

Dear Commissioner,

Thank you for your letter, sharing remarks that we consider a good follow up of the constructive dialogue that we had relating to the protection of human rights in Portugal. We acknowledge your appreciation with the broad anti-discrimination protection under our Constitution and law. Your recommendation on the ratification by Portugal of Protocol n.º 12 to the European Convention on Human Rights has full acceptance from our part. Appropriate measures will soon be taken, according to the rules of procedure set by the Constitution.

Concerning the areas in Portugal which are inhabited exclusively by members of the Roma community, we call your attention to the fact that there are some examples, in Portugal, of neighbourhoods which include both Roma and another communities, in urban areas of most cities in Portugal. In fact, the Housing Programmes established do not discriminate according to ethnic origins or nationality.

Despite the fact that there is a problem of discrimination against members of that community all over Europe, this Government will continue its current efforts towards the resolution of the issue. We will maintain our efforts to build a society without prejudices and to promote the complete integration of all communities in Portugal.

Please note that, because all Roma communities have had Portuguese citizenship for centuries (it has been estimated that Roma communities, in Portugal, comprises between 40,000 to 50,000 persons¹), they benefit from the measures that apply to other citizens and have access to an important set of general programs and measures that are aimed at individuals and groups living in situations of poverty and exclusion. Among those

¹ In Relatório das audições efectuadas sobre Portugueses Ciganos no âmbito do Ano Europeu para o Diálogo Intercultural – Da Comissão Parlamentar de ética, Sociedade e Cultura



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measures we stress the relevance of our “Social Income for Integration”, housing programs, social protection and students social support.

Furthermore, the Portuguese public institute with the mission to integrate immigrants and promote intercultural dialogue in Portugal – the High Commissioner for Immigration and Intercultural Dialogue (ACIDI, IP) has implemented several important policies and services targeting specially Roma communities. Among those services we would like to stress the importance of the Office to Support Roma Communities, which was created in 2007, to develop a set of actions aimed at the promotion and social inclusion of Roma communities, in articulation with several public and private entities working in this field.

ACIDI has also created, last year, a Pilot Project for Municipal Roma Mediators, in partnership with the Institute of Social Security, whose importance is acknowledged in your letter, to provide intercultural training (14 October 2009 to 15 February 2010) in the fields of Mediation, Public Institutions Functioning and Communication to capacitate fifteen Roma mediators and to insert them in local municipalities to provide Roma inclusion related services, guaranteeing the establishment of a close relation between local services and organisations and local Roma communities. At the end of its first year of implementation, there will be an evaluation report to assess if the Project has proven to have added value to the improvement of Roma communities’ situation in Portugal, and also to assess if the project should be extended to other municipalities.

On the other hand, a set of 66 projects for intervention has been accompanied within the framework of the “Programa Escolhas” (Choices Program), a governmental program, managed and coordinated by ACIDI, which targets children and young people between the ages of 6 and 24, from disadvantaged social backgrounds, many of which are immigrant descendants and members of ethnic minorities living in vulnerable social and economic contexts, in order to promote their social integration (further information at <http://www.programaescolhas.pt/>). These projects are implemented all over the country and one of the target audiences are children from Roma communities.



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The Office to Support Roma Communities has also launched in 2007 a website dedicated to Roma communities www.ciga-nos.pt that, among other contents, disseminates several scientific studies and publications. The focus of this website is the dissemination and sharing of information, creation of networks of participants, dissemination of field projects, promotion of a positive image of the Roma community and a better public knowledge of their history and their culture. These measures aim at reinforcing the interaction between the different participants in the integration of Roma communities, trying to find the best solutions and new ways to implement and disseminate them.

The need to adopt additional measures specially aimed at Roma communities has been widely recognised in our country. The third priority of the National Action Plan for Inclusion 2008-2010 contemplates a mechanism to monitor the degree of integration of these communities, with a special emphasis on education, health, employment and housing.

Regarding the information sent to you indicating that access to water for Roma is being refused in Portugal, please note that the referred conduct is absolutely forbidden by Portuguese Law, and by the Portuguese Constitution.

Exceptionally, a few cases have been acknowledged but, in most of the episodes, the refusal is connected to legal issues, related to fact that some illegal neighbourhoods have been constructed in private areas, whose owners react to that fact

Regarding the complaints presented before CICDR, the numbers and statistics should be analysed with the numbers of Autoridade para as Condições de Trabalho [Working Conditions Authority], who is the official body who was the mission to conduct the investigation related the violation of the Labour Code, concerning Discriminatory Acts, and also with the numbers of criminal processes regarding this subject.

Concerning human rights of transgenders the Ministry of Justice has already ordered the “Instituto dos Registos e do Notariado (Institute for Registration and Notary) to promote a survey of all requests for name and gender changes submitted by transgenders, aiming for a speedier, simpler and surer legal procedure for said requests, that guarantees that gender



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rights are fully respected and abided for in the registry and in the production and issue of legal identity documents.

Regarding the allegations of ill treatment and excessive use of force and weapons by the police and security forces, please note that Portugal guarantees an effective control of the procedures where the use of force is acceptable, which are fully respected. All known cases in direct violation of said procedures are immediately reported to IGAI (Inspectorate General for Home Affairs), an independent body currently headed by a High Court Judge.

Finally, in what concerns the issue of search warrants affecting lawyers' premises, and the need to maintain lawyers professional confidentiality, the Ministry for Justice considers that the current legal framework established by the Criminal Procedure Code assures the highest level of confidentiality between attorneys and their clients in the course of criminal proceedings, and maintains an open dialogue with all the relevant judicial players, in order to suppress and rectify any abnormal situation.

Yours sincerely

José Magalhães

Secretary of State for Justice and Modernization of the Judiciary