

## Report on a study visit to Valdemingómez (Madrid) 21-23 april 1997 Study prepared by Professor Dominique Rosenberg, Consultant

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### The situation in Valdemingómez

Before looking back over the events which led to the present situation and analysing the arguments put forward by the different protagonists, the Rapporteur feels that the first priority is to describe the material circumstances and the demands of the Gypsies living in Valdemingómez and to state their claims, in the full knowledge that a few hours on the spot are not sufficient to acquire an exhaustive knowledge of the situation.

The fact-finding mission made two visits to the Cañada Real site, fourteen kilometres from the centre of Madrid on the road to Valencia, in a zone where in theory building is not permitted (Valdemingómez) but where makeshift shelters without any facilities (notably running water) have nevertheless mushroomed over a number of years, tolerated by Madrid city council and inhabited by a marginal population, not all of whom are Gypsies (1).

### Housing

The shanty town is not visible from the road running through Valdemingómez, from which it is some two hundred metres distant, and is reached by a track which is unsuitable for motor vehicles and which, before the May 1994 population transfer, did not lead to an inhabited area. When the fact-finding mission visited the site it had been raining in Madrid for two days after a dry spell: large pools of water lay on the uneven ground, from which it can be supposed that the site is flooded and muddy during longer spells of bad weather. Several dozen dwellings line two parallel paths, and the settlement stands in the middle of uncultivated ground which is used by the population as a latrine and a rubbish dump.

All the dwellings were built and equipped by the occupants themselves using breezeblocks, pieces of timber and plywood and other material provided by the municipality at the time of the transfer. As the prospect of being quickly rehoused in more decent conditions receded, the people tried to supplement these extremely inadequate resources and to build for themselves a rudimentary form of shelter, which was not provided for them. Though some slight improvements have been made to certain dwellings, particularly when required by the presence of young children, the Rapporteur considers the living conditions of the population to be unacceptable, both from the strictly material, subsistence and sanitation angle and in the light of the minimum housing standards required of a European State. The roofing, walls and supporting pillars of the twenty or so houses visited at the invitation of the population in the presence of the public authorities had been shored up, showing how dangerous the structures are.

Large amounts of the rain which had fallen in a heavy shower the night before our visit had seeped into the dwellings and the Rapporteur noted the extent of the damp and its effect on the people and their possessions. It is easy to imagine that these living (or survival?) conditions would be even more intolerable in colder or wetter weather.

Though a hook-up to the electricity grid was made by the technical services when the Gypsies arrived in May 1994, the electrical facilities in the dwellings lack even the most rudimentary safety precautions: bare wires are within reach of children's hands and liable

to cause short circuits, and therefore fires, in case of rain, there are faulty and dangerous connections, etc. The main electricity supply has been cut off since July 1995 because of an unpaid aggregate bill and only some inhabitants have electric light, powered by their own batteries or generators. The dwellings have no individual running water supplies: the municipal services have installed three standpipes from which people have to fetch their water. This type of facility does not appear to satisfy hygiene requirements, especially since the shanty town's immediate environment is an additional risk factor. The question of drinking water quality has legitimately aroused heated controversy, and will be examined in the section on public health on the site (cf below). Lastly, no central toilet facilities have been provided and their absence makes the site and its environs even more insalubrious. The problem is aggravated by the presence of numerous dogs.

Officials admitted that these people were living in very makeshift conditions but expressed surprise on several occasions that, unlike other marginal populations, they did not do more for themselves, especially by equipping their dwellings. Whether or not this relative lack of interest is borne out by the facts, participants in the fact-finding visit pointed out possible and quite understandable reasons why it should exist: firstly, most of these families, especially those in the first group which was moved in May 1994, did not freely choose to move to Valdemingómez; they were transferred in exchange for an official promise of decent rehousing on the site. This promise has not been kept and the Valdemingómez site has proved quite unsuitable for human settlement, even on a temporary basis.

So residents know they cannot remain there, if only because of the particularly bad sanitary and environmental conditions. More important still, these families refuse to make improvements to the shanty town, even though their attitude puts them at a disadvantage in the short run, because they have learned from experience that improving their dwellings might be interpreted as acceptance of their present situation: such a fait accompli policy could present the authorities with a further argument for not respecting their commitments or for postponing their implementation. In Madrid, as elsewhere, temporary situations have an unfortunate tendency to drag on, especially when they involve marginal populations unskilled in standing up for their rights. The Rapporteur came across evidence of this attitude among Valdemingómez residents when he talked to some of them about the possibility of building lavatories: he was told this would be taken as a sign that they had to all intents and purposes settled there for good.

At the informal interview which took place during the second on-site visit, residents said there was only one thing they wanted: for the Madrid municipality to allocate them accommodation away from Valdemingómez.

#### Population

The Consortium for the Marginal Population within the Madrid City Council's territorial jurisdiction made available to participants in the fact-finding visit a report on the present situation in Cañada Real containing a survey and a breakdown of the Valdemingómez population by age and gender (2).

Consortium officials stressed that this official survey should not be placed on the same footing as a 1986 survey made by its services which entitled -and still entitles- the marginal population registered on that occasion to be offered housing by the authorities: none of the first batch of families transferred to Valdemingómez had been registered on that occasion, and so, in line with the Consortium's usual procedures (cf below), they were not entitled to rehousing.

Officially there thus appear to be fifty-eight families resident on the Valdemingómez site today, whereas fifty-six families were listed in the first on-site head-count of 1994: two

are reported to have left the shanty town and four new families to have arrived. Only twenty-two of these families are thought to have been in the first batch transferred by order on 9 May 1994, which seems to indicate that thirty-six families arrived from elsewhere, either then or later. It seems likely that most of the newcomers were attracted by official promises of quick rehousing in decent conditions and came to Valdemingómez hoping to benefit from this, despite the dreadful conditions there. The authorities even suspect that some families (twenty-nine according to the Consortium) do not really live on-site and only built a cabin there which they do not actually occupy, in order to be included in the head-count.

The Consortium also seems to know of some families -a minority- which previously occupied public housing allocated to them but are thought to have illegally sold their right to this accommodation to other families. They reportedly moved onto the site hoping to be re-allocated public housing. This practice is seemingly fairly common among the socially excluded and may even be a livelihood of sorts.

The Rapporteur has no reason to doubt the information given by the authorities and recognises that this increase in numbers is an obstacle to a permanent settlement of the problem, since public officials cannot treat the housing problems of the original families which were the victims of imposed conditions on the same footing as those families which had accommodation and deliberately placed themselves in an illegal position.

The Rapporteur wishes, however, to make two points: firstly, the fact that the authorities did not respect their original rehousing commitment and allowed the situation to drag on for many long months may have helped to make things worse and is doubtless still doing so, since at the time of the fact-finding visit the Gypsy population spoke of sixty-one families totalling around three hundred persons. It is thus clear that the sooner a satisfactory solution is found, the greater will be the likelihood of halting the increase in numbers in Valdemingómez. If, on the other hand, more people arrive, the affair is likely to develop even more inextricable ramifications, though the authorities today unanimously agree that it must be settled, irrespective of the families' legal position. Secondly, the fact that a handful of families are attempting to obtain housing to which they may not be entitled should not be used to blot out the injustice done to the rest of the Valdemingómez population, nor be used in a specious and dilatory way to prevent them from obtaining redress via the allocation of decent housing.

Information about the population's demographic structure certainly needs to be updated; the official report covering fifty-four families refers to a population of two hundred and twelve persons, a hundred and fourteen males and ninety-eight females. Current numbers might be supposed to be higher as a result of recent births and the demographic growth noted (cf above).

The breakdown by age is as follows: 17% of the population are between one and five years old, around 30% are between five and seventeen years old, including twenty-six fourteen- to seventeen-year-olds who are married. Scarcely 3% of the population are over fifty. It comes as no surprise therefore to learn that half the population of Valdemingómez are children and adolescents; this accords with the age pyramid observed among the Gypsy population. However, the presence of large numbers of children calls for a more rigorous approach to education and public health monitoring and protection.

The Rapporteur must admit that his information about these people's resources is incomplete: it is obvious that none of the families has an income sufficient to provide each family member with the wherewithal for a decent life in society. A short period of observation reveals that the older age group is worst off; the younger people seem to have more funds, probably from salvaging and recycling scrap metal or from hawking, which has moreover been forbidden by a decision of the Madrid Municipality. The fact that a very few people possess some items of private property (cars seemingly in running

order, cellular phones) would tend to corroborate this impression. It might also be thought that the existence of close family ties and a sense of solidarity helps to alleviate slightly the plight of people living in the most makeshift conditions.

At all events it was clear that the overwhelming majority of the group are in such straits because their resources are quite inadequate. The official Consortium report states that twenty-six families receive the IMI, income support provided by the Madrid Community, and that two families are due to receive this, having made an application to the Vallecas-Villa municipal district social services. Social services officials stated that families on benefit had been warned that in return they would have to comply with certain basic obligations, e.g. with regard to children's schooling.

The Rapporteur would like to conclude this section on a less impersonal note, at the risk of being accused of subjectivity. He personally was expecting to find a population that was resigned or indignant about all the unkept promises and legitimately annoyed about the media attention it receives, without there being any improvement in living conditions. He wishes to state categorically that not only was the population responsive and hospitable, but, most important of all, it has not yet lost all hope. Some young couples in particular, mindful of their children's future, are really determined to find a way out. One of these people's greatest handicaps is undoubtedly their inability, because they are victims of social exclusion, to find someone to state their case to the authorities and win a hearing for them (3). This explains why they have been passed back and forth, the focus of all kinds of conflicts which they cannot comprehend but which, as time goes by, help to worsen their plight, which is unacceptable in a European country. When they have an opportunity to voice an opinion, they are capable of agreeing on and expressing a demand: to be rehoused quickly and decently in a drug-free neighbourhood (a constantly repeated request), even if this means that families are dispersed among different neighbourhoods. The Rapporteur wishes to draw the attention of all the authorities concerned to the responsibility that would be theirs if they drive these people, especially the youngest of them, to despair. Refusal to heed them today is a decision to push them to the fringes of society and to ignore them once and for all.

### Education

Official reports stress the efforts made by all the services concerned with regard to schooling for the Cañada Real children and education in general. A school bus is supposed to take children to school, but the bus stop is several hundred metres away from the Valdemingómez site and one wonders how efficient the service is, especially in bad weather. The most recent assessment of the school attendance rate for children aged five to thirteen shows that, of the forty-four children concerned, thirty-four attend school, in two different areas, San Blas and Palomeras-Entrevías. The Rapporteur was unable to identify the second place, but was surprised that many children were still attending school in the San Blas neighbourhood from which their parents were moved in 1994, whereas the Vallecas-Villa and Rivas areas would be more accessible, being much closer to Valdemingómez and thus more conducive to regular school attendance (4).

Be that as it may, almost a quarter of the children no longer seem to attend primary school, no information having been obtained about infant schooling for two to five-year-olds or about secondary education. The truancy rate among this school-age population is the same as that among the Gypsy community as a whole. A report from the Consortium social services (April 1997) notes with alarm that truancy is the first step towards dropping out of school altogether. The dropout rate has been assessed for eleven- to sixteen-year-old children in the various Madrid shanty towns, almost all of whom belong to the Gypsy community. For the first term alone of the 1996/1997 school year, 22% of

the 1,572 school-age children and adolescents had dropped out of school (extended to the school year as a whole this dropout rate could be higher than two-thirds for these young people) (5).

In Valdemingómez an attempt has been made to remedy this highly unsatisfactory situation: day-nursery and canteen expenses are taken care of and on-the-spot educational support is organised. The Vallecas-Villa district has set up a scheme for two teachers to provide children with educational back-up twice-weekly. A women's educational scheme started in November 1996 is reportedly attended by around twenty women; it is designed to enable a majority of them to complete the general basic education programme (Graduado Escolar) by the end of the year. The Rapporteur was unable to estimate the illiteracy rate among the site's child and adult population.

Neighbourhoods where the Consortium has provided decent housing for the excluded were visited and it was observed that the authorities were particularly concerned about children's -especially infants'- schooling. Several interviews also confirmed that the authorities consider education to be the best way of eradicating problems of exclusion and their implications in the long run. The Rapporteur cannot fail to express support for this point of view. Applied to Valdemingómez, however, it leads the Rapporteur to make the following remarks: firstly, material, sanitary and environmental conditions, distance from schools, etc -certainly do not encourage this process of social integration via schooling. On the contrary, they are bound to aggravate the problems of persistent truancy and dropping out of school. Most importantly, however, the Rapporteur believes that it makes no sense to stress the importance of children's education while at the same time abandoning the population to destitution. How can children, and especially adolescents, believe in advancement via education and make a determined effort to follow this path, as they are asked to do, when they can see with their own eyes the persistence of social exclusion, if not discrimination? In other words, the future credibility of the education programme is contingent on respect here and now for the human dignity to which it aspires.

### Public health

In this vital field the Rapporteur wishes solemnly to stress that public officials and the social and health services have definitely not realised the extent of the serious risks facing the Gypsies as a result of a combination of specific environmental conditions on the Valdemingómez site and their extremely makeshift living conditions. These factors should have led to the establishment of a proactive, vigilant public health policy. The Rapporteur is obliged to note that in this vital area the problem in Valdemingómez has not received the basic treatment the situation demands. The absence of lavatories, dwellings open to the elements, an uncertain food situation, the many young children living in overcrowded circumstances with numerous dogs which are potential disease carriers and the confirmed presence -especially in hot weather- of rats, insects and snakes, are all dangers to public health (6) and should elicit a different response from the authorities, who say that the health situation in Valdemingómez is not much different, i.e. probably no worse, than that in other Madrid shanty town neighbourhoods (7).

The public health problem is particularly acute in Valdemingómez since the immediate environment constitutes an additional risk factor. The settlement is located near to three potential sources of contamination which ought to give rise to a more responsible approach. These are: a pig farm, today closed down by court order largely because of the threat to public health (cf below II). Its manure heaps and pits full of animal carcasses were used as a playground by the Cañada Real children; Madrid's largest unauthorised rubbish dump where fires break out periodically; and finally a new refuse incinerating plant about three kilometres from the site, whose compliance with health standards has

aroused heated controversy (cf II below).

This being so, a number of associations concerned with the defence of the environment, aid for marginal populations (Caritas) and the interests of the Gypsy community (Presencia Gitana) have rightly endeavoured to alert the authorities, public opinion and the media by publishing reports on the issue and by asking for clinical and epidemiological analyses to be made and, in the light of these, for drastic steps to be taken, whilst knowing full well that rehousing on another site would provide the only really safe solution. All these reports attest to the tipping of highly toxic substances on the dump, releasing discharges into the surrounding atmosphere, and to foul smells emanating from the same source and from the refuse incinerating plant; they express anxiety that rivers and water supplies on the site may be contaminated from these sources and specifically about the effects on Cañada Real of waste from the pig farm. In conclusion, they stress that this deplorable situation is already endangering the health of the site's inhabitants and is likely to go on doing so in the medium and long term unless drastic steps are taken, and in the absence of preventive health care measures.

It is highly important to note that these health warnings issued by the associations are based on regular reports made at the request of the municipal council of the nearby town of Rivas-Vaciamadrid, under the authority of the Councillor for the Environment: though the epicentre of these sources of contamination is the Gypsy community of Cañada Real, a far wider population is at risk and is closely concerned by their potentially serious effects.

The Rapporteur has the full text of some of these official documents and some photos taken during these surveys: they describe and show dumping in the open air and in the river of chemicals - in particular drums of sodium cyanide, an extremely toxic substance - and medical waste products, as well as the remains of dead animals.

The authorities have been kept informed and alerted by these convergent reports as a matter of course. Their most recent conclusions about health conditions in Cañada Real are, however, as follows :

".....There is clearly today no particular health risk for either children or adults, nor is there any risk of epidemics, infection or contagion of any sort. The population's state of health is the same as that of its neighbours" (8).

Though the Rapporteur has no particular medical qualifications, he ventures to consider these heavy-handed, ambiguous conclusions (cf note 8 above) unacceptable. Not only do they take little account of the disturbing observations made by the Rivas Municipality and the associations, but they are contradicted by statements made by Valdemingómez inhabitants. The latter chiefly complained of the ill-health of the children, who suffered from bronchial and respiratory ailments, frequent diarrhoea (blamed on the water) and skin infections which fact-finding visit participants could see with their own eyes. It was also established that the many dogs are covered with sores, i.e. they are a prime source of contamination for pustular diseases, and possibly other pathological conditions.

9.f. It is true that shanty town dwellers almost all have a health card and access to the Rivas and Vallecas-Villa health centres, as well as private medical services. The Rapporteur is also aware of the measures taken by the public health authorities in Valdemingómez, but he feels that these ad hoc measures are much too limited and are therefore inadequate to treat these people's endemically fragile state of health. There is some evidence to justify this verdict: in late April 1996 the Director of the Consortium for the Marginal Population alerted the public health authorities of Zone 1, which comes under the Madrid Community, of the appearance of cases of hepatitis among the Cañada Real population. Though the Vallecas-Villa and Rivas services responsible for monitoring this population's health had no previous knowledge of this, they sent a team to the site on 17 May accompanied by a member of the Consortium. The chlorine and acidity levels of the water from the three stand-pipes were analysed but the results gave no indication

that the permitted norms had been exceeded.

The report dated 21 May states that it had not been possible to contact the family whose two children were reported to have Hepatitis A symptoms and briskly concludes that no other cases had come to light and that no prophylactic measures were prescribed, since such a virus would be a harmless and frequent occurrence among children living in these economic conditions. Preventive measures were nevertheless scheduled as part of a wide-ranging vaccination programme for Madrid's marginal population as a whole; the local health services asked INSALUD (the government public health authority) to take this in hand and the latter agreed, despite a few reservations: the point is that INSALUD is reported to have previously proposed assistance to these people, offering them a health card and their own special time-slot for consultations, but to no avail. INSALUD's main complaint was that they did not respect the time-slot, but always called out its emergency medical teams. On 1 July 1996 a meeting about the vaccination programme was held, at the Consortium's initiative, for all the parties concerned: the various official services, representatives of the Cañada Real population (the Cañada Real Association Chairperson and a site dweller, cf note 6 above), the local church and Caritas (a denominational organisation that has been in contact with these people over a long period).

At this meeting, the Association's Chairperson complained of INSALUD's refusal to provide emergency treatment for Cañada Real patients and the site dweller walked out of the meeting after rejecting the planned vaccination measures, and after his suggestion that rehousing after rejecting the planned vaccination measures, and after his suggestion that rehousing was the way to improve the health situation had received a flat refusal. At the next meeting on 11 July, the population turned down the vaccination programme saying that they were furious at the failure to rehouse them. These meeting reports, which the Consortium made available to us, clearly show that the Cañada Real population refuses various health measures, not on religious grounds as the social services told us, but because their main concern is to be rehoused and they believe that to refuse may be a way of putting pressure on the authorities.

9.g. Be that as it may, we feel this public health policy is based on reaction to events rather than on the preventive approach required by the observance of basic precautions. The Rapporteur is ready to believe that these serious failings are primarily due to red tape, whose ramifications he was able to gauge. The problem -as the authorities directly concerned are only too aware, since official reports several times mention the need for coordination- arises from the multitude of bodies and services with responsibility for public health. Though legal responsibility for health and social affairs rests with the Madrid Community, the latter primarily provides the town councils within its territorial sphere with funding, and each council is free to organise health services in its district; these services must however work alongside the facilities and programmes of the government public health body, INSALUD.

Finally, social services of the Consortium for Rehousing the Marginal Population, which are funded on a 50/50 basis by the Community and the Municipality of Madrid, are also active in Cañada Real. The result is an administrative imbroglio and it is hardly surprising that this vulnerable, ill-educated population finds it hard to comply with this diversity of decisions and actions. The main effect of all this overlapping is to prevent the development and implementation of a consistent, effective health policy and these conflicts of authority are a factor, or even a pretext, leading to impotence and inertia. This somewhat severe conclusion is shared by Ms R. Posada, the Madrid Community Councillor for Health and Social Services. On 5 June 1996, Ms Posada solemnly declared to the Community Assembly that the Cañada Real shanty town "does not meet the minimum hygiene and health requirements" and that this situation was "shameful for all concerned". With the support of all the political parties present, she demanded "the urgent transfer" of the population (9). Since nothing has come of this request so far, the Rapporteur considers that in view of the particularly bad sanitary conditions in

Valdemingómez a special body should be set up to act as the sole negotiating partner for these people and take responsibility for them. This would be a tangible sign of a decision to carry out a proactive policy consonant with the health implications of the Valdemingómez situation.

From this brief appraisal of the current situation, the Rapporteur is obliged to conclude that the Cañada Real population is living at a level of material and moral exclusion which scarcely complies with the fundamental rights of Spanish citizens as specified by their Constitution. The Rapporteur will return to this essential point in due course, but first an analysis must be made of the reasons for the deadlock in this affair, from which the population continues to suffer. This hardening of the situation is largely due to the specific origins and nature of the case.

- 1) The term Cañada Real and Valdemingómez will be used interchangeably in this report, as they are when the case is discussed.
- 2) In the main, this report recycles information from a previous Consortium report dated 26 May 1996, which updated the first survey made immediately after the population transfer in May 1994.
- 3) It is however true that some reports of meetings with the authorities note the presence of a chairperson of the Cañada Real association who is said to have been the population's spokesperson, and of some of the shanty town's inhabitants, though the chairperson and the inhabitants did not always adopt the same point of view (cf below, public health). The fact-finding visit did not confirm this form of representation, which the Rapporteur thinks may have been short-term.
- 4) This official information and the reasons for this situation require confirmation.
- 5) The dropout rate increases with age.
- 6) On some nights parents have to keep watch to prevent rats from biting their children.
- 7) The Rapporteur will have occasion to return to this widely used argument. The picture it gives—doubtless involuntarily—of the health situation in these neighbourhoods is immediately clear. This conclusion would carry conviction if the Cañada Real inhabitants had been given a full medical check-up and their health had been monitored: so far as we know, this is not the case. A comprehensive study by the Rivas municipality in late 1994 revealed the existence of many diseases e.g. mycosis, conjunctivitis and malnutrition. Another assessment, whose conclusions were very adverse, was reportedly carried out by the non-governmental organisation Médecins du Monde, but the Rapporteur was unable to refer to it.
- 8) Report of the Consortium for the Marginal Population given to the Council of Europe during the fact-finding visit: "Cañada Real, history, development and current situation", April 1997, p.7 (trans. note).
- 9) The Rapporteur notes that Ms Rosa Posada belongs to the same political persuasion as the Madrid Municipality.