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**SECOND REPORT SUBMITTED BY PORTUGAL  
PURSUANT TO ARTICLE 25, PARAGRAPH 1  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

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PRESIDÊNCIA DO CONSELHO DE MINISTROS  
Alto Comissariado para a Imigração e Diálogo Intercultural, I.P.

### **Framework Convention for the Protection of National Minorities**

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

Portugal has recognised the existence of one ethnic minority in the country, namely the Roma community; however, this reflects quite a different situation from what is meant by “national minority” in the Framework Convention. In this sense and on this basis, specific answers are given to the questions put by the Advisory Committee and certain relevant aspects in this regard are presented. We would like to stress that this fact of recognising the Roma community is not incompatible with the non-recognition of national minorities in Portugal, and our position is that the Framework Convention does not apply to recent immigration issues. This, moreover, is the same position adopted by countries such as Norway, France, Malta, Poland, Germany, San Marino, Spain and Liechtenstein.

Nonetheless it is clear that the established principles of the Framework Convention are upheld and applied in Portugal, in accordance with the Constitution of the Portuguese Republic and the vast array of legislation in force in Portugal, of which the Advisory Committee was made aware at the time of the drafting of the 2006 report.

2. Given that the last report dates from February 2006, it is important to outline the structure of the ACIDI, in comparison to the former ACIME, a result of changes in legislation introduced since then. The creation of the post of High Commissioner for Immigration and Ethnic Minorities in 1996 and its subsequent enlargement in 2002 into a broader body, the Office of the High Commissioner for Immigration and Ethnic Minorities (ACIME) with greater resources and further scope for action, has since then highlighted the attention placed in Portugal on issues related to immigration and ethnic minorities.

With the approval of the new structure by the Prime Minister’s Office, which reorganised the former Office of the High Commissioner for Immigration and Ethnic Minorities, immigrants’ integration policies were merged with the intercultural dialogue dimension, expressly stated in the terms of reference of the current Office of the High Commissioner for Immigration and Intercultural Dialogue (ACIDI, IP).

This state institution, which also includes the responsibilities of other bodies since abolished, including the “Entreculturas” office and the Task Force for Dialogue with Religious Communities, has been given additional responsibilities and a role to play in the field of intercultural dialogue.

The current role of the ACIDI, IP, in accordance with its terms of reference approved by Decree-Law No. 167/2007 of 3 May, is to contribute to the framing and evaluation of public policies, both cross-cutting and sector-specific, of relevance to the integration of immigrants and ethnic



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minorities, and to promote dialogue between various cultures, ethnic groups and religions, in full compliance with the Constitution and legislation, and enhancing cultural diversity in a context of mutual respect.

The organisational changes in the Portuguese public administration came about as a consequence of the fact that in Portugal, as in other European countries, today's migration flows and the issue of integrating immigrants raise new challenges requiring social and political measures which take due account of justice and human rights.

In view of the close co-existence of different faiths and cultural identities in a country of immigration, there is a clear need to further enhance cultural diversity through dialogue, tolerance and mutual respect by capitalising on the different cultures' contribution to Portuguese society.

3. Reference must also be made to Council of Ministers Resolution No. 92/2007 which designated the ACIDI, IP as the national co-ordinating body for European Year of Intercultural Dialogue (EYID), entrusting it with the task of preparing and implementing an EYID programme of action, setting out the strategy, priorities and steps to be taken in 2008, along with the respective timetables and financial instruments.

To this end, in 2007 the Office of the High Commissioner, via the EYID Centre, issued an open and widely disseminated invitation to civil society, public and private bodies and the general public to include intercultural dialogue issues in their programmes and agendas for 2008. This met with some very positive responses and meant that throughout the year the EYID programme included cultural, social, educational and other activities. The programme can be consulted on [www.aedi2008.pt](http://www.aedi2008.pt), providing details of all the various activities taking place throughout 2008.

Some 400 public and private institutions have been involved in the EYID and there have been over 600 activities, from the North to the South of Portugal, including Madeira and the Azores, involving intercultural dialogue issues in a range of initiatives such as entertainment, readings, cinema, dance and the performing arts, exhibitions and the visual arts, fairs, music, educational projects, theatre, workshops and colloquies and many others.

4. The only figures we have on the Roma Community are based on estimates (it is thought that they number approximately 40-50,000 people in Portugal), and we are therefore unable to provide statistics on the actual number because of the provisions of Directive 95/46/EC of the European Parliament and the Council, transposed into the national legislation by Law No. 67/98, of 26 October which, in general terms, prohibits the processing of personal data revealing ethnic or racial origin and political or philosophical beliefs.



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5. Given that the last report was drafted and submitted in February 2006, the data provided here are subsequent to that date to avoid any repetition of the information already provided.

6. While reiterating that the Convention does not apply to immigrant communities, we nevertheless append hereto, for information, a number of copies of the PII – Plan for the Integration of Immigrants, approved in 2007 by Council of Ministers Resolution No. 63-A/2007, of 3 May. The Plan is to be implemented over three years (2007-2009) and involves 13 ministries, comprising 122 measures with specific indicators and implementation objectives.

7. We would further point out that the Framework Convention for the Protection of National Minorities has been promoted primarily by means of training measures, covering the national, Community and international legal systems. The Convention is included in the curriculum of the training provided to officers of the PSP – Public Security Police.

8. Please find below our responses to the specific questions put by the Advisory Committee:

- **Please describe any new developments in the context of improving the accessibility and effectiveness of the CICDR**

8.1 In order to improve access to the CICDR, a website was created providing a range of information on the fight against racial discrimination, the initiatives taken by the Commission, its statements setting out its public positions, competitions and various news items ([www.cicdr.pt](http://www.cicdr.pt)).

The aim of setting up the site was to provide information that would prove useful in raising public awareness of the importance of combating racism and of the means whereby all citizens can report situations of racism.

The site also offers complainants, with a guarantee of the requisite confidentiality, the possibility of consulting online the state of progress in their administrative proceedings against discriminatory acts under Law No. 18/2004 of 11 May, enabling them to follow the proceedings in real time, thereby bringing citizens closer to the justice system.

It is also possible to submit claims directly by filling out electronically the relevant form available on the site.

In order to monitor in real time progress in their administrative proceedings, complainants are given a password to be used in conjunction with their e-mail address.

The following information can be provided on the CICDR's general activities for 2006:



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The CICDR held seven meetings in 2006 on the following dates: 19 January; 13 February; 10 April; 5 June; 29 September; 25 October 2006 and 11 December 2006.

The following are some of the points of relevance discussed:

- an assessment, collection of contributions and discussion on the bill on the reform of legislation on administrative proceedings against discriminatory acts on the grounds of nationality or ethnic origin;

- monitoring of the main complaints and administrative proceedings against discriminatory acts on the grounds of nationality or ethnic origin;

- the “Campaign for Preventive Advocacy” with the Lisbon District Council of the Portuguese Bar Association, in order to promote the provision of lawyers in the CLAI (Local Immigrant Support Centres) to provide free legal assistance to immigrants;

- approval of the rules for the national competition “My school against discrimination” to be run in all state-run and private schools for pupils in general secondary education, in partnership with the Ministry of Education. This competition was later incorporated into the events organised for “European Year of Equal Opportunities for All”, celebrated in 2007;

- drafting, discussing and approving the statement entitled “CICDR position on the *Oriente* operation to inspect 130 Chinese restaurants by the National Food Safety and Financial Security Authority (available on <http://www.acime.gov.pt/modules.php?name=News&file=article&sid=1303>);

- drafting, discussing and approving the statement entitled “Position on references to nationality, ethnic origin, religion or legal status in news items from official sources and in the media (available on <http://www.acidi.gov.pt/docs/CICDR/posicaoCICDRsobreReferenciasNacionalidade.pdf>) reproduced below;

- instructing the Standing Committee to meet the national directors of the PSP, the Criminal Police, the Attorney General and the Director General of the Borders and Aliens Department, in order to familiarise them personally with the content of this statement;

- proposed reform of current anti-racial discrimination legislation to address the concerns of both the Office of the High Commissioner and of the CICDR regarding certain aspects which could be improved in the current anti-racial discrimination legislative framework. A proposed revision of the current law on administrative offences in the context of racial discrimination has been drafted and is currently being examined;



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There were four plenary meetings of the CICDR in 2007 (26 February, 16 April, 9 July and 13 November) and three meetings of its Standing Committee (11 April, 27 July and 19 December).

In the aforementioned meetings, the CICDR took note of, discussed and issued an opinion on various questions, including:

- monitoring of the main complaints and administrative proceedings against discriminatory acts on the grounds of nationality or ethnic origin;
- overseeing the initiatives taken for European Year of Equal Opportunities for All;
- monitoring media references to nationality, ethnic group, religion or legal status of alleged perpetrators of unlawful acts;
- deciding on the prize winners and entrants to be given special commendations in the competition “*My school against racial discrimination*”;
- the organisational restructuring of the ACIME into the ACIDI – Office of the High Commissioner for Immigration and Intercultural Dialogue, IP.

In 2007, the first two workshops in Portugal on administrative proceedings regarding discrimination based on race or nationality under Law No. 18/2004 of 11 May were held in the ACIDI premises, intended primarily for the General Inspectorates of the different ministries and bodies with responsibility for the said proceedings.

Several aspects regarding the application of the legislative framework for these proceedings were addressed and discussed, resulting in closer institutional convergence of all the relevant players, and a network of liaison officers was set up, comprising the persons designated by all the bodies present to be the points of contact in the ACIDI, the General Inspectorates, the security forces and the Attorney General’s Office, for matters relating to administrative proceedings in order to establish contacts quickly and exchange information in connection with the anti-racial discrimination legislation.

- July workshop – attended by representatives of ten general inspectorates, two public prosecutors, a representative of the Ombudsman, a representative of the UAVIDRE (Support Unit for Immigrant Victims and Victims of Racial and Ethnic Discrimination), representatives of the Public Security Police (PSP), the National Republican Guard (GNR) and the ACIDI.



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- September workshop – attended by representatives of nine general inspectorates, two representatives of the Attorney General’s Office, a representative of the Ombudsman, and representatives of the PSP, the GNR, the UVIDRE and the ACIDI.

**CICDR official statements (2007)**

The posters put up by the far-right National Renewal Party (PNR) in the Marquis of Pombal Square in Lisbon, proclaiming “Portugal for the Portuguese” prompted a rapid reaction from the CICDR, with the Standing Committee issuing a statement on 29 March, calling on Portuguese citizens and institutions to condemn this message and resolutely reassert the welcome offered to immigrants in Portugal and the measures to promote their integration, in line with the treatment Portugal expects for its emigrants throughout the world.

Other CICDR activities:

a) Revision and updating of the leaflet “Legal means to combat racism and xenophobia”, included in the guide published by ACIDI – “Immigration in Portugal – useful information 2007/2008”.

b) Participation at four international meetings:

- Brussels: participation at the seminar organised by the European Commission in conjunction with the Network of Independent Legal Experts in Non Discrimination, on 13 February, intended for, amongst others, representatives of governments and national organisations active in the field of equality, focusing on updating and discussing issues in connection with the application of Community directives relating to the principle of equal treatment and the fight against racial discrimination Nos. 2000/43/EC and 1000/78/EC, which have since been transposed into domestic legislation.
- Strasbourg: participation at a seminar organised by the Council of Europe’s European Commission against Racism and Intolerance (ECRI) on 22 and 23 February 2007, in which Ms Cidália Figueiredo, member of the CICDR, gave a presentation on ACIME. The main aim of this seminar was to equip national bodies specialising in the fight against racism and racial discrimination with appropriate working methods, by recommending the adoption of positive measures to prevent or compensate for the historical disadvantages attached to certain groups on the ground of their racial or ethnic origin, religion or belief, disability, sexual orientation or age.



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- Mexico: participation at the Ibero-American Meeting for Social Development, Democracy and Non-Discrimination, organised by the Mexican government on 24 September 2007, which set up the Ibero-American Network of Organisations against Discrimination (RIOOD). The aim in setting up this network was to forge co-operation links between institutions, public bodies, administrative units and civil society organisations in the Ibero-American countries, so as to address the problem of discrimination in social development and the construction of democracy in their respective societies. The network's first action was to seek to have the Summit of Heads of State and Government of the Ibero-American countries declare 2008 as Ibero-American Anti-Discrimination Year.
- This was done at the Summit held in Santiago, Chile, in November 2007.

c) The presentation of the activities and results of the UAVIDRE (Support Unit for Immigrant Victims and Victims of Racial and Ethnic Discrimination), held at the headquarters of the APAV (Portuguese Victim Support Association) on 21 March, International Day for the Elimination of Racial Discrimination.

The UAVIDRE was set up under an agreement between the ACIDI and the APAV, whereby ACIDI granted financial support for the establishment of the unit and continues to offer support for its operational activities, by which it offers free and confidential support to immigrant victims and victims of racial or ethnic discrimination from a legal professional and psychologist specialising in this field.

Between May 2006 and April 2007, 232 sets of proceedings were initiated, directly dealt with in the UAVIDRE and 451 sets of proceedings were instigated, dealt with by the APAV's local support networks. Of the latter, 23 (3.4%) concerned instances of discrimination.

d) Participation at the seminar on the "50 years of the Treaty of Rome. The Europe of Values", organised in Lisbon on 27 March by the Institute of Strategic and International Studies (IEEI), in partnership with the CICDR as part of the second national debate on the future of Europe.

e) Hearing of the Ombudsman in a plenary meeting of the CICDR on 9 July. The Ombudsman shared with the members of the Commission for Equality and Combating Racial Discrimination his experience of and thoughts on the role of his Office in assisting in cases concerning complaints from immigrants and complaints of racial discrimination.

f) Launch of the CICDR site ([www.cicdr.pt](http://www.cicdr.pt)) at the Commission's ordinary meeting on 9 July 2007, attended by the Ombudsman, Dr Henrique de Nascimento Rodrigues.





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h) Participation at the opening of the meeting of the Management Board of the European Network against Racism (ENAR), held in Lisbon during the Portuguese Presidency of the EU on 28 September 2007, attended by the CICDR President and the High Commissioner for Immigration.

i) Participation with the Ministry of Education and the body responsible for the European Year of Equal Opportunities for All, in the organisation of the competition “My School against Racism” as part of the events for the Year, with the aim of recompensing action taken by school pupils to promote information and training to combat racism and discrimination and to foster dialogue and co-operation between different people and cultures. This initiative was aimed at pupils in general secondary education in schools throughout the country. Over 110 schools and 6,000 pupils from 17 of the country’s 18 districts took part.

The three winning classes were given a trip to Paris, during which they visited Unesco headquarters in the French capital.

j) Raising awareness of racism/discrimination as part of the national meeting of the local Immigrant Integration Support Centres (CLAIs). One hundred socio-cultural mediators were given training on how to deal with administrative proceedings in the light of race, nationality or ethnic origin, the functioning and powers of the CICDR and how the latter fitted in with the CLAIs, under Law No. 18/2004 of 11 May.

- **Please provide information on any further actions taken by the competent authorities and possibly other actors in combating stigmatisation of ethnic minorities (particularly the Roma) in the media**

The CICDR published various documents in order to bring to the attention of the media in particular and society in general writings by journalists which, because of their content, could have a negative effect on the image society formed of immigrants and ethnic minorities.

In this regard, the CICDR drafted the following documents:

**- Position on references to nationality, ethnic group, religion or legal status in news items from official sources and in the media, approved on 10 April 2006, worded as follows:**

- 1. Considering that tolerance and commitment to diversity depend significantly on the perception of immigrants and minorities formed by public opinion on the basis of media reporting,*
- 2. Considering that references in communication means to factors such as nationality, ethnic group, religion or legal status, particularly with regard to unlawful situations, the objective description of which is totally unrelated to such characteristics,*



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3. *Considering that official sources frequently publish, directly or indirectly, details of such characteristics, encouraging the media to reproduce them,*
4. *Considering that such references – whether in official sources or in the media – have the potential to give rise to stigmatisation of and a reinforcement of prejudices against foreigners, ethnic or religious minorities or immigrants in an irregular situation,*
5. *Considering that the objective of the Commission for Equality and Combating Racial Discrimination (CICDR), established by Law No. 134/99 of 28 August is to prevent and prohibit racial discrimination in all its forms and to punish acts constituting a violation of any fundamental right or a denial or limitation of the exercise of all economic, social and cultural rights by any person on the grounds of his or her particular race, colour, nationality or ethnic origin;*

**The Commission for Equality and Combating Racial Discrimination,**

1. **Recommends** that official sources, namely the security forces and law enforcement agencies (Borders and Aliens Department, Public Security Police, National Republican Guard, Criminal Police, amongst others) and the different supervisory bodies (General Inspectorates, Food Safety and Financial Security Authority, amongst others), avoid disclosing in their official or unofficial statements on operations carried out, the nationality, ethnic group, religion or legal status of any person under investigation by the police or supervisory authorities or the presumed perpetrators of unlawful criminal or administrative acts;
2. **Calls on** the media, with due regard for their editorial independence, to avoid including in their coverage references to the nationality, ethnic group, religion or legal status where such references are not crucial to an understanding of the news item in question;
3. **Asks** editors of the different media to weigh up whether the relative emphasis placed in the media on the detention of irregular immigrants in Portugal and the tone in which such events are reported can be considered as appropriate, balanced, proportional and showing respect for human dignity;
4. **Instructs** its Standing Committee to present this Position by means of hearings to be organised with the different official sources and the media, calling on them to comply with and implement these guidelines;
5. **Stipulates** that the National Secretariat, whenever references to nationality, ethnic group or legal status appear in official sources or the media, shall notify the authors of the existence of this CICDR position and ask them to comply with the principle of not including such references.

**- Statement by the Standing Committee of the Commission for Equality and Combating Racial Discrimination (CICDR) regarding the article “Trade union claims rise in crime due to immigration” appearing in the *Diário de Notícias*, of 7 May 2006, approved on 8 May 2006, worded as follows:**



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1. *The Standing Committee of the CICDR has learned of the statements made by the President of the Police Trade Union, Mr António Ramos and by the General Secretary of the same trade union, Mr Luís Filipe Maria to the Diário de Notícias, dated 7 May, entitled “Trade Union claims rise in crime due to immigration”.*

2. *The scientific studies produced by the Immigration Observatory, “Foreign Criminality in Portugal” and “Foreign Prisoners in Portugal” (available on [www.oi.acidi.gov.pt](http://www.oi.acidi.gov.pt)) unambiguously show that:*

a. *the comparative criminality index between foreigners and nationals based on equivalent sex, age and employment situation, is exactly the same (11 %).*

b. *between 1994 and 2003, the number of foreigners in Portuguese prisons fell by 30% (from 6.3% to 4.9%), proportionally in relation to the total number of foreigners lawfully residing in Portugal.*

c. *According to Council of Europe figures for 2002, the proportion of foreigners in the prison system was the fourth lowest in the European Union (EU 15).*

3. *Accordingly, as shown by objective data, criminality is not pre-determined by nationality or status (foreigner/immigrant). Would one, for example, accept as valid the claim that Portuguese emigrants were also more disposed to crime in comparison with the citizens of the host countries?*

4. *Such claims, equating crime and immigration, have no objective basis and consequently reveal an unacceptable xenophobic attitude which is particularly serious in the case of public servants and social leaders whose statements have an impact on the general public.*

5. *The Commission for Equality and Combating Racism, through its Standing Committee, resolutely **condemns** the statements made.*

6. *Without prejudice to the action already taken by the Ministry of the Interior and considering that such statements appear to reveal a discriminatory attitude which violates the principle of equality, the legal mechanisms provided for under Law No. 18/2004 of 11 May and Law No. 134/99 of 28 August have been set in motion.*

**- Statement by the Standing Committee of the Commission for Equality and Combating Racial Discrimination (CICDR) regarding the circulation of rumours of abductions occurring in shops selling Chinese articles, worded as follows:**

1. *The Standing Committee of the Commission for Equality and Combating Racial Discrimination (CICDR) has learned of the circulation of rumours widely carried on the Internet, warning the general public about abductions occurring in shops selling Chinese products.*

2. *According to the anonymous authors of these rumours, the abductions in question are alleged to be connected with:*

*organ trafficking; the authors even mention the towns of Águeda, Aveiro, Braga and Espinho as examples of places where the alleged unlawful practices have taken place.*



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3. *In view of the seriousness of these public accusations, the Standing Committee of the CICDR requested clarifications from the Criminal Police (PJ) and the Public Security Police (PSP).*

4. *The PJ has said that no reports of abductions in shops belonging to the Chinese Community had been received.*

5. *The PSP has said that in connection with the anonymous e-mails published on the Internet relating to alleged abductions carried out in shops belonging to the Chinese Community, it had received no formal complaint concerning such criminal acts, being aware of these claims only by means of the references found on the Internet.*

6. *Accordingly, the Standing Committee of the CICDR has unanimously decided to publish the following:*

- *There have been no formal complaints to the authorities confirming these anonymous rumours;*

- *We condemn the racist and xenophobic intent underlying these rumours, given that their objective is to stigmatise citizens of Chinese nationality and to seek to prevent the lawful exercise of their commercial activities;*

- *The CICDR will be submitting to the Attorney General's Office a complaint against a person or persons unknown concerning the crime of racial discrimination, provided for and punished by Article 240 of the Criminal Code.*

*18 December 2006,*

*The Standing Committee of the CICDR.*

**- Open letter from the High Commissioner for Immigration and Intercultural Dialogue, in her capacity as Chair of the CICDR, to the Portuguese media, released 17 September 2008, worded as follows:**

*The Commission for Equality and Combating Racial Discrimination (CICDR), chaired by the High Commissioner for Immigration and Intercultural Dialogue, was set up by Law No. 134/99 of 28 August. The CICDR is the competent body in Portugal to monitor application of the anti-racism and anti-racial discrimination legislation, in particular Law No. 18/2004 of 11 May which transposed into the Portuguese legal system Council Directive 2000/43/EC of 29 June, known as the "Race Directive".*

*The aim of this legislation is to prevent and prohibit racial discrimination in all its forms and to punish acts constituting a violation of any fundamental right and acts or omissions violating the principle of equal treatment on the grounds of race, colour, nationality or ethnic origin.*

*Accordingly, in the wake of the Commission's plenary session on 16 September 2008, we are contacting you in order to draw your attention to a matter which has been and continues to be a subject of growing concern to this Commission.*

*It is commonly felt that there appears to have been a rise in violent crime recently, along with an increase in media coverage of this issue.*



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*Such a situation, which in itself causes justified apprehension, has also given rise to equally prejudicial consequences such as equating this crime with the immigrant communities residing in Portugal and/or Portuguese citizens belonging to certain ethnic groups.*

*While there is no doubt that a large percentage of violent crime is committed by individuals whose nationality is not known, and while yet another percentage is committed by nationals and non-nationals, there are signs that non-nationals – those who belong to minority ethnic groups or nationalities – are being portrayed as the main persons responsible for this type of crime.*

*This situation is not only particularly unjust, it also raises various concerns and is liable to create serious problems for Portuguese society, such as fostering racist and xenophobic feelings, an intensification of potentially violent situations or the development of ideologies which, taking advantage of these circumstances, find the ideal breeding ground in which to flourish and attract new members.*

*In this context, the media have a role of paramount importance regarding the image which society as a whole forms of foreigners, immigrants and individuals belonging to other ethnic groups or religions.*

*The Council of Europe, via its European Commission against Racism and Intolerance (ECRI), also acknowledges the fundamental role of the media in the fight against racism and intolerance and in its 3<sup>rd</sup> Report on Portugal, presented in 2007, recommended that the Portuguese authorities “impress on the media, without encroaching on their editorial independence, that they must ensure that the way they present their information should not contribute to a climate of hostility and rejection towards members of all minority groups, including immigrants and Gypsies.”*

*Accordingly, the CICDR some time ago approved a statement, enclosed herewith, on “References to nationality, ethnic group, religion or legal status in news items from official sources and in the media”, and would ask that this be appropriately disseminated and that the recommendations contained therein be duly taken into account.*

*Thank you*

*Lisbon, 17 September 2008,*

*The High Commissioner for Immigration and Intercultural Dialogue and Chair of the CICDR.*

**- Position on references to nationality, ethnic group or religion in humorous items, approved on 19 May 2008, worded as follows:**

- 1. Considering that humour is a fundamental artistic expression in contemporary societies and represents, with due regard for human rights, a sign of a mature democratic society,*
- 2. Considering that tolerance and a commitment to cultural, social, linguistic and ethnic diversity depend on the perception of immigrants and ethnic minorities formed by the general public via the writings of humorists,*





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3. *Considering that there is increasing use of a certain type of humour which links certain foreign nationalities, religions or ethnic minorities to derogatory characteristics of those belonging to these minority or religious groups,*

4. *Considering that the use of this type of humour could give rise within Portuguese society to stigmatisation of and a reinforcement of prejudices against foreigners and ethnic or religious minorities,*

5. *Considering that the aim of the Commission for Equality and Combating Racial Discrimination (CICDR), set up by Law No. 134/99 of 28 August is to prevent and prohibit racial discrimination in all its forms and to punish acts constituting a violation of any fundamental right or a denial or limitation of the exercise of all economic, social and cultural rights by any person on the grounds of his or her particular race, colour, nationality or ethnic origin,*

6. *Considering that the CICDR has received complaints from citizens about the tenor of certain humorous items which they feel to be offensive to foreign nationalities and specific religions or ethnic minorities,*

***The Commission for Equality and Combating Racial Discrimination,***

1. ***Calls on*** humorists – with due regard for their artistic creativity – to avoid associating derogatory characteristics with a foreign nationality, specific religion or ethnic minority.

2. ***Asks*** those responsible for programming – in which humorous programmes or items are scheduled – to define in their code of good practice the principle of citizenship outlined above.

3. ***Invites*** humorists and those responsible for programming – in which humorous programmes or items are scheduled – to bear in mind that there are principles of conduct which, if complied with, can help avoid creating racial or religious stereotypes and contribute to the CICDR's role in combating racial discrimination on the basis of respect for human dignity.

A formal complaint was also submitted to the Attorney General against the National Renewal Party (PNR), for the possible commission of a crime of racial discrimination, for displaying a huge poster in Lisbon encouraging xenophobia and making a parallel between immigrants and unemployment, low wages and crime.

The dynamism of integration inescapably involves the media and the image the latter portray of immigrants and ethnic minorities.

Accordingly, the ACIDI felt it was essential to conduct regular and systematic studies of the information on immigrants and ethnic minorities conveyed in the media, making it possible to monitor and analyse trends in this field.

Under the generic title of “Media, immigration and ethnic minorities”, the Immigration Observatory has published four studies: Study No. 3 in May 2003, No. 6 in May 2004, No. 19 in March 2006 and No. 28 in April 2008 (<http://www.oi.acidi.gov.pt/>).



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An ACIDI publication containing the Immigration Observatory documentation is appended to this report.

There have been interviews, documentaries and panel discussions on public and private television showing positive images of the Roma, portraying in a favourable light their cultural traditions and giving greater prominence to the most relevant aspects of their life experiences.

- **Please provide information on any additional measures taken to improve the socio-economic and housing situation of the Roma as well as to narrow the gap identified in the field of education.**

In general, the following initiatives have been taken with regard to promoting the rights of the Roma communities, their integration and the fight against discrimination:

*1. Roma Communities Support Agency (GACI)*

The Roma communities are an integral part of our society. Accordingly, measures must be taken to help their social integration and enhance their cultural heritage. The promotion of Roma culture in a multicultural context will generate attitudes of harmony and respect for others, creating genuine opportunities.

In its Conclusions of 14 December 2007, the European Council adopted a paragraph on the subject of the Roma (paragraph 50) in which, for the first time in 50 years, Europe acknowledged the “very specific” situation of the Roma, drawing particular attention and priority to them and calling on all member states to use all means to improve their inclusion.

The ACIDI, IP, recognising the need for more systematic and effective support for these communities and following an objective analysis of their situation in the areas of greatest deprivation, set up the Roma Communities Support Agency (GACI – *Gabinete de Apoio às Comunidades Ciganas*).

There are three main aspects to the Agency’s approach: strengthening intercultural dialogue; promoting education and citizenship; and promoting Roma culture and identity embodied in its “Cigadania”<sup>1</sup> programme. Implementation of this programme takes account of two main themes: (i) intervention and empowerment and (ii) information.

*1.1 Intervention and empowerment*

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<sup>1</sup> Play on words between “cigano” (the Portuguese word referring to the Roma) and “cidadania” (citizenship).



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Intervention and empowerment included support for the projects under the Escolhas programme and the empowerment of associations and their leaders.

Support for the Escolhas programme projects was preceded by a meeting on 24 April 2007, attended by the central team and the co-ordinators of the local projects aimed at Roma children and young people, with the aim of assessing the problems and determining the needs for future action by the GACI.

In order to have a clearer picture of the situation, on-site visits were planned and carried out, leading to a pooling of knowledge and experience of particular relevance for the GACI's action.

The following activities were developed in relation to the empowerment of associations and their leaders:

*1.1.1. Drafting and launch of the Guide to forming associations for the Roma Communities*



This guide is designed to help the Roma communities set up their own associations and improve the way they are run and the level of participation.





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It contains a collection of fact-sheets in an illustrated book and offers suggestions for setting up and running an association and making it more dynamic.

The fact-sheets have been drawn up to be as accessible and objective as possible and to take full advantage of all the knowledge and positive examples of associations which foster development. It also gives some practical suggestions to ensure the application of a number of rules to be followed by everyone.

The guide was drawn up under the EU-supported Roma EDEM project and is used as part of the GACI's work with the Roma communities. It is intended for use in training for association leaders, in line with the Agency's activity plan and is also intended for trainers dealing with these topics and for the technical staff of a wide range of bodies working with these communities at local level.

### *1.1.2. Registration of Roma associations*

In June 2007 the ACIDI began the process of identifying the associations representing the Roma communities, with the aim of making the work of the latter more effective and more coherent so as to ensure:

- institutional recognition of the Community's associations by other public and private entities;
- technical support for the development of projects designed to foster the empowerment and successful integration of the communities they represent, particularly in the fields of education, health, training, employment, mobilisation and civic participation;
- participation in training for leaders and members of the associations;
- involvement in the election of representatives of Roma Community Associations on the Working Group for Roma Equality and Integration.

Accordingly, by the end of 2007, five associations and two federations (regarded as representative of the Roma Community) were identified. It should be noted that the recognition process is in full swing and it is expected that a greater number of associations will be granted recognition.

### *1.1.3. Training of leaders*



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Training for association leaders is carried out under the partnership formed between the Roma Communities Support Agency (GACI), the Office of the High Commissioner for Immigration and Intercultural Dialogue and the team from the Santa Casa da Misericórdia de Lisboa (SCML), running a multi-dimensional project with the residents of Ameixoeira, a Lisbon municipality, as part of the K'Cidade programme, an urban community development programme, an initiative of the Aga Khan Foundation.

From June to November 2007, 8 non-formal empowerment sessions involving 10 Roma trainees were held in the K'Cidade programme Community centre in Ameixoeira.

The sessions included the following:

- Training the team of facilitators and selecting the field of action
- Analysis in conjunction with local leaders and start of the action
- Trialling and implementation of the association process.
- Sustainability of the process.

*1.1.4. Drawing up the technical and financial support plan for Roma Associations*

Following the recognition process, the GACI put forward proposed regulations for financial support to associations and an application form. The proposed regulations were looked at by the GACI's group of Roma consultants (also association leaders) at a meeting held on 18 September 2007 and were unanimously approved.

In order to assist the associations with their applications for financial support, the GACI is intending to provide training for association leaders and members, preparing them for the scheduling and management of association projects and activities. This training was due to take place in 2008, with one session already having been held in Coimbra, on inter-culturality and relationships with the police authorities.

*1.2. Information*

Over and above the aforementioned Guide, another information initiative taken was the launch of the site "Ciga-nos". In addition, there have been two publications: a study in partnership with Sintra municipal council, entitled "Sintrenses Ciganos" and, in partnership with the Institute of Educational Communities (ICE), edition No. 9 of the ICE Journals.



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1.2.1 “Ciga-nos!” site

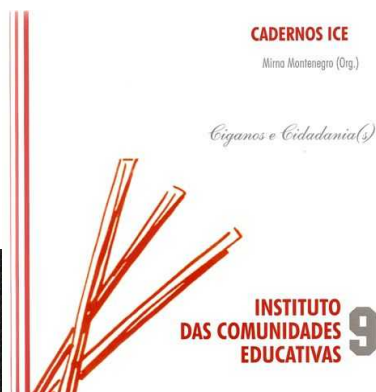
[www.ciga-nos.pt](http://www.ciga-nos.pt)

On 25 June 2007, the ACIDI launched the site [www.ciga-nos.pt](http://www.ciga-nos.pt). The site is accessible to the general public but is nonetheless intended more specifically for the Roma community, associations, technical staff, researchers and organisations working with the Roma communities, and is aimed at facilitating links between the various players and to promote and publicise their activities, especially those at local level undertaken by bodies working throughout the country.

A further aim of the site is to help create a network which will come up with more effective ways of solving common problems, on the basis of projects involving Roma groups, especially those under the Escolhas programmes. The site includes this database of projects and initiatives and is regularly updated. It also promotes recognition of the Roma communities and provides information material on the social and cultural dimensions of the Roma communities in Portugal.

1.2.2 ICE Journal No. 9 “Roma and citizenship”

In April 2007 the Institute of Educational edition No. 9 of the collection citizenship”.



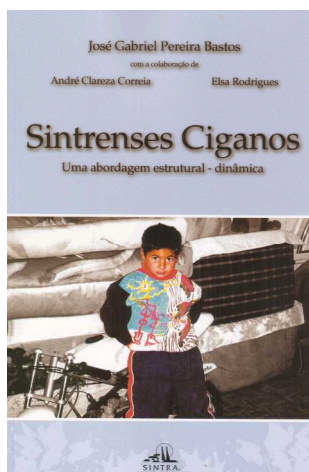
ACIDI, in partnership with the Communities (ICE), published ICE Journals, entitled “Roma and

This publication was co-ordinated by Mirna Montenegro and contains the contributions presented at the first International Meeting of the Nomade II project, held in

Setúbal in May 2006.



1.2.3. The “Sintrenses ciganos” study





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In December 2007 the ACIDI gave financial support for the publication of the study “Sintrenses ciganos”, an initiative of the Sintra Municipal Council. It was co-ordinated by the anthropologist José Gabriel Pereira Bastos of the Centre for the Study of Migration and Ethnic Minorities at the New University of Lisbon, and it looks at the socio-demographic situation of the Roma population residing in Sintra.

### *1.3. The enlarged GACI Group – G9*

Aware that the success of its role does not depend solely on solving problems and satisfying the needs identified in the initial dialogue, but also on the involvement of the Roma communities in this process, the GACI invited some of their members with experience of associations and mediation to work together with it as consultants.

One of the challenges was to form an intercultural, multi-disciplinary and inter-generational team, the majority of whose members were Roma, to ensure greater effectiveness and to be more representative of the interests and views of the Roma communities.

This 9-strong group – six Roma and 3 non-Roma (the GACI technical team) was first termed Group 9 and then G9. Its role was defined in stages, involving a joint decision in which all parties had an input to the purpose of a structure such as the G9, concluding that it should be “a mediation and support structure for the empowerment of the Roma communities”, based on the following values: respect for different cultures; truth, justice and dignity; inter-generational dialogue and gender equality. The underlying aim was to bring about a change of mentalities, among both the Roma and non-Roma, and also a change in the relationship between the Roma and the different institutions and their practices.



#### *1.3.1. G9 Activities*

##### *1.3.1.1. Meetings*

Two meetings were held in 2007 attended by the G9: on 22 November with the Social Security Institute and on 5 December with the Regional Public Security Police Directorate.



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For both meetings, the G9 suggested running a training course in Roma culture in exchange for training by the Social Security Institute on tax benefits and, from the PSP, a round-table discussion with various security forces personnel in order to get a clearer picture of procedures, thereby making for more effective interaction.

*1.3.1.2. Action on the ground*

The group's action on the ground covers a diverse range, in terms of geographical areas and the situations they deal with. Accordingly, the G9 has formed smaller groups to assess situations on-the-spot and to contact or hold meetings with the competent authorities.

They have so far taken action:

- In Barreiro, concerning the relocation of the market, in conjunction with the municipal council and local traders;
- In Mondim de Basto, in conjunction with the parish council (junta de freguesia), in order to find a solution to the difficult housing situation of two Roma families living in the municipality;
- In Sátão, in response to a request from the municipal council to assist with the rehousing of Roma families residing in the municipality;
- In Paredes, in response to a request from the municipal council to assist with the rehousing of Roma families residing in the municipality;
- In Mangualde, in conjunction with the municipal council, in order to work with and offer support to Roma families residing in the municipality;
- In Pombal, in response to a request from a number of residents in a relocation neighbourhood, in order to take account of concerns regarding accessibility;
- In Marinha Grande, in conjunction with the municipal council and a local association, in order to find lasting housing solutions for a number of Roma families in an extremely insecure situation;
- In Trigaches, in response to a request from the parish council, in order to find ways of assisting with the integration of a number of Roma families residing in the municipality;



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- In Sobral da Adiça, in response to a request from the Association for the Development of the Roma People (APODEC), in order to encourage the local authorities to eliminate the social exclusion suffered by the Roma community living in shanty towns;
- In Coimbra, in conjunction with the social integration process undertaken in the educational housing complex, initiated by Coimbra city council and the partners in the Equal project “Coimbra, a city for everyone”.

*1.4 Participation in activities initiated by other bodies*

With a view to sharing experiences and focusing on an ongoing learning process with other bodies, the GACI participated in various activities run by other institutions:

- Seminar on social security, organised by Númena in Lisbon on 19 March 2007,
- 2<sup>nd</sup> Figueira da Foz Congress on social exclusion – organised by the Goltz de Carvalho , Association on 27 March 2007 – moderation of the 4<sup>th</sup> Panel “(Un)equal rights” covering the topics “Identity and culture of the Roma people”, “The human rights of sexual minorities”, “Ethnic minorities” and “Religious communities”.
- Evaluation meeting of the Equal project “Coimbra, a city for everyone” – organised by the project partnership in Coimbra on 27 March 2007.
- Launch of the “ICE Journals”, by the Setúbal Institute of Educational Communities on 28 April 2007, at the Michel Giacometti Museum of Work in Setúbal.
- Conference on “globalisation and multi-culturality” on 14 May at the Calouste Gulbenkian Foundation.
- Photo exhibition “Equal opportunities – recognition of and respect for Roma women” – organised by Faro municipal council on 21 May 2007.
- Conference on “Learning in communities of practice” held in the Calouste Gulbenkian Foundation on 28 May.
- Seminar on “Challenges in Roma employability” – organised by Coimbra City Council on 5 June 2007. The topic was Roma integration via training and employment.



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- Participation in the meetings of the Working Group to prepare the seminar on “Building Bridges, talking about ourselves” – Directorate General of Innovation and Curriculum Development;

Institute of Educational Communities and Office of the High Commissioner for Immigration and Intercultural Dialogue

- Seminar on “Building Bridges, talking about ourselves” organised by the Ministry of Education’s Directorate General of Innovation and Curriculum Development on 6 June 2007 under the “All Different, All Equal” programme, moderation of the panel on “Paths to Inclusion”. The central theme of this seminar was the educational integration of Roma pupils by means of appropriate teaching approaches.
- Seminar on “Romanian Roma – two ends of a migration chain” organised by Lusíada University’s Social Action Institute on 28 September 2007 – presentation of “ACIDI and the Roma communities: paths for dialogue”. In addition to dealing with the migration of Romanian Roma, the presentation looked at the action taken by the ACIDI, via the GACI, to assist with the integration of the Roma communities.
- Seminar on “Roma culture – questions, challenges ... the way ahead” held in Lisbon on 3 October 2007 under the Progride programme.
- Seminar “Let’s Mus-E together” – organised by the Yehudi Menuhin International Foundation and the National Cultural Centre in Lisbon on 14 November 2007, with the theme of inclusion through art.
- International conference on “Roma and the labour market” organised by the Ministry of Labour, Social Affairs and the Family, in Bratislava on 22 and 23 November 2007.
- Seminar on the integration of Roma communities, part of the Open Door week organised by the Escolhas de Estremoz project on 27 November 2007.
- Meeting on “Roma and school” – organised by Mangualde municipal council on 28 November 2007.
- Seminar on the schooling of the Roma communities, part of the Open Door week organised by the Escolhas de Espinho project, 30 November 2007.





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- Closing seminar of the project “Pursuing our dream”, organised by the CESIS, AMUCIP, DGACP and CHBA in Lisbon on 11 December 2007.
- Opening seminar for European Year of Intercultural Dialogue: “Media and intercultural dialogue”, organised by ACIDI, Lisbon, Pavilhão Atlântico, 14 November 2007.
- Co-ordination of the Informal Contact Group of Intergovernmental Organisations and Institutions on Roma, Sinti and Travellers – organised by the Portuguese Permanent Delegation to the EU, Strasbourg, 17 and 18 December 2007.
- Presentation of “Children of the stars” at Lusíada University’s Social Action Institute on 20 December 2007. Lecture given to social action students on the history and culture of the Roma.

The Roma Communities Support Agency (GACI) has implemented a range of activities to promote the schooling of Roma children and young people. For example, it has supported the training of teachers of Roma culture and history to facilitate their work with the children and families in question. This activity began in 2006 and is still ongoing.

In 2007, the GACI, in partnership with the Directorate General of Innovation and Curricular Development and the Institute of Educational Communities prepared a compilation of best practices with Roma pupils, for use at national level, for primary schools. This brought to light innovative methods and strategies used in teaching these children, presented at a seminar to enable teachers to interact and use in turn. The most relevant of these were chosen for inclusion in a leaflet to be distributed to schools.

In 2008, the GACI began work on a project in partnership with the K’Cidade programme (sponsored by the Santa Casa da Misericórdia and the Aga Khan Foundation) and the Peti Programme, creating two PIEF classes (Integrated Education and Training programme) for Roma girls in their 5<sup>th</sup> and 6<sup>th</sup> years of schooling. Some of these pupils are still in the compulsory schooling stage, whereas others are already beyond that age, but it is only in a class for girls and in premises outside normal school that their parents have agreed to let them continue their studies. This has been the best possible way of enabling these young people to receive schooling. They have already begun the academic year and have shown much interest in their studies.

Housing is a fundamental aspect for social integration. Some municipalities have attempted to rehouse Roma groups, although these need to be reviewed and improved. Nonetheless, there are some municipalities which have done some sterling work in this area. One example is in the Alagoas district in Peso da Régua which has been transformed from a run-down ghetto to a fully-fledged and





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integral part of the town. This has been achieved by means of the social and physical action project, “old ghettos, new centralities) with financial support from the European EFTA funds for the period 2005-2008. The aim of this programme is to promote integrated management of the environment, reduce the ghetto effect, improve the quality of urban and social life and empower the residents and populations of neighbouring areas. It has proved to be highly successful.

An educational housing complex has been built in Coimbra in partnership with the city council and various bodies, as part of a European Equal project “Coimbra, a city for everybody”. This complex, originally called “Parque Nómada”, is intended to provide temporary accommodation and training for Roma families who are subsequently rehoused within the city’s urban network. It has 10 fully equipped houses and a building offering these families all the technical support necessary, and also provides safe transport to school for the children. The project began in 2006 and is now in the dissemination phase, in which the ACIDI/GACI is one of the partners. Of the ten families who originally moved into the centre, eight have already been placed in houses located in various parts of the city.

An international seminar on “Roma, territories and housing” was held in Lisbon on 8 and 9 April 2008, coinciding with International Roma Day. It was organised by the Regional Studies Centre and partners included the ACIDI/GACI, the Housing and Urban Rehabilitation Institute and the Gebalis, a municipal body responsible for the management of Lisbon’s neighbourhoods. The seminar was attended by some 400 people with an interest in these topics, some of whom came from Roma communities. The topic was discussed in detail, solutions were sought and experts from other countries gave presentations on their experiences. A charter of principles to be submitted to the highest authorities was drawn up, as too were the conclusions to be incorporated into the Housing Strategic Plan. The proceedings of this seminar will shortly be published.

The Entreculturas Secretariat, part of the Office of the High Commissioner for Immigration and Intercultural Dialogue has also produced a range of educational material to promote success at school by building on the potential and knowledge of Roma children and young people and to facilitate the work of teachers with the children and families in question. The Secretariat was also the Portuguese publisher of a European collection – Interface – entirely devoted to Roma history and culture, and its dissemination has proved extremely positive in promoting understanding of the Roma people.

The Escolhas Programme, co-ordinated at national level by the High Commissioner for Immigration and Intercultural Dialogue, was set up by a 2001 Council of Ministers Resolution with the aim of preventing crime and assisting with the integration of young people from problem neighbourhoods at risk of social exclusion. The first phase of this programme took place between 2001 and 2003. The second phase, now national in scope, took place between May 2004 and September 2006, with the priority target group being children and young people aged between 6 and



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18. It has become a programme promoting the social inclusion of children and young people from disadvantaged and problematic backgrounds.

A third Council of Ministers resolution renewed the Escolhas Programme from 2007 to 2009, reinforcing it with an increase in investment and the number of projects to be supported. This phase includes an emphasis on equal opportunities and greater social cohesion.

There are four main strands: educational inclusion and non-formal education; vocational training and employability; civic and community participation; digital inclusion.

In this phase, the Escolhas programme co-ordinates 120 projects in the north, centre, south and the islands, in areas with the greatest deprivations affecting populations from disadvantaged backgrounds, including the Roma. For the latter there are 6 projects in the northern part of Portugal specifically geared to Roma citizens, 6 others in the central region and 9 in the south and the islands (Azores and Madeira).

There are several institutions – Sta. Casa da Misericórdia, Obra Nacional da Pastoral dos Ciganos and the Diocesan Secretariats – which have been undertaking very relevant work in this area. The reference years have seen a continuation of the action begun much earlier.

For example, the Sta. Casa da Misericórdia, in its Social Promotion for Roma programme has set up permanent projects for the schooling, vocational training and employability of Roma young people and adults. The Obra Nacional da Pastoral dos Ciganos and the Diocesan Secretariats have been involved in similar activities.

There are also various NGOs which run community projects with the Roma.

- **Please provide information on consultation and participation arrangements set up by the authorities in order to ensure effective participation of the Roma in decision-making concerning them (public affairs and socio-economic life)**

The aim in setting up the ACIDI's Roma Communities Support Agency was to develop a series of activities geared towards the promotion and social inclusion of the Roma, in partnership with other bodies having responsibilities in the fields of education, housing, employment, training and health.

This team has made for more constructive action on the ground by facilitating dialogue with institutions and ensuring that the interests, aspirations and views of the Roma are represented more effectively, helping to overcome certain obstacles and change mentalities.



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The Cesis – Social Action Studies Centre – has provided fundamental support to the action and projects undertaken by the Association of Portuguese Roma Women (Associação das Mulheres Ciganas Portuguesas – Amucip). This association, somewhat ground-breaking in Portugal, comprises exclusively Roma women, who have broken several of their cultural taboos, and is distinguished by the high quality of its activities. It is currently in the dissemination and third stage of its project “Pursuing our dream”. The collaboration between Amucip and Cesis ensured that this Equal project, co-financed by EU funds, now coming to an end, has achieved its objectives. This institution’s collaborative approach and experience were fundamental in the empowerment of this group, providing it with a working method and the tools it needed to continue its action with Roma and non-Roma.

The ACIDI is part of a working group comprising representatives of the different ministries, tasked with defining actions and measures for the Roma communities under the National Action Plan for Inclusion 2008-2010.

9. – Since March 2006 there have been other significant changes in Portuguese legislation.

The legal status of the Office of the High Commissioner for Immigration and Intercultural dialogue has been modified, with the ACIDI now becoming a Public Institution, with its organisational Act having been approved by Decree-Law No. 167/2007 of 3 May, mentioned above.

Council of Ministers Resolution No. 63-A/2007, approving the National Plan for the Integration of Immigrants, mentioned above, was adopted on 3 May.

Law No. 23/2007 setting out the conditions for entry, residence, departure and deportation of foreigners was passed on 4 July, introducing the status of long-term resident. The new “Immigration Act” was regulated by Regulatory Decree No. 84/2007 of 5 November, which introduced significant changes in this field, resulting in simplification of the application of certain measures in the Plan for the Integration of Immigrants:

- The creation of a single document authorising entry into Portugal to establish residence;
- Introduction of a special regime for temporary immigration;
- Simplification for the admission of researchers, university academics and highly qualified foreigners;
- Establishment of a special system for granting residence permits to victims of human trafficking and victims of people aiding and abetting illegal immigration;
- Extension of the system for granting residence permits without the need for visas;
- Possibility of family reunification with family members already in Portugal, without restriction as to the legality of stay, and with de facto partners and dependent adult children who are single and are studying in a Portuguese educational establishment.



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Also of major importance is the new Nationality Act (Law No. 37/81, amended and reissued by Institutional Act No. 2/2006 of 17 April) which introduced significant changes to the arrangements for granting and acquiring Portuguese nationality. Passed by Parliament on 16 February 2006 with no votes against, this Act establishes several possibilities for the attribution/acquisition of Portuguese nationality:

1. Attribution of nationality, (nationality acquired by birth) which produces its effects from birth, regardless of the date of attribution);
2. Acquisition of nationality (“derived nationality”), through conscious will, adoption and naturalisation;

The following are the changes introduced by the new law compared with the previous regulations:

- Strengthening of the principle of *ius soli*, by means of the attribution of Portuguese nationality to children of foreigners born in Portugal, subject to certain conditions;
- In the case of attribution of nationality acquired by birth to persons generally termed “third generation immigrants”, the requirements have been made less stringent. Now only one of the parents needs to have been born in Portugal, and be resident in the country, regardless of their legal status, on the date of the child’s birth;
- In the case of derived nationality or naturalisation, the new law relaxes the previous requirements and makes provision for new situations. It ends the discrimination on the grounds of country of origin by laying down an equal period of residence for all (5 years), with the concept of resident corresponding to possession of any type of valid visa (with the exception of short-term visas);
- It enables minors who are descendants of immigrants to acquire nationality through naturalisation, if one of the parent has been legally resident in Portugal for at least five years on the date of the application or if, in cases where the child was born in Portugal, he or she has completed the first cycle of basic education;
- Adult children of foreigners, born in Portugal and resident there for the ten years prior to the application (even in an irregular situation) may also acquire nationality through naturalisation.

This has introduced a new concept of legal residence in Portugal, with holders not only of residence permits but of any valid document being considered as residents. Furthermore, procedures have been simplified, no longer requiring travelling to Portugal or a consulate to apply for Portuguese nationality, as applications can now be submitted by post to the Central Register Office (Conservatória dos Registos Centrais) in Lisbon.



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A further major innovation in the Nationality Act is the possibility of establishing delegated services of the Lisbon Central Register Office in conjunction with other public bodies, associations or private entities, providing information on the processing of applications regarding attribution, acquisition and loss of nationality and forwarding declarations and applications to the Central Register Office in Lisbon.

The steps taken by Portugal to welcome and integrate immigrants have been given international recognition. The MIPEX – Migration Policy Index, put Portugal in second place among 28 countries (the 25 EU member states, Canada, Norway and Switzerland), immediately after Sweden in terms of best practice in immigrant integration. The MIPEX uses 140 indicators, divided among five main fields, to assess immigrant integration: labour market access, family reunification, political participation, access to nationality and measures to combat racism and discrimination.

The Criminal Code has been modified with a revision of Article 240, which makes racial, religious and sexual discrimination an offence. This Article now reads as follows:

**Article 240**  
**Racial, religious or sexual discrimination**

*“ 1. Whosoever:*

*a) establishes or constitutes an organisation or engages in organised propaganda activities inciting or encouraging discrimination, hatred or violence against an individual or group of individuals on the grounds of their race, colour, ethnic or national origin, religion, sex or sexual orientation, or*

*b) participates in or provides assistance, including financial assistance, to the organisation or the activities mentioned in the preceding paragraph*

*shall be punished by a prison sentence of 1 year to 8 years*

*2. Whosoever, in a public meeting, in writing intended for dissemination, through any other means of social communication or via a computer system intended for public dissemination:*

*a) provokes any violent act against an individual or group of individuals on the grounds of their race, colour, ethnic or national origin, religion, sex or sexual orientation; or*



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*b) defames or insults an individual or group of individuals on the grounds of their race, colour, ethnic or national origin, religion, sex or sexual orientation, by denying war crimes or crimes against peace and humanity: or*

*c) threatens an individual or group of individuals on the grounds of their race, colour, ethnic or national origin, religion, sex or sexual orientation;*

*with the intention of inciting or encouraging racial, religious or sexual discrimination shall be punished by a prison sentence of six months to five years.”<sup>2</sup>*

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<sup>2</sup> Non-official translation.