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**Fourth Report submitted by Portugal pursuant to Article 25, paragraph 2 of the Framework
Convention for the Protection of National Minorities
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Portugal's 4th Report to the Council of Europe
under the Framework Convention for the Protection of
National Minorities



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Foreword

The present report concerns the implementation of the Framework Convention for the Protection of National Minorities (FCPNM) by the Portuguese State. This is the fourth State Report of Portugal to the Advisory Committee, **corresponding to five years since the last report (24 September 2013)**, and it provides additional information concerning the main issues raised in the third monitoring cycle.

As stated in all three previous reports, Portugal does not recognize the existence of national minorities, and therefore does not collect official and reliable data on national minorities in Portugal. Nevertheless, the Portuguese Government has ratified the Framework Convention for the Protection of National Minorities and is committed to the protection of the human rights of all citizens in Portugal.

The FCPNM does not provide a definition of *National Minority*, leaving it to each State do so, according to its legal system, its political views, its cultural and social *de facto* situation – and a legal definition of this concept or the acknowledgement of its existence also does not exist in the Portuguese legal system.

This report has been drafted in the context of a continuation of the national position on the non-recognition of the existence of national minorities in Portugal.

Portugal, however, acknowledges the existence of one ethnic minority in the country, namely the Roma communities; however, this reflects quite a different situation from what is meant by “national minority” in the Framework Convention. In this sense and on this basis, specific answers are given to the questions put forward by the Advisory Committee and certain relevant aspects in this regard are presented. We would like to stress that the acknowledgement of the Roma communities is not incompatible with the non-recognition of national minorities in Portugal, and in our understanding, the Framework Convention does not apply to recent immigration issues.



Part I – Implementation of the Framework Convention

The High Commission for Migration (www.acm.gov.pt) is a public institute that in Portugal, under the direct supervision of the Presidency of the Council of Ministers, is responsible for collaborating in the definition, implementation and evaluation of public policies regarding the attraction of migrants, the integration of immigrants and Roma communities, and the management and enhancement of the diversity of cultures, ethnicities and religions through the promotion of intercultural and interreligious dialogue.

Considering the growing migratory challenges, the Portuguese option was to have a national mechanism for the integration of migrants and to prioritize integration as a transversal folder, not limited to the management of borders, migratory flows or labour market interests. The creation, over twenty years ago, of a public deliverance structure, such is the High Commission for Migration, was of absolute importance, therefore assuring that all horizontal levels of governance (different ministries and agencies) and also that the vertical levels of governance were mobilized (regional, local and third sector), in accordance with the key principles of cooperation and partnership.

The mandate of this Public Institute has been systematically reinforced over the years, in recognition of the importance to have a coherent integration policy for migrants and also for Roma communities and in light of the emerging challenges faced by the Portuguese society.

The High Commission for Immigration and Ethnic Minorities (ACIME) was created in 1996 with the main mission of promoting the integration of immigrants and promoting intercultural dialogue in Portugal. To accomplish that mission, ACIME assured the participation and cooperation of representative immigrant associations, social partners and State Services in the definition and assessment of policies on immigrants' social insertion and on prevention of exclusion and discrimination. Since the first of June 2007, this State Service became a Public Institute and adopted a new institutional name: High Commission for Immigration and Intercultural Dialogue –



ACIDI, reinforcing its scope of intervention. In 2014 the Institute's mandate was once again reinforced, as the High Commission for Migration – ACM.

The High Commission for Migration is, since 2007, responsible for national plans for the integration of migrants. - Now on its third - Migration Strategic Plan 2015-2020 (the English version can be consulted in http://www.acm.gov.pt/documents/10181/222357/PEM_ACM_final.pdf/9ffb3799-7389-4820-83ba-6dcfe22c13fb). These plans represent the shared responsibility of the different Ministries in the area it concerns, but also the involvement of the civil society and municipalities. Aligned with the national plans, in 2014, Portugal challenged the municipalities to build bottom up municipal plans, with the strong participation of migrant communities.

Acknowledging the change in migration flows in Portugal over the past few years and the need to define a national integrated vision on migration through a whole-of-government approach, in 2014, the Portuguese Government decided to expand the action plans focused only on the integration of immigrants. It started to define a national strategy for migration flows globally, including measures to target not only immigrants, but also Portuguese emigrants and refugees.

While enlarging its target group to a broader sense of migrants, this new strategy took in consideration the importance of reinforcing the variety of sectors where integration should occur (employment, health, education, justice, housing, culture and language, civic participation, human trafficking), as well as keeping crosscutting themes such as gender issues, racism and discrimination and also the promotion of diversity and intercultural dialogue.

Although Roma communities in Portugal have been Portuguese for five centuries, and the large majority presently does not adopt an itinerant or travelling way of life, and have benefited, without discrimination, from all measures in place for the general population, including social protection, they still face many integration challenges. The High Commission for Migration put forward a National Roma Communities Integration Strategy (ENICC) - 2013-2020 (www.acm.gov.pt/documents/10181/52642/ENICC_en.pdf/bc4d6288-1626-4fcd-baa0-9feb8da7860d) following an intensely participated process with the involvement of all government



departments, civil society organizations, academia, experts and representatives of Roma communities. The Strategy comprises 105 measures in the areas of education, health, housing, employment and a cross-cutting pillar covering discrimination, mediation, education for citizenship, social security, promotion of Roma history and culture, and gender equality.

As mentioned in the foreword, due to a legal constraint, Portugal does not collect data disaggregated by race or ethnic origin. There is a considerably large Roma community, estimated to have between 40 000 and 60 000 members. Under the National Roma Communities Integration Strategy 2013-2020 and given the scarcity of information on Roma communities, not only concerning population size and geographic distribution but also related to the various aspects addressed by the National Strategy, such as housing, education, health and employment, it was considered imperative to conduct a wide study, in order to collect relevant information for defining and implementing suitable policies.

Despite sharing a common origin and cultural values, Roma communities are diversified and widely spread throughout the Portuguese territory and there is the need to better understand the cultural aspects that characterize each community. A study was carried out with the involvement of different Ministries and collected information deemed essential to conduct an evaluation of compliance with several established targets, while protecting the confidentiality of the data provided by the target group.



Part II – Issues for immediate action (3rd monitoring cycle)

Issues for immediate action

- ∅ review the mechanisms for responding to complaints of racial discrimination, and in particular develop further positive measures to promote full and effective equality and significantly increase their impact;
- ∅ take resolute measures to put an end to discrimination against Roma in access to adequate education, housing, employment and health care facilities;
- ∅ take vigorous measures to put an end to the practice of placing Roma pupils in separate classes; identify measures to prevent absenteeism and early dropout from school of Roma children, in particular among girls;

Regarding the issue to ***review the mechanisms for responding to complaints of racial discrimination, and in particular develop further positive measures to promote full and effective equality and significantly increase their impact*** it is important to highlight the adoption of the new anti-discrimination law. Law n. 93/2017 was published on 23 August 2017 and entered into force on the 1st September 2017 establishing the legal framework for the prevention, prohibition and combat of discrimination based on racial and ethnic origin, colour, nationality, descent and place of origin.

The Law was approved on 7 July by the Portuguese Parliament and enacted by the President of the Republic on August 3rd and alters the legal framework on the combat and prevention of racial discrimination. In practice, the diploma centralizes all the different phases of the administrative offences processes in the same entity, in order to optimize the services and make the application of the Law more timely and effective.

As a result of this new legal diploma, the High Commission for Migration, through the Commission for Equality and Against Racial Discrimination (CICDR) www.cicdr.pt will be responsible for all phases of the administrative offences procedure within their areas of competence, reception and analysis of complaints, instruction and decision, as well as the coordination of actions in the prevention, inspection and combat of discriminatory



practices. The scope of CICDR’s intervention is in this manner increased with the mandate to manage the administrative offences processes, determining the fines and additional sanctions to be applied.

CICDR’s composition is also increased and extended to 31 Advisers, including a representative of the Roma communities and a representative from each parliamentary group of the Portuguese Parliament. In addition, this diploma establishes close cooperation mechanisms between the High Commission for Migration and the Working Conditions Authority, where this entity will also be represented in CICDR’s Advisory Board.

In addition to the prohibition of discrimination based on race, colour, nationality and ethnic origin, new forms of discrimination are for the first time included, such as discrimination based on descent and place of origin, multiple discrimination (offense on more than one characteristic under protection) and discrimination by association (*“based on relation and/or association to a person or group of persons”* possessing criteria under protection).

The text also foresees the possibility for the parties in conflict to find a solution through a *“mediation procedure at their request or by indication”* from CICDR, *“with the consent of the offender and of the victim or of his or her legal representatives”*. The new law also allows the possibility of migrant and Roma associations to act in representation of the victim, providing greater sense of security and protection.

With this new legislation, the concept of discriminatory practices has been reinforced as well as the composition of the Commission for Equality and Against Racial Discrimination. The new law also enables the Commission for Equality and Against Racial Discrimination to be able to collect evidence in cases of racial discrimination and to handle the entire procedure from beginning to end, increasing the efficiency of this body. Additionally, the value of the maximum fines has been raised. The revision of the anti-discrimination law aims to improve the reporting of discriminatory action and assure a timelier and more efficient response to the complaints received.

Full text of Law n. 93/2017 (in Portuguese) is available here: <https://dre.pt/application/file/a/108039214>



The National Strategy (ENICC) proposes five integration goals concerning five pillars: education, housing, employment, health and a crosscutting pillar (including measures concerning with citizenship, justice, security, gender equality, discrimination and social security issues).

In order to combat discrimination against the Roma communities, be it in the realm of education or other dimensions, the global data on the accomplishment of the National Roma Communities Integration Strategy 2013-2020 reflects a completion rate of 94,1% of the Strategy's goals, confronting the number of expected measures and the number of goals reached or under development between 2013-2016. A revision of the National Roma Communities Integration Strategy has been under consideration, in order to provide clearer and more effective measures and indicators, as well as the extension of its period until 2022.

In 2017, for the discussion of a potential revision proposal of the National Strategy, the representatives of the Roma associations were consulted regarding this matter. Included in the consultation groups were the participants of the above mentioned "More Leaders", an initiative aiming to promote the active participation of young Roma in the civic and associative spheres, using participative methodologies (meetings, trainings, awareness-raising sessions and project development). There are presently 24 More Leaders participants (17 men and 7 women) between the ages of 18 and 35 years old.

The Portuguese State is committed to ensuring the active participation of the Roma communities in the entire process of the Strategy and has so far promoted two consultation workshops in Lisbon concerning the revision of the National Strategy, one with the More Leaders' group in November of 2016 and the other in February of 2017 with representatives of the Roma communities. In April 2018, a survey on the National Strategy was also carried out on Roma people through an online questionnaire.

The work developed by Programa Escolhas (*Choices Programme*) is of the utmost importance in Portugal in regards to ***measures to put an end to discrimination against Roma in access to adequate education; and measures to prevent absenteeism and early dropout from school of Roma children, in particular among girls.***



The *Choices Programme* (www.programaescolhas.pt) developed by the High Commission for Migration, promotes the social inclusion of children and young people from vulnerable socio-economic contexts particularly descendants of immigrants and ethnic minorities. In this Programme, local projects are designed to match the specific needs of the people to whom it is directed and have a strong emphasis in school support to increase academic success.

The Programme focus on five strategic areas:

- I. Education and professional training, in order to contribute to school inclusion and to non-formal education, as well as to professional qualification;
- II. Employability and employment, in order to contribute to the promotion of employment and employability, supporting the transition to the labour market;
- III. Citizenship and participation (civic rights and duties), in order to contribute to participation and citizenship, allowing greater awareness of civic and community rights and duties;
- IV. Digital inclusion;
- V. Entrepreneurship and empowerment.

The Programme supports local projects, designed and implemented by a consortium of local partners, whom in a convergence of resources and synergies develop an effective local dynamic based on a local diagnosis. They also define and implement various types of actions in line with the objectives identified.

Presently in its 6th generation (2016-2018), the Choices Programme is supporting 112 approved projects across the Portuguese territory, as well as two pilot experiences in the European context – Luxembourg and London. The action of each local project targets children and young people between 6 and 30 years of age, involving other publics as well, such as family members and the community at large.

The action model created to work with these target groups is based on the definition of a theory on change, where it aims to promote their resilience: to look at these children and young people and invest on the



opportunities, on their full development and in the realization of experiences and positive interactions. It concerns the support of the development of resilient children and young people.

A strong investment is made in the combat against lack of school success and absenteeism, where among the projects in course, 99 work under measure I – Education and Professional Training –, developing such diverse activities as studying support, development of personal and social skills programme and non-formal education activities to promote success in school. The work developed also involves the co-accountability of family members, often through mediation and training on parenting.

Non-formal education takes particular relevance in the Choices Programme since it allows to efficiently and effectively encourage children and young people who participate in the projects towards structured and guided learning, with acquisition of skills as the final objective. The articulation among pedagogical approaches, learning methodologies, as well as the investment in structured recreational and pedagogical activities which aim at encouraging the motivation for learning, has made it possible to work with children and young people from disadvantaged contexts, namely from the Roma communities.

From the current 112 projects, 88 work with the Roma communities, however not exclusively. Involved in these projects and as participants in their daily activities, it is highlighted the participation of 6.408 people between January 2016 and April 2018.

The work with the Roma communities is being developed from north to south of the country, and mainly concerns the investment in school success and work of great proximity to the daily life of the participants. As such, the technical team maintains regular contact with these children and young people, as well as with their family members. The team also promotes activities on location, aiming to reduce social, cultural and economic differences that still exist, looking towards the social inclusion of all.



With this in mind, and as a way to encourage and promote access of young Roma to higher education, the Operational Programme for the Promotion of Education (OPRE) was launched in October of 2016. This Programme aims to reduce existing barriers between these communities and the formal education system, as well as to prevent early school dropout in this cycle of studies.

OPRE became a public policy due to public recognition of the positive results of the *Opré Chavalé* (Rise up Youth) Project promoted by the Portuguese Platform for Women's Rights in partnership with Association Letras Nómadas in the academic year of 2015/2016. This project was financed by the EEA Grants – Active Citizenship Programme. *Opré Chavalé* was conducted by civil society organizations, among which a Roma association, and began being supported by ACM, through the Choices Programme in 2016, with the attribution of eight scholarships.

The success of this initial experience led to it becoming a public measure, and in the academic year 2016/17, it became an important instrument within the framework of the National Roma Communities Integration Strategy. This Strategy identifies the importance of disseminating and sharing successful experiences of school integration and success, under the Education axis. The OPRE Programme is an innovative measure in encouraging the integration of these communities in higher education cycles. This initiative presents positive measure component by including in the requirements a 40% mandatory representation of each sex for the beneficiaries, therefore promoting gender parity.

OPRE Programme was developed by ACM in partnership with civil society organisations, and this edition attributed 25 university scholarships, as well as a capacity building, tutoring and support of the scholarship recipients and respective families.

OPRE is a programme that is not limited to the attribution of scholarships. Considering the specific needs of the participants, the programme is not limited to providing financial support, but also offers a capacity building



programme and specialized technical support, awareness raising and family and community mediation, as well as individual support and tutoring for the students.



3rd Workshop, Espinho, April 2017

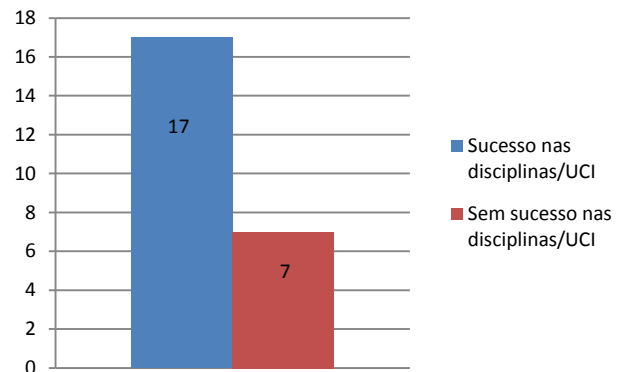
The capacity building programme is made up of four training workshops, of two days each, aiming at the increase of personal and school success of the participants. These training moments promote the acquisitions of the soft skills necessary for success in higher education; specific preparation for challenges found in higher education; empowerment, personal development and gender equality; exploration of Roma identity and support in the conciliation with new identity elements, as well as group cohesion and the mobilization for strengthening the work of Roma activists in the domain of education.

In addition to the training workshops, OPRE also implements a mediation process with the beneficiaries' families/communities. Taking into account that many are pioneers and are the first in their communities and families to enroll in higher education, it's important to work locally in order to deconstruct barriers and to raise awareness regarding the importance of education progression, namely in what concerns women. OPRE has two Roma mediators for this dimension, responsible for this work with the community and families.

School success, academic year 2016/2017



In the first edition of the OPRE programme participated 11 men and 13 women, residing in 19 municipalities across the country, with ages between 18 and 39 years old. A common denominator of the group was the effort and motivation to achieve good results in school. Of the 24 students in OPRE, 17 (71%) were considered to have good results and 7 (29%) did not reach that goal, for various reasons.



Source: Survey on school progression, July 2017

The positive results of the first edition justified the launch of the second edition, for the 2017/18 academic year. Following the same goal to break existing barriers between Roma communities and the formal educational system, the 2nd edition is supporting 32 Roma students, 14 women and 18 men, from 22 municipalities across the country.

The first capacity building workshop of this edition took place in November of 2017, where the group had the opportunity to meet with the President of the Republic of Portugal (<http://www.acm.gov.pt/-/presidente-da-republica-recebeu-ovens-opre>).

The Choices Programme has invested since the 4th generation in having a community manager, someone from the local communities with a positive leadership profile. This young person is part of the local technical team. Out of the 77 community managers in the current projects, 11 are from the Roma communities, nine young men and 2 young women.



Part III – Developments article-by-article, with focus on recommendations (3rd monitoring cycle)

Information on relevant developments on an article-by-article basis, paying particular attention to the further recommendations for action made in the third monitoring cycle.

Other recommendations:

- ∅ continue to take steps, in close consultation with the Roma community, to review in school textbooks information on their history, cultural heritage and language with a view to eliminating any remaining stereotyped images of Roma in educational materials; raise public awareness about Roma being an integral part of Portuguese society;
- ∅ continue to strengthen the mechanism of consultation of persons belonging to the Roma community, in particular in areas affecting them;
- ∅ take more vigorous measures to meet the housing needs of Roma; examine the opportunity to increase the provision of halting sites, including by improving co-ordination of the different levels of authorities involved in site provision;
- ∅ clarify the legal framework regulating itinerant trade at local level and also promote sustainable employment alternatives, in close co-operation with Roma representatives and based on their needs.

Concerning the matter of Roma and education, particularly regarding curricula, in Portugal, school textbooks are freely selected by schools, but after a prior certification by the national authorities, based on the analysis of independent expert teams, usually composed by Professors of Education in Higher Education institutions. This analysis is ruled by the criteria settled in the Law no. 165/2006, article no. 11, including the constitutional principles and values, namely non-discrimination (no. 2), and social and cultural diversity (no. 3).



Moreover, considering that such analysis and certification is a long process, in 2017, the national authorities produced new guidelines for the criteria used by schools to textbook selection, including the article 2.3: “to promote citizenship education, particularly avoiding cultural, ethnical, racial, religious or sexual discrimination, and respecting the principle of gender equality”.

All the information ruling this process is available here: <http://www.dge.mec.pt/manuais-escolares>

The National Strategy for Citizenship Education (ENEC), launched in 2017 in a partnership between the Secretary of State for Citizenship and Equality and the Secretary of State for Education, sets the implementation of a new curricular domain – Citizenship and Development – in all levels of education (from pre-school to upper secondary), recognizing that it is the school's responsibility to provide children and young people with educational processes that promotes knowledge and skills of plural and responsible participation, regarding active citizens and more fair and inclusive societies, within the framework of democracy, diversity and human rights (ENEC is available in Portuguese in www.dge.mec.pt/sites/default/files/ECidadania/Docs_referencia/estrategia_cidadania_original.pdf). Among the six issues defined as priorities in this strategy – and thus compulsory for all education levels – is Interculturalism, promoting cultural and religious diversity as well as non-discrimination practices.

Concerning housing, after the publication in 2016 of the study “Characterization of housing conditions of Roma communities” that increased the knowledge of the situation of Roma people, in 2017 Institute for Housing and Urban Rehabilitation (IHRU) conducted a national survey of the rehousing needs, which includes housing needs of Roma communities.

In October 2017, under the Secretary State for Housing the Programme “New generation of housing policies” was presented. This initiative was in public consultation until December 2017 and calls for the guarantee of adequate housing for all those that due to situations of lack of resources and vulnerability are excluded from access to it. It is expected that this Programme enters into force in 2018.



Article 3

24. *The Advisory Committee invites the Portuguese authorities to engage in a dialogue with persons belonging to ethnic, cultural or linguistic groups living in Portugal about possible protection under the Framework Convention.*

The Portuguese approach to integration policies relies on the active participation of the communities directly involved in these policies, be it in the structure of the existing bodies as well as in the different programmes and activities.

An example of this can be found in CICDR (Commission for Equality and Against Racial Discrimination), established by the Law No. 134/99, of 28 August, which prohibited discrimination in the exercise of rights for reasons of skin colour, nationality or ethnic origin. The Commission for Equality and against Racial Discrimination is chaired by the High Commissioner for Migration. The other members of the Commission are from a wide variety of backgrounds, relevant to combating discrimination, including a representative of the Roma communities, immigrant and anti-racist organizations, NGOs active in human rights protection, representatives elected by the Parliament, representatives of the Government, representatives of Trade Unions, representatives of Employers'. The Commission members meet every three months.

Additionally, CONCIIG- Consultative Group for the Integration of Roma Communities (<http://www.acm.gov.pt/-/grupo-consultivo-para-a-integracao-das-comunidades-ciganas>) was the 1st priority of Portuguese National Roma Communities Integration Strategy - ENICC and was created because Portuguese government recognize the importance of a consulting group, not only for monitor the implementation of ENICC but also for assessing the socioeconomic situation of Roma communities. The CONCIIG, works within ACM and includes the following members:

The High Commissioner for Migration (who acts as chairman and coordinator);



Two representatives of the Government member responsible for internal administration;

A representative designated by the Government member responsible for the justice sector;

A representative designated by the Government member responsible for the economy and employment sector;

A representative designated by the government member responsible for the housing sector;

A representative designated by the government member responsible for the health sector;

A representative designated by the government member responsible for the education sector;

A representative designated by the government member responsible for the solidarity and social security sector;

A representative designated by the regional government of the Azores;

A representative designated by the regional government of Madeira;

A representative designated by the national association of Portuguese municipalities;

A representative designated by the national association of Portuguese civil parishes;

Two representatives of institutions working with Roma communities, to be designated by the High Commissioner for Migration;

Four representatives of Roma communities associations, to be designated by the High Commissioner for Migration;

Two citizens of recognized merit, to be designated by the High Commissioner for Migration;

Two representatives of academic or research institutions with relevant work on Roma communities, to be designated by the High Commissioner for Migration.

The More Leaders Programme - Roma Youth is also a good example. This Programme was launched in 2016 by the High Commission for Migration, and aimed to encourage the active participation of young Roma in civic and associative planning, using participatory methodologies in the context of meetings, training actions, information / awareness sessions and project development. The Programme had 24 Roma young participants (17 men and 7 women between the ages of 18 and 35 years old).



25. The Advisory Committee invites the authorities to start a dialogue with the Mirandese community with a view to finding appropriate solutions for strengthening the existing protection and promoting of Mirandese language, cultural heritage, including by considering a possible extension of the protection offered under the framework Convention and also by signature and ratification of the European Charter for Regional or Minority Languages.

Based on its recognition as cultural patrimony, according to the Law no. 7/99 from January 29, the Mirandese language is part of the curricula in the public schools of Miranda do Douro and Sendim, as a second official language. The main established goals are to improve the communicative skills in the oral and written form, particularly the fluent use of the Mirandese language, associated with a wish to learn and a conscience of the cultural local identity, in the frame of the principles of multiculturalism, linguistic diversity and the promotion of minority languages, as stated in the linguistic policy agreed in the Council of Europe.

Aiming to improve the scope, consistency and quality of this policy, in order to meet the Article no. 8 of the European Charter for Regional or Minority Languages, it was signed at 25 September 2017, a Protocol between the Ministry of Education, the University of Coimbra, the city council of Miranda do Douro and the local schools cluster, to assure the collaboration on the development and certification of teachers' skills on this language.

As a result of the acknowledgement of Mirandese as a second official Portuguese language and integral part of the Intangible Cultural Heritage, the Ministry of Culture has been participating and supporting, actively and committedly, a set of actions that aim to preserve, study and disseminate the Mirandese Language.

Through the Regional Directorate of Culture of the North (whose geographical area of intervention covers the Municipality of Miranda do Douro) we highlight the Mirandese Language and Culture Days and the Protocol between the Miranda do Douro City Council, the Lhéngua I Cultura Mirandesa Association and the Llingua Asturiana Academy, based in Oviedo, Asturias, that opened the doors to pupils' and teachers' exchanges, joint publications and other measures set to develop and defend those languages on both sides of the border.



In dependence of the Regional Directorate of Culture of the North is the Terra de Miranda Museum, founded in 1982, that evokes the Mirandese plateau. The visit allows for characteristic features of the social and cultural life of this region whose strong identity manifests itself in the presence of the Mirandese language, and is also anchored in agriculture, cattle breeding and border trade.

Financial support has been provided to projects from the Miranda do Douro region through the Directorate-General for the Arts / Ministry of Culture, namely Galandum Galundaina – Cultural Association. This musical project has been collecting, investigating and promoting the language and heritage of Terras de Miranda for the last 20 years, playing/performing in concerts, organizing thematic festivals and providing workshops and learning courses for teachers and school children.

Their work has been presented both nationally (in close relation with the Municipality of Miranda do Douro) and internationally (in Spain, France, Italy, Belgium, Germany, Morocco, Cuba, Cape Verde, Brazil, Mexico and Malaysia), therefore actively contributing to the dissemination of the Mirandese language.

Article 4

Legislative and Institutional Framework Against Discrimination

34. The Advisory Committee invites the authorities to proceed swiftly with the amendments to the legislation that would bring it in line with the previous recommendations and the existing best practices in the field. In particular the authorities should seek to simplify and speed up proceedings. In the meantime, the Advisory Committee urges the authorities to continue raising awareness about the existing anti-discrimination legislation and available avenues of redress.

In the fight against discrimination, we should highlight that with Law 94/2017, from 25 August, the legal type provided for in Article 240 of the Portuguese Criminal Code (CC) on discrimination and incitement to hate and



violence was extended and reformulated in accordance with EU Council framework decision 2008/913/JHA of 28 November 2008, on combating certain forms and expressions of racism and xenophobia by means of criminal law.

Under this new heading, new causes of discrimination and incitement to hatred and violence - ancestry and psychological or physical disability - have been added. The structure of the legal types provided for in article 240, paragraph 2, includes now, as a typical mean of execution, "any means of dissemination", providing as examples the denial of war crimes, against peace and humanity and genocide. It criminalizes also, in a new subparagraph d), incitement to hatred and violence, as a new modality of action, along with existing acts of violence (subparagraph a)), defamation (subparagraph b)), injury or threat (subparagraph c)), reinforcing the transposition Council Directive 2000/43/EC of 29 June 2000, implementing the principle of equal treatment between persons irrespectively of racial or ethnic origin. In all those subparagraphs ancestry and disability are also included.

Others articles of the Portuguese Criminal Code should also be mentioned: Article 11 on moral persons criminal responsibility; Article 132 paragraph 2 subparagraph f) which includes racial, religious, political, colour, ethnic origin, national origin, sex, sexual orientation or victim gender hate, as qualifying circumstance of homicide. Disability is also considered to be a qualifying circumstance of the homicide crime (article 132, paragraph 2, subparagraph c)); Article 193 includes ethnics origins as a cause of IT intrusion crime. According to article 246, whoever is condemned by the crime foreseen in article 240, may be interdicted to elect the President of the Republic, the Members of the Parliament, the Members of the European Parliament, the Members to the Legislative Assemblies of the Autonomous Regions and the holders of local organs, to be elected as such or to be juror for a period of two to ten years.

Special mention should be made to the Victims Statute (Law No. 130/2015, 4 of September). Article 3 lays down that this statute should be applied, according to the principle of equality to all victims, regardless of ancestry, national origin, social condition, sex, ethnicity, race, language, age, religion, disability, political or ideological convictions, sexual orientation, culture and educational level, and determines that all victims should enjoy the



fundamental rights which are enshrined in the dignity of the human person, and should be ensured equal opportunities to live without violence and preservation of their physical and mental health. Especially vulnerable victims do have a special regime (article 67-A, paragraph 1 subparagraph b) of the Portuguese Criminal Procedure Code and Victims Statute).

The system of access to the law and the courts in Portugal ensures that no one is hindered or prevented due to social or cultural condition, or by insufficient economic means, to the knowledge and the exercise or defence of their rights (Law No. 34/2004, 29 July).

Case law frequently applies legal norms on racism and antidiscrimination or incitement to hate. As example, we highlight three judicial decisions of the High Court of Justice (Portugal) and one from the Évora Court of Appeal.

1. Case law 48/12.2YREVR.S1 in:

<http://www.dgsi.pt/jstj.nsf/954f0ce6ad9dd8b980256b5f003fa814/727e7cfb94eb21b080257a45002f6679?OpenDocument&Highlight=0,48%2F12.2YREVR.S1> (2012)

In a case of Holocaust denial, the Portuguese High Court considered that freedom of expression cannot prevail when its exercise violates other values to which the law confers adequate tutelage and that the understanding that the diffusion of conducts justifying genocide as a manifestation of hate speech should be penalized, is in line with the latest acquisitions in terms of European Union law as is the case with Council Framework Decision 2008/913/JHA. It also concludes that it is not unconstitutional to include the penalization of a conduct which supposes an indirect incitement to it or provoke, in a mediate way, discrimination, hate or violence which is precisely what allows, in constitutional terms, the establishment of the legal type of Article 240 (2) (b) of the Criminal Code.

2. Case law 97P1203 in:



<http://www.dgsi.pt/jstj.nsf/954f0ce6ad9dd8b980256b5f003fa814/dd1cc4e3936ccd49802568fc003b7da0?OpenDocument&Highlight=0,97P1203> (1997)

In a case where material co-authorship was being tried in an aggression with racial characteristics, the Portuguese High Court reiterates the fact that the Portuguese Constitution expressly enshrines, in particular in its Article 13, the principle of racial equality according to which all citizens have the same social dignity and are equal before the law, irrespective of their race, stressing that it is not necessary to have prior agreement for material co-authorship to exist. It is enough to have a reciprocal awareness of participation in common work. It also determined that each author is responsible for the entire event, because without the action of each one of them the event would not have happened.

3. Case law 07P4472, in:

<http://www.dgsi.pt/jstj.nsf/954f0ce6ad9dd8b980256b5f003fa814/0c479bd238555b99802573af0036f99f?OpenDocument&Highlight=0,07P4472> (2007)

In the case of appeals of judicial decisions that kept the defendant accused of murder remanded in custody, the accused was informed that one of the reasons alleged by the author of the custody order, relates to factors of elimination and combat to traces of racism and xenophobia, due to the fact that the accused was a white national citizen and the victim was a black foreign citizen. In this case, the court considered that by ordering the remand in custody of the accused without a precise indication of the concrete facts that allowed it, although referring to the existence of danger of escape and the danger of disturbing public order and tranquility, the judge acted with disregard of the rules providing for restrictions on the right to liberty and, consequently, violated the constitutionally guaranteed rights.

4. 53/11.6TAEZ.E2 in:

<http://www.dgsi.pt/jtre.nsf/134973db04f39bf2802579bf005f080b/27ab9ad145ab9dbb80257de10056fef8> (2014)



In this case, the Évora Court of Appeal considered that the use of prison is not justified in defamation crimes, except in exceptional circumstances, in particular if other fundamental rights have been seriously violated, such as incitement to violence, discourse of violence against people or groups, incitement to hate and calling for intolerance.

Measures to Promote Full and Effective Equality

41. The Advisory Committee invites the authorities to continue developing positive measures to promote full and effective equality for Roma, including gender equality, and to implement them effectively, in all areas of life. Such measures, including National Roma Communities Integration Strategy, should be adequately financed and due consultation should take place with the stakeholders at all stages of preparation, implementation and evaluation.

As mentioned previously in the report, Portugal adopted a National Roma Communities Integration Strategy (ENICC) in 2013 (2013-2020).

The ENICC implementation is financed by the budgets of the partners responsible for each priority. Considering the Strategy is in place until 2022, and in line with the 2011 European Union Council conclusions that brings attention to the need and importance of the implementation of coordination, monitoring and evaluation mechanisms for national strategies, a monitoring and reporting mechanism was created. This evaluation mechanism to monitor ENICC's implementation process aims to identify and correct in a timely manner, eventual side tracts to the approved plans.

As such, the High Commission for Migration prepared and developed a mechanism to monitor ENICC's indicators, approved by all focal points in December of 2014. The monitoring process focuses on the reporting



responsibilities of the institutions involved, and allows for the systematic registering and monitoring of all actions taking place within the framework of the Strategy.

The registration of ENICC's indicators and the information resulting from the reports are essential for the elaboration of recommendations and to adjustment process needed and strongly depend on the permanent and regular reporting of information by the focal points. The monitoring mechanism for ENICC's indicators directs each Focal Point to register information on all actions developed in a form (template for the form is provided), supporting the Strategy's monitoring table.

This information will be annually presented to CONCIG. This consultative group will be able to elaborate recommendations based on the monitoring data and the recommendations will be passed along to the focal points from the public services. These recommendations are a fundamental element when it is necessary to make adjustments to the Strategy.

According to the information collected from the Strategy's Focal Points in 2016, a total of 605 actions were reported as the result of the implementation of the priorities and measures. This number surpassed the results from the previous year.

The global data on the ENICC's execution reflects a completion rate of 94,1% of the Strategy's goals, confronting the number of expected measures and the number of goals reached or under development between 2013-2016. The creation of the Support Fund to the National Strategy (FAPE) was determinant to the achievement of this result. The High Commission for Migration (ACM) launched in 2015 the Support Fund to the National Strategy within the framework of the National Roma Communities Integration Strategy. The Fund defines the access to financial support, provided to experimental and innovative projects, in the area of the promotion and combat discrimination of Roma communities. In the rules of procedure for the Fund it was established as an essential condition the participation of Roma communities in all different phases of the projects to be developed (elaboration, implementation and evaluation). The lack of compliancy with this rule constituted motive for exclusion in the application process.



A revision of the National Roma Communities Integration Strategy was under discussion, in order to provide clearer and more effective measures and indicators. In 2017, for the discussion of a potential revision proposal of the National Strategy, the representatives of the associations were consulted regarding this matter.

Within the process of ENICC's revision, 15 local discussion groups in all national territory, gathering municipalities, local public services, grassroots organizations namely Roma associations, Roma mediators and other Roma professionals were organized. 232 women and 56 men (professionals working in these areas and the general public) participated in these activities. Roma participation on the Strategy's discussion was also achieved through the online survey launched in April 2018 for Roma people respondents.

The decision to proceed with the revision of the National Strategy was taken in August of 2017 and a revised version is expected in 2018.

The New National Strategy for Equality and Non Discrimination 2018-2030, approved by the Portuguese Government in March 2018, defines the public policies to be developed in the areas of (i) equality between women and men, (ii) preventing and combatting violence against women and domestic violence, and (iii) combatting discrimination on the basis of sexual orientation, gender identity and expression, and sexual characteristics.

For the first time, this new strategy expressly adopts intersectionality as a guiding and transversal principle. On that basis, the strategy recognizes the particular experiences of discrimination at the intersection of several discrimination grounds (e.g., racial and ethnic origin and sex), and delineates measures that aim to respond to said specificity.

For this purpose, several measures are established that target Roma women in particular, such as:



- Funding for local and regional projects that aim to promote leadership as well as civic and political participation of women from minorities, such as Roma women;
- Actions to promote education and the reduction of dropout rates of Roma girls;
- Funding for specific programs to improve intervention with victims of violence that are particularly vulnerable due to the intersection of several discrimination grounds, including Roma women;
- Training of professionals to intervene with victims of violence that are particularly vulnerable due to the intersection of several discrimination grounds, including Roma women.

On the other hand, the Portuguese Commission for Citizenship and Gender Equality (CIG) is a national delegated authority for the management of EU structural funds in the area of gender equality, non-discrimination, gender-based violence, and trafficking in human beings.

In this context, the following projects funded under this framework, contributed or are contributing to the implementation of the National Roma Communities Integration Strategy 2013-2020:

A project developed by an NGO (UMAR), running from 2016 and 2018, in Coimbra, which, among others, aims to deconstruct stereotypes about Roma women, fight marginalization and contribute to the integration of Roma women in the labour market, tell the experience and resistance of Roma women in their communities, promote solidarity and cooperation between Roma women, participation in civic and political life. The project uses innovative methodologies in terms of artistic expression (theatre of the oppressed).

The aim is to develop 12 actions with 20 young people in the community, with a budget of €16,708.

A project developed by a Roma association (Letras Nómadas – Associação de Investigação e Ação das Comunidades Ciganas) aiming to train 72 stakeholders to obtain expertise in gender equality in the context of Roma integration. Each action takes place in a municipality in the centre of Portugal (Viseu, Figueira da Foz, Abrantes and Torres Vedras), and the project has a total approved budget of €34,092.



42. The Advisory Committee encourages the authorities to extend the systematic collection of data and information on the situation of Roma in all fields of daily life, in line with international standards in the field of personal data collection.

Due to Constitutional (n.º 3 of Art. 35 of the Portuguese Constitution) and to other legal constraints (Law on the Protection of Personal Data, namely Law No. 67/98 of 26th October), Portugal can only compile statistical data on the racial and ethnic demographic composition of its population based on anonymous and voluntary self-identification of those concerned (formal permission). These voluntary replies raise a constraint concerning the unpredictability of non-response rates, thereby affecting the reliability of the administrative or survey based data. Data and information on the situation of Roma in all fields of daily life can be included in this constraint, and perhaps more efficiently covered by a qualitative study.

Following this recommendation, the Ministry of Education carried out a survey to all schools in the country, in October/November 2017, regarding the 2016/2017 school year, and the results were published at 9 April 2018, in the International Day of Roma People, with a visit of the Minister of Education and the Secretary of State for Citizenship and Equality to a school with a significant Roma population and an innovative inclusion strategy, reaching a high visibility on the media.

This survey was elaborated by the Directorate-General of Education, in the frame of the National Strategy for the Integration of Roma Communities, and was approved by the National Commission for Data Protection, with some recommendations. It is important to stress that data on Roma population in schools was not collected for 20 years, due to an interpretation of violating a Constitutional norm on data protection, so this survey was a major landmark and a delicate issue. There was a considerable media coverage of the launch of this report, including news on the main national TV channels, radios and newspapers.

In order to assure its good receptivity and analytical consistency, Directorate-General for Schools supported the application of the survey and the Directorate-General for Statistics of Education and Science was in charge of data analysis and the production of the report.



The results are publicly available since the day of the launch at: <http://www.dgeec.mec.pt/np4/906.html>

Among the key results from the survey are the following:

- (1) Roma students attend around half of the existing 811 school clusters, with a significant dispersion around the country (all districts being represented, with some concentration in Lisbon, in absolute terms, and in Beja, in relative terms);
- (2) Around 68% of the Roma students are supported by the School Social Action service (including free meals, textbooks, other educational resources, transportations, etc.), due to poor socioeconomic conditions;
- (3) There is still a concentration of students in the first and second cycles of basic education (1st to 6th grades), although the number of students in the secondary education was much more significant than in previous surveys, as focused by the media coverage of the report (for instance, in 1997/98, there was 16 Roma students in upper secondary, and in 2016/17, the number climbed to 256);
- (4) 60% of the Roma children attend pre-schooling, although not being compulsory (and a common sense idea that Roma families would be against pre-schooling);
- (5) The retention rate of Roma students in basic education was 44%, and there is a “cumulative effect” (29% of the Roma students already failed more than once during basic education);
- (6) Gender gaps are low, although it is possible to stress that attendance and success rates are slightly higher among boys, and the opposite happens in the overall population (and in the case of Roma, “domestic learning” is almost only attended by girls);
- (7) 90% of the Roma students are in “regular classes”, while less than 1% are in “domestic learning”;
- (8) The dropout rate of Roma students in basic education was 6%, in 2016/17.

The Directorate General of Justice Policy (MJ) co-organized, together with the European Union Fundamental Rights Agency and the OSCE Office for Democratic Institutions and Human Rights, in Lisbon on the 13 and 14 March 2018, a Workshop on "Hate crime awareness raising / Understanding and improving hate crime recording and data collection".



In compliance with the measures outlined in the National Roma Communities Integration Strategy (2013-2020), and in the perspective of gaining detailed knowledge on the housing needs of the Roma communities, the need for a study on the housing conditions of these communities was developed.

From the results, we highlight the existence of more than 7.456 housing spaces occupied by Roma families, among which more than 1900 are shacks.

The Study on the Characterisation of the Housing Conditions of Roma Communities Residing in Portugal was submitted to the governmental housing authorities as well as to the High Commission for Migration, and is available

here: http://www.portaldahabitacao.pt/opencms/export/sites/portal/pt/portal/publicacoes/documentos/caraterizacao_condicoes_habitacao.pdf

In 2017, IHRU - Property Institute and the Urban Rehabilitation developed the necessary procedures to the elaboration of a National Needs for Re-housing, which included the definition of the following general objectives:

- I. Identify, qualitatively and quantitatively, the present housing needs in Portugal;
- II. Gain specific knowledge of the number of families living in unacceptable conditions;
- III. Organise the proposed solutions by the municipalities in order to solve the disadvantaged housing conditions.

Based on these objectives, additional criteria were defined to identify disadvantaged housing situations. There were identified: constructions which had been demolished (or removed, in case of vehicles such as motorhomes); situations of precarious housing; those which were identified as the permanent residence of the family members there residing.



Considering that the study's main focus was the identification of families living in precarious housing conditions, ethnic minorities were not separately identified. Nevertheless, it is estimated that 65.762 identified families are members of the Roma communities.

The High Commission for Migration launched for the first time in 2015 the Fund to Support the Activities of National Roma Communities Integration Strategy (FAPE) and approved 11 projects, with a total budget of 50.000€. Those projects were implemented during 2015, all over the country, in partnership with different stakeholders and with a special focus on activities that promote the fight against discrimination, awareness of public opinion, training on citizenship and the promotion of the Roma in the community.

Already in 2016, in a second edition, the High Commission for Migration, through FAPE supported 21 projects with a total budget of 100.000€.

In the meantime, and after an external evaluation of the first two editions of FAPE (available for consultation at <https://www.acm.gov.pt/documents/10181/167771/Relatório+de+Avaliação+FAPE+2015e+2016.pdf>), on the 7th November of 2017 the High Commission for Migration launched the 3rd Edition of the National Strategy Support Fund for 2018 and 2019 with an amount of 250.000,00€ and 18 projects from the civil society were approved (3 of them managed by Roma associations and the others, at least, with the participation of Roma persons).

Also in 2017, the High Commission for Migration launched the 1st Edition of the Roma Associativism Support Programme (PAAC) to encourage the participation of Roma Associations.

PAAC had a 40.000€ budget and funded six Roma Associations in basic issues, such as electricity or internet bills, or with small projects that fit within the framework of the National Strategy, concerning for instance the promotion of Roma history and culture. Meanwhile in 2018, the second edition of PAAC was launched, and eight projects from all over the country were approved.



The programme emerged through realizing the importance of investing in the mobilisation and active involvement of Roma associations, in the local and national implementation of ENICC. Thus, PAAC contributed directly to the achievement of the goals defined in the priorities established under ENICC, and whose projects structured their action in the form of activities with the following in mind:

1. Encourage the participation of Roma communities as an exercise of citizenship;
2. Promote the fight against discrimination and public awareness;
3. Support initiatives / projects of civil society organisations;
4. Invest in strategies for the empowerment of Roma women through women's associations;
5. Value Roma history and culture;
6. Frame Roma family values in the principles and values of Portuguese society;
7. Raise public institutions awareness of intercultural mediation as a promoting strategy for inclusive services.

The projects presented under the PAAC in 2017 were structured in three pillars of intervention - associative training, the promotion of equal opportunities, education for citizenship, mediation and the fight against discrimination. These areas of intervention are seen as fundamental toward achieving social cohesion that respects cultural diversity and through actions that reflect a contribution to the achievement of the objectives and goals within the other pillars of ENICC.

The formal kick-off of the initiatives took place on June 2, 2017, with the signing of the protocols with six Roma associations, and signalled an important step in the integration of the Roma communities, involvement and active participation through their associative mobilisation.

In this way, the first edition of PAAC included projects that stood out in the areas of anti-discrimination, promotion of intercultural dialogue between them and the majority society, as well as the promotion of gender equality and the empowerment of Roma women, as well as the social advantages of schooling and improve parental involvement in school as an incentive to the frequency and continuity of the school journey.



With FAPE and PAAC, the increase empowerment of Roma Associations is evident and significant as is also their participation.

Article 6

Integration and Tolerance

51. The Advisory Committee urges the authorities to strengthen their efforts to combat all forms of racism and intolerance, to avoid marginalization, stigmatization and rejection and to promote integration of all groups in society. Inter alia, all expressions of racism or intolerance must be firmly condemned and effectively prosecuted and sanctioned.

The Law no. 93/2017, of 23rd of August, reinforces the principle of equal treatment regardless of racial or ethnic origin, colour, national, ascendancy, territory of origin, and aims to establish a legal framework for combating discrimination on grounds of racial or ethnic background. Any discriminatory practice provided in Law n.º 93/2017 August 26, constitutes an offense punishable by a fine (individual (421,32€ to 4.213,2 €) and collective person (1.685,28 € to 8.426,4 €).

The following must be noted:

- No occurrences were recorded regarding crimes of homicide and physical offense determined by racial hatred or generated by colour for the period in question (2013-2016).
- The number of defendants is determined taking into account the most serious crime present in the prosecution and the number of convicted is determined taking into account the most serious crime present in the conviction. Thus, the number of convicted persons may, for a specific type of crime, exceed the number of defendants, since, in the first case, it was considered the most serious crime of which the defendant was accused of and, in the second case, the most serious crime for which the defendant was convicted.



- Since it reflects a small number of occurrences, part of the information is protected by statistical confidentiality. Where the number is less than 3, it is protected by statistical confidentiality, so that such data cannot be disclosed. The principle of statistical confidentiality is one of the fundamental principles of the National Statistical System (article 6 of Law no. 22/2008 of 13th May), which aims at safeguarding the privacy of citizens and guaranteeing confidence in said system.

From 2007 onwards, statistical data on cases in the courts of first instance were collected from the courts' computer system, thus representing the state of the cases recorded through this system.

The National Republican Guard (GNR) has been committed to community policing and awareness raising campaigns aimed at alerting students, teachers, parents, guardians and the society at large to security fundamental aspects, in order to foster a culture of proximity and improving the situation of sub-denunciation. In these actions, racial discrimination behaviours are addressed to promote the adoption of safe conducts and trust in the security forces.

In 2017, 28769 citizens participated in the awareness raising actions in which the issue of non-racial discrimination was addressed.

Also in 2017, the GNR Criminal Prevention and Community Policing was created. This specialized branch of GNR human resources is divided in 85 sections, at the level of detachment, whose elements are specifically trained in Human Rights and specially prepared to deal with and support minorities, seeking to reduce discrimination against any citizen and minorities, in particular.

GNR also created two special programs - the Migrant Support Program and the Disabled Persons Support Program – aimed at involving the community in problem solving and at identifying points of contact that act as facilitators in the communication between GNR and the community, allowing closer ties and an heightened sense of security.



GNR and the High Commission for Migration signed a Protocol in November of 2017 aiming at actively cooperating in the implementation and development of the Migrant Support Program; sharing information and good practices, providing relevant and adequate initiatives to the target groups' challenges; and promoting awareness raising and training opportunities to local partners and the general public on deconstructing stereotypes and prejudices.

The Public Security Police (PSP) does not condescend to acts of violence committed by its police officers, whether for racial, homophobic or any other kind of discrimination, and has a particularly hard history of disciplinary punishments, the only ones upon which it is incumbent. Criminal investigations are the responsibility of the judicial authorities, whose action is independent and autonomous.

The National Internal Inspection Service of the PSP is in full articulation with the Inspectorate General of Home Affairs (IGAI) to ensure that investigations on all alleged cases of racial discrimination or misconduct based on ethnic or racial grounds or any other misconduct by the Police are carried out and that the perpetrators are properly punished.

In the recent years, through the "Safe School" Program, PSP has sought to raise youngsters' awareness towards the need to perceive society as a space that promotes interculturalism, citizenship, gender equality and the defense of the rights of minority communities. In the previous school year, circa 2500 awareness raising sessions were carried out in the scope of this Program.

In addition, PSP developed the Project "I Do as FALCO Says", aimed at children aged between 6 and 10 years old, using short cartoons episodes specially designed for PSP that allowed to achieve the following results:



School year	Group Criminal Prevention sessions			Individual prevention	Views FaceBook and YouTube
	Schools	Number of sessions	Students	Number of sessions	
2014/2015	2674	3416	114879	4938	Not available
2015/2016	2477	2837	85691	6599	125488
2016/2017	2250	2816	80282	4829	36549

Not all initiatives focus on racism and homo/transphobia, but the characters deliberately include different ethnicities, so that the call for interculturalism and respect for human rights are always present.

The High Commission for Migration has promoted several activities to combat discrimination and on the promotion of intercultural dialogue, for different target groups including the police, during the last years.

In July 2016, the Public Security Police (PSP) signed a Protocol with the High Commission for Migration to implement the "TOGETHER FOR ALL Programme". This program aims *"to contribute to the prevention of conflict in multicultural communities who may have some vulnerabilities, and also for the safety of all citizens regardless of their nationality or cultural belonging."* Under the protocol, the PSP committed to *"provide training to ACM professionals, on the legal framework that manages the police action, taking into account the main strategic and tactical guidance of Special Programs and relevant projects, under this Protocol, and how to articulate communication strategies with the PSP"* and the High Commission committed to *"provide training to elements of the PSP of the first two levels of intervention on the immigration phenomenon in Portugal, the national and cultural groups living in the country, the issue of diversity and intercultural dialogue (stereotypes, discrimination and ways to deal with difference)"*. <https://www.acm.gov.pt/-/acm-e-psp-juntos-por-todos->

The training activities foresee the participation of 1000 officers. Until April 2018, 47 sessions in the area of integration and cultural diversity have taken place, with the participation of 896 police officials and agents from all over the country.



The Fund to Support the Activities of National Roma Communities Integration Strategy (FAPE) has several objectives including the promotion of non-discrimination and public awareness; the promotion of training on citizenship and to encourage the participation of Roma communities while exercise of citizenship; the promotion of knowledge of the Roma history and culture; the promotion of other actions that materialize the execution of the National Strategy.

The FAPE areas of intervention are:

- a) Awareness-raising actions to combat discrimination of Roma communities and to promote intercultural dialogue between them and the majority society;
- b) Actions focused on the promotion of gender equality or focused in the development of citizenship skills and conciliate the professional, personal and familiar life;
- c) Training actions in Roma history and culture and the promotion of the associativism and communitarian participation;
- d) Actions/initiatives to promote economic and entrepreneurial activities;
- e) Actions/initiatives to value of the importance of schooling and of the continuity of the school.

A few examples of FAPE projects include the awareness raising campaign to combat the discrimination, developed by SOS Racismo - “Não Engolimos Sapos”; the Pedagogical kit for schools about Roma, history and culture, developed by AMUCIP Association - “Romano Atmo”; and the “Lachim Sastipen”- developed by Letras Nómadas Association.

Considering the results of the last edition of FAPE it is possible to report a total of 61 actions, 1249 training hours, 1231 participants and 66 other initiatives such as seminars, lectures, documentary films or exhibitions, within 5000 visitors.



52. The Advisory Committee encourages the authorities, in close consultation with the Roma community, to identify sustainable solutions ensuring long-term functioning of socio-cultural mediation. The Portuguese authorities should identify solutions, including financial support, to allow the mediators to continue their work.

The High Commission for Migration published on 26 April 2018 the Intercultural Municipal Mediators Programme, with a call opened between 27 April and 14 June of 2018.

This call targets the creation of Intercultural Mediation Teams to facilitate the integration of Migrant and Roma Communities, in the North, Centre and Alentejo regions.

The local municipalities lead the Partnership and are obliged to identify local civil society organisations as partners (preferably migrant and Roma communities associations), through Partnership Agreements.

The budget of the current programme is 3.500.000€ (three and a half million euros). The programme is funded by the European Social Fund and co-funded by the Portuguese State budget (15%).

Combating intolerance against Roma

59. The Advisory Committee strongly urges the authorities to take immediate measure to put an end to the practice, carried out by some municipalities, of separating Roma from the majority population by means of walls or fences and to effectively investigate and sanction as appropriate all allegations of discrimination in the provision of public services

Under the scope of Law n.º 93/2017 August 26, any discriminatory practice constitutes an offense punishable by a fine (individual (421,32€ to 4.213,2 € and collective person (1.685,28 € to 8.426,4 €). That case refers to an isolated episode in 2015 which has been meanwhile fixed.



In March 2018, Consultative Group for the Integration of Roma Communities (CONCIG) issued a statement available for consultation at <https://www.acm.gov.pt/-/comunicado-concig> regarding with housing, pointing out in particular the housing rights and reinforcing the importance of the municipalities to have a proactive attitude, developing diligences that anticipate and solve the housing problems that still persist.

In the present, there are no known cases of walls or fences to separate Roma families from the local community.

60. The Advisory Committee strongly urges the authorities to take measures as a matter of urgency aimed at solving the situation of Roma who are compelled to move constantly from place to place.

Please see the response above.

Portrayal of minorities in the media

65. The Advisory Committee urges the authorities to make more resolute efforts to combat the dissemination of racism and stereotypes in the media.

The High Commission for Migration seeks to combat the spread of racism and stereotypes in the media, sensitizing journalists and other communication professionals to the need to discuss these issues, but also to promote, together with these communicators, a better knowledge of the matters related with Cultural Diversity, contributing to a more reliable and effective approach when transmitting the information.

In this sense, the High Commission for Migration includes in its Plan of Activities, the organization and/or co-organization of events and initiatives aimed at promoting cultural diversity and interreligious dialogue. In this context, in December 2017, together with the Union of Journalists (Sindicato de Jornalistas), the High Commission for Migration organized a workshop for communication professionals - "Tools/ Resources for the



Management of Cultural Diversity in the Media" - for which we invited journalists and communicators in general to debate on the publication "Ethics in the News - EJN (Ethical Journalism Network). Report on Challenges for Journalism in the Post-truth Era, 2017", a special edition of the Ethical Journalism Network (EJN), considered a key contribution to the debate on the future of the media.

Another publication featured in this workshop was the Practical Guide for Social Communication Agencies, focused on the prevention of discrimination against Roma communities. This work is a Net-Kard project, 2014, which is the result of a set of focus groups and interviews, carried out in Portugal, Spain, Romania and Italy, by Net-Kard project partners, which intends to provide resources, rules and guidelines to improve the quality of information in the media about Roma communities and to prevent and combat discrimination about these communities. This Guide is part of a set of 4 guides aimed at different professionals working in the fight against discrimination of Roma communities.

The High Commission for Migration organizes, every year, since 2015, the Cultural Diversity Communication Award (Prémio de Comunicação "Pela Diversidade Cultural"), which is another initiative that seeks to sensitize the media to Cultural Diversity, demystifying existing prejudices and stereotypes regarding minorities. This central event of this public institute aims to reward essays, published and / or disseminated in the traditional and digital media, with a relevant contribution to the promotion of cultural diversity, to combat discrimination based on nationality, ethnicity, religion or documentary situation and, in particular, to the integration of Migrant and Roma Communities in Portugal.

Targeted at media professionals / journalists, content producers, scriptwriters and / or screenwriters, and youngsters aged 15-24, this prize had, in 2017, 32 essays admitted in competition, in all the established categories - Cultural Diversity Prize, Written Press Award, Radio Prize, Television Prize, Photojournalism Prize, Regional and Local Information media Prize, Young Prize and Diversity Award in the Screenplay.



As part of its mission to host and integrate migrants, the High Commission for Migration establishes, on a timely basis, Cooperation Protocols in order to support migrants' associations and initiatives and also to help other partners that also work with migrants and minorities. This can be a financial support but also involve other resources, such as the dissemination through our websites - www.acm.gov.pt; www.programaescolhas.pt and its facebook pages. In September 2017, the High Commission for Migration established a Protocol with PELE Association - Social and Cultural Contact Area, determining the participation, with the show "Fuente Ovejuna", of Compañia Atalaya TNT, which integrates 9 Roma women, at the Festival MEXE - IV International Art Meeting and Community, which happened in Porto.

To spread relevant information about its projects/programs/initiatives planned to help migrants, the High Commission for Migration produces two magazines, in paper and digital format - *ACM em revista* (with a print run of 1000 copies) and "Revista Escolhas" (with a print run of 500 copies). In both magazines are deepened all the themes of this Institute's sphere of intervention. In July 2016, ACM launched a special issue of *ACM em revista*, dedicated mainly to Roma communities.

The Commission for Equality and Against Racial Discrimination launched, on 22nd June 2015, a new version of its website (www.cicdr.pt) with a new design and more user friendly contents. It includes also different tools such as frequently asked questions, legislation and other legal documents, information about the final administrative convictions, the activities developed and the possibility to make a complaint through an online formulary both in Portuguese and in English.

Multiple initiatives have taken place in order to combat racial stereotypes and prejudices against immigrants, foreigners and national citizens, Roma included. These initiatives were implemented in the form of campaigns, projects, trainings and awareness-raising sessions as part of the celebrations of the 21st March the International Day for the Elimination of Racial Discrimination:



- The internet the campaign ***Discover your colour!*** launched in 2015, using a special website (www.descobreatuacor.pt) and also Facebook. This campaign was very successful, having received 45.000 viewings on the first day.
- A national campaign launched in 2016 targeting children between 3 and 5 years old that attend the pre-school system. The concept of this campaign was to gather in a toolbox a set of 6 colour pencils with different skin tones and also a book with the story ***The colours of the grey city*** (“As cores da cidade cinzenta”). It invites children to colour the book and to listen and reflect about the main message of the story: the city receives new citizens that bring with them new colours, new ideas and perspectives www.acm.gov.pt/documents/10181/167771/As+Cores+Da+Cidade+Cinzenta_BR.pdf/c740288d-4832-49ff-8cfc-75d14d9b5f9f
- In 2017, actions at public schools, in four cities across the country, with a theatre play, discussions and reflections among the students about the combat against discrimination and a collaborative work between some artists and the children doing some murals. www.acm.gov.pt/-/dia-internacional-para-a-eliminacao-da-discriminacao-racial-acm-promove-campanha-de-sensibilizacao-em-escolas-do-1-ciclo
- This year, the High Commission also promoted a national contest challenging children and youngsters to produce writing papers on this thematic. Up to now, 500 proposals were submitted. www.cicdr.pt/-/77-palavras-contra-a-discriminacao-racial?inheritRedirect=true

Other campaigns (available here: www.youtube.com/channel/UCN7iRGs60F7gxJ9I3OUhGJg) aimed more specifically to Roma communities included:

- #DiaNacionalDaPessoaCigana2018 was a campaign launched in 2018 to signal the National Roma Day celebrated on 24 June. A number of short videos were produced on the integration of Roma communities (Intercultural Education, Associativism, Roma Higher Education Students, Mediation, ENICC/FAPE);
- Roma Voices at the University is a two part video produced with the goal to give voice to young Roma higher education students on their everyday lives and expectations for the future;



- ToBe: a step towards equality is a video produced by a Choices Programme project to signal the International Roma Day;
- Borders “Fronteiras” is a video produced in 2016, as a result of a FAPE project, on the lives of Roma from the small village of Tortosendo.

Combating Hate Crime

70. The Advisory Committee encourages the authorities to pursue and strengthen their efforts to improve relations between the police and the Roma, and to promote the role of socio-cultural mediators. Police training in the field of human rights and intercultural relations, including police relations with minority communities, should further pursued.

The School of Judicial Police provides training on antidiscrimination subjects:

- Discipline of ethics, Ethics Officer and Disciplinary Law, inserted in the course of initial training of Inspectors of the PJ (last course in 2013)-24 hours;
- Conference "Ethics and Human Rights"-22 and 23 February 2016-14 hours;
- Discipline of Human Rights, ethics and professional ethics, inserted in the course of initial training of researchers of East Timor (last course in 2017)-15 hours;
- Lecture of the APAV (Portuguese Association for victim support) inserted in the course of 2018 Chiefs Inspectors – 02 March 2018-1:30;
- Lecture of the ILGA PORTUGAL Association (lesbian, Gay, bisexual, Trans and Intersex Association), inserted in the course of Inspectors Heads 2018-02 March 2018-1:30;
- Lecture of CIG (Commission for citizenship and gender equality), inserted in the course of Inspectors Heads 2018-02 March 2018-1:30;
- Lecture of SOS Racism, inserted in the course of 2018 Chiefs Inspectors – 02 March 2018-1:30.



The Republic National Guard (GNR) has sought to create strategies to approach Roma communities, namely in the scope of the implementation of the National Strategy for the Integration of the Roma Communities (ENICC). For that, GNR widely disseminated, on an internal level, its strategic objectives, as well as the version of the Practical Guide for the Prevention of the Discrimination of Roma Communities directed at Police Forces. This Guide was elaborated in the framework of the previously mentioned European NET-KARD project and has been used by GNR to raise its personnel awareness towards the need to prevent discrimination against Roma communities.

GNR also contributed to optimize the process of detecting and approaching situations of discrimination, namely through the appointment of Officials as consultant-technicians as well as through the integration of Officials in the Consultative Group for the Integration of Roma Communities (CONCIG) and in the Council for Migration of the High Commission for Migration.

Besides, the establishment of 85 sections of the aforementioned specialized GNR Criminal Prevention and Community Policing, at the detachment level, is a measure intended to increase the efficiency of GNR response by preparing its Officials not only to deal with and to support minorities, but also to reduce discrimination against Roma communities.

The National Roma Integration Strategy, foresees in crosscutting pillar, in Justice and Security dimension, a priority (number 11) concerning with dissemination of National Roma Integration Strategy to security forces and justice services personnel with the target “to divulge the National Strategy to 100% of security forces and services personnel”. This measure was accomplished.

ACM has a Trainers' Scholarship (“Bolsa de Formadores”) that provides specialized training over subjects such as “Intercultural Dialogue”; “Intercultural Education” and “Portuguese Roma”.



Concerning GNR, the High Commission for Migration conducted training/awareness-raising sessions to 98 military officials in 2018 regarding “Cultural and Religious Diversity in the Portuguese Community”.

Finally, we would like to highlight the Protocol between ACM and the Directorate General of Prison Services and Reintegration (DGRSP), signed in July 2018. This Protocol foresees the empowerment of the human resources in the areas of re-education and social rehabilitation, but also, the prison guards, providing specific knowledge and tools to communicate with migrants and persons from diverse ethnic groups.

It estimates the promotion of 14 training sessions, spread all over the country, targeting 300 professionals that will receive training on deconstructing stereotypes, racial discrimination and intercultural education.

<https://www.acm.gov.pt/-/acm-e-dgrsp-assinam-protocolo-de-colaboracao-capacitar-profissionais-da-reeducacao-e-reinsercao-social-para-a-interculturalidade>

Article 12

Roma in the Educational system

78. The Advisory Committee strongly urges the Portuguese authorities to put an end to practices placing Roma pupils in separate classes and to identify immediate solutions promoting their integration in mainstream schools, making use of school mediators if necessary. Appropriate solutions should be identified to prevent absenteeism and early dropout from school of Roma children in particular girls.

In April 2014, the Consultative Group for the Integration of Roma Communities (CONCIG) made a statement concerning education, namely to bring attention to the early-school dropout rates of Roma children.

The rules for the distribution of students by classes include the principle of heterogeneity of students’ profile. Recently, the few known cases of concentration of Roma students were immediately investigated by the *Inspectorate-General for Education and Science*. The conclusions identified:



(1) Cases of schools in territories where the concentration of the Roma population is high, and non-Roma population has progressively transferred their children to other schools

(2) Cases of classes with an alternative curriculum, enabled in cases of continuous school failure and serious risk of early school leaving.

The current government is working on the progressive removal of this situation, both through a more efficient organization of the school network, support to schools in more marginalized territories and reduction of the special classes, through a consistent promotion of school success (already evident in the official statistics for the last two years, with a significant decrease in the retention rate and in the number of alternative curriculum classes).

Besides, this year, the rules for students' distribution along the school network were improved, strengthening the relation between students' effective address and their allocation to the nearer school, and in the remaining cases, introducing a priority to students supported by the school social action due to socioeconomic vulnerabilities, a condition that includes most of the Roma students.

The development of the abovementioned national survey to schools was a first step – and worked out as a diagnosis – of a wider process of reinforcement of the action in the Ministry of Education on the inclusion and success of Roma students, in the frame of the revision of the National Strategy for the Integration of the Roma Communities.

This work involves a group of experts and a sample of schools, including the consultation to the High Commission for Migration and to community representatives through the CONCIG, entailing the production of official orientations and best practices for schools until the end of 2018, focusing several topics as: curriculum contextualization; students' and families' integration and guidance; distribution of students along the school network; building an intercultural and inclusive school environment; staff training; the role of mediators; monitoring and evaluation.



As mentioned above, the new National Strategy for Equality and Non Discrimination 2018-2030 recognizes the multidimensional nature and specificity of the experiences of discrimination at the intersection of several discrimination grounds, such as that of Roma girls and women.

In this context, one of its goals is to promote the empowerment of women and men who are in particularly vulnerable situations, including those from Roma communities. To do this, one of the specific measures to be developed are actions to combat early school dropout of children of Roma communities, particularly girls, involving at least 900 children between 2018 and 2020.

79. The Advisory Committee encourages the authorities, in consultation with representatives of civil society, to take appropriate steps to develop intercultural teaching in schools.

“Interculturality” (to be intercultural) is one of the six main issues defined in the National Strategy for Citizenship Education, launched in 2017 and currently being tested in 223 schools, to be adopted in all schools and education levels from September 2018 on. This means that all students will have a specific weekly time, to develop projects and activities on citizenship, according to the school project, and one of the issues they have to work, in all education levels, is Interculturalism.

Simultaneously, the Ministry of Education, the High Commission for Migration and the Aga Khan Foundation are developing a Network of Schools for Intercultural Education, aiming to foster commitment, awareness, skills, cooperation and the sharing of best practices among schools on intercultural teaching and school environment.

Moreover, the National Programme for the School Success was launched in 2016 to provide additional support to all public schools to elaborate and to implement local strategic action plans to prevent school failure. Under their autonomy, schools – in cooperation with their local communities, and especially municipalities – defined their own priorities and set up measures to tackle them. According to the mission structure, at least 30



measures all over the country were focused on the school success of the Roma students, in territories with higher concentration.

The High Commission for Migration offers training to schools free of charge on issues of Interculturality and Migration. One of the training courses made available is “Portuguese Roma, Citizenship and Interculturality” and aims to understand and reflect on the processes of inclusion and exclusion of Portuguese Roma throughout time. It also focuses on sharing good practices and suggestions for greater equity and social cohesion. The module has been conducted in several schools, and in 2018 was conducted in the Pedagogic Journeys, promoted by the Teachers Trade Union for the Greater Lisbon.

Article 15

Consultation Mechanisms

85. The authorities should further strengthen the existing consultative mechanism between the authorities and the Roma in order to ensure effective participation of the later-decision making on issues concern to them.

After the entry into force of the Law no. 93/2017, of 23rd of August, CICDR's composition is increased and extended to 31 members/Advisors, including a representative of the Roma communities. The Commission for Equality and against Racial Discrimination is chaired by the High Commissioner for Migration. The other members of the Commission are from a wide variety of backgrounds, relevant to combating discrimination including a representative of the Roma communities, immigrant and anti-racist organizations, NGOs active in human rights protection, representatives elected by the Parliament, representatives of the Government, and representatives of Trade Unions. The Commission members meet every three months.



Participation of Roma in Socio-Economic Life

93. The Advisory Committee calls on the authorities to step up their policies and programmes to promote access of Roma to the labour market. This should be done on the basis of careful evaluation of current programmes and in close-cooperation with Roma organisations and representatives.

Portugal defends the full social integration of the most vulnerable population groups and therefore acts according to its principles of providing equal treatment for all of its citizens, namely in the area of employment and access to employment. This is reflected by the national legislation and the actions developed by the Portuguese Public Employment Service the [Instituto do Emprego e Formação Profissional \(IEFP\)](#).

Nevertheless in Portugal there is a multi-sectorial approach integration policies directed to the most vulnerable population groups, namely the ones IEFP works with Roma, immigrants and homeless.

Therefore we can point out some partnerships involving IEFP and public and private organizations with a direct intervention in civil society, with the aim of implementing measures defined in the National Strategy for Integration of Roma Communities.

Under the National Strategy for Integration of Roma Communities the following measures were identified (data report to 2016 and data collection to 2017):

Professional training measures/activities:

1. Continuous pedagogic training of trainers (including tools, manual to support the interventions);
2. Professional training in a context of cultural diversity: 3 continuous training actions in 2017;
3. Promotion of guidance, Recognition, Validation and Certification of Competences (RVCC) processes and training actions, including Roma community participants.



Some figures:

- 2126 candidates were advised and directed to professional training; 997 were actually trained;
- 740 persons benefitted from individual guidance e 351 participated in collective guidance sessions.

Training activities (sales field)

- 25 Roma community citizens attended training actions (Apprenticeship and Adult Learning actions) with the support of IEFP (employment centres throughout the country).

Employment measures/activities:

1. 3159 candidates covered by ENICC; this resulted in 6027 actions e 2269 were directed to programs and employment measures, professional guidance and RVCC. 94% of these were directed to professional training;
2. 997 citizens were given training and 54 benefitted from employment measures. Jobs were offered to 572 candidates, of which 62 actually entered the labour market as employees.
3. Contract of employment/integration measures

- 89 candidates were directed to these types of measures; 38 were actually integrated.

4. On the job training measure

- Four Candidates were directed to this type of measure; two were integrated; four other young people were integrated in a measure called Youth Guarantee.

5. Personal Employment Plans

- 528 new contracts were signed with unemployed people, under the ENICC Personal Employment Plans from 1/1-31/12 2016;
- Following actions taken in order to integrate Roma community citizens in employment offers, 572 candidates were offered employment.



In complement to the intervention of the Employment Services, Roma community citizens benefit from individual counselling provided by local structures in cooperation with IEFP, the Professional Integration Services ([GIP](#) - Gabinetes de Inserção Profissional).

94. The Advisory Committee reiterates its call on the authorities to clarify the legal framework regulating itinerant trade and also promote sustainable employment alternatives, in close-cooperation with Roma representatives and based on their needs

The legal framework regulating itinerant trade in force before 2015 provided that the market-place seller should make a prior communication to the Directorate-General for Economic Activities through an electronic counter. The receipt of this communication, automatically issued, functioned as an authorisation to do business.

The tradesperson would also automatically receive a sign that s/he should print and affix to his sales booth, and may demand, if s/he wished, a tradesperson card. The municipalities should define the rules for the allocation of sales spaces and carry out periodic raffles for it.

In 2015, with the issue of the 10/2015 Decree-Law, a new legal framework was established for access to market-place seller, simplifying even further the necessary procedures.

The «previous communication», done through the electronic counter, allows the tradesperson to carry out activity anywhere throughout the national territory, only requiring having an assigned fairground by the municipality of residence.

The tradesperson card was eliminated definitively, as well as the signboard, until then obligatory.



As autonomous entities from the national government, the municipalities have the responsibility to draw up their own regulations. Nevertheless, they must respect a set of common principles applicable throughout the national territory. As a result, the selection criteria and procedures for access to fairground should be defined in advance and regular public tenders in an impartial and transparent way must be hold. These public tenders should be publicized at the electronic counter.

The municipalities must define, as well, the rules applying to each marketplace in dialogue with the local tradesperson associations.

In recent years, in order to line up with this the new legal framework, most municipalities have been updating their own regulations.

95. The Advisory Committee reiterates its call on the authorities to reinforce measures to improve the living conditions of those Roma who live in substandard housing, drawing on existing positive experiences, with full consultation and involvement of persons concerned at all stages of the projects.

IHRU - Property Institute and the Urban Rehabilitation looks to support municipalities in re-housing processes of Roma communities in vulnerable situations and/or living in precarious housing conditions. Within the re-housing initiatives with the most impact, we highlight the following:

Campo Maior re-housing – the re-housing project resulted in the construction of São Sebastião Neighbourhood, made up of 53 housing spaces which housed around 220 people, with a total investment of approximately one million euros. This amount was funded by European funds, and co-funded by the Campo Maior municipality (15%).

Entities such as IHRU, the National Republic Guard, the Regional Directorate of Culture of Alentejo, the Social Security Institute, the High Commission for Migration, among others, integrated the commission which



supported the municipality throughout the preparation of the re-housing, building a project of unique characteristics at national level.

Peso da Régua re-housing – In November of 2015 twelve families previously living in a campsite by the Bagaúste dam, in the Peso da Régua municipality, were re-housed to the Alagoas Neighbourhood (located in the city of Peso da Régua). The new housing spaces were the property of IHRU and the shacks were they had previously lived were demolished, solving an environmental and social problem existing by the Douro river for over 30 years.

This operation counted with the participation of IHRU, the Peso da Régua Municipality, the Porto and North of Portugal Tourism, the Portuguese Agency for Environment and the Regional Coordination and Development Commission for the North.

The construction of the twelve housing spaces in the Alagoas Neighbourhood for the re-housing of the families were initiated by the municipality and concluded by IHRU, namely regarding the kitchen material, installation of water and heating system, and some final details.

Additionally, eleven unoccupied housing spaces were recuperated, with an investment of 110.000€, making it possible to re-house eleven families.

Despite the sincere efforts of the public authorities to ensure adequate housing conditions, there are still some challenges to overcome.

The United Nations' 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, Leilani Farha, visited Portugal from 5 to 13 December 2016, at the invitation of the Government. The visit was conducted jointly with the Special Rapporteur on the human rights to safe drinking water and sanitation, Léo Heller. The reports which resulted



from these visits included some recommendations regarding adequate housing and access to safe drinking water and sanitation for those in particularly vulnerable situations.

Some new legal framework regulating access to proper housing conditions, like the National Program “First Right - Program to Support the Right to Housing” and the “Program of Lease Accessing”, will address some of Roma communities' housing needs, with the strong involvement of local authorities.



Final Remarks

The Portuguese strategies and measures regarding migration and the combat of racism, racial discrimination, xenophobia and related intolerance are in line with the steps suggested in the report of the United Nations Secretary-General “Making migration work for all” (December 2017), to reaffirm commitments to human rights and dignity, namely through the quantity and quality of data on migration, the inclusion of migration relevant questions in population censuses, and the importance of the cities, local authorities, non-governmental actors and communities.

Portugal is one of the 15 member states of the EU that carry out periodic evaluation of its policies and its national strategic plans, through its Observatory for Migration, fact that has been highlighted in the EU Agency for Fundamental Rights (FRA) report (2017).

Portugal, along with Germany, also stands out for the adoption of additional indicators to those established in the Declaration of Zaragoza, where common integration indicators are included.

In view of the systematic collection of data on the basis of ethnicity, the Portuguese Government created, in the beginning of 2018, a Working Group with the objective of producing recommendations that can potentially allow the inclusion, in the questionnaire of the 2021 Census, of a formulation capable of characterizing the ethnic-racial composition of the population in Portugal.

Assuming that such information can be collected voluntarily and by self-definition of individuals, not contrary to the provisions of the Portuguese legal framework, the Working Group began on February, for the period of 12 months, after which it will present a report.

Portugal is looking forward to cooperate with the Council of Europe’s Advisory Committee of the Framework Convention for the Protection of National Minorities and the Opinion resulting from this State Report.





ANNEX I

TABLE I

Cases

Completed criminal cases at the trial stage, in the courts of first instance for crimes of racial or religious discrimination, in the years of 2013 to 2016						
Year		TOTAL	2016	2015	2014	2013
Crime		Cases	Cases	Cases	Cases	Cases
(CC) Crimes against cultural identity and personal integrity (up to 2004 it includes crimes against peace)	Racial or religious discrimination	0	0	0	0	0
Notes:						
a) The accounting of cases takes into account the most serious crime in the process.						
b) The following cases are not accounted for: transited, incorporated or integrated, sent to another entity and cases with the term "N.S."						
c) From January 2007 the collection method has changed, and the data are now collected directly from the court's computer system.						
Last updated: 02/11/2017.						

Source: DGPJ/MJ



TABLE II
Defendants

Year		TOTAL	2016	2015	2014	2013
Crime		Defendants	Defendants	Defendants	Defendants	Defendants
(CC) Crimes against cultural identity and personal integrity (up to 2004 it includes crimes against peace)	Racial or religious discrimination	0	0	0	0	0
Notes:						
a) The accounting of the defendants takes into account the most serious crime of which they were accused.						
b) Transited, incorporated or integrated cases are not accounted for.						
c) From January 2007 the collection method has changed, and the data are now collected directly from the court's computer system.						
Last updated: 02/11/2017.						

Source: DGPI/MJ



TABLE III
Convicted

Convicted in completed criminal cases at the trial stage, in the courts of first instance for crimes of racial or religious discrimination, in the years of 2013 to 2016						
Year		TOTAL	2016	2015	2014	2013
Crime		Convicted	Convicted	Convicted	Convicted	Convicted
(CC) Crimes against identity and personal integrity (up to 2004 it includes crimes against peace)	Racial or religious discrimination	0	0	0	0	0
Notes:						
a) The accounting of the convicted persons takes into account the most serious crime for which they were convicted.						
b) Transited, incorporated or integrated cases are not accounted for.						
c) From January 2007 the collection method has changed, and the data are now collected directly from the court's computer system.						
Last updated: 02/11/2017.						

Source: DGPI/MJ