four migrant groups: Cape-verdean, Guinea-Bissauan, Brazilian and Ukrainian. The

⁸¹ Assembleia da República (2009), Relatório das audições efectuadas sobre Portugueses Ciganos no âmbito do Ano Europeu para o Diálogo Intercultural, Comissão Parlamentar de Ética, Sociedade e Cultura, Sub-Comissão para a Igualdade de Oportunidades e Família, Assembleia da República. [Assembly of the Republic, Report on the public hearings held on Portuguese Roma within the scope of the European Year for Intercultural Dialogue, Parliamentary Commission of Ethics, Society and Culture, Sub-Commission for Equal Opportunities and Family], p. 36.

⁸² For instance SOS Racismo and AMUCIP.

⁸³ All interviewees for this study have stated this fact, although the representative of the National Pastoral Works of Roma said also that he considers all sorts of re-housing preferable to continuing living in a barrack.

⁸⁴ Photos illustrating these situations are available in annex 6.

⁸⁵ EUMC (2006) *Migrant’s Experiences of racism and xenophobia in 12 EU member states – Pilot study* Available at: http://fra.europa.eu/fraWebsite/products/publications_reports/studies_discussion_papers/studies_migrantsexperiences_en.htm (12.03.2009)

Portuguese study⁸⁶ also included the Roma in the survey, since they are recurrently presented as suffering from higher rates of discrimination in housing; the Roma presenting the higher scores (60 percent) of interviewees stating that they have been denied the opportunity to buy or rent an apartment or house. This is all the more important since there is so far no situation testing evaluating the discrimination suffered by Roma in Housing. There is also no research made into the discrimination of Roma in commercial housing.

1.3.4. Access to social housing

There is no data available on access to social housing by Roma. However, it is generally accepted that the major re-housing processes in Portugal have not distinguished between Roma and the rest of the population. It is also assumed that Roma have greatly benefited from these programmes. This assumption, although many times repeated, is not backed by any quantitative data.

1.3.5. Forced evictions

Regarding the problem of forced evictions, several NGO's and some of the interviewees for this study reported to the NFP arbitrary and abusive evictions of Roma in different parts of the country. Forced evictions range from accusations of abusive use of the tenures to illegal occupation of private property. They occur with simple shacks but also with concrete dwellings. In recent years, several cases of evictions of families living inside the areas covered by the [Special Re-housing Program gained public visibility and have been responsible for strong mobilisation by NGO's. It has also been addressed by the High Commission for Immigration and Intercultural Dialogue, Public Institute on different occasions, culminating in an explicit reference to this problem in the National Plan for Integration of Immigrants. The present problem results from the administrative rigidity that prevents people who have arrived to the municipalities after the Special Re-housing Project census to get public housing support. Some of them have been facing eviction with no housing alternative being offered by the municipalities.⁸⁷

There is no data available on the effects of evictions on Roma women and children.

⁸⁶ SANTOS et. al. (2009) Research survey on migrants' experiences of racism and discrimination in Portugal. Oeiras: Númena. 124 pp (forthcoming)

⁸⁷ Since there is no counting of the residents according to their ethnic belonging there is no official data regarding how Roma were affected by such evictions. However, the association SOS Racismo [SOS Racismo] told the NFP that such cases occurred in the neighbourhood of Campanhã, in Oporto, in the village of Rio Maior, in the centre of Portugal, and in the Vale do Forno neighbourhood, in Lisbon.

In recent years, the municipality of Porto has started an urban renewal programme, and accusations of arbitrary evictions made by NGO and Roma associations were reported in the media. Besides some media attention that was given to the evictions, many people and organisations also denounced them as discriminatory. According to the Portuguese document drafted for the European Network of Legal Experts in the non-discrimination field, ‘there have been reports of discrimination in Porto’ directed towards local Roma communities⁸⁸. The Portuguese NGO SOS Racism also made similar claims⁸⁹. Both accused this municipality of discriminating against Roma communities. They accused the municipality of conducting evictions without proper housing alternatives being previously assured to the families.

União Romani⁹⁰ considered the process of demolition of a neighbourhood, not exclusively inhabited by Roma, in the Porto area extremely unfair. Also the Associação Olho Vivo⁹¹ has confirmed that this and other processes that were supervised by the people in charge of the housing office in the Porto town council were arbitrary and made in the complete absence of dialogue with the interested people. They have, however, admitted that this cannot be considered a case of racial or ethnic discrimination, but rather an instance of abuse of power aimed at poor people, among whom there are a considerable number of elements of the Roma community.

1.3.6. Legality and legalisation of settlement

There is no information regarding informal settlement of Roma, nor on any issue regarding the legalisation of informal settlements occupied by Roma.

1.3.7. Movement, encampment and use of private land

There is no information available on the issue of encampments and the use of private land by Portuguese Roma.

88MALHEIROS, M. (2007) Report on the Measures to Combat Discrimination. Council Directives 2000/43/EC and 2000/78/EC. Country Report Portugal. State of Affairs up to 08.01.2007. Pp. 33, 44. Available at:

http://www.migpolgroup.com/multiattachments/3430/DocumentName/ptrep05_en.pdf

⁸⁹ See the communiqués section at <http://www.sosracismo.pt/>

⁹⁰ União Romani is a Roma association from Porto that has taken public position against the evictions. They were contacted by the NFP back in 2004 to confirm these facts. A representative of Romani Roma was also interviewed for this research and addressed this issue.

⁹¹ Contacted by the NFP back in 2004

1.3.8. Access to public utilities

There is no information regarding the access of Roma to public utilities in Portugal

1.3.9. Situation of Roma from other EU member states

There is no information available on the housing situation of Roma from other EU member States.

1.3.10. Campaigns undertaken by authorities in order to inform Roma/Traveller communities on their right to adequate housing.

There are no campaigns, and there have been no campaigns, whether informative or awareness-raising, in the last ten years, focusing specifically on the right of Roma to adequate housing.

Exemplary cases of discrimination

Although the case of Vila Verde (a village in the north of Portugal) dates back to 1996 its repercussion in Portuguese society turned it into one of the most important cases related with the Roma, with wide repercussions in the media, and starting a wider reflexion on the living conditions of this group, and the discrimination they suffered. It started with the demolition of Roma dwellings in Vila Verde as a result of pressure exerted on the mayor by local inhabitants, who then ordered the demolition of those dwellings.⁹² Those who were implicated were accused in court of 'terrorist association' by the Alto Comissário para a Imigração e Minorias Étnicas [High Commissioner for Immigration and Ethnic Minorities] and by the Governor of the District of Braga. After these events the Roma families had to be relocated in another nearby village (Cervães). The Governor of Braga, Pedro Bacelar de Vasconcelos, who tried to lead the process, was then coerced by the mob. The people of Cervães justified their acts by associating Roma with drug traffic. Following these events, the Governor of Braga accused some people of Francelos of aggression. The court of Braga later absolved the accused and no practices with racist intent were proved (Collective Common Process nº181/99 of the 2nd Criminal Court).

⁹² Ombudsman recommendation No. 72/A/96 that was issued before the courts had come to a decision.

Sobral da Adiça is a rural parish located in Moura municipality, in the southern region of Alentejo. According to numerous testimonials from different NGO's,⁹³ researchers and even government officials⁹⁴, including NFP researchers that were present in 2006, several families were living there in extreme conditions. They lived in precarious municipal houses and most of these houses did not have electricity, water or sanitation. They had lived there for more than fifty years but they were unable to get a single public water fountain. Additionally, they lived far from urban centres and consequently experienced difficulties accessing public services. In 2008, the municipality of Moura started what they called a socio-demographic observation of the Roma community of Sobral da Adiça. One of its first initiatives was the elaboration of a socio-demographic map of the Roma population within a local Escolhas⁹⁵ project. There were ninety-one individuals of twenty distinct families, representing 9 per cent of Sobral da Adiça's population. Women were more than a half, as well as young people under eighteen years old. The average family size comprises six individuals, although some of them reach eleven. As to housing conditions, the report⁹⁶ recognises that around 65.4 per cent of the Roma population lives in shacks, tents or caravans, having no access to water or electricity. It also shows us a remarkable contrast between Roma and non-Roma of Sobral da Adiça, among whom only little more than one percent (1.2 per cent) have no water or electricity.

There is no relevant information on the situation of elderly Roma, women, Roma with disabilities or children.

⁹³ In 2006 Mr Hugo Gonçalves and Mr Mamadou Ba, booth members of SOS Racism, reported to the NFP the degrading conditions in which the Roma live in this location. Mr Francisco Monteiro, staff member of the National Pastoral Works of Roma was one of the interviewees for this report and has also stated this situation. [09:08']

⁹⁴ Interview with a staff member of the Cabinet for Roma Communities Support of the High Commissariat for Immigration and Intercultural Dialogue (ACIDI), [35:33']

⁹⁵ <http://encontros.programaescolhas.pt/>

⁹⁶ http://encontros.programaescolhas.pt/product_download.php?product_id=386

1.4. Case law and complaints relating to the housing of Roma and Travellers

The High Commission for Equality and Intercultural Dialogue is the Portuguese equality body as established in the Council Directive 2000/43/EC (29.06.2000), transposed to the Portuguese Law through Law 18/2004, it is therefore the body responsible for receiving complaints of racial and ethnic discrimination, in all areas, including housing. Commission for Equality and Against Racial Discrimination, working under High Commission For Equality And Intercultural Dialogue, deals with the processes, and decides as to their filing or to apply a sanction. Up to today, the number of decisions was extremely rare. Those concerning discrimination of Roma in housing are presented in Annex 2. The Commission for Equality and Against Racial Discrimination has not presented publicly, in recent years, the complaints that it has received, and the complaints are not presented with reference to the ethnicity of the complainant.⁹⁷

Anyone who feels that they are discriminated against on housing or on grounds of race or ethnicity can present a complaint before any of the police forces, as with any illegal practice. Complaints can also be presented before the Ombudsman, although he has not the power to apply sanctions, but only to issue recommendations, and to Commission for Equality and Against Racial Discrimination. Roma who experience any violation of housing rights or discrimination in access to housing have at their disposal the same legal means as any other citizen. If any citizen feels that the violation of such rights came from the state, he can file an administrative action, which is regulated by the Código de Processo Administrativo [Administrative Process Code], established by Law-Decree 442/91 of 15.11.1991.⁹⁸ Such actions are not exclusive to the domain of housing. If the violation of rights occurred, the offended party can present a declarative action before a civil court, which can take several forms according to the object. This instrument is not specific to housing, and can be used for the recognition of the rights of citizens in general. Such actions are ruled by the Código Civil [Civil Code]⁹⁹ and the Código de Processo Civil [Civil Process Code].¹⁰⁰

⁹⁷ The NFP requested directly to the CICDR the number of complaints regarding the discrimination of Roma in housing, and the CICDR informed the NFP that the construction of a database with all the complaints presented to the Commission is underway, and that until then the Commission cannot provide any data.

⁹⁸ Available at http://www.cne.pt/dl/cpa_2002.pdf (10.07.2009)

⁹⁹ Available at: <http://www.portolegal.com/CodigoCivil.html> (10.07.2009)

¹⁰⁰ <http://www.stj.pt/nsrepo/geral/cptlp/Portugal/CodigoProcessoCivil.pdf> (10.07.2009)

1.5. Identifying good practices

Centro de Estágio Habitacional de Coimbra [Coimbra's Housing Training Centre]. Promoted by Câmara Municipal de Coimbra [Coimbra Town Hall]. State institutions – local authority. Address: Paços do Município, Praça 8 de Maio, 3000-300 Coimbra. Phone number: 00351239857500. E-mail: geral@cm-coimbra.pt. Website: <http://www.cm-coimbra.pt/>. Type of initiative: re-settlement of populations living in precarious housing conditions. Budget: 800,000€ for the construction of the centre, and an annual maintenance cost of 50,000€. Target group: the Edital nº 603/2008 [Edit 603/2008] of the Coimbra Town Hall sets the criteria for eligibility in the socio-economic situation of the family, the existence of minors in situations of risk, and in school. Although the Edit never refers to Roma specifically as a target group, the project was designed to answer the needs of Roma families, and conceived with the participation of the Roma families.¹⁰¹

The selected good practice concerns a re-housing process in a provisional site with 11 houses (6,500 m²), designed as Centro de Estágio Habitacional [Housing Training Centre], that serves as a stepping stone towards their future residence in suitable housing. It is an initiative of the Câmara Municipal de Coimbra [Coimbra Town Hall]¹⁰² that started in 2004 and is still ongoing.¹⁰³ The resulting re-housing infrastructure is part of the need to find differentiated housing solutions, given that a number of neighbourhoods have experienced problems due to the high concentration of low-income populations. This site is located on the edge of the City of Coimbra in the Centre Region of Portugal. It is approximately 2 km from the centre of town and is not served by public transport. An area for priority intervention was identified, which included a cluster of shacks where eleven Roma families (46 persons) had been living for approximately twenty years; the land had in the meantime legally become their property. The need for a parking area near the train station speeded up the re-housing process that begun already in 2004. In the period that anticipated the re-housing, a number of Social Education actions were developed. The distribution of lots and the planning of their housing solution was determined by debates and negotiations between the councillor for housing, the experts, the eldest

¹⁰¹ MONTEIRO, J. (forthcoming) *Ciganos E Precariedade Habitacional: Uma Aproximação À Realidade Em Portugal*. In *Actas do Seminário Internacional Ciganos, Território e Habitat*. Unpublished proceedings of the International Seminar Roma, Territory and Habitat, which took place in Lisbon in the 8th and the 9th of April 2008. Kindly granted to the NFP by the publisher, the CET [note: the author of this paper is the Coimbra Town Hall Councilor responsible for implementing the measure]

¹⁰² <http://www.cm-coimbra.pt/> (12.03.2009)

¹⁰³ MONTEIRO, J. (forthcoming) *Ciganos E Precariedade Habitacional: Uma Aproximação À Realidade Em Portugal*. In *Actas do Seminário Internacional Ciganos, Território e Habitat*. Unpublished proceedings of the International Seminar Roma, Territory and Habitat, which took place in Lisbon in the 8th and the 9th of April 2008. Kindly granted to the NFP by the publisher, the CET. pp. 123-125

members of the family, and the women, since only one adult male was present at the site. The Site includes 11 pre-fabricated dwellings and a Centre for Social Support, which gives daily support to the families. Through this Centre, was put in practice a multidimensional intervention plan, with a multidisciplinary team of staff which daily integrates the social relations of these families. The costs of this solution have been frequently pointed out as the major obstacle to transferring this solution to other municipalities: entire structure of building (800,000€), and annual cost (50,000€). The Municipality of Coimbra has assumed all costs, since the Instituto Nacional de Habitação [National Housing Institute] (which was restructured and now integrates the Institute for Housing and Urban Rehabilitation does not support temporary housing. The only financial support came from the Pro-Habita programme, and in a subsequent phase of the process, in the renting of the houses in which the families are to be resettled. This initiative was complemented with the Project Coimbra. City for All, approved within the EQUAL initiative, with the objectives of training the professionals implied in the accompanying processes, through the conception and experimentation of training solutions centred in the apprenticeship of personal and professional activation strategies, in culture and gender equality promotion; the conception and experimentation of professional training contents and strategies which validate and certify the competencies of the Roma people involved; to idealize and accomplish information strategies which enable the promotion of the Roma people's culture and the involvement of local enterprises, facilitating the social and professional integration of this population. Currently, only one of the eleven families initially re-housed remain in the centre, some families are relocated in private apartments rented by the municipality that re-rent the houses to these families at a reduced and non market price; all the others houses are now occupied by other Roma families who used to live in precarious housing conditions in Coimbra.

There are specific reasons to choose this initiative as good practice. The first is that it was underpinned by a systemic understanding of social reality, and that many factors are involved in the social exclusion suffered by the families. The promoters recognized that the mere provision of housing does not, by itself, end up in the social integration that should be the aim of every housing policy. Consequently, it is an integrated intervention, which encompasses urban, economic, and social factors, and includes training and work places in the new residential area, together with spaces for socialisation. Although Roma have not participated in the design, implementation and evaluation of this initiative, another aspect that recommends it is the fact that they have been involved in its management and upkeep since its inception. Moreover, it shows some awareness about the need for collective responsibility, the involvement of the population, and of a number of partners with various skills towards the resolution of the identified problems. Data on the impact of the Coimbra's Housing Training Centre on the situation of elderly Roma, women, Roma with disabilities or children was not available.

‘Roma, Territories and Habitat’ (Ciganos, Território e Habitat). Promoted by the Centre of Territorial Studies (Centro de Estudos Territoriais). University Research Centre, Address: Av. das Forças Armadas, Edifício ISCTE, Sala 2N15, 1649-026 Lisbon. Phone number: 00351 217958344. E-mail: cet@iscte.pt. Website: <http://cet.iscte.pt/>. Type of initiative: International Seminar and Chart of Principles. The budget is not known. Sources of funding: Science and Technology Foundation and all the organisers. Target Group: Roma population, researchers, housing technicians and public decision makers. Time frame and location: 8 and 9 of April 2008. This initiative had no involvement of Roma in the design or in the implementation of the practice. This practice has not been evaluated and it is unlikely to be transferable or mainstreamed.

On the 8 and 9 of April 2008 an international seminar entitled Ciganos, Territórios e Habitat [Roma, Territory and Habitat] took place in Lisbon. This event was promoted by the Centre of Territorial Studies and organized jointly with the High Commission for Equality and Intercultural Dialogue, the Housing and Urban Rehabilitation Institute, the Gestão dos Bairros Municipais de Lisbon [Management of Lisbon Municipal Housing] (Gebalis) and the project Coimbra Cidade de Todos [Coimbra – City for All]. The main objective of this event was to challenge a number of entities working with, or whose action affected, the housing conditions of Roma communities, to analyse and discuss this subject. The seminar had a good audience of around three hundred and fifty participants, among them public entities like municipalities, parishes, social security and security forces, but also ONG and Roma associations.

There were three distinct panels. On the first one, a national portrait of the precarious situation of Roma in housing was presented. The Spanish, French, English and Italian cases were also presented. The participants addressed the public policies, other measures related to Roma housing, with a discussion on its implementation problems. The second panel was devoted to the detailed presentation of eight re-housing and accommodation projects in different Portuguese municipalities. The impact of social housing when it is part of an integrated and wider strategy to combat social exclusion was noted. The third panel was composed of three work groups. On each group a different issue on housing was presented by Roma individuals. Access to housing, re-housing processes and the spatial configuration of the house and the neighbourhood were discussed, having in mind the objective of substantiating future policies and initiatives in housing.

This event showed that there is no consensus about what should be the most convenient integration processes. If it was concluded that the reduction of social contrasts between Roma and the general population is a fundamental condition for integration and that cultural diversity is compatible with that process, the limits for the recognition of those specificities did not become clear.

Two other objectives were accomplished in the seminar. A Chart of Principles on Roma Communities Housing was drafted by the organisation and was signed

by several participants. It aims to promote public discussion around these issues, so that in the end it could be signed both by the central government and local authorities. The other objective was to collect information that could help the organizers to draft a report to the Plano Estratégico da habitação [Housing Strategic Plan] team. The Housing Strategic Plan for the period 2007-2013¹⁰⁴ is an initiative of the Institute of Housing and Urban Rehabilitation¹⁰⁵ that is still being discussed and had not yet been implemented. Its objective is the analysis of regional housing needs; a critical analysis of past housing policies; the development of strategic proposals to design, implement, monitor and evaluate the following housing policies: social housing, rehabilitation and renting; and finally, to accomplish all these objectives in close contact and with the participation of all social actors. Although this plan addresses only the general population it is reasonable to expect that if it will ever produce real housing improvements, Roma communities must also be major beneficiaries.

Alagoas neighbourhood is a re-housing site dating back to the end of the seventies. It is located in Peso da Régua, a small city in the north of the country. At that time this neighbourhood was considered an attractive place to live in by those who lived in precarious conditions and those who had lost their houses in a major flood. Although it was erected on a semi-rural area, in a few years new buildings have encircled it. In its vicinity, new houses, schools, commerce and other services have been established since then, placing Alagoas inside the city. Contrary to what was expected Alagoas did not follow the pattern of the surroundings and became closed to the encircling territory in social and urban terms. This occurred in parallel with complex public housing policy hesitations. The main problems seemed to be, the illegal occupation of certain areas of the neighbourhood for housing purposes, degradation of the buildings, unclear identity of the occupants (suspicion of illegal occupation, sub-renting and illegal trade of the dwellings), abandoned dwellings, and finally no rent payment in sixty percent of the contracts. Two intervention projects were implemented with EU funds during the nineties in Alagoas. However if they have been important in diminishing social exclusion while they were being implemented, the hiatus between the initiatives and their lack of sustainability condemned the neighbourhood to return to its previous condition.

¹⁰⁴ Website of the Housing Strategic Plan for the period 2007-2013 available at:
<http://planoestrategicohabitacao.com/index.php>

¹⁰⁵ The Housing and Urban Rehabilitation Institute is a public institute that is indirectly administered by the state. It has financial and administrative autonomy.
(<http://www.portaldahabitacao.pt/pt/ihru/>)

The project ‘Old ghettos, New centralities’, financed with EFTA funds,¹⁰⁶ was implemented between 2005 and 2008. Its objectives were, to promote an integrated management of the ecological, urban and social components, the reduction of the ghetto effect, to improve the quality of life and to empower the neighbourhood tenants and the population of the surroundings. Although no evaluation of the impact of the project exists, the Institute Of Housing And Urban Rehabilitation technicians did not hesitate to point to it as an example of good practice in housing policies.¹⁰⁷ They point out that the requalification happened simultaneously with other sorts of initiatives aiming to promote participation and empowerment, like professional training, health education and activities with children and adolescents. Another aspect they consider a result of the intervention in Alagoas was the establishment of a tenants association and that its president came from the resident Roma community.

¹⁰⁶ The Financial Instrument was established by Joint Committee Decision 47/2000 to reduce economic and social disparities in the EEA. The Financial Instrument is funded by the EEA EFTA States: Iceland, Liechtenstein and Norway. The amount of €21 288 800 was fully absorbed by a project that aims to strengthen economic and social cohesion, including health improvements, for disadvantaged communities in two locations in Portugal (Peso da Régua e Rabo de Peixe).

¹⁰⁷ Interview with the Institute of Housing and Urban Rehabilitation

1.6. Major national projects targeting the housing situation of Roma and Travellers that are not included in the previous section

As was referred to in 1.1., one of the few institutional places at the level of the government and the central state where the questions regarding Roma are specifically addressed is the High Commission for Equality and Intercultural Dialogue. The social integration of Roma has been under High Commission For Equality And Intercultural Dialogue, since its inception, when it was not a High Commission, but only a High Commissar. In the beginning, some guidelines have been defined to study the Roma community and work groups were created to solve specific and urgent problems. At the same time, contacts with privileged mediators with the community have been established to facilitate contacts. Later on, in 2006, it was felt that Roma issues should have a specific department and that this work shouldn't be done under the Gabinete de Apoio Técnico às Associações de Imigrantes e Minorias Étnicas [Cabinet for Technical Support to the Immigrant and Ethnic Minorities Associations], as had been until then. The Gabinete de Apoio às Comunidades Ciganas [Cabinet for Roma Communities Support] (GACI) was then created having the mission to intervene, participating in projects and developing field activities to empower, training social intervention technicians and teachers, as well as Roma mediators. The cabinet still maintains close contact with Roma leaders and especially on housing issues. As a respondent stated in her interview¹⁰⁸ to the NFP 'Housing was one of our first lines of intervention. However, it can only be done in articulation with other institutions that are closer to local Roma communities. So we had a group of Roma that worked with us (...) It was always our concern not to get away from troubled situations and always maintain contact with municipalities, to visit them, looking for participative solutions'. The cabinet has also a web site¹⁰⁹ where diverse information on Roma issues, like reports, project presentations and other documents, are available. The cabinet supports an editorial activity on Roma issues, having seven titles already published. Although they have been involved in important initiatives like the international seminar on Roma housing, the cabinet is, in the respondent's words, 'a little restricted'¹¹⁰ in its competences.

On 08.04.2009, the High Commission for Equality and Intercultural Dialogue through its Cabinet for Roma Communities Support, launched and opened the

¹⁰⁸ Interview with the Cabinet for Roma Communities Support of the High Commissariat for Immigration and Intercultural Dialogue (ACIDI), [31:47']

¹⁰⁹ <http://www.ciga-nos.pt/Home.aspx>

¹¹⁰ Interview with the Cabinet for Roma Communities Support of the High Commissariat for Immigration and Intercultural Dialogue [47:08']

applications for the Projecto-Piloto para Mediadores Municipais Junto das Comunidades Ciganas [Pilot Project for Municipal Mediators with the Roma Communities] This was with the aim of improving the access of Roma to local public equipment, services and facilities, as well as improving the communications between the Roma and the surrounding communities. The period of application ended on the 15.05.2009. The project is directed to all the town halls that have Roma among their inhabitants. The project intends to place mediators at the service of the town hall or in projects developed by the town hall, with the objective of training them in a work context. The mediators, preferably Roma, and living in the area administrated by the town hall, will be selected according to proposals from the town hall. Ten candidates will be selected, following relevant criteria of, feasibility and sustainability. The High Commission For Equality And Intercultural Dialogue has also a training programme directed to the mediators, focused on three areas: Laws and Institutional Norms, Mediations and Communication. The project has duration of 12 months.¹¹¹ The High Commissioner, in conversation with the NFP, said that the project should open new applications every year. The idea is to create stable and sustainable jobs for Roma in public local administration. To that end, in the first year, the High Commission For Equality And Intercultural Dialogue supports 75% of the salary of the mediator, the remaining being guaranteed by the town hall. In the second year the percentage will be 50% for each, and the objective of the High Commission For Equality And Intercultural Dialogue is that these mediators become regular employees of the town hall. The total budget of the project is 451.194,39€, paid by the High Commission For Equality And Intercultural Dialogue and the Instituto de Segurança Social [Social Security Institute] (ISS). The High Commission For Equality And Intercultural Dialogue contracted an external team to carry out the monitoring and evaluation of the project.

¹¹¹ Information available at <http://www.ciganos.pt/Default.aspx?tabindex=2&tabid=20&mid=52&ItemID=307> (22.05.2009)

2. Field research - interviews

The selection of the interviewees was subordinated to the imperative of diversity given the small number of interviews that we were supposed to conduct and the pre defined general framework for national authorities or civil society organisations' representatives.

The first interview to be arranged was the one with a representative of the Cabinet for Roma Community Support of the High Commissariat for Immigration and Intercultural Dialogue. We expected them to be in a position that would allow them to have a detailed map of privileged contacts within the Roma community. In fact they are in contact with many associations and have a good knowledge of the community, so they were extremely useful in pointing out other possible interviewees. Coincidentally two of them were also suggested in the guidelines, from AMUCIP, Association for the Development of Portuguese Roma Women [Associação para o Desenvolvimento das Mulheres Ciganas Portuguesas]. Although it has been impossible to arrange an interview with its president, we have talked with another member of the association. Another interview that we considered essential was the one with a respondent at the Institute of Housing and Urban Rehabilitation, the state organism that manages social housing in Portugal. The other interviewees were chosen for their profound knowledge of Roma issues, especially on housing.

All interviewees were unanimous on the precarious housing conditions of Portuguese Roma. From state officers and academics to NGO and Roma associations, all stated that there are many families living in extremely precarious conditions, forced evictions without housing alternatives are common, private market practices are discriminatory and municipalities have often segregating re-housing policies. If differences are to be found on the perceived intensity of these practices, the most salient fact is that there is a vast consensus among those that were interviewed on the sort of problems faced by this community when accessing housing.

One respondent is a former member of the Roma association 'União Romani', located in Porto. The interview was digitally recorded on the 3 March 2009 at a coffee shop table in Porto city centre, since his association has no current facilities.

The interviewee considers that Roma main problems in accessing housing are discrimination from private real state enterprises (1'), illegitimate evictions and segregated re-housing by municipalities in the public housing segment. (5')

He believes that the absence of both municipal and central government policies towards Roma housing explains most of the problems faced by Roma (15'). The lack of these kinds of policies are due to two reasons: a political one that takes

into consideration the accountability of ballots preferring the majority and an educational one, that reveals that the Portuguese political elite has not changed the way they conceive difference and diversity. Since there are no central orientations towards Roma housing the 'Roma issue' is even sometimes manipulated in local elections promising the end of certain problematic neighbourhoods in order to get votes.

As to regional asymmetries, he assumes that there are major differences between North and South (7'). In the Lisbon area, he believes that people are more sensitized to the exclusion issues and it is easier to rent a house. On the other hand, in the Lisbon area, there have been taking place important city reconversion projects and much re-housing has been done. Then there are contrasts between major cities and the smaller ones. He says that in the Northern region, it is in Porto and other major cities like Vila Nova de Gaia, Maia or Valongo that most difficult situations have arisen. In smaller places like Póvoa do Varzim, Vila do Conde or Amarante, difficulties are not so extreme maybe because Roma families are better known and have stayed there for a long time. The region of Alentejo in the south of the country has the worst housing conditions and the most severe problems with people living in barracks, away from any village, without water and other services. He claims that there are no itinerant or nomadic Roma in Portugal anymore. (47')

Common problems experienced by Roma living in public housing are evictions related with the inobservance of regulations that do not attend to the community cultural specificities (33') and the concentration of Roma families in remote and barely accessible places thus promoting an ethnic closure and the perpetuation of mistrust and prejudice. (36')

In the respondent's opinion, there are no good practices to point to, excluding the experience that his association had with the Municipality of Matosinhos (42'). He believes that training and informing of civil servants is a key issue when dealing with the disparities, which is what happened when they were contacted by the housing department of Matosinhos to train all their social assistants. Here a massive re-housing of Roma families in the same neighbourhood was planned, a different solution was achieved under the influence of his association. Other examples could be pointed to if those projects had ever been implemented (like the Roma adapted houses in Grijó that were planned but never built) or if their aim had not changed in between (like a Nomadic Park in Alentejo that turned into a permanent encampment). Although the interviewee pointed out the referred to experience in Matosinhos as good practice, we have not selected it as one. The reason is that we have concluded that this did not represent a structural change of the municipality *modus operandi* towards Roma issues or the result of a reflexive effort but rather an episodic situation that could not shape the way for other initiatives or even be transposable to other contexts. Like this one some other well-conducted re-housing processes exists and there are good examples from north to south. We have also not chosen the one pointed out by the Institute Of Housing And Urban

Rehabilitation technicians (where a Roma association was set up during the re-housing process) basically for the same reasons

União Romani has been involved in different cases of discrimination (1:14'). It gave juridical support to two cases that came to tribunal. One of them the refusal to sell an apartment to a Roma family in Aveiro and the other an eviction ordered by the Porto Municipality. However, he assumed that the association had no financial capacity to provide this kind of support. His association was not aware of the existence of the Equality Body.

Another respondent is a staff member of the Cabinet for Roma Communities Support of the High Commissariat for Immigration and Intercultural Dialogue. Her interview was digitally recorded on 19 February 2009 at her office at the High Commissariat facilities in Lisbon

The interviewee's opinion on the Roma housing conditions is that it is not good at all (0:48'). She exemplifies remembering a census made in 2000, where more than eight hundred families at least were found living in barracks or tents. Her field experience also points to the existence of dramatic housing conditions among the Roma community (19'). She also considers that segregation of Roma communities really exists and this fact is easily substantiated by the frequency of public housing located in remote and inaccessible places. (02' and 21'). She points out that there are Roma families that are forced to keep moving from place to place because they are expelled by police forces if they intend to stay for more than forty-eight hours. (17')

There are no clear asymmetries or specific regional patterns distinguishable that we could use to describe the Roma housing situation. Their lack of proper housing can be confirmed from north to south, thus conferring a national dimension to this problem. (05')

The Cabinet activities on Roma housing are restricted to field visits and collaboration in awareness raising events of the public opinion and public decision makers (38'). They also assume themselves as mediators between the communities and the municipalities (31'), however the housing sector has been a difficult and unsuccessful one. She admits that their action is extremely limited not only by financial constraints but especially by the character of the competences that were committed to them. (45')

In her opinion, there are no central or local public policies on Roma housing. Everyone does what they think they should or could do. (48')

Good practices are all over the country. Every municipality that is willing to improve the Roma statute giving them better houses can be considered a good practice. (1:02')

The High Commission for Equality and Intercultural Dialogue gets involved in discrimination cases through the Commission for Equality and Against Racial Discrimination. Every complaint that reaches the High Commission for Equality and Intercultural Dialogue is oriented to the Commission for Equality and Against Racial Discrimination. (1:12')

One respondent is a staff member of the National Pastoral Works of Roma. His interview was digitally recorded on 5 March 2009 at his office in Lisbon

The interviewee considers that housing is in fact the starting point for the Roma community, which is followed by education and ends in employment (00:54'). In his opinion although large numbers of Roma have been re-housed since the middle of the nineties, there is still an important fringe of families living in awful conditions. Some of them without running water or even without a nearby public fountain. A problem that repeatedly occurs is that Roma re-housing neighbourhoods are remote and far away from other populated areas (11' and 15'). Another problem faced by the Roma population, especially in the south region of Alentejo, is that they are forced to a nomadic life by the result of being expelled from one place to another by municipal authorities (33'). Besides this Roma are also unable to rent a house as an alternative. (10')

The most important factor responsible for this state of affairs is racism and prejudice towards Roma (16'). The majority of the population and their elected representatives participate in a circle of interdependence where politicians do what their voters want them to. The result is often housing exclusion and segregation. Another factor that acknowledges for some the housing deprivation among Roma is the end of central government subventions for municipal re-housing programmes in recent years and subsequently a severe reduction in the number of new social housing dwellings available since then. (4')

The respondent considers that there are some regional differences in the housing conditions of Roma (5'). There has been much more re-housing effort in coastal areas, where rather than in the interior regions, most of the Portuguese population live. However, there are not necessarily worse conditions in the interior of the country. From north to south it is possible to find good and bad examples of social re-housing programmes and it is difficult to trace any patterns.

His opinion is that there are no public housing policies having Roma as their target. People simply do not care. (38' and 42')

The Pastoral develops different types of activities that range from mediation between Roma populations and municipal authorities to exerting pressure on public organs (18'). They also give special attention to the empowerment of Roma people and are intimately linked to the emergence and implementation of different forms of Roma collective action (Association of Roma Woman and Children (AMUCIP) and Portuguese Calhim Federation (FECALP)). (25')

The interviewee points out as good practices, diverse re-housing processes where some attention to the Roma cultural preferences was taken into account on different aspects of the dwellings or neighbourhoods. The given examples were the municipalities of Famalicão, Santa Maria da Feira and Alcobaça. (41')

The Pastoral was already involved in complaints on housing discrimination. However, Roma refuse to give their name and a complaint is rarely formalised. All the complaints presented against the municipal police have no names associated with it. He also said that Roma do not trust the Commission for Equality and Against Racial Discrimination. The Pastoral favours media monitoring as a strategy to change public opinion and stop Roma prejudice. (48')

One respondent is a staff member of the Association of Roma Woman and Children - located in the municipality of Seixal, near a segregated neighbourhood, in the Lisbon Metropolitan Area. Her interview was digitally recorded on 30 March 2009, at the association facilities

Her opinion on Roma housing is that they are profoundly discriminated against and racism is still very present. She says that the private housing market is deeply racist. Renting or buying a house is almost impossible for Roma who do not dissimulate their ethnic origin dressing in a less recognisable fashion. Although she gives an interesting example of crossed discrimination later on the interview, she states that there are no specific issues about Roma woman's access to housing. She told us about a woman who started to experience racism once she started dressing in black after a relative's death. She was refused to let an apartment simply because their clothes 'denounced' her as a Roma woman. On the other hand, it is obvious that Roma women bear a much heavier traditional burden than men. This is clearly perceived when we look at the aim of this woman's association: to combat Roma woman's exclusion maintaining girls in school after puberty and giving them professional training and opportunities to improve their skills.

Social housing is another situation where there are many problems. [The interviewee was referring generically to all types of social housing, be it regular social housing or a special project like the Special Re-Housing Programme. Note however that for the last fifteen years the Special Re-Housing Programme has been for Lisbon and Porto metropolitan areas the most important public housing initiative by far. In some of those municipalities, inaugurating public housing policies.] One of the most important is the concentration of Roma population in the same social housing neighbourhoods (04:31). Another is that social housing segregation in remote or peripheral neighbourhoods is also a common occurrence in Portuguese municipalities (23:00). There are places where people are re-housed in cargo containers without any kind of services (07:30). Another problem is the actual growth rate of Roma family members. Municipal housing departments do not consider this aspect and there are many overcrowded apartments. Consequently, another problem arises, the illegal

occupation of empty dwellings that have not been already ascribed to another family. (08:30)

She considers that Roma housing conditions are not much different from one region to another. (12')

In a certain way, there is some responsibility of the Roma community for their own housing conditions since they generally resist change (15'). However, this is only a small part of the problem. In fact discrimination is indeed the main factor responsible. There is a latent reciprocal mistrust between Roma and non-Roma populations. (20')

The Association of Roma Woman and Children has not intervened particularly in the housing issues. Although the respondent considers that they could have an important mediating role between the Roma population of Cucena neighbourhood and the municipality of Seixal. Namely training new re-housed families to live in an apartment. However, they have only been contacted when some problem existed. (27')

The Association of Roma Woman and Children has never presented complaints or helped any Roma to present one. She says that between Roma there is a very low level of knowledge of this type of mechanism and a permanent suspicion. (38')

One respondent is a sociologist and researcher at the Centre of Territorial Studies. Her interview was digitally recorded on 30 March 2009, at the research centre facilities in Lisbon.

The interviewee states that the precarious housing conditions are one of the most important features of the situation of the Roma populations in Portugal. There is a clear discrepancy between the percentage of Roma and non-Roma population in this situation: 'there are around 40 thousand Roma citizens in Portugal, and 16 per cent of them live in precarious conditions' (11'). According to the National Institute of Statistics, she adds, 'there are 0.8 per cent of the population living in «non-classical» housing' (11') According to the National Institute of Statistics data 0.8 per cent of Portuguese live in non-classical houses¹¹². As for regional differences, there are more Roma families living in poor conditions in the regions of Leiria and Évora. Nonetheless, the researcher stated that the data are only estimates, because there is not an

¹¹² A researcher at the Territorial Studies Centre includes the following types of house in her definition of non-classical housing: shacks, rudimentary wood houses and improvised mobiles. CASTRO, A., CORREIA, A. (forthcoming) *Ciganos E Precariedade Habitacional: Uma Aproximação À Realidade Em Portugal*. In *Actas do Seminário Internacional Ciganos, Território e Habitat*. Unpublished proceedings to the International Roma Seminar, Territory, p. 32

exhaustive survey of the situation. It is also worth noting 'Roma families living in poor housing conditions have been in this situation for generations.' (15')

Other problems that the Roma population faces are the inadequacy of their 'forms of appropriation of both public and private spaces of the accommodation' (13') to the ways of living of the majority of the population and, related to this, the absence of public responses to the Roma housing problem, which consult the Roma community. As for particular groups, the interviewee also notes that 'if we bear in mind that 35 per cent of the Roma population are children and youngsters, there are around 2,400 of the latter that live in precarious housing conditions (...) which strongly hinders their access to education.' (21')

The Centre for Territorial Studies, created in 1991, has been accompanying the process of re-housing, of which the Roma population has been one of the beneficiaries, since the early nineties. More recently, the research centre has studied the inter-ethnic relations between Roma and non-Roma populations living in the same spaces.

There are no housing policies on a national level. There are, however, municipal housing policies, one of which had a very positive impact, the Centro de Estágio Habitacional (Centre of Housing Training). In collaboration with other municipalities, the respondent is developing a project to be presented to the Institute Of Housing And Urban Rehabilitation for this experience to be implemented on a national level. Regarding good practices, she stated that the best example is the Centro de Estágio Habitacional (Centre of Housing Training), in Coimbra. Begun in 2004, this Centre was built to house families living in poor housing conditions, but in temporary accommodation destined for 'housing training'. This is an all-encompassing project that aims to give any form of social support to families before they are integrated in the free renting housing market. Until September 2008, 21 families were re-housed in this facility, of which five were integrated in the private market. The researcher stresses that this project has not only helped Roma families to be closely accompanied during the re-housing process, but has also, and more fundamentally, combated spatial segregation and prevented neighbourhood conflicts.

One respondent is a senior technician in the Institute of Housing and Urban Rehabilitation. The interview was held on 9 March 2009 at the headquarters of the Institute Of Housing And Urban Rehabilitation in Lisbon.

The interviewee considers that it is very difficult to access correctly the housing situation of the Roma population because it is forbidden by law to census the population based on their ethnic belonging. However, the Institute Of Housing And Urban Rehabilitation is trying to get authorisation to conduct a full characterisation of the certain neighbourhoods. One of the major problems faced by the Roma communities is the co-habitation, i.e., the 'use of public

spaces by Roma communities [in inter-ethnic neighbourhoods] is a frequent problem with other communities.’ (9’).

The Institute Of Housing And Urban Rehabilitation is a public institution, which has been financing projects presented by the municipalities to construct social housing, from which the Roma population has largely been a beneficiary. Also, it accompanies with their own technicians the implementation of the housing projects.

There are no national, regional or local housing policies targeting the Roma population. However, there is a Plano Estratégico de Habitação [Strategic Plan for Housing], in which the municipalities carried out an access to housing needs in their area and the Institute Of Housing And Urban Rehabilitation tries to solve the issues either by financing their projects or by establishing partnerships with them.

Regarding good practices, the re-qualification of the neighbourhood of Lagoas, developed directly by the Institute Of Housing And Urban Rehabilitation, is quoted as an example to be followed as the Roma population participated in the design and implementation of the project. In addition, it improved inter-ethnic relations in the neighbourhood. It is symptomatic that the president of the Neighbourhood Association is a Roma citizen, a very unusual fact in inter-ethnic neighbourhoods.

Annex 1: Statistical data and tables

There is no data to be presented under this heading, rather material concerning complaints and cases regarding the housing of Roma, presented to the competent official bodies.

Annex 2: Court, specialised body or tribunal decisions

Case title	Administrative offense process n.º 5/2004 (ACIME), Process n.º 304/04-CO (General Inspection of Public Works, Transports and Communications)
Decision date	28 February 2005
Reference	Commission for Equality and Against Racial Discrimination (CICDR)
Key facts of the case	A couple presented a complaint to the Vila Franca de Xira court against two companies (a building company and a real estate office) and two employees, for the alleged refusal to sell a property on account of their Roma ethnicity. The process was sent to the competent General-Inspection for the investigation of a possible administrative offence under Law 134/99 (28.08.1999, Law against racial discrimination.)
Main reasoning/ argument	According to the understanding of the complainers and later of ACIME the defendants committed an act of racial discrimination by refusing to sell a property to the complainers solely on account of their being of Roma ethnicity. The company acted according to its commercial 'policy' - the prohibition of sale to persons of Roma ethnicity or to 'persons of colour'.
Key issues (concepts, interpretations) clarified by the case	Law n.º 134/99, which forbids discriminations in the exercising of rights based on motives of race, colour, nationality or ethnic origin, was applied, as well as the Law-Decree n.º 111/2000, of 4 June 2000 which regulates the above mentioned Law, and the general regime of administrative offenses (Law-Decree 433/82 of 27/10). The conviction was based on the defendant's action which constituted a discriminatory practice on account of the plaintiff belonging to a certain colour or ethnic origin, thus violating the principle of equality, namely the refusal or conditions of the sale of properties (art. 4.º/1, e) of Law n. 134/99).
Results (sanctions) and key consequences or implications of the case	The High Commission for Immigration and Ethnic Minorities (ACIME) ordered the defendants to the payment of a fine and the real estate company was also given an accessory penalty (the duty to post in its headquarters, branches and sales points a poster with the following declaration: 'Invista – Sociedade de Mediação Imobiliária, Lda, in the exercise of its commercial activity it will not practise any act of discrimination based on race, colour, nationality and ethnic origin'.) The defendant appealed the decision that was considered unsound, but after some formal corrections, ACIME repeated it. After the consultation of the Permanent Commission of the CICDR according to art. 13/2 of Law 18/2004, of 11.05.2004 (the Law which transposed Council Directive 2000/43/EC) it was decided to correct the formal irregularities that were detected (and which led to the appeal) but the final decision was kept. This administrative decision is one of the few condemnatory decisions of the CICDR. The CICDR applies the law against racial discrimination and applied, in this specific case, the law that transposed the Council Directive 2000/43/EC (Law n. 18/2004, 11.05.2004), that comes under the competence of the Permanent Commission of the CICDR.

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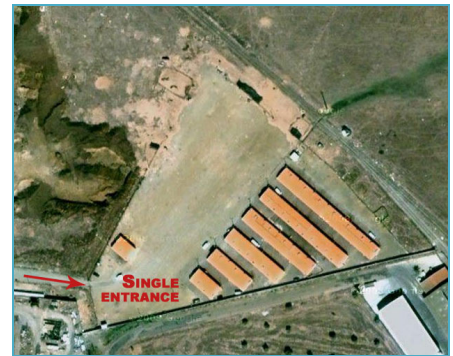
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Annex 4: Maps

Annex – Images exemplifying spatial segregation in public re-housing
Images 1 and 2 – Spatial insertion of Cucena neighbourhood in Seixal municipal territory, left. On the right, we can see the neighbourhood configuration with its single entrance.



Images 3 and 4 – Spatial insertion of the Pedreiras neighbourhood in Beja territory, left. On the right we can see the neighbourhood configuration with its single entrance.



Images 5 and 6 - Spatial insertion of Quinta da Torrinha neighbourhood in Lisbon territory, left. On the right, we can see the neighbourhood configuration with its single entrance.

