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# UN housing, water and sanitation experts urge Portugal to leave legacy of austerity through human rights

## Austerity in Portugal

13 December 2016

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### Portuguese

LISBON / GENEVA (13 December 2016) – Two United Nations human rights experts have expressed concern about the impact of the unprecedented economic crisis and the austerity measures on the enjoyment of the rights to housing, water and sanitation in Portugal.

At the end of a joint official visit\* to the country, UN Special Rapporteurs, Léo Heller and Leilani Farha, warned about the situation of people in vulnerable situations, including the "new poor"- those who have been pushed into poverty as a result of the austerity measures.

"We visited informal settlements with deplorable housing conditions including no access to water and sanitation services, or electricity, and talked to different persons with unaffordable access to these services, inhabited mainly by Roma (ciganos) and people of African-descent" the experts underlined. "In a country like Portugal, this is hard to accept."

During their ten-day visit, the experts met, among others, with representatives of the central government, local authorities, the Ombudsman, the Parliament as well as members of civil society organizations working on issues related to the rights to housing, water and sanitation.

Ms. Farha will submit a full report of her findings and recommendations to the Human Rights Council in March 2017. Mr. Heller will submit his comprehensive report to the Council in September 2017.

### Human rights to water and sanitation

"Portugal can be proud of its outstanding progress in the water and sanitation sector over the last decades that have resulted in an

impressive inclusion of huge part of the population to water and sanitation services of good quality," said the UN Special Rapporteur on the human rights to safe drinking water and sanitation.

"However, from the human rights lens, the so-called 'Portuguese miracle' in the water sector is incomplete," Mr. Heller highlighted. "I am concerned that, while the achievements are celebrated, the most marginalized population - unemployed, retired people, migrants, and Roma (ciganos) - have been left behind."

"I have learned the institutional complexity behind the water that flows into Portuguese households and the wastewater that flows out of them," he added. "Tensions among relevant entities provoked by this complex arrangement may be the root cause of the situations that deserve attention under the human rights framework, particularly the affordability of services for the population that are most vulnerable."

"The Government of Portugal must ensure affordability of water and sanitation for all by adopting different measures, such as extending the current legislative recommendation to automatic application of social tariff to all Portuguese in need," Mr. Heller said.

"I also urge the country to adopt legislation recognizing the human rights to water and sanitation, including the explicit obligation of the local authorities and the autonomous governments," he said. "This will be essential to ensure that individuals and groups are able to file complaints before the courts in case of rights violation."

"The celebration of the Portuguese miracle in the water and sanitation sector is still premature."

#### **Right to adequate housing**

"It was clear to me in my meetings with authorities that housing conditions for those in vulnerable situations is a real concern," said the UN Special Rapporteur on the right to housing.

"The question is, can the right to housing be implemented in the context of the liberalization of the housing market? In my view, this will be difficult without human rights oriented regulations and safeguards for the people in precarious economic situations," Ms. Farha said.

"Lisbon and Porto are already experiencing the effects of the beefed up tourism industry, and it has resulted in the displacement of poor tenants and lack of affordability," she noted.

"Portugal has been a leader in the promotion of economic, social and cultural rights internationally and it has an obligation to bring this commitment and enthusiasm back to the domestic context. An essential first step would be for the government, in consultation with relevant stakeholders, to adopt a National Framework Law on Housing based in international human rights, in keeping with article 65 of its Constitution," she urged.

"At the same time, Portugal could commit to addressing street homelessness on a priority basis adopting creative solutions, and it could take immediate steps to ensure those living in informal settlements and grossly inadequate rooming houses, ilhas and other situations are re-housed in a manner consistent with international human rights obligations," the expert stressed.

(\* Check the Special Rapporteur's full end-of-mission statement: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21014&LangID=E>

**Ms. Leilani Farha** (Canada) is the UN Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context. She took up her mandate in June 2014. Ms. Farha is the Executive Director of the NGO Canada without Poverty, based in Ottawa, Canada. A lawyer by training, for the past 20 years Ms. Farha has worked both internationally and domestically on the implementation of the right to adequate housing for the most marginalized groups and on the situation of people living in poverty. Learn more:

<http://www.ohchr.org/EN/Issues/Housing/Pages/HousingIndex.aspx>

**Mr. Léo Heller** (Brazil) is the Special Rapporteur on the human right to safe drinking water and sanitation, appointed in November 2014. He is a researcher in the Oswaldo Cruz Foundation in Brazil and was previously Professor of the Department of Sanitary and Environmental Engineering at the Federal University of Minas Gerais, Brazil from 1990 to 2014. Learn more:

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UN Human Rights, country page – Portugal:

<http://www.ohchr.org/EN/Countries/ENACARRegion/Pages/PTIndex.aspx>

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