

Strasbourg, 24 September 2013

ACFC/SR/III(2013)002

# THIRD REPORT SUBMITTED BY PORTUGAL PURSUANT TO ARTICLE 25, PARAGRAPH 2 OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

Received on 24 September 2013

# THIRD REPORT PURSUANT TO ARTICLE 25, PARAGRAPH 2 OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

# Index

| - | - General Comments1                                                                                                                                                                                                                                                                                                                                                                                       |
|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | Previous Note                                                                                                                                                                                                                                                                                                                                                                                             |
|   | Comments regarding Roma communities                                                                                                                                                                                                                                                                                                                                                                       |
| 1 | - Implementation of Recommendations3                                                                                                                                                                                                                                                                                                                                                                      |
|   | 1. Take resolute measures to improve the effectiveness and accessibility of domestic remedies against racial discrimination; take further steps to raise awareness in society on discrimination-related issues and continue to address them in the training programmes for officials of the judiciary and the law enforcement agencies                                                                    |
|   | Domestic remedies against racial discrimination3                                                                                                                                                                                                                                                                                                                                                          |
|   | Raising Awareness4                                                                                                                                                                                                                                                                                                                                                                                        |
|   | Training programmes for officials of the judiciary agencies6                                                                                                                                                                                                                                                                                                                                              |
|   | Training programmes for officials of the law enforcement agencies6                                                                                                                                                                                                                                                                                                                                        |
|   | 2. Take further steps to improve the housing of those Roma who live in substandard conditions                                                                                                                                                                                                                                                                                                             |
|   | 3. Identify and implement, as a matter of urgency, adequate solutions to the problems facing those Roma who are allegedly compelled to move from place to place; Take measures to enable them to have access to stable residency and have equal access to rights and services                                                                                                                             |
|   | 4. Continue to implement policies and programmes to promote intercultural dialogue and tolerance, and to combat discrimination and racism; promote the role of socio-cultural mediators                                                                                                                                                                                                                   |
|   | 5. Continue to take measures to improve the relations between the police and persons belonging to ethnic minorities, namely the Roma; Investigate and sanction adequately all cases of alleged police misconduct in relation to persons belonging to ethnic minorities10                                                                                                                                  |
|   | Measures to improve the relations between the police and persons belonging to ethnic minorities, namely the Roma10                                                                                                                                                                                                                                                                                        |
|   | Investigation and sanction of alleged police misconduct                                                                                                                                                                                                                                                                                                                                                   |
|   | 6. Pursue and step up efforts to combat dissemination of stereotypes and prejudices against persons belonging to ethnic minorities in the Media                                                                                                                                                                                                                                                           |
|   | 7. Take further steps to develop intercultural teaching at school; promote the inclusion of information on Roma history, cultural heritage and language in school textbooks and improve teacher training in this respect                                                                                                                                                                                  |
|   | 8. Continue to promote consultation of persons belonging to the Roma ethnic community, including by developing mediation programmes; take resolute measures to improve Roma participation in public affairs, in particular those of concern to them; take further positive measures to improve the employment situation of the ROMA, with a view to increasing their participation in socio-economic life |
|   | Mediation                                                                                                                                                                                                                                                                                                                                                                                                 |
|   | Employment                                                                                                                                                                                                                                                                                                                                                                                                |

#### I - General Comments

#### Previous Note

- As stated before, Portugal has no national minorities and has ratified the Framework Convention for the Protection of National Minorities (FCPNM) in an act of political solidarity, having in mind the historic question of "nationalities" in the Central and Eastern part of Europe, and aiming at reinforcing peace and stability in the European continent.
- 2. The FCPNM does not define what a National Minority is it is to each State to do so, according to its legal system, its political conceptions, its cultural and social de facto situation and a legal definition of this concept or the acknowledgement of its existence does not exist in the Portuguese legal system either.
- 3. In fact Portugal is, perhaps, the only country in Europe whose frontiers as a State and as a Nation have been perfectly and secularly coincident in the last 800 years.
- 4. This fact does not collide with the phenomenon of the existence of immigration that is not recognized as a national minority by countries like Norway, France, Malta, Poland, Germany, San Marino, Spain and Liechtenstein - as well as of the existence of one ethnic minority, the Roma community.
- 5. Accordingly and based on this assumption, the Portuguese authorities will comment relevant aspects regarding this matter, being that, the absence of specific remarks regarding this Third Report of the Advisory Committee does not mean, necessarily, the full acceptance of those aspects.
- This third report, as requested by the Secretariat of the Council of Europe, will specify the measures taken to implement the recommendations following the second national report.

#### Comments regarding Roma communities

- 7. Roma communities have had Portuguese citizenship for centuries (it is estimated that Roma communities in Portugal comprise between 40,000 to 50,000 individuals<sup>1</sup>). They are covered by the measures accessible to the general population and have access to an important set of general programmes and measures aimed at individuals and groups living in situations of poverty and exclusion. Among those measures are the Integration Social Income as well as the "local contracts for social development" and other measures for social protection, housing programmes and Child Welfare school services.
- It is important to stress that the concept of national minority does not exist in Portuguese Law. The Roma are recognised by Portugal as an ethnic minority. This did

<sup>&</sup>lt;sup>1</sup> In *Relatório das audições efectuadas sobre Portugueses Ciganos no âmbito do Ano Europeu para o Diálogo Intercultural* by Comissão Parlamentar de Ética, Sociedade e Cultura.

- not prevent Portugal from implementing specific policies regarding the Roma communities, bearing in mind their specific traditions and cultural identity.
- 9. The Portuguese Government launched the Portuguese Strategy for Inclusion of the Roma Communities 2013-2020² (hereinafter "the National Strategy") in 2013. This is an important instrument which will help Portugal to better integrate Roma Communities and to eliminate prejudices and misconceptions. The main areas of the Strategy are: education, health, housing and employment. The Strategy addresses the recommendations of the European Commission and also includes the fight against discrimination, gender perspective, Mediation, Roma History and Culture, and Justice and Security as crosscutting areas.

2

# II - Implementation of Recommendations

 Take resolute measures to improve the effectiveness and accessibility of domestic remedies against racial discrimination; take further steps to raise awareness in society on discrimination-related issues and continue to address them in the training programmes for officials of the judiciary and the law enforcement agencies

# Domestic remedies against racial discrimination

- 10. Racial Discrimination is typified as a crime in the Portuguese Criminal Code. Article 240 states that whoever founds or sets up an organisation, or develops activities of organized propaganda inciting or encouraging discrimination, hate or violence against a person or a group of persons on the grounds of their race, or takes part in such an organisation or in its activities or gives support thereto, shall be punished by a prison term of 1 to 8 years.
- 11. Furthermore, according to article 246 of the Criminal Code, any person convicted for the offences established in article 240 may be temporarily deprived of his/her active and/or passive electoral capacity.
- 12. Also, in the cases of homicide and offences to physical integrity, the fact that the crime was committed on the grounds of racial hatred (including ethnical or national origin) is considered an aggravating circumstance implying more severe penalties. Racial motivation can also be taken into account when determining the measure of the penalty, as the court must consider, among other circumstances, the offence intentions revealed to the court.
- According to statistics prvided by the Ministry of Justice, 21 crimes of racial discrimination were recorded between 2010 and 2012.
- 14. Apart from the Criminal procedure, allegations of racial discrimination can also be the basis of an administrative procedure. Administrative complaints of racial discrimination can be made by anyone against any public authority, service or individual person to the Commission for Equality and Against Racial Discrimination (CICDR) that works closely with the High Commission for Immigration and Intercultural Dialogue (ACIDI). The CICDR is a specialised body dealing with racial discrimination. It was formally created by Law n. 134/99, 28th August, but was set up in 2000.
- 15. This Commission is chaired by the High Commissioner for Immigration and Intercultural Dialogue and includes representatives elected by the Parliament, and Government appointed representatives, as well as representatives from the employers' associations, trade unions, immigrants' associations, NGOs and civil society.
- 16. The procedure is initiated with an individual complaint presented to the Commission for a discriminatory act or practice by a public authority, service or by any individual person. The High Commissioner then sends the complaint to the Inspectorate-General of

the competent Ministry, which has to report back after seeking to establish the veracity of the alleged facts. This report is submitted to the Standing Committee of the Commission for Equality and Against Racial Discrimination, which in turn produces an advisory opinion, based on which a decision is taken by the High Commissioner. This decision may include the imposition of a fine that can amount to 5 minimum wages for individuals or to 10 minimum wages for Public Bodies /Companies.

- 17. Between 2010 and 2012, 83 Administrative complaints of racial discrimination were submitted.
- 18. Concerning work and access to work, both direct and indirect discrimination based on grounds such as race or ethnic origin, descent, genetic heritage, nationality and territory of origin are also prohibited in the Labour Code.
- 19. The Authority for the Conditions of Work is responsible for analysing all complaints concerning alleged cases of racial discrimination in employment or in access to employment.
- Breach of the provisions mentioned in the previous paragraphs entitles the victim to compensation for patrimonial and non-patrimonial damages.
- 21. There is always also the possibility of submitting complaints to the Portuguese Ombudsman, the portuguese National Human Rights Institution.

#### Raising Awareness

- 22. Efforts are being undertaken in the area of public awareness on diversity, intercultural dialogue, and in combating racial stereotypes and prejudices. Some examples include:
- 23. Regarding education and training, the Entreculturas Board, which has the mission of helping Portuguese public schools to deal with the increase in the number of foreign students and with social, cultural and ethnic diversity, was created in 1991 and integrated in ACIDI's structure in 2004. A large range of activities was developed to raise awareness in regard to intercultural education, as a means to facilitate integration.
- 24. In addition to the education system, a Pool of trainers (Bolsa de Formadores) was established, with around 30 experts assigned to undertake awareness-raising campaigns and actions promoting integration all around the country and within different institutions. These experts are qualified with specific training in various areas, such as Myths & Facts about Immigration, Nationality Law, Immigration Law, Intercultural Dialogue, Intercultural Education (for youngsters), Health, Immigration and Cultural Diversity, and Inter-religious Dialogue.
- 25. Brochures in several languages with accurate information on rights and duties of immigrants in Portugal are available at ACIDI's National and Local Centres for Immigrants Support. CIG and ACIDI produced leaflets in several languages, providing information on the rights and resources available for migrant women, on the prevention of domestic violence and on citizenship rights in matters of gender equality and of parenting.

- 26. ACIDI also operates a national telephone information service, "SOS Imigrante", providing information in the most common immigrants' languages in Portugal, and a Translation Phone Service (STT) available in 60 different languages to support immigrants in dealing with issues related to public administration.
- 27. A weekly TV show called "Nós" (Us) broadcasts in an open public channel in Portugal and all over the world through RTP International and RTP Africa, is dedicated to immigrant communities and immigrants' rights and duties. It involves local communities and the civil society.
- 28. A weekly radio programme portrays life stories of immigrants who live and work in Portugal and provides a view on the multicultural nature of Portuguese society.
- 29. ACIDI translated into Portuguese and published "A Diversity toolkit for factual programmes in public service television", produced by the EU Agency for Fundamental Rights<sup>3</sup>. As an outcome of this event, the Portuguese public television drafted an ethic code based on the "Diversity toolkit" principles.
- 30. ACIDI financed the Portuguese version of the International Organization for Migration's Glossary on Migration. It was distributed to *media* professionals and agencies, and it is an important tool for better management of migration issues in the news.
- 31. A book with a national database of highly qualified migrants was created in order to promote migrants' positive image within the public opinion and to recognize their contribution to the country's development;
- The annual Journalism for Cultural Diversity prize distinguishes journalists who provide a positive image of immigrants and or intercultural dialogue (€ 5.000,00 award).
- 33. Other awareness raising initiatives against discrimination have also been adopted. In addition to the initiatives mentioned in the report, namely the 2009 European Campaign "Say No to Discrimination", or the 2008 contest "My School Against Racial Discrimination", the Commission for Equality and against Discrimination launched in 2010 a "Photo and video contest against Racial Discrimination" aimed at choosing the best photo and video promoting the values of diversity and non-discrimination on the basis of nationality, ethnic origin, race, colour or religion. The contest "Poetry against Racial discrimination" was launched in 2013.
- 34. As part of the celebrations of the International Day for the Elimination of Racial Discrimination on March 21<sup>st</sup>, a series of initiatives were launched aimed at raising public awareness to the Fight against Racial Discrimination. For instance, from the 18<sup>th</sup> to the 21<sup>st</sup> March 2011, all football players from the Portuguese Premier League entered the field showing a banner saying "Football against Racism! Join us." In 2012 a flash mob composed by 300 youngsters performed in the Final of the Football Portuguese Cup with the message "Football against discrimination"<sup>4</sup>.

4 http://www.youtube.com/watch?v=aPj6MPaW1hQ

<sup>3</sup> http://fra.europa.eu/sites/default/files/fra\_uploads/112-media-toolkit\_diversity\_en.pdf

## Training programmes for officials of the judiciary agencies

35. In the initial and ongoing training provided by the Training Division of the Directorate-General for the Administration of Justice, issues related to the rights of persons belonging to minorities are highlighted.

# Training programmes for officials of the law enforcement agencies

- 36. The National Republican Guard (GNR) reinforced and substantially improved the training provided on matters related to racism and racial discrimination issues, particularly placing greater emphasis on human rights and in the need to fight against differential treatment between persons.
- 37. GNR conducted activities to raise the awareness of its military to an improvement in behavior, irrespective of racial or ethnic origin, with particular focus on minority groups and cultural diversity. GNR also paid particular attention to the enforcement of the legislation regarding racist offences, namely those referred to in Article 240 of the Penal Code.
- 38. These matters are addressed in several subjects of different training, promotion and specialisation courses taught at the School of the Guard, particularly in subjects such as Fundamental Rights, Constitutional Law, Criminal Law and Criminal Procedure, and Deontology / Acting Standards.
- 39. At the moment there is no GNR military internal disciplinary process underway due to racist, hateful or otherwise discriminatory attitude or behavior.
- 40. Every official currently trained by the Public Security Police (PSP) must have the Integrated Master Course in Police Sciences (Curso de Mestrado Integrado em Ciências Policiais), which includes the following subjects in its curricula:
  - Constitutional Law (45 hours of training);
  - ii. Communication Techniques (30 hours of training);
  - iii. Criminal Law and Mere Social Ordering (224 hours of training);
  - iv. Criminal Process and Judicial Organization (142 hours of training);
  - v. Fundamental Rights and Human Rights (116 hours of training);
  - vi. Strategic and tactics of the Security Forces (322 hours of training);
  - vii. Command and Lead (64 hours of training);
  - viii. Ethics (90 hours of training).
- 41. The PSP's Training Course for Agents (Curso de Formação de Agentes) includes the following subjects in its curricula:
  - i. Police Deontology (35 hours of training);
  - ii. Fundamental Rights and Citizenship (30 hours of training);
  - iii. Communication and Reception (45 hours of training);
  - iv. Techniques of Police Intervention (85 hours of training);
  - V. Criminal Law and Criminal Process (115 hours of training).
- 42. Further to what was previously stated regarding training programmes, it is important to highlight the PSP's growing interest in this subject. Eight academic studies were produced on this thematic in the past 5 years by the Higher Institute of Police Sciences

and Homeland Security's students, notably: "Police activity in Sensitive Urban Areas", "Local Safety Audits" or "Policing Diversity". Concerning this last subject, Portugal would like to highlight the importance of the cooperation maintained with the Irish Police, whose project in this subject was awarded, and thanks to which the Irish Police became an international reference.

- Take further steps to improve the housing of those Roma who live in substandard conditions.
- 3. Identify and implement, as a matter of urgency, adequate solutions to the problems facing those Roma who are allegedly compelled to move from place to place; Take measures to enable them to have access to stable residency and have equal access to rights and services
  - 43. Measures have been taken to overcome discrimination and to promote social inclusion of vulnerable groups, namely people with disabilities, immigrants and ethnic minorities, the Roma community and homeless people.
  - 44. The Institute for Housing and Urban Rehabilitation (IHRU) does not have any specific programme or project on housing for Roma. Roma can apply, on equal footing with other social groups, to existing housing programmes.
  - 45. Allocating social housing (IHRU property) to low income families (Roma families included) has been a priority for the IHRU.
  - 46. Regarding the Portuguese Strategy for Inclusion of the Roma Communities, particularly housing, the Portuguese authorities would like to stress that given the principle of the universal right of access to housing programs on equal terms by all communities and ethnicities, no specific solutions for Roma communities have been created. Portugal aims to ensure equal treatment of Roma in access to housing, taking into account the specificities of their experiences of housing and enjoyment of public space.
  - 47. The National Strategy has 4 priorities regarding the housing conditions of Roma communities:
  - 48. Priority nr. 26: to improve the knowledge of the housing situation of Roma communities. The general objective is to conduct at least one study on the conditions of access and housing situation of Roma until 2020.
  - 49. Priority 27: To strengthen practices that promote the integration of Roma communities in the framework of housing policies. This priority's general objectives are:
    - To raise awareness of 90% of the municipalities that have Roma communities to the importance of the specificities of their culture to their relocation, by 2020:
    - ii. To promote Local Housing Programmes;
    - iii. To adopt intercultural mediation as a strategy to facilitate the integration of Roma communities in 60% of all social housing neighbourhoods by 2020.

- 50. Priority n28: To tailor housing solutions and to qualify rehousing spaces. The general goals are:
  - To prepare a specific program for the qualification of housing of the Roma community, according to budgetary availability, to be regulated under the European Regional Development Fund, by 2020;
  - To promote minimum standards of hygiene and well-being in 80% of the camps until the relocation of families by 2020.
- 51. Priority nr. 29: to promote access to the rental market/private property. This priority's goal is the promotion of pilot projects for the creation of seven lease contracts monitoring structures through the establishment of partnerships between municipalities and civil society organizations by 2020.
- 4. Continue to implement policies and programmes to promote intercultural dialogue and tolerance, and to combat discrimination and racism; promote the role of socio-cultural mediators
  - 52. Portugal, one of the leading countries in integration policies, has been making considerable efforts and investments in order to combat all forms of racial discrimination and to integrate all groups in the Portuguese multicultural society, ensuring the full enjoyment of all human rights, civil, cultural, economic, political and social rights. Portugal was ranked in 2011 the second amongst 31 developed countries for its policies in the area of integration of migrants by the Migrant Integration Policy Index for the second consecutive time.
  - 53. It should also be mentioned that Portugal was recognised as the country with the best legal framework in the protection of migrants' rights in the United Nations Human Development Report 2009.
  - 54. A good example of that effort and commitment is the fact that Portugal possesses a public institute (ACIDI) that among other competences is responsible for combating racism, promoting the integration of immigrants and Roma communities and promoting Intercultural Dialogue. Such an institute still constitutes a rare case in the international panorama, namely because it reports to a Secretary of State who works with crosscutting dimensions of Public Policies and adopts a holistic approach when dealing with these issues.
  - 55. The Portuguese authorities consider that this approach of having a public institute that deals with these issues, recognizing that integration and combating all forms of discrimination, and which is crosscutting to all Public Administration services, has been producing good results. Portugal applies a comprehensive and integrated vision to the phenomena of racism and immigration, following an intercultural model based on integration as a two-way process and always bearing in mind the need to respect and protect all human rights. Our goal is a mutual process of integration, without assimilation or segregation.
  - 56. The following are examples of measures which have proved effective in fighting against racism, racial discrimination, xenophobia and related intolerance against all:

- i. The two National Action Plans for the Integration of Immigrants, developed since 2007, are essential instruments in the development of public policies on immigrant integration. They were adopted after a broad debate with social partners and also obtained a wide consensus. They take into account a variety of sectors where integration should occur and be improved (employment, health, education, justice, housing, culture and language, civic participation, human trafficking), as well as crosscutting themes such as gender issues, racism and discrimination and the promotion of diversity and intercultural dialogue). These action plans adopt a holistic approach to integration, involving 10 different Ministries and serving as a reference for both the government and civil society in developing more specific initiatives.
- The National Immigrant Support Centres, well-known as the Portuguese One-Stop-Shop approach, located in Lisbon, Oporto and Faro, bring together different services and provide information and support to all immigrants, free of charge, in an integrated way.
- iii. A Network of 86 Immigrant Support Centres for the Local Integration of Immigrants, covering almost the entire territory which provide decentralized information, support and response to immigrants' questions and problems, in partnerships with local authorities and civil society.
- iv. The Immigration Observatory created in 2003 to stimulate the dialogue between academia and political decision-makers on the definition, discussion and evaluation of public policies in the area of immigrant's integration in Portugal, including ethnic and racial discrimination issues. It also seeks to deconstruct myths, representations and stereotypes about immigrants or immigration in general.
- v. The Choices Programme, a governmental programme that reaches 71,000 children aged 6 to 18 from disadvantaged social backgrounds, many of whom are immigrant descendants and members of ethnic minorities living in vulnerable places, in order to promote their social integration. In view of its good results, the Choices program is in its fourth phase (2010-2013) and supports 130 local projects that involve schools, municipalities, non-profit organisations and the Commissions for the Protection of Children and Youngsters with a total budget of 38 million Euros.
- vi. Regarding the mediators, the Project "Intercultural Mediation in the Public Services" should be mentioned a pilot project developed under the European Fund for the Integration of Third Country Nationals coordinated by ACIDI. This project placed 28 intercultural mediators, whose goal was to promote interculturalism, in 25 public services (mostly health and municipal ones). Mediators were also placed in the following areas: public security police, social security, housing, employment, and education. An estimated 14,000 people benefited from this programme and a new phase started in March 2012 with 20 mediators.

5. Continue to take measures to improve the relations between the police and persons belonging to ethnic minorities, namely the Roma; Investigate and sanction adequately all cases of alleged police misconduct in relation to persons belonging to ethnic minorities

Measures to improve the relations between the police and persons belonging to ethnic minorities, namely the Roma

- 57. The National Strategy for Inclusion of the Roma Communities 2013-2020 advocates several action priorities, in order to promote social cohesion, while respecting cultural diversity and fostering equal opportunities. The Strategy prompted on the 24<sup>th</sup> of June the creation of the Advisory Group for the Integration of Roma Communities (CONCIG) was created, coordinated by the ACIDI. This group's main mission is to follow up and to monitor the Strategy and to monitor the integration of Roma communities in general. The CONCIG includes both GNR and Roma communities' representatives.
- 58. The GNR has been collaborating with the Centre for the Study of Social Integration (CESIS) in the training of mediators of Roma communities. Under the Special Programmes of Proximity Policing, focusing on Community Policing, the GNR continues to develop the Local Security Interlocutor Project, exerting a greater effort with Roma communities to join the project, in order to be able to better know these communities and their problems, and therefore promoting their inclusion.
- 59. Regarding the PSP, its action may, for the purposes of analysis in this document, be divided into three levels: National, Regional, and Local.
- 60. At the national level, the PSP has been working in cooperation with the ACIDI and with the Directorate-General for Home Affairs (*Direção Geral de Administração Interna* – DGAI) in order to obtain a better knowledge and understanding of the reality of the different minority groups in Portugal and, through that information, improve police replies to these realities. The PSP is also one of the entities that participate in the definition of the National Strategy, and one of its representatives is an advisor in the CONCIG.
- 61. At the regional level, and bearing in mind that the integration of Roma communities is not exclusely a police matter, the PSP participates in 11 Local Safety Audits (Contratos Locais de Segurança) since 2008, aiming to work in partnership with the other partners in the process of integration, socialisation and security of these communities. Through this process the PSP pursues a better integration and acceptance of these culturally less accessible groups, and a bigger proximity between police officers and the members of these communities through social networking and institutional interaction.
- 62. Lastly, at the local level, the PSP already carried out 35 actions of "intercultural dialogue", through the Integrated Programme of Proximity Policing (Programa Integrado de Policiamento de Proximidade), thereby contributing to reducing social barriers and possible cultural stigmas, and thereby promoting equality, tolerance and mutual understanding.

- 63. The PSP has 489 police personnel to perform these actions (which do not work exclusively for these objectives).
- 64. For over a decade, and in compliance with EU standards, the PSP does not disclose detainees' ethnicity data. The PSP only discloses data by sex, nationality and age of those arrested. Disclosure of information relating to ethnicity would tend to trigger of social animosities, which could ultimately set in motion clashes which are completely contrary to the interests of the Security Forces.
- 65. One of the issues that have been repeatedly addressed by international organizations concerns the representation of certain groups of citizens, including the Roma, in the security forces. It is therefore necessary to clarify beforehand that the admission criteria to PSP only take into account an applicant's nationality, and that ethnicity is not a criterion for that purpose. Therefore there are no records on the grounds of ethnicity of the police forces. A procedure contrary to this would violate the constitutionally enshrined principles of non-discrimination based on race or ethnicity.

# Investigation and sanction of alleged police misconduct

- 66. The security forces personel which are subject of a complaint are subject to three simultaneous autonomous investigations: one by the Public Prosecutor (Ministry of Justice), one by the General Inspectorate of Internal Administration (Ministry of Internal Administration) and one that is promoted internally by the police institutions themselves.
- 67. Any citizen can file a criminal complaint electronically.
- 68. The Foreigners and Borders Service (SEF) has implemented the following measures regarding the Recommendations:
  - i. Use of cultural mediators in public attendance
  - ii. Conduction its operations through awareness of different target groups and by bringing together and facilitating the relationship of immigrants to this Service. Such an example is the "SEF in Motion" programme (SEF em Movimento) which directs a set of services, particularly the ones related to the issuance of documents, to vulnerable groups of citizens with hampered mobility to go to the SEF services, such as the sick, the elderly and children.
  - iii. This inistiative also integrates another national programme intitled "SEF goes to School" ("SEF vai à escola"), which aims at the awareness of undocumented minor immigrants who attend schools with a view to achieve their documental regularisation.
  - iv. Aiming at the reception, integration and optimization of the service to the citizen, SEF created a Multilingual Contact Centre in 2006. With the added value of being staffed by trained mediators of several nationalities, the Centre has allowed the approach to foreign citizens and also an evolution in dialogue and support, diluting barriers and fading out eventual communication difficulties.
  - Inspection activities carried out by the Inspection Office of the SEF, in cases of police abuse committed by SEF personnel against persons belonging to ethnic minorities.

- vi. Issues related to human rights in general are addressed in the training provided by the SEF to its employees, in the initial, ongoing, and progression trainings. Portugal would like to emphasize the Human Rights and Police Ethics subject, whose main goal is to raise awareness and alert SEF personnel to the key concepts and relevant international instruments, particularly in new employees' admission courses and ongoing trainning... Furthermore, SEF's personnel regular training comprises other relevant subjects in this field, namely (from 2009 to 2012): Integration immigrant women and children; Human Rights of Migrants and Refugees; To identify and to tackle hate crime against persons; Children and youth at risk protection law; Victims of human trafficking and posttraumatic disturbances; Intercultural dialogue: barriers and opportunities; Gender-based violence.
- 69. Within the the activity of the General Inspectorate of Internal Administration (IGAI), which also investigates discriminatory practices by the security forces and services, and which may propose appropriate sanctioning, the following proceedings were instituted: six in 2011, six in 2012 and two in the first quarter of 2013.
- 6. Pursue and step up efforts to combat dissemination of stereotypes and prejudices against persons belonging to ethnic minorities in the Media
  - 70. With regard to the compliance with the above recommendation, the Office for the Media (*Gabinete para os Meios de Comunicação Social* GMCS) has acted at 4 levels:
    - 1) Integration of immigrants and other ethnic minorities
    - 2) Training sessions for journalists
    - 3) Journalism Prize "Human Rights & Integration"
    - 4) Disclosure of documents

#### Integration of imimigrants and other ethnic minorities

- 71. Within the two Plans for the Integration of Immigrants (2007-2009/2010-2013), the GMCS dynamized and promoted, in collaboration with the ACIDI, the Reflection Group on Media and Immigration, consisting of journalists and media associations, to promote journalists' professional ethics and deontology to fight the spread of stereotypes and prejudices about immigrants in the media.
- 72. The Group's work culminated in the completion of a forum in September 2012, which was attended by several public and private organisations, journalists, media associations, immigrants and ethnic minorities, as well as security forces. Several guidelines on journalistic treatment of the theme of immigration and ethnic minorities were discussed and proposed, both in the media and in terms of information sources, namely the police and security forces.
- 73. Keeping in mind that there is still much to do in this field, the Forum participants were unanimous in recognizing the positive developments that have occurred in the

Portuguese media in recent years with regard to the news and informative approach to the subject of immigration and ethnic minorities, in particular with regard to:

- Significant reduction of stereotypes and prejudices in the media in favor of a more neutral, assertive and factual news treatment than that observed previously
- ii. Reduction of stigma and discrimination against Roma in the media
- iii. Awareness raising of journalists and newsrooms to these subjects
- iv. Particular care has been taken by the PSP, as a source of information, in not identifying ethnicity / nationality / minority in their announcements, press releases and contacts with the media and in the training of law enforcement in this field.

### Training sessions for journalists

74. Training and awareness raising activities on immigration, Roma communities and diversity in which matters relating to the treatment of minorities news are discussed have been held for journalists, especially on the avoidance of stereotypes and prejudices in the media.

These activities are held by the Protocolary Center of Vocational Training for Journalists (CENJOR), in partnership with ACIDI and the Portuguese Center for Refugees. In recent years the following training sessions were held: Media,

Immigration and Diversity

(Training sessions held in collaboration with the ACIDI)

| Year | Number of activities | Location                           | Dates                                                    | Hours (Total)               |
|------|----------------------|------------------------------------|----------------------------------------------------------|-----------------------------|
| 2010 | 4                    | Faro<br>Coimbra<br>Porto<br>Lisboa | 05 to 06/02<br>26 to 27/02<br>26 to 27/03<br>08 to 09/04 | 12<br>12<br>12<br>12<br>12  |
| 2011 | 3                    | Braga<br>Covilhã<br>Lisboa         | 04 to 05/11<br>18 to 19/11<br>21 to 23/11                | 12<br>12<br>08<br><b>32</b> |
| 2012 | 1                    | Setúbal                            | 24 to 25/2                                               | 14                          |

12

| Year  | Number of activities | Location                           | Dates                         | Horas (Total) |
|-------|----------------------|------------------------------------|-------------------------------|---------------|
| 2011  | 3                    | Lisboa (Cenjor)<br>Faro<br>Coimbra | 06 to 07/05<br>05/11<br>12/12 | 6<br>6<br>6   |
| 2012  | 1                    | Lisboa (Cenjor)                    | 29/11                         | 6             |
| 2013* | 2                    | Lisboa                             | Sep/Oct                       | 6             |

Porto

Nov/Dec

Source: CENJOR - Centro Protocolar de Formação Profissional para Jornalistas.

# Journalism Prize "Human Rights & Integration"

75. The Office for Media and the National Commission for UNESCO have been granting this award annually since 2006 in order to recognize, reward and disseminate the best journalistic work and practices on human rights and integration published in the Portuguese media.

#### Disclosure of documents

- 76. Within the two Plans for the integration of immigrants, the most relevant documents at the national and international levels on Media, immigration, ethnic minorities and diversity have been sent to the major Portuguese media (press, radio and television) and to industry associations since 2007.
- 77. The Office for Media's website has two sections devoted to this subject (names and hyperlinks):
  - Media and Diversity: <a href="http://www.gmcs.pt/pt/media-e-diversidade-20121212-160235">http://www.gmcs.pt/pt/media-e-diversidade-20121212-160235</a>;
  - Council of Europe: <a href="http://www.gmcs.pt/pt/noticias/conselho-da-europa">http://www.gmcs.pt/pt/noticias/conselho-da-europa</a>, where Recommendations, Resolutions and declarations on the subject adopted by the Committee of Ministers and the Parliamentary Assembly of the Council of Europe are available.

<sup>\*</sup> scheduled.

78. These documents are also published on a regular basis in the Office for Media's social networks:

https://www.facebook.com/gmcspt?ref=hl;

https://twitter.com/gmcspt.

- 7. Take further steps to develop intercultural teaching at school; promote the inclusion of information on Roma history, cultural heritage and language in school textbooks and improve teacher training in this respect
  - 79. The National Strategy lays down a set of measures organized into three main chapters: crosscutting issues, housing and education.
  - 80. Education chapter:
    - To guarantee access to preschool education in order to promote the earliest possible educational success and family involvement;
    - To increase the levels of education by ensuring that all Roma children complete compulsory schooling (currently up to 18 years old);
    - 3) To prevent early school leaving through a set of specific programs aimed at facilitating the integration of vulnerable groups, namely:
      - i) Educational Territories of Prioritary Intervention (TEIP)
      - ii) Integrated Program for Integration and Training (PIEF) for school reintegration
      - iii) the Choices Programme
      - iv) to ensure conditions of access to socio-economic school support
      - v) to promote the inrolement of Roma students in Curriculum Enrichment Activities (1<sup>st</sup> cycle)
      - vi) to promote the attendance of Roma students in extracurricular activities.
  - 81. The Directorate-General for Education has been developing a partnership with ACIDI to promote education for interculturalism in schools. It awards a special prize (Selo Escola Intercultural) to schools that distinguish themselves in this field.
- 8. Continue to promote consultation of persons belonging to the Roma ethnic community, including by developing mediation programmes; take resolute measures to improve Roma participation in public affairs, in particular those of concern to them; take further positive measures to improve the employment situation of the ROMA, with a view to increasing their participation in socio-economic life.
  - 82. Mediation and Employment are two of the fundamental areas foreseen in the Portuguese Strategy for Inclusion of the Roma Communities.

#### Mediation

- 83. Mediation is a unifying principle of the National Strategy, it is present in all priority areas, establishing a framework for interaction between the various areas of intervention with a focus on integration, cohesion and strengthening social bonds. National Strategy priorities regarding mediation:
- 84. Priority 12 To promote the training of Roma socio-cultural mediators. The overall objective of this priority is to train at least 80 Roma sociocultural mediators by 2020.
- 85. Priority 13 To extend the Municipal Mediators Project in the medium term. Priority number 13 has two overall objectives:
  - To set the timetable for phases III, IV and V of the Municipal Mediators Project;
  - To implement the whole of phases III, IV and V of the Project in at least 50 municipalities by 2020.
- 86. Priority 14 To raise the awareness of public institutions for intercultural mediation as a strategy that promotes more inclusive services. The overall objectives are:
  - i. To conduct four interagency meetings per year until 2020.
  - ii. To undertake at least two annual trainings in specific areas by 2020.
- 87. ACIDI also created a Pilot Project for Municipal Roma Mediators in partnership with the Institute of Social Security, in order to provide intercultural training (until September 2012) on Mediation, Public Institutions Functioning and Communication to capacitate fifteen Roma mediators and to insert them in 18 local municipalities to provide Roma inclusion related services, guaranteeing the establishment of a close relation between local services and organisations and local Roma communities.

#### Employment

- 88. Regarding employment, Portugal would like to mention the following priorities set out in its National Strategy:
- 89. Priority 30 To promote greater knowledge of Roma communities. This priority has four overall objectives:
  - To organise 10 actions (three in 2013 and one per year in the following years, up to 2020) to raise the awareness of professionals in employment and vocational training centres so that they can tackle preconceptions which hinder integration in occupations;
  - To publicise success stories about how individuals of Roma ethnicity were integrated into the labour market, by 2020;
  - To create spaces for dialogue with business associations, involving NGOs, Roma associations and Roma mediators, by 2020;
  - iv. To implement a mentoring process in the labour market to support inclusion and the demystification of negative portrayals of Roma communities, by 2020.

- 90. Priority 31 To train staff and tailoring training provision to the specific characteristics of Roma communities. The overall objectives of this priority are:
  - i. Training/raising awareness of 465 trainers by 2020;
  - Recruiting 2 professionals in local employment and training agencies in the regions with the highest numbers of Roma communities, by 2020;
  - iii. Training 30 mediators by 2020.
- 91. Priority 32 To facilitate access to employment and creation of self-employment. This priority's overall objective is to assist nearly 1.500 people of Roma ethnicity a year by 2020, with a view to defining interventions aimed at providing access to employment or to training.
- 92. Priority 33 To improve vocational qualifications with a view to integration in the labour market. This priority has three overall objectives:
  - i. To organise 300 individual guidance interventions, by 2020
  - To conduct training activities in various training arrangements, including Entrepreneurship Education, by 2020;
  - To organise Skills Recognition, Validation and Certification (RVCC) processes, by 2020.
- 93. Priority 34 To develop an integrated approach to Roma communities, giving priority to working in partnership. The overall objective of this priority is to establish local partnerships for employment and vocational training by 2020.
  - 94. Priority 35 To revitalise the traditional activities of Roma communities with a view to their socio-vocational integration. The overall objectives are:
    - support access to microcredit with a view to improving conditions for commercial activity, by 2020;
    - ii. invest in training in areas related to commercial activity such as marketing, at the vocational training centers, by 2020.
  - 95. Priority 35 To conduct information/awareness raising actions and actions to disseminate good practices. This priority aims to achieve two overall objectives:
    - To organise an annual Good Practices Award in the field of employment and vocational training by 2020;
    - ii. To organise 4 information/awareness-raising actions by 2020.
- 96. Finally, regarding the consultation of persons belonging to the Roma ethnic community, the Portuguese authorities would like to stress that the abovementioned Advisory group for the Integration of Roma Communities has 4 representatives from Roma associations. A representative from the Roma community was also elected for the Commission for Equality and against racial discrimination. These are two examples of institutional structures with the participation of the Roma representatives.