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## **ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES**

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### **Second Opinion on Portugal, Adopted on 5 November 2009**

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#### **EXECUTIVE SUMMARY**

Since the adoption of the first Opinion of the Advisory Committee in October 2006, the Portuguese authorities have taken further measures to implement the existing anti-discrimination legislation. However, the effectiveness of remedies against discrimination is hampered by the complexity of the system.

The authorities have also continued to develop and implement programmes aimed at promoting tolerance, intercultural dialogue and at fighting discrimination and racially-motivated hatred, notably through the work of the Office of the High Commissioner for Immigration and Intercultural Dialogue.

However, it is regrettable that no visit of the Advisory Committee to Portugal could be organised. Such a visit would have enabled the Advisory Committee to obtain further and more detailed information on the implementation of the Framework Convention in Portugal.

Despite some positive projects at the local level, many persons belonging to the Roma minority continue to be confronted with discrimination in various areas of daily life and to face, in some instances, hostile societal attitudes. Their situation in the field of housing is of particular concern as many Roma live in segregated areas, sometimes in substandard conditions. The situation of those Roma who are compelled to move from place to place is a source of deep concern.

Roma also face difficulties in the education system and instances of placement of Roma pupils in separate classes, including in some cases in temporary prefabricated classrooms, have been reported. This is also a source of deep concern. In general, notwithstanding the efforts made in recent years, further steps should be taken to promote and expand intercultural education at school.

Resolute measures should be taken to enhance consultation and co-operation between the authorities and Roma representatives and improve participation of the latter in decision-making, in particular on issues of concern to them.

The authorities should publicise and disseminate information about the Framework Convention for the Protection of National Minorities and the results of the monitoring process.

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**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES**

**SECOND OPINION ON PORTUGAL**

1. The Advisory Committee adopted the present Opinion on Portugal in accordance with Article 26 (1) of the Framework Convention and Rule 23 of Resolution (97) 10 of the Committee of Ministers. The findings are based on information contained in the State Report (hereinafter the State Report), received on 14 January 2009, and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during a meeting held in Strasbourg on 18 August 2009.

2. Section I below contains the Advisory Committee's main findings on key issues pertaining to the implementation of the Framework Convention in Portugal. These findings reflect the more detailed article-by-article findings contained in Section II, which covers those provisions of the Framework Convention on which the Advisory Committee has substantive issues to raise based on the information available. The fact that, in this Opinion, issues are raised only in respect of some of the provisions of the Framework Convention should not be understood as signalling that the Advisory Committee has no issues to raise in respect of other provisions, for which no findings and recommendations are formulated. In the absence of a visit to Portugal, the Advisory Committee had only limited access to information on a number of issues pertaining to the Framework Convention and was, therefore, not in a position to comment on these issues.

3. Both sections make extensive reference to the follow-up given to the findings of the first cycle of monitoring of the Framework Convention, contained in the Advisory Committee's first Opinion on Portugal, adopted on 6 October 2006, and in the Committee of Ministers' corresponding Resolution, adopted on 5 September 2007.

4. The concluding remarks, contained in Section III, could serve as the basis for the Committee of Ministers' forthcoming conclusions and recommendations on Portugal.

5. The Advisory Committee looks forward to continuing and strengthening its dialogue with the authorities of Portugal as well as with representatives of minorities and others involved in the implementation of the Framework Convention. It stresses in this context that a country visit in future monitoring cycles would add value to the ongoing dialogue with the authorities and representatives of civil society and enable the Advisory Committee to obtain a more comprehensive overview of the implementation of the Framework Convention in Portugal. In order to promote an inclusive and transparent process, the Advisory Committee strongly encourages the authorities to make the present Opinion public upon its receipt.

## I. MAIN FINDINGS

### Monitoring process

6. The Advisory Committee notes with satisfaction that the second State Report of Portugal contains substantially more information on the situation of persons belonging to minorities than the first one. It provides detailed answers to the questions raised by the Advisory Committee to prepare the second cycle of monitoring. However, according to the information available to the Committee, it appears that no consultations were organised in the preparation of the State Report. In particular, persons belonging to ethnic groups potentially concerned by the Framework Convention and independent bodies working in the field of human rights seem not to have been involved in this process. The Advisory Committee regrets this situation and calls on the Portuguese authorities to organise discussions, with all those potentially interested in the Framework Convention, as part of the preparation of the next State Report.

7. The Advisory Committee is not informed of any action taken by the authorities to disseminate the results of the first cycle of monitoring. Its first Opinion and the subsequent Committee of Ministers' resolution have, to the best of its knowledge, not been translated into Portuguese nor publicised or disseminated. It also appears that no discussions on the Framework Convention with those potentially interested have been organised since the first cycle of monitoring. While acknowledging the position of the Portuguese authorities regarding the concept of national minority (see remarks under Article 3 below), the Advisory Committee expects that the authorities will disseminate the results of the second cycle of monitoring. It is of the opinion that the launching of an open discussion on the protection offered by the Framework Convention, with the participation of the relevant stakeholders, could usefully contribute to increased awareness of the problems facing persons belonging to ethnic minorities and of the ways to resolve them.

8. The Advisory Committee deeply regrets the fact that, as in the first cycle of monitoring, no visit to Portugal was organised.<sup>1</sup> In order to gather additional information from governmental and non-governmental sources, the Advisory Committee therefore convened representatives of the Portuguese authorities and of four non-governmental organisations to a meeting in Strasbourg on 18 August 2009.<sup>2</sup> The Advisory Committee is grateful to the participants who attended this meeting. It was an opportunity for the Advisory Committee to gain a more detailed and comprehensive overview of the implementation of the Framework Convention in Portugal, as well as to pursue the dialogue undertaken during the first cycle of monitoring.

9. Nevertheless, the Advisory Committee is of the view that a visit to Portugal would have made it possible to consult with a wider range of representatives of the authorities and of minority groups potentially concerned by the application of the Framework Convention. It would have been able to obtain further and more detailed information on the implementation of the various provisions of the Framework Convention and to form a more comprehensive view of the situation of persons belonging to minorities in Portugal and of existing public policies in this

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<sup>1</sup> Country visits of the Advisory Committee are organised in accordance with Rule 32 of Resolution (97) 10 of the Committee of Ministers.

<sup>2</sup> In accordance with the Decision of the Committee of Ministers of 8 April 2003 (adopted at the 835<sup>th</sup> meeting of the Ministers' Deputies): "The Deputies (...) authorised the Advisory Committee during the second reporting cycle to hold meetings outside the context of the country visit to the State Party concerned with non-governmental bodies and independent institutions with prior notification to the state, in order to ensure that the Advisory Committee is provided with a balanced range of opinion".

respect. It expects that, in subsequent cycles of monitoring, it will have a wider access to information on the situation of persons belonging to minorities in Portugal. Against this background, the Advisory Committee recalls that country-visits are an essential element of the monitoring process, that has developed in co-operation with the state parties. The Advisory Committee encourages the Portuguese authorities to pursue the ongoing dialogue in forthcoming steps of the monitoring process.

### **Scope of application of the Framework Convention**

10. The Advisory Committee understands that the Portuguese authorities consider that Roma constitute a specific ethnic minority, notwithstanding the fact that the Portuguese legal order does not encompass the concept of national minority. At the same time, the authorities have continued to implement specific policies targeting persons belonging to various ethnic and cultural minorities, which reflect the principles contained in various articles of the Framework Convention.

11. The Advisory Committee considers it important that the authorities disseminate information on the Framework Convention and engage in a dialogue with persons belonging to ethnic, cultural or linguistic groups potentially concerned by the protection of the Convention.

### **General legislative and institutional framework**

12. The Advisory Committee notes that the Portuguese authorities have continued to take measures to implement the existing anti-discrimination legislation, even though shortcomings persist in this field (see paragraphs 14 and 15 below). Plans to harmonise local regulations concerning the practice of itinerant trade have not been fully implemented and legal uncertainty in this respect persists for the persons involved in this practice.

13. A reform of the Office of the High Commissioner for Immigration and Ethnic Minorities (ACIME), now renamed as Office of the High Commissioner for Immigration and Intercultural Dialogue (ACIDI), was carried out with a view to improving its efficiency. Moreover, it was allocated additional budgetary resources. However, the work of the technical unit (G9) of the Office for the Support of the Roma Communities (GACI), operating within ACIDI and set up in 2007, was discontinued. The Advisory Committee considers that this had been an important step forward in developing effective consultation of persons belonging to the Roma minority and ensuring better coordination of policies and programmes to improve the situation of the Roma. It is important to set-up new institutionalised structures for dialogue between the authorities and the Roma and, in general, to seek ways of improving the coordination of public policies to promote equal opportunities for them.

### **Anti-discrimination**

14. The effectiveness of remedies against discrimination is hampered by the complexity of the system. There is currently a considerable backlog of cases pending before the Commission for Equality and Against Racial Discrimination (CEARD). Efforts to raise awareness on racial discrimination in society, and in particular in the judiciary and law enforcement, should be pursued and expanded.

15. Positive measures have been implemented to promote social inclusion of persons belonging to disadvantaged groups in society, including ethnic minorities, and in particular the Roma. Nevertheless, there is a need for specific data collection on the situation of these persons.

The current lack of data constitutes a serious obstacle to the elaboration of effective targeted positive measures to promote full and effective equality. Furthermore, it makes it more difficult to combat racial discrimination since no analysis of the relative position of various groups in society can be made.

16. It is of particular concern that, in some municipalities, Roma settlements are surrounded by walls, often with only one entrance and exit route. Such practices are not compatible with the principles of the Framework Convention. Additionally, a number of Roma families are compelled to move from place to place because of lack of registration in a given municipality. They often live in tents, in substandard conditions and cannot access a number of social services. This situation is also incompatible with the principles of the Framework Convention. Cases of discrimination of persons belonging to the Roma minority, in the field of employment, housing or service provision, have also been reported to the Advisory Committee.

### **Combating racism and intolerance**

17. The Advisory Committee welcomes the fact that the Portuguese authorities have continued to develop and implement programmes aimed at promoting tolerance, intercultural dialogue and fighting discrimination. Moreover, the policy of integration of immigrants, which started a few years ago, has been pursued; it is likely to have a positive impact on interethnic relations and mutual understanding in the society as a whole.

18. The fight against racially-motivated hatred and violence has intensified. In October 2008, more than 30 activists of an extreme right-wing movement were brought to court *inter alia* for incitement to racist, xenophobic and anti-semitic hatred and for committing racist crime.

19. However, there are persisting manifestations of intolerance towards persons belonging to the Roma minority, such as demonstrations of hostility against projects of re-housing of Roma families in certain neighbourhoods and cases of opposition of parents to the enrolment of Roma pupils in some schools. Moreover, Roma, and persons belonging to other ethnic minorities, continue often to be portrayed negatively in the Portuguese media. Some media outlets continue to mention the ethnic origin, or the nationality, of alleged perpetrators of crimes, despite the strong statements against this practice made by the CEARD.

20. Cases of police harassment, misconduct and abuses against persons belonging to ethnic minorities, and especially the Roma, continue to be reported. Relations between the Roma and law enforcement agencies are sometimes tense and characterised by mutual distrust.

### **Education**

21. Many Roma pupils continue to face serious difficulties in the educational system, from higher drop-out rates to lower achievement. The fact that in certain municipalities they have been placed in separate classes, in a few cases located outside the school premises, raises serious concerns. Such practices are incompatible with the Framework Convention. Additionally, schools are not always well prepared to respond to the needs of the Roma pupils. It appears that textbooks contain very limited information on their history and culture and that the number of teachers trained to provide intercultural teaching and to work with Roma pupils remains limited. Intercultural teaching should, in general, be further developed.

22. School mediators can play an important role in finding solutions to existing problems facing both Roma pupils and their families, as well as teachers and school authorities. However, they are often underutilised and their status lacks clarity.

### **Participation**

23. It is regrettable that, as mentioned in paragraph 13 above, the work of the technical unit (G9) of the Office for the Support of the Roma Communities (GACI) was discontinued after one year of operation. This body could have usefully contributed to enhancing participation of the Roma in public affairs. There is, in general, limited consultation and involvement of Roma representatives in projects which affect them.

24. Certain municipalities have developed positive experiences in the field of integrated housing for Roma families. Yet a large number of Roma continue to live in substandard conditions, often in segregated urban areas. The situation of those persons who are compelled to move from place to place, with no access to basic facilities, is of particular concern.

25. Roma frequently face discrimination in access to employment, as well as on the housing market, which limits their opportunities to participate effectively in socio-economic life. Moreover, they seem to have limited access to support for self-employment and the setting up of small businesses, which could constitute alternatives to itinerant trade.

## II. ARTICLE-BY-ARTICLE FINDINGS

### Article 3 of the Framework Convention

#### Scope of application of the Framework Convention

##### *Findings of the first cycle*

26. In its first Opinion, the Advisory Committee took note that the concept of national minority does not exist in the Portuguese constitutional order, even though various ethnic, cultural and linguistic groups live in Portugal. However, it expressed the view that the non-recognition of the concept of national minority should not prevent the Portuguese authorities from considering extending the protection of the Framework Convention to persons belonging to ethnic, linguistic and cultural minorities in Portugal.

27. The Advisory Committee urged the authorities to engage in consultations with those potentially concerned by the protection of the Framework Convention, and in particular with the Roma, whose situation was likely to deserve particular attention in this respect.

##### *Present situation*

#### a) Positive developments

28. The Portuguese legal order does not encompass the concept of national minority. The Advisory Committee understands, however, that the authorities consider, in practice, that the Roma constitute a specific ethnic minority. Additionally, it welcomes the fact that the authorities have continued to implement specific policies to tackle the difficulties faced by these persons. These policies are in line with the principles contained in various articles of the Framework Convention. The Advisory Committee welcomes this pragmatic approach and recalls that the application of the Framework Convention does not necessarily require formal recognition as a national minority, a definition of this concept or the existence of a specific legal status for particular groups of persons. It was conceived as a pragmatic instrument, to be implemented in very diverse social, cultural and economic contexts and to adapt to evolving situations.

29. The Advisory Committee notes with interest that, as part of the European Year for Intercultural Dialogue, a reflexion was initiated in 2008 by the Portuguese Parliament<sup>3</sup> on the situation of the Roma population,<sup>4</sup> including on the relevance of granting them a specific status. The fact that the Roma form an ethnic minority with a specific identity and particular needs was put forward as a reason for recognising such a status, which should contribute to improving the efficiency of public policies and programmes aimed at tackling the inequalities and specific problems they face.

#### b) Outstanding issues

30. In the absence of a country visit, the Advisory Committee held discussions with a limited number of Roma representatives (and other non-governmental organisations) in the course of a meeting held in Strasbourg on 18 August 2009. The Roma representatives expressed an interest

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<sup>3</sup> See Comissão Parlamentar de Ética, Sociedade e Cultura, Subcomissão para a Igualdade de Oportunidades e Família : “Relatório das audições efectuadas sobre Portugueses Ciganos, no âmbito do Ano Europeu para o Diálogo Intercultural”, Lisbon, March 2009.

<sup>4</sup> Estimates of the total Roma population vary between 20 000 and 100 000 persons. *Ibid.*



in the protection of the Framework Convention and regretted the absence in Portugal of a public debate on this issue. Nevertheless, the Advisory Committee was not able to consult a wider range of representatives of persons belonging to ethnic, linguistic or cultural groups potentially concerned or interested in the protection of the Framework Convention<sup>5</sup>.

#### *Recommendation*

31. The Advisory Committee encourages the Portuguese authorities to disseminate information on the Framework Convention and engage in a dialogue with persons belonging to ethnic, cultural or linguistic groups potentially concerned or interested in the protection of the Convention. The authorities should also pursue further their pragmatic approach and continue to implement the principles of the Framework Convention in respect of persons belonging to ethnic or cultural minorities.

### **Article 4 of the Framework Convention**

#### **Protection against discrimination**

##### *Findings of the first cycle*

32. In its first Opinion, the Advisory Committee noted that, despite the existence of a comprehensive legal framework to combat discrimination, the jurisprudence linked to discrimination cases was very limited and there was little awareness among the judiciary of discrimination-related issues. Moreover, it regretted the lack of effectiveness of the existing remedies.

##### *Present situation*

#### a) Positive developments

33. The Advisory Committee welcomes the measures taken by the authorities to raise awareness of society on discrimination, as part of the European Year on Equal Opportunities for All (2007), including at the level of schools. It underlines the importance, for anti-discrimination policies to be successful, of such programmes, which should be pursued continuously and in the long-term.

34. The Advisory Committee notes with interest the launching of a campaign “for preventive advocacy”, which aims at improving the availability of legal aid to victims of discrimination. It also welcomes the introduction of the possibility to make complaints on-line in cases of discrimination, through the website of the Commission for Equality and Against Racial Discrimination (CEARD), as a way of improving the accessibility of existing remedies. Additionally, it notes with satisfaction that membership of the CEARD includes representatives of the Roma minority (see also remarks under Article 15 below).

35. The Advisory Committee notes with satisfaction that the Portuguese Ombudsman (*Provedor de Justiça*) regularly addresses cases related to racism and discrimination and has therefore continued to play an important role in fighting racial discrimination.

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<sup>5</sup> Other ethnic, cultural or linguistic groups include, according to the information of the Advisory Committee, persons belonging to the Mirandese-speaking community and groups resulting from immigration in Portugal.

b) Outstanding issues

36. The Advisory Committee is concerned by persistent shortcomings with regard to remedies in cases of racial discrimination. Administrative complaints for racial discrimination can be submitted to the Office of the High Commissioner for Immigration and Intercultural Dialogue (ACIDI), which is in charge of ensuring the implementation of the principle of equal treatment. The CEARD, which is working under the auspices of the ACIDI, gives an independent opinion on the cases submitted. Complaints are not investigated by the ACIDI but by inspectorates placed under ministries, before a decision is taken by the ACIDI. Various sources indicated to the Advisory Committee that this system is not easily understandable by potential complainants. Moreover, the system of administrative investigation of complaints allegedly lacks effectiveness.

37. The Advisory Committee was informed that, in addition to its complexity for the public, procedures in case of discrimination before the ACIDI/CEARD are often protracted. In fact, the ACIDI has in recent years rendered only very few decisions<sup>6</sup> and there is currently a backlog of around 300 pending cases. The Advisory Committee finds this situation regrettable. Moreover, it notes with concern that some sources question the effective independence of the ACIDI, which is placed directly under the responsibility of the Prime Minister.

38. Additionally, the anti-discrimination legislation and the provisions of the Criminal Code dealing with racially-motivated offences seem to be rarely applied by courts. The case-law on issues relating to racial discrimination is, thus, very limited, which does not contribute to raising the awareness of society on these issues. The Advisory Committee was also informed that victims of discrimination tend not to complain, which can be explained by insufficient information about the available remedies and, in some instances, also by a lack of confidence in the criminal justice system.

*Recommendations*

39. The Advisory Committee urges the Portuguese authorities to take steps to increase the effectiveness and accessibility of domestic remedies to respond to complaints of racial discrimination, as well as to ensure the effective independence of the complaints body itself. Resolute measures should, in particular, be taken to process the backlog of discrimination complaints which are pending before the ACIDI.

40. Efforts to raise awareness in society on racial discrimination and existing remedies should be pursued and expanded. Particular attention should be paid to raising awareness and training of law enforcement officials and the judiciary.

**Measures to promote full and effective equality**

*Findings of the first cycle*

41. In its first Opinion, the Advisory Committee noted that the Portuguese authorities interpreted the existing legislation on sensitive personal data collection as impeding the collection of ethnic data. It regretted the ensuing lack of reliable disaggregated data on the situation of persons belonging to minorities, which made it more difficult to develop suitable policies to promote equal opportunities and to prevent effectively racial discrimination.

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<sup>6</sup> Information at the disposal of the Advisory Committee indicates that the ACIDI took decisions concerning two cases in 2007 and one case in 2008.

42. The Advisory Committee also encouraged the authorities to integrate further and mainstream Roma issues in social policies, including those implemented as part of the National Action Plans against Poverty and Social Exclusion.

*Present situation*

a) Positive developments

43. The Advisory Committee is pleased to note that further steps have been taken to develop and implement positive measures<sup>7</sup> in order to promote social inclusion of persons belonging to disadvantaged groups in society, including ethnic minorities, and in particular the Roma. Against this background, it finds particularly commendable that a set of measures were included in the National Action Plan against Poverty and Social Exclusion for 2008-2010 with a view to combating discrimination and inequalities facing many Roma. The Action Plan acknowledges the need to take specific, targeted measures to overcome the existing gap in terms of equal opportunities.

44. The Advisory Committee also notes with interest that a recent report of the Portuguese Parliament (see paragraph 29 above) discusses the need to step up efforts in the field of positive action, in order to better promote full and effective equality of the Roma, to combat more effectively discrimination against them and to improve public policies targeting them.

b) Outstanding issues

45. The Advisory Committee notes with concern that, according to various sources, many Roma continue to face discrimination in several areas of life, such as employment and housing (see more detailed remarks under Article 15 below) and education (see remarks in respect of Article 12 below).

46. The Advisory Committee deplores the persisting lack of reliable data on the situation of persons belonging to minorities, and in particular Roma, in areas such as employment, housing or education, despite the existence of a few sociological studies providing some data on persons belonging to the Roma minority. It also notes that the Ministry of Education has been collecting some data on the situation of Roma in the field of education, with a view to designing further specific measures. The Advisory Committee is, however, of the opinion that the information available is not sufficient to provide an accurate picture of the situation of Roma (see also remarks in respect of Article 15 below) and it understands that others in Portugal are advocating for comprehensive data collection on the situation of persons belonging to ethnic minorities, and in particular to the Roma community.<sup>8</sup> It underlines that the current lack of data constitutes a serious obstacle to the elaboration and implementation of more effective positive measures and specific policies to promote equal opportunities. Furthermore, it makes it more difficult to demonstrate and combat existing racial discrimination.

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<sup>7</sup> The Advisory Committee notes that there is a difference in the terminology in this regard, both at international level and in the practice of the state parties. Article 4, paragraph 2 of the Framework Convention refers to “adequate measures”, and paragraph 39 of the explanatory report mentions “special measures”. The Opinions of the Advisory Committee have been trying to follow the different terminology used in the various state parties. In order to unify the language of its opinions and to embrace all different terms used to refer to these measures, the Advisory Committee will use the term “positive measures”, unless explicit reference is made to Article 4, paragraph 2 of the Framework Convention, in which case reference is made to “adequate measures” in accordance with the terminology used in that provision.

<sup>8</sup> See also Comissão Parlamentar de Ética, Sociedade e Cultura, Subcomissão para a Igualdade de Oportunidades e Família : “Relatório das audições efectuadas sobre Portugueses Ciganos, no âmbito do Ano Europeu para o Diálogo Intercultural”, *op. cit.*

47. The Advisory Committee wishes to recall that it is possible to collect socio-economic and other data concerning persons belonging to minorities using methods offering adequate personal data protection, such as sociological studies or surveys. Such studies should be based on voluntary self-identification of the persons concerned; the process should be carried out in a transparent manner and in consultation with representatives of the minorities concerned. They should fully respect existing international standards in the field of personal data protection.<sup>9</sup>

#### *Recommendations*

48. The Advisory Committee encourages the authorities to develop further positive measures to promote full and effective equality for Roma, while ensuring that these measures are fully mainstreamed into social and other policies.

49. The Advisory Committee calls on the authorities to collect specific information on the social, economic and educational situation of Roma, with a view to improving the efficiency of policies targeting them, while fully respecting international standards in the field of personal data protection (see also remarks in respect of Article 15 below).

### **Combating discrimination against Roma**

#### *Findings of the first cycle*

50. In its first Opinion, the Advisory Committee noted with concern that, despite efforts made by the authorities to improve the situation of the Roma, they seemed to be particularly disadvantaged in areas such as housing, education and access to employment, in comparison with the majority population.

51. The Advisory Committee was particularly concerned by reports concerning attempts by local authorities to forcefully evict Roma from town centres, without providing them with adequate alternative accommodation.

#### *Present situation*

##### a) Positive developments

52. The Advisory Committee welcomes the measures taken by the authorities since the adoption of its first Opinion, including at local level, to improve the living conditions of the Roma in certain areas and their access to employment and education (see also remarks under Articles 12 and 15 below).

53. The Advisory Committee is pleased to note that some municipalities have promoted re-housing schemes aiming at integrating Roma within the municipality (see also remarks under Article 15 below).

##### b) Outstanding issues

54. Information provided to the Advisory Committee indicates that in some municipalities, such as Beja or Pombal, Roma settlements are surrounded by walls, often with only one entrance and exit route. The Advisory Committee is deeply concerned by these practices, which

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<sup>9</sup> See *inter alia* Recommendation (97) 18 of the Committee of Ministers concerning the protection of personal data collected and processed for statistical purposes.

result in segregation of the Roma population.<sup>10</sup> They also result in serious limitations to the freedom of movement of the persons living there. Therefore, it finds them incompatible with the principles of Article 4 of the Framework Convention.

55. The Advisory Committee is also informed of the situation of a number of Roma who, because they are not registered on population registers or electoral roles of municipalities, are prevented from staying longer than a few days in a municipality and are compelled to move from place to place. It appears that they often live in tents, in substandard conditions, they cannot access a number of social services and benefits<sup>11</sup> and are sometimes facing mistreatment by the police when being expelled (see comments in respect of Article 6 below). Even though there is a lack of reliable information on the numbers of persons who find themselves in this situation,<sup>12</sup> the Advisory Committee finds that this situation is of deep concern and is of the opinion that it must be thoroughly and swiftly investigated and urgently remedied since it is incompatible with the principles of the Framework Convention.

56. The Advisory Committee is informed of alleged cases in which Roma are requested to pay a higher price to obtain various goods and of cases of denial of services, including of access to entertainment places such as bars or restaurants. Roma representatives also complain that the police and local authorities are in some places tolerating such discriminatory practices and refraining from taking any action to put an end to them.

#### *Recommendations*

57. The Advisory Committee urges the Portuguese authorities to take, as a matter of priority, vigorous measures 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. Adequate measures should also be designed to prevent such practices from reoccurring in the future. It is important to remind local authorities of their responsibilities in the field of respect for human rights.

58. The Advisory Committee urges the authorities to investigate without further delay the situation of those Roma who are compelled to move constantly from place to place, with a view to identifying measures to solve the problems facing these persons. Measures should be taken to enable them to register in municipalities and have access to stable residency and to enable them to have equal access to rights and services. Particular attention should be paid to improving their housing conditions. The authorities should also ensure that the persons concerned have the possibility to participate effectively in the search for solutions.

59. The authorities should thoroughly investigate any complaint of alleged discrimination of Roma in the provision of goods and services. If discriminatory acts are established, the perpetrators should be adequately sanctioned. The authorities should also ensure that, in such instances, Roma receive adequate protection by law enforcement agencies and local authorities.

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<sup>10</sup> See also *Report on the Housing Conditions of Roma and Travellers, Portugal*, prepared by Númena/RAXEN National Focal Point, 2009.

<sup>11</sup> According to the information of the Advisory Committee, they only have access to health care services.

<sup>12</sup> According to NGO estimates, 4-5000 persons would be in this situation, especially in the region of Alentejo in the south of the country.

## Article 6 of the Framework Convention

### Integration and tolerance

#### *Findings of the first cycle*

60. In its first Opinion, the Advisory Committee noted that new institutional arrangements had been put in place to respond to the need to promote integration and equal opportunities.

61. The Advisory Committee also invited the authorities to monitor the development of racist and extremist movements and to make full use of the existing legislative provisions to tackle racist violence and crime.

62. The Advisory Committee urged the authorities to develop further measures to combat stereotypes and prejudices against Roma and to investigate effectively and sanction acts of hostility against them, such as reported cases of exclusion from classes and schools. Moreover, it called on the authorities to find remedies to the problems encountered by socio-cultural mediators, including the precarious conditions attached to the status of mediator.

#### *Present situation*

##### a) Positive developments

63. The Advisory Committee takes note of the fact that the Office of the High Commissioner for Immigration and Ethnic Minorities (ACIME) underwent reforms, in 2007, with a view to reinforcing its statute and increasing its efficiency. ACIME was renamed the Office of the High Commissioner for Immigration and Intercultural Dialogue (ACIDI) and it now integrates various pre-existing structures such as “Entreculturas”<sup>13</sup> and the task force for dialogue with religions. The Advisory Committee welcomes the fact that the budget allocated by the State to the ACIDI to fulfil its mission has substantially increased since 2006.<sup>14</sup>

64. The Advisory Committee is pleased to note that the authorities have pursued and expanded their efforts to develop and implement programmes aimed at promoting tolerance, intercultural dialogue and fighting discrimination (see also remarks under Article 4 above). It notes in particular that a new programme for the setting up of posts of Roma mediators at local level was launched in 2009, which should be publicly funded for the next few years. The Advisory Committee expects that this laudable initiative will benefit from all the support needed and will bring about lasting results and a more sustainable status for socio-cultural mediators (see also paragraph 68 below). The Advisory Committee also takes note of the ongoing implementation of the programme “Choices”, which targets youth from ethnic minorities, including Roma, and should be pursued until 2011.

65. In October 2008, more than 30 activists of an extreme-right movement were brought to court *inter alia* for incitement to racist, xenophobic and antisemitic hatred and for committing various types of racist crime. A number of them were condemned to prison sentences for hate crime. The Advisory Committee considers that these convictions, which are the first prison

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<sup>13</sup> “Entreculturas” has been in charge, since 2004, of assisting public authorities and some institutions in particular, such as the police and schools, to better respond to growing cultural diversity of the country and, in general, to raise awareness of society about diversity and the need for intercultural dialogue.

<sup>14</sup> The Portuguese authorities informed the Advisory Committee that the budget of the then ACIME and now ACIDI has evolved as follows: 2006: 5.334.693,82 €; 2007: 5.713.449,10 €; 2008: 8.066.056,23 €

sentences for hate crime ever handed down in Portugal, are a positive development in the fight against racism and intolerance.

66. The Advisory Committee welcomes the fact that the authorities have pursued the policy of integration of immigrants in recent years, including support measures such as language classes, as well as measures to promote participation of immigrants in public affairs and in social and economic life. It is likely to have a positive impact on interethnic relations and mutual understanding in society as a whole and is, therefore, fully in line with the principles of Article 6 of the Framework Convention, which requires that state parties promote mutual respect and understanding among all persons living on the territory. It also notes with interest the high rate of acquisition of citizenship among immigrants residing in Portugal, following the entry into force in 2006 of the new Law on Citizenship,<sup>15</sup> which should enhance further the effectiveness of integration measures.

b) Outstanding issues

67. Various sources indicate persisting manifestations of intolerance towards persons belonging to the Roma minority. In particular, the Advisory Committee notes with concern that demonstrations of hostility, by persons belonging to the majority population, against projects of re-housing of Roma families in their neighbourhoods allegedly continue to occur in some localities, as well as cases, in some schools, of opposition by parents of pupils attending the schools to the enrolment of Roma pupils.

68. The Advisory Committee was informed that projects aiming at establishing posts of Roma mediators at the local level have often been discontinued because of lack of support and resources and the absence of a clearly defined status for mediators. The Advisory Committee is of the opinion that such projects can greatly contribute to improving relations between different groups and it expects that the new project mentioned in paragraph 64 above will have a more sustainable impact.

69. Interlocutors of the Advisory Committee have underlined that, in their view, there is a lack of awareness in the Portuguese society of the difficulties facing persons belonging to ethnic groups, notably the Roma. While welcoming, for example, the publication in 2009 of a parliamentary report on Roma (see paragraphs 29 and 44 above), they regretted the absence of a subsequent public debate in the Parliament on this issue. Roma representatives argue that little is done to ensure the preservation and development of the Roma culture. They regret, in particular, that teaching of the Roma language<sup>16</sup> is not supported, as it forms an integral part of the culture and identity of the Roma, even though it seems that it is no longer widely used. The Advisory Committee is of the opinion that raising awareness of the situation of minorities, in particular of the Roma, and of their cultural heritage, would contribute to fighting prejudices and stereotypes and to reinforcing social cohesion.

*Recommendations*

70. The Advisory Committee encourages the authorities to pursue their ongoing efforts to combat racism and intolerance and promote integration of all groups in society. Particular attention should be paid to manifestations of hostility against Roma, which should be effectively investigated and sanctioned. Measures should be taken to raise further awareness, in the

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<sup>15</sup> The Law on Citizenship of April 2006 widens the possibilities for children of immigrants to obtain the Portuguese citizenship by giving *inter alia* more scope to the application of the principle of *jus soli*.

<sup>16</sup> In Portugal, the *kalo* language is spoken by part of the Roma population, although less and less.

Portuguese society, of the specific situation and of the cultural heritage of the Roma and persons belonging to other ethnic groups.

71. In addition, more resolute steps should be taken to ensure the sustainability of projects of socio-cultural mediation and to strengthen the status of socio-cultural mediators.

## **Media**

### *Findings of the first cycle*

72. In its first Opinion, the Advisory Committee called on the Portuguese authorities to counteract the dissemination of prejudices against persons belonging to some ethnic groups, and in particular the Roma, in the media. It was particularly concerned by the fact that the ethnic identity of alleged perpetrators of criminal acts was often unnecessarily mentioned in the media.

73. The Advisory Committee also invited the authorities to take steps to improve access of persons belonging to the Roma minority to the media as well as of the coverage by the media of their concerns in existing programmes.

### *Present situation*

#### a) Positive developments

74. The Advisory Committee is pleased to note that the Commission for Equality and Against Racial Discrimination (CEARD) has continued to take a firm stand in cases when media outlets (and official sources, such as the police) unnecessarily reveal the ethnic origin of alleged perpetrators or disseminate stereotypes of persons belonging to ethnic minorities.<sup>17</sup> It understands that, even if these statements do not have binding force, they contribute to raising awareness on the need to combat prejudices and stereotypes in the media.

75. The Advisory Committee also notes that the supervisory board of the media<sup>18</sup> is in charge, since 2006, of monitoring *inter alia* the representation of ethnic minorities by the media. Furthermore, initiatives have been launched to raise awareness of the media about the need to promote tolerance and respect for diversity, such as the launching of a prize granted every year to journalists contributing to these aims.

#### b) Outstanding issues

76. Despite some progress achieved in recent years, the Advisory Committee notes with concern that Roma and immigrants continue often to be portrayed negatively in the Portuguese media and associated with delinquency and crime. Mentioning the ethnic origin, or the nationality, of alleged perpetrators also continues to be a practice for some media outlets, despite the strong statements made by the CEARD (see paragraph 74 above). Whereas the Advisory Committee is aware that the editorial independence of the media should be fully respected, it considers it important to take all possible measures to combat these practices and raise the

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<sup>17</sup> See for example CEARD: "Statement of the CEARD on the dissemination of rumours on cases of kidnappings in shops owned by Chinese", December 2006; "Statement of the High Commissioner for Immigration and Intercultural Dialogue, in her capacity as President of the CEARD, for the attention of Portuguese media", Sept. 2008.

<sup>18</sup> ERC, *Entidade Reguladora para a Comunicação Social* (regulatory body for social communication). It is an independent public body established in 2005 to monitor the respect by the media of the principles of the Portuguese Constitution and of human rights in particular, including freedom of speech, editorial independence and the protection of the public.



awareness of journalists and media professionals about their responsibilities in the fight against intolerance and racism.

77. The Advisory Committee is also informed that information on the history, cultural heritage and opinions and concerns of persons belonging to minorities disseminated by the media continues to be limited.

#### *Recommendations*

78. The Advisory Committee calls on the Portuguese authorities to pursue and step up their efforts to combat the dissemination of stereotypes and prejudices against persons belonging to ethnic minorities. It is important to ensure that the supervisory organs of the media effectively monitor the situation in this field and work on preventing such practices.

79. The Advisory Committee encourages the authorities to find ways of promoting the dissemination by the media of unbiased and quality information on ethnic minorities and cultural diversity in general, in close co-operation with representatives of the groups concerned, and in particular the Roma.

### **Police and minorities**

#### *Findings of the first cycle*

80. In its first Opinion, the Advisory Committee expressed concerns about reports of often tense relations between persons belonging to ethnic minorities and law enforcement officials. It urged the authorities to improve police training, investigate and punish all cases of abuse by the police and adopt measures to improve relations between the police and persons belonging to ethnic minorities.

#### *Present situation*

##### a) Positive developments

81. The Advisory Committee notes that the ACIDI continues to provide training on intercultural relations to the police on a regular basis upon the request of the latter.

##### b) Outstanding issues

82. Information brought to the attention of the Advisory Committee by various sources indicate that cases of police harassment, misconduct and abuses against persons belonging to ethnic minorities, and especially the Roma, continue to occur. In general, the Advisory Committee understands that relations between the Roma and law enforcement agencies are often tense and characterised by mutual distrust. The Advisory Committee is of the opinion that more should be done to promote mediation in the relations between the police and ethnic minorities.

83. It appears that those Roma who cannot register at the local level and are compelled to move from place to place (see comments in respect of Article 4 above, paragraphs 55 and 58) are particularly vulnerable to police abuse, in particular in the course of evictions. Moreover, under such circumstances, these persons are usually not in a position to lodge complaints. The Advisory Committee is deeply concerned by this situation.

*Recommendations*

84. The Advisory Committee urges the authorities to take further, more resolute measures to improve the relations between the police and the Roma, in particular by promoting the role of socio-cultural mediators.

85. Police training in the field of human rights and intercultural relations, including police relations with minority communities, should be pursued on a regular basis and expanded substantially. All reported cases of police misconduct must be effectively investigated and sanctioned, if confirmed.

**Article 12 of the Framework Convention**

**Roma in the educational system**

*Findings of the first cycle*

86. In its first Opinion, the Advisory Committee encouraged the authorities to step up their efforts to promote intercultural learning in the educational system, including by making textbooks more sensitive to ethnic diversity and by introducing further teacher training in this respect.

87. The Advisory Committee also expressed deep concern about reported cases of exclusion of Roma children from classes and schools or of placing them in separate classes.

*Present situation*

a) Positive developments

88. The Advisory Committee notes with interest that the ACIDI, in co-operation with the Ministry of Education, has carried out in 2007 a study of existing good practices in the field of teaching as far as Roma pupils are concerned. The study was aimed at identifying models that can be adapted to different situations. Moreover, the Advisory Committee welcomes the launching of an initiative by the Office for the Support of the Roma Communities within the ACIDI (GACI, see remarks in respect of Article 15 below) to improve training of teachers working with Roma pupils and to introduce in textbooks information on the history and culture of the Roma.

89. Information provided to the Advisory Committee indicates that since it has been introduced, the social integration income<sup>19</sup> has had positive effects on enrolment rates of Roma pupils at school.

b) Outstanding issues

90. The Advisory Committee notes with concern that Roma pupils continue to face serious difficulties in the educational system: low participation and enrolment rates (especially at the level of pre-school education), lower achievement than other pupils, higher drop-out rates, especially of girls, and higher rates of enrolment in schools for children with special needs.

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<sup>19</sup> RSI: *Rendimento Social de Integração*, social integration income. The enrolment of children at school is a precondition for benefitting from the RSI.

91. Notwithstanding the measures taken in recent years to develop intercultural teaching, the Advisory Committee understands that its application remains limited. It appears that textbooks contain very limited information on the history and culture of the Roma. Moreover, the number of teachers trained to provide intercultural teaching and to work with Roma pupils remains limited. The Advisory Committee is of the opinion that this situation is an obstacle to improving achievement for Roma pupils and to their increased integration at school.

92. The Advisory Committee finds it particularly worrying that Roma pupils have in some instances been placed in separate classes, sometimes located outside the premises of the schools. The Advisory Committee is informed in particular of one school in which Roma pupils are separated from the other pupils and are taught in a temporary prefabricated classroom<sup>20</sup> Moreover, in certain areas, there is a concentration of Roma pupils in some classes as a result of the high proportion of Roma in certain neighbourhoods (see remarks in respect of Article 15 below). The Advisory Committee understands the views expressed by the authorities that diverse solutions should be envisaged to fit the different needs that are expressed in each situation. However, it wishes to recall that the separation of pupils on the basis of their ethnic origin is incompatible with the principles of the Framework Convention, whose aim is to promote integration.<sup>21</sup> Additionally, the fact that Roma pupils are at times placed in classes located in temporary prefabricated classrooms, or other substandard constructions, is not in line with the principles of the Framework Convention, including the principle of equal opportunities for access to education at all levels, as enshrined in Article 12 of the Framework Convention.<sup>22</sup>

93. School mediators can play an important role in finding solutions to existing problems facing both Roma pupils and their families, as well as teachers and school authorities. However, they are often underutilised and their status lacks clarity. The Advisory Committee is informed that their role is often misunderstood by school administrations and local authorities and that they are often perceived as additional teachers, who should take care of the Roma pupils, rather than as a link between the Roma families, the majority population, the school and the authorities. The Advisory Committee reiterates its view that the status and role of school mediators should be clarified in order for them to serve as an effective tool for integration.

#### *Recommendations*

94. The Advisory Committee urges the Portuguese authorities to put an end to practices of placing Roma pupils in separate classes. Instead, measures should be taken to promote further their integration into mainstream schools. Against this background, the role of school mediators should be promoted and their status clarified.

95. Further steps should be taken to develop intercultural teaching at school. It is essential to include information on Roma history, cultural heritage and language in school textbooks, as well as to provide teachers working with Roma pupils with additional training on intercultural teaching methods. The effective participation of Roma representatives in this work should be promoted.

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<sup>20</sup> In the city of Barqueiros.

<sup>21</sup> See also judgments of the European Court on Human Rights, for instance: *Sampanis and others v. Greece*, No. 32526/05, judgment of 5 June 2008.

<sup>22</sup> See also Recommendation (2009) 4 of the Committee of Ministers on the education of Roma and Travellers in Europe (Adopted by the Committee of Ministers on 17 June 2009 at the 1061st meeting of the Ministers' Deputies).

## Article 15 of the Framework Convention

### Participation of Roma in public affairs

#### *Findings of the first cycle*

96. In its first Opinion, the Advisory Committee regretted that Roma associations were not sufficiently involved in decision-making on issues affecting them. It invited the authorities to set up appropriate and efficient consultation and participation arrangements in order to ensure effective participation of the Roma in public affairs and in socio-economic life.

#### *Present situation*

##### a) Positive developments

97. The Advisory Committee welcomes the fact that the authorities attempted to remedy the lack of coordination of actions to improve the situation of the Roma as well as the lack of consultation of Roma representatives by setting up within ACIDI, in 2007, the Office for the Support of the Roma communities (*Gabinete de Apoio às Comunidades Ciganas*, GACI) and of the G9, a technical body tasked with providing assistance to local Roma organisations. These two bodies were intended to act as mediators between local authorities and the Roma as appropriate. A number of Roma representatives were involved in this work (six out of the nine members of the G9).

98. The Advisory Committee is also pleased to note that Roma associations are represented in the CEARD among the non-governmental organisations which are members of this commission.

##### b) Outstanding issues

99. The Advisory Committee deeply regrets that the work of the above-mentioned G9 was stopped in 2008 for financial reasons. As a result, there is no institutional structure for dialogue between the authorities and the Roma representatives and coordination of measures intended for the Roma. The Advisory Committee is of the opinion that this is a setback for the participation of Roma in decision-making. It understands that the authorities are aware of the need for a formal consultation structure and it expects that they will take measures, as a matter of priority, to set up a structure to replace the one that was discontinued.<sup>23</sup>

100. Against this background, claims were brought to the attention of the Advisory Committee that there is in general limited consultation and involvement of Roma representatives in projects which affect them, whether at national or local levels. Moreover, it appears that projects submitted by Roma themselves are rarely granted support. The Advisory Committee takes the view that the effective involvement of representatives of ethnic minorities in socio-economic, housing, educational and other projects aimed at them is essential to ensure that these projects adequately meet the needs of the persons concerned and are sustainable.

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<sup>23</sup> See Advisory Committee on the Framework Convention for the Protection of National Minorities: *Commentary on the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs*, Strasbourg (2008). See in particular Chapter on Participation in public affairs, p. 22-35.

101. The Advisory Committee also notes from various sources that there is an overall lack of coordination of actions targeting the Roma, both at the local level and between local and national levels. It understands that the ACIDI has as an objective to improve coordination and, in particular, to develop its work with local authorities in this field. It expects that this will bring about more coordination and a better institutional framework for the implementation of policies and measures to improve the situation of the Roma.

102. Participation of the Roma in elected bodies remains very limited. The Advisory Committee takes note of the fact that one person belonging to the Roma minority was elected as a mayor. However, Roma representatives complain that, when willing to be involved in the political life, they are usually not placed high on the electoral lists of mainstream political parties and have little access to elected positions. It appears that persons belonging to the Roma minority are in general marginalised from political life and that allegedly many of them do not vote in elections.

### *Recommendations*

103. The Advisory Committee invites the Portuguese authorities to find ways of improving participation of persons belonging to the Roma minority in public affairs. In particular, it calls on the authorities to re-establish as soon as possible a formal structure for dialogue with and consultation of persons belonging to the Roma minority. Such a body should be as inclusive as possible.

104. Further measures should also be taken to improve coordination, at all levels, of policies and projects to improve the situation of the Roma.

105. Particular attention should be paid to ensuring effective participation of the Roma in the elaboration of projects to address their needs, especially at the local level.

106. The Advisory Committee encourages the authorities to find ways of creating conditions conducive to a better participation of Roma in elections and in elected bodies, in particular by means of awareness-raising activities in the Roma community and the majority population.

## **Participation in socio-economic life**

### *Findings of the first cycle*

107. In its first Opinion, the Advisory Committee expressed concern about the fact that it is difficult for many Roma to participate effectively in the socio-economic and cultural life of the country.

108. The Advisory Committee invited the authorities to ensure that no undue obstacles were placed by local authorities and law enforcement authorities to the practice of itinerant trade. It also found it worrying that a large proportion of the Roma population continued to live in segregated urban areas, often in substandard conditions.

### *Present situation*

#### a) Positive developments

109. The Advisory Committee is pleased to note that a number of municipalities, such as Coimbra or Peso da Régua, have implemented laudable integrated housing projects aiming at providing new, quality accommodation to Roma families while avoiding segregation. In other

cities, projects of adapted housing are being developed in order to meet the needs of the persons concerned.

b) Outstanding issues

110. A large number of Roma continue to live in substandard conditions, often in segregated urban areas, sometimes in slums.<sup>24</sup> The Advisory Committee is informed that even where re-housing programmes have been carried out, they have sometimes been implemented using low quality material, thus resulting in poor living conditions. The situation of those persons who are compelled to move from place to place (see remarks under Article 4 above) is of particular concern: they usually live in tents or huts, with no access to basic sanitation, running water or electricity. As a result, their health is reportedly often poor. The Advisory Committee is deeply concerned by this situation.

111. Various sources indicate that Roma frequently face discrimination in access to employment, as well as on the housing market. Therefore, even though programmes of vocational training and retraining of Roma have been carried out, they often have only a limited impact on the employment rates of Roma. Moreover, Roma representatives regret that there is limited support for self-employment and the setting up of small businesses, which could constitute alternatives to itinerant trade and working on fairs and markets.<sup>25</sup>

112. The Advisory Committee notes that problems facing those practising itinerant trade persist. The main obstacle is the absence of a uniform legal framework regulating itinerant trade at local level. This results in a lack of clarity and legal certainty as regards the rules prevailing locally.

113. Moreover, the Advisory Committee underlines its previous view that there is an urgent need for further information and data on the participation of Roma in socio-economic life, in order to be able to develop evidence-based policies and programmes (see also remarks under Article 4 above).

*Recommendations*

114. The Advisory Committee calls on the authorities to take vigorous measures to improve the living conditions of those Roma who live in substandard housing. They should pursue and expand the good practices implemented by some municipalities in the field of housing for Roma. In doing so, it is essential to involve the persons concerned at all stages of the projects.

115. The Advisory Committee urges the Portuguese authorities to identify and implement, as a matter of urgency, adequate solutions to the problems facing those Roma who are compelled to move from place to place (see also recommendations in respect of Article 4 above, paragraph 58).

116. The Advisory Committee invites the authorities to take more resolute measures to clarify the legal framework regulating itinerant trade. It also encourages them to design measures to

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<sup>24</sup> It is estimated that between 16-18% and 31% of the Roma, according to different sources, live in substandard conditions, without running water, electricity and basic infrastructures and access to basic services. See Comissão Parlamentar de Ética, Sociedade e Cultura, Subcomissão para a Igualdade de Oportunidades e Família, *op. cit.* See also *Report on the Housing Conditions of Roma and Travellers, Portugal*, by Númena/Raxen, *op. cit.*

<sup>25</sup> See Advisory Committee on the Framework Convention for the Protection of National Minorities: *Commentary on the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs*, *op. cit.*

promote sustainable alternatives to itinerant trade and selling on market places and fairs, in close co-operation with Roma representatives and based on their needs.

### **III. CONCLUDING REMARKS**

117. The Advisory Committee considers that the present concluding remarks could serve as a basis for the conclusions and recommendations to be adopted by the Committee of Ministers with respect to Portugal.

#### **Positive developments**

118. Since the adoption of the Advisory Committee's first Opinion, in October 2006, Portugal has continued to pay attention to the situation of persons belonging to minorities. Concrete projects to promote intercultural dialogue and to combat racial discrimination and racism have been implemented. Measures to facilitate the inclusion of immigrants and integration of society have continued to be developed.

119. Further measures to tackle difficulties facing persons belonging to the Roma minority have been taken, particularly at the local level. Certain municipalities have developed good practices in the field of housing of Roma families. A project of developing the work of socio-cultural mediators at local level is to be implemented, with public support, over the next few years. A debate on public policies targeting the Roma has been initiated by the Portuguese Parliament.

120. The work of the Office of the High Commissioner for Immigration and Intercultural Dialogue, the main actor of the policy of the Government in the field of community relations and protection of the rights of persons belonging to various ethnic and cultural groups, has been strengthened and its budget increased.

#### **Issues of concern**

121. Serious shortcomings persist concerning domestic remedies in cases of racial discrimination. The system lacks clarity for potential claimants and there is a considerable backlog of discrimination claims before the Commission for Equality and Against Racial Discrimination.

122. There is a persistent lack of specific information on the situation of persons belonging to ethnic minorities, in particular Roma. This constitutes a serious obstacle to the elaboration of effective policies and targeted measures to promote full and effective equality.

123. Discrimination against persons belonging to the Roma minority continues to be reported, including in the areas of access to adequate housing, employment and the provision of goods and services. It is of deep concern that Roma settlements are, in certain municipalities, surrounded by walls, often with only one entrance and exit route. Those Roma compelled to move from place to place face serious difficulties in the field of housing and related access to social services.

124. Manifestations of hostility against Roma have also sometimes occurred, such as demonstrations against projects of re-housing of Roma families and, at times, opposition of parents to the enrolment of Roma children in some classes/schools. It is particularly worrying that Roma pupils are, in a few reported cases, taught in separate classes.

125. Some media continue to spread stereotypes concerning persons belonging to ethnic minorities and to associate them with crime.



126. Relations between the police and the Roma are sometimes tense and occurrences of police misconduct have been reported, notably in cases of eviction.

127. Schools are often not prepared to meet the needs of pupils belonging to the Roma minority. Textbooks include limited references to their history and culture and teachers are not always adequately trained. There is a need for further development of intercultural teaching.

128. The discontinuation in 2008 of the work of the G9 within the Office for the Support of the Roma Communities (GACI) represents a step backwards in the promotion of Roma participation in public affairs. An institutionalised structure for consultation of persons belonging to the Roma minority is currently lacking. In addition, their participation in socio-economic life remains very limited.

### **Recommendations**

129. In addition to the measures to be taken to implement the detailed recommendations contained in Sections I and II of the Advisory Committee's Opinion, the authorities are invited to take the following measures to improve further the implementation of the Framework Convention:

- Initiate a discussion on the Framework Convention with persons potentially concerned by its application;
- 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, in particular in the judiciary and law enforcement agencies;
- Take immediate, vigorous measures to put an end to the practice of separating Roma from the majority population by means of walls or fences; take further steps to improve the housing of those Roma who live in substandard conditions;
- Collect specific information and data on the situation of persons belonging to ethnic minorities, in particular the Roma;
- Identify and implement, as a matter of urgency, adequate solutions to the problems facing those Roma who are compelled to move from place to place; take measures to enable them to register in municipalities, have access to stable residency and have equal access to rights and services;
- Continue to implement policies and programmes to promote intercultural dialogue and tolerance, and to combat discrimination and racism; clarify and promote the role of socio-cultural mediators;
- Take more resolute measures to improve the relations between the police and persons belonging to ethnic minorities, notably the Roma; investigate and sanction adequately all cases of police misconduct in relation to persons belonging to ethnic minorities;
- Pursue and step up efforts to combat the dissemination of stereotypes and prejudices against persons belonging to ethnic minorities in the media;

- Take measures to put an end to the practice of placing Roma pupils in separate classes and promote their integration in mainstream classes; 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;
- Re-establish an inclusive structure of consultation of persons belonging to the Roma community; 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.