

To:

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Budapest, 18 July 2014

Dear Excellencies,

The European Roma Rights Centre (ERRC) is an international human rights law organisation combating anti-Roma racism and discrimination. We are writing to express deep concern regarding the forced eviction of 15 Roma families in Vidigueira, and the violent demolition of their homes and belongings.

The ERRC was alerted by local NGOs and activists that 15 Roma families consisting of 35 children and 32 adults, including 3 pregnant women, were forcibly evicted from the Vidigueira settlement, and their homes destroyed, on 17 June 2014. According to information received from local sources, following a conflict between families living at the settlement, residents temporarily left Vidigueira, but by the time they returned their homes were demolished and their belongings destroyed by the municipality. The families did not receive any prior notification of the demolition, were not consulted and were not even warned to remove their belongings.

The ERRC has also received information that the evicted families sought to have a meeting with the municipality after the eviction, but were refused. They were not offered legal aid. The families have been living in Vidigueira for around 30 years, at first in the ruins of a castle. They were later placed by the municipality in their recently-demolished homes.

At present the ERRC does not have precise information about the wellbeing and the current whereabouts of all the families. Apparently some of them are staying temporarily in relatives' houses and in tents. The families have been made homeless by the demolition, which constitutes a serious violation of a host of rights under national and international law and can render relevant authorities liable for these actions.

In particular, the eviction and the demolition of homes of the Roma without prior notice, consultation or the provision of legal aid and information, and the lack of proper legal procedure violate not only the right to adequate housing, but also the right to be free from inhuman and degrading treatment, to be free from discrimination, the right to private life, numerous children's rights and the rights of women. It raises serious concerns regarding the national,<sup>1</sup> European<sup>2</sup> and international<sup>3</sup> legal obligations of Portugal. Recent case law of the European Court of Human Rights has set out in clear detail the procedural safeguards which must accompany forced evictions of Roma,<sup>4</sup> and also endorsed the view that Roma must not be evicted unless they are re-housed.<sup>5</sup>

The European Committee on Social Rights in 2011 has already held that Portugal's policy and practice with regard to housing in Roma communities violated the Revised European Social Charter, in particular the non-discrimination clause taken with the right to housing, the right of the family to social, legal and economic protection and the right to protection against poverty and social exclusion.<sup>6</sup> The reports we have received about state action in Vidigueira raise concerns that the Charter may have been violated once more.

The ERRC asks you to:

- Provide immediate assistance to the people who were evicted, especially the children and the pregnant women,
- Meet and consult with the evicted families in order to assess their needs,
- Urgently provide them with alternative housing of adequate living standard that preserves family unity,
- End the practice of evictions and ensure the right to adequate housing to Roma people and their families,
- Develop housing policies and strategies with a special view of assisting the most vulnerable groups, including Roma.

We kindly request you to inform us about further developments and your subsequent steps.

Sincerely,

Rob Kushen  
European Roma Rights Centre

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<sup>1</sup> In particular, the Constitution of Portugal contains provisions protecting the right to housing, including Article 34 on the inviolability of the home and correspondence, and Article 65 on the right to housing and urban planning.

<sup>2</sup> Among others art. 31 of the Revised European Social Charter, and arts. 8. and 14. of the European Convention on Human Rights.

<sup>3</sup> Among others art. 11 of the International Covenant on Economic, Social and Cultural Rights, art. 5 (e) (iii) of the Convention on the Elimination of All Forms of Racial Discrimination, arts. 2 (freedom from discrimination of any kind), 16 (protection against arbitrary or unlawful interference with individual privacy and family) and 27 (right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development) of the Convention on the Rights of the Child, art. 14. (2) (h) of the Convention on the Elimination of All Forms of Discrimination against Women.

<sup>4</sup> *Winterstein v France*, judgment of 17 October 2013, § 148.

<sup>5</sup> *Winterstein*, § 159.

<sup>6</sup> [http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC61Merits\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC61Merits_en.pdf)