

8 February 2011

Dear Mr President,

The European Roma Rights Centre (ERRC), a public interest law organisation working to combat human rights abuse of Roma, is deeply concerned about the housing and living conditions of a group of approximately 67 Roma living behind the ruins of a medieval castle in the municipality of Vidigueira, Beja district. This community lives in deplorable conditions in the informal settlement with no electricity, no drainage, no waste removal, no toilets and where residents are plagued by rats and snakes. Since 3 February 2011 they are also living without any water supply.

ERRC staff visited the informal Romani settlement in Vidigueira on 4 February 2011 and interviewed several of the Romani residents. Residents reported that, the previous day, representatives of the municipality of Vidigueira, together with police, had destroyed the only water source in the settlement consisting of 12 outdoor water taps that had been provided by the municipality. This information was confirmed by non-Romani neighbours living next to the Romani settlement. ERRC staff contacted the local Social Security Office and spoke to social worker Ms Isaura Marcelino who had heard rumours about the municipality having destroyed the water taps in the Romani community the previous day.

The deprivation of water by the municipality of Vidigueira raises serious concerns not only in regards to the basic survival of the approximately 16 families living in poorly constructed metal shacks; it also raises serious concerns regarding Portugal's obligations under international law protecting the right to adequate housing.<sup>1</sup> The right to adequate housing in international law is interpreted broadly and includes a right to fresh water sources.<sup>2</sup>

The generally substandard living conditions of this community also trigger an obligation of the municipality of Vidigueira under national law<sup>3</sup> to provide and guarantee adequate

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<sup>1</sup> Article 11 of the International Covenant on Economic, Social and Cultural Rights; Article 31 of the Revised European Social Charter. The right to housing is furthermore guaranteed in Article 5(e)(iii) of the International Covenant on the Elimination of Racial Discrimination; Article 14(2)(h) of the Convention on the Elimination of All Forms of Discrimination Against Women and Article 27(3) of the Convention on the Rights of the Child. Portugal has ratified the above mentioned treaties.

<sup>2</sup> General Comment 15 on the right to water under the International Covenant on Economic, Social and Cultural Rights, para. 3. Available at: [http://www.unhcr.ch/tbs/doc.nsf/0/a5458d1d1bbd713fc1256cc400389e94/\\$FILE/G0340229.pdf](http://www.unhcr.ch/tbs/doc.nsf/0/a5458d1d1bbd713fc1256cc400389e94/$FILE/G0340229.pdf). The right to access to safe drinking water and sanitation is furthermore protected in Article 14(2) Convention on the Elimination of All Forms of Discrimination of Women and Articles 24 and 27(3) of the Convention on the Rights of the Child. Portugal has ratified the above mentioned treaties. The European Committee of Social Rights has elaborated on the right to water under Article 31 in its case law where it explicitly states that the right to adequate housing contains access to basic amenities, such as water. See Complaint no. 27/2004, *ERRC v Italy*, 7 December 2005, para. 35. Available at: [http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC27Merits\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC27Merits_en.pdf)

<sup>3</sup> Article 65 of the Constitution, inter alia.

housing for the Romani community who have lived in the settlement for several years. ERRC staff noted that there are a number of particularly vulnerable residents, including young children, elderly people and a heavily pregnant woman, all of whom are in need of special protection.

The ERRC calls on the municipality of Vidigueira to immediately reinstall the water supply in the Romani settlement and to act urgently to re-house the Romani community into integrated and inclusive housing in compliance with Portugal's obligations under international law protecting the right to adequate housing.

Sincerely,

Robert Kushen  
Executive Director

To:

Manuel Luís da Rosa Narra  
Presidente da Câmara Municipal de Vidigueira  
Praça da República Edifício Paços do Concelho 7960 - 225 Vidigueira  
Fax: +351 284 436 110

Cc:

Aníbal Cavaco Silva  
President of the Portuguese Republic  
Fax: +351 21 363 66 03

Luis Jimena Quesada  
President of the European Committee of Social Rights  
Fax: +33 3 88 41 37 00

Thomas Hammarberg  
Commissioner for Human Rights  
Council of Europe  
Fax: + 33 3 90 21 50 53