



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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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Fifth Report submitted by Portugal

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the Protection of National Minorities – received on 13 May 2024**

**PORTUGAL'S FIFTH REPORT UNDER THE COUNCIL OF EUROPE'S FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

2024

ACRONYMS

ACM	HIGH COMMISSION FOR MIGRATION
ACT	AUTHORITY FOR WORK CONDITIONS
AIMA	AGENCY FOR INTEGRATION, MIGRATION AND ASYLUM
ANQEP	NATIONAL AGENCY FOR QUALIFICATION AND VOCATIONAL EDUCATION
CES	ECONOMIC AND SOCIAL CENTRE
CICDR	COMMISSION FOR EQUALITY AND AGAINST RACIAL DISCRIMINATION
CoE	COUNCIL OF EUROPE
CONCIG	ADVISORY GROUP FOR ROMA COMMUNITIES
DGE	DIRECTORATE-GENERAL FOR EDUCATION
DGEEC	DIRECTORATE-GENERAL FOR EDUCATION AND SCIENCE STATISTICS
ENICC	NATIONAL ROMA COMMUNITIES INTEGRATION STRATEGY
ERC	PORTUGUESE REGULATORY AUTHORITY FOR MEDIA
FAPE	ROMA INTEGRATION STRATEGY SUPPORT FUND
FCT	FOUNDATION FOR SCIENCE AND TECHNOLOGY
FCPNM	FRAMEWORK-CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES
FRA	EUROPEAN AGENCY FOR FUNDAMENTAL RIGHTS
GNR	NATIONAL REPUBLICAN GUARD
IGAI	INSPECTORATE GENERAL OF INTERNAL AFFAIRS
IHRA	INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE
IHRU	PUBLIC HOUSING AND URBAN REHABILITATION INSTITUTE
IPDJ	PORTUGUESE INSTITUTE FOR SPORT AND YOUTH
INA	NATIONAL ADMINISTRATION INSTITUTE
INSCHOOL	INCLUSIVE SCHOOLS: MAKING A DIFFERENCE FOR ROMA CHILDREN
ISCPSI	ACADEMY OF POLICE SCIENCES AND INTERNAL SECURITY
MOOC	MASSIVE OPEN ONLINE COURSES
OBcig	OBSERVATORY OF ROMA COMMUNITIES
ODIHR	OFFICE FOR DEMOCRATIC INSTITUTIONS AND HUMAN RIGHTS
OTSH	OBSERVATORY ON TRAFFICKING IN HUMAN BEINGS
PAAC	ROMA ASSOCIATIONS SUPPORT PROGRAMME
PLICC	LOCAL INCLUSION PLAN FOR THE ROMA COMMUNITY
PNC	NATIONAL PLAN FOR CINEMA
PNCRD	NATIONAL PLAN TO COMBAT RACISM AND DISCRIMINATION
PSP	PUBLIC SECURITY POLICE
RCM	COUNCIL OF MINISTERS RESOLUTION
SEF	IMMIGRATION AND BORDERS SERVICE
SFS	SECURITY FORCES AND SERVICES
SLN	SCHOOL LIBRARY NETWORK
TEIP	PRIORITY INTERVENTION EDUCATIONAL AREAS

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FOREWORD

Portugal ratified the Council of Europe's Framework Convention for the Protection of National Minorities (FCPNM) on 1 February 1995. The Framework Convention entered into force for Portugal on 1 September 2002. As part of the monitoring mechanisms of the Framework Convention, Portugal now submits its fifth state report under the Framework Convention. The report covers the period between October 2018 and December 2023.

As it has been noted in the previous reports, according to the Portuguese Government, Portugal does not recognize the existence of national minorities, and therefore does not collect official and reliable data on national minorities in Portugal. Nevertheless, the Portuguese Government has ratified the FCPNM and is committed to the protection of the human rights of all citizens in Portugal. The FCPNM does not provide a definition of National Minority, leaving it to each State do so, according to its legal system, its political views, its cultural and social de facto situation – and a legal definition of this concept or the acknowledgement of its existence also does not exist in the Portuguese legal system. This report has been drafted in the context of a continuation of the national position on the non-recognition of the existence of national minorities in Portugal. Portugal, however, acknowledges the existence of one ethnic minority in the country, the Roma communities; however, this reflects a very different situation from what is meant by “national minority” in the Framework Convention.

In light of the above and on that basis, the following report provides specific information in response to the questions put forward by the Advisory Committee, also highlighting some relevant aspects.

It should be stressed that, from the Portuguese perspective, the acknowledgement of the Roma communities is not incompatible with the non-recognition of national minorities in the country, and in our understanding, the Framework Convention does not apply to recent immigration issues.

PART I – PRACTICAL ARRANGEMENTS MADE AT THE NATIONAL LEVEL FOR RAISING AWARENESS OF THE RESULTS OF THE FOURTH MONITORING CYCLE AND OF THE FRAMEWORK CONVENTION

- a. steps taken to publicise the results of the fourth monitoring cycle (opinion, state comments, resolution): publication, dissemination and translation into the official language(s) and minority language(s) where appropriate.***

The results of the fourth monitoring cycle, including the report, the opinion, and the State's comments, have been published on the webpage of the Public Prosecutor's Office (Department for Judicial Cooperation and International Relations), where the Convention has its own page¹ and it has also been published on the official websites of other members of the National Human Rights Committee, including the Ministry of Labour, Solidarity and Social Security.²

- b. Any follow-up activities organised at national, regional and local levels, including activities organised jointly with the Council of Europe, such as discussions, seminars, evaluations, impact assessments, studies, etc. and the outcomes of these events.***

On the 29 September 2020, the Council of Europe (CoE) and the Offices of the Portuguese Government, including the Minister of State for the Presidency, the Secretary of State for Integration and Migration and the High Commission for Migration (ACM) held a follow-up meeting to discuss the conclusions and recommendations resulting from the fourth monitoring cycle of the Framework Convention. Due to the COVID pandemic situation, the event was partially attended by videoconference. Participants also included representatives from relevant state authorities and institutions, such as the Ministry of Education and the Portuguese Regulatory Authority for Media (ERC), representatives from several municipalities, including Figueira da Foz, Moura, Porto and Torres Vedras, and members of Roma associations and human rights associations. The event offered an

¹ The results of the fourth cycle, including the report, the opinion and the State's comments, were published on September 2018 and are accessible from: <https://gddc.ministeriopublico.pt/faq/comite-consultivo-da-convencao-quadro-para-protecao-das-minorias-nacionais-0> [accessed on 4.10.2023].

² The additional opinion of the National Human Rights Committee as in the case of the Ministry of Labour, Solidarity and Social Security were published on the 14th of February of 2020 and are accessible from: <http://www.gep.mtsss.gov.pt/-/4-parecer-do-comite-consultivo-da-convencao-quadro-para-a-protecao-das-minorias-nacionais> [accessed on 4.10.2023].

opportunity to discuss new proposals to improve the situation of the Portuguese Roma communities and exchange good practices. The afternoon session was dedicated to raise awareness of the principles and main provisions of the Framework Convention and counted with the participation of representatives from the Association of Mirandese Language and Culture and members of Parliament belonging to Afro-descendant communities.

Portugal is part of the Inclusive Schools: Making a Difference for Roma Children (INSCHOOL), a joint project of the European Union and the CoE. The second study visit, which was co-organised by the CoE, the Portuguese Ministry of Education and ACM within the framework of this project, took place in Lisbon, from 24 to 25 May 2023.

As part of the JUSTROM Programme of the CoE and the European Commission, Portugal participated in the organisation of two JUSTROM webinars on January 2022 focused on improving relations between law enforcement and Roma communities, and mainstreaming Roma issues in community development. The first webinar covered a wide range of topics such as ethnic profiling, adequate tools and techniques to prevent and prosecute discrimination, racism, hate speech and other forms of intolerance. It also showcased good practices from the CoE and the Office for Democratic Institutions and Human Rights (ODHIR). The second webinar was intended for policymakers and education professionals involved in the INSCHOOL project to share their knowledge and experiences.

In line with what has been previously done for key documents produced by the CoE, the Lisbon Youth Centre of the Portuguese Institute for Sport and Youth (IPDJ) prepared a Portuguese version of Recommendation CM/Rec(2020)2³ on the inclusion of *Histories of Roma and Travellers* in school curricula and teaching materials.

On January 2023, IPDJ's Lisbon Youth Centre organised an event to launch the book "Young Migrants and Refugees: paths to full integration" in Portuguese and English.

In July 2023, IPDJ's Lisbon Youth Centre celebrated its anniversary with training sessions on: Human Rights and the Work of Youth Officers; on the Role of the European Institutions; on Combating Hate Speech and a session on Sharing of Good practices: Ukraine.

³ Recommendation CM/Rec(2020)2 of the Committee of Ministers to Member States on the inclusion of the history of the Roma and/or Travellers in school curricula and teaching materials. Adopted by the Committee of Ministers on 1 July 2020, at the 1380th meeting of Ministers' Deputies; available here: <https://rm.coe.int/cmrec-2020-2-pt/16809fd57d> [accessed on 4.10.2023].

The Municipality of Torres Vedras was awarded the "Dosta!" prize from the Congress of Local and Regional Authorities of the Council of Europe in October 2021. This distinction was awarded to the Local Inclusion Plan for the Roma Community (PLICC) of Torres Vedras, which fosters that community's active participation and integration.

c. Participation of minority organisations and other non-governmental organisations in the authorities' implementation and monitoring of the Framework Convention, and their involvement in the preparation of the fifth report.

Until the 29th October 2023, the High Commission for Migration was responsible for drafting the fifth report. Within the structure of the High Commission there was a Unit dedicated to support Roma Communities, and an Advisory Group for Roma Communities (CONCIG), composed of representatives of Roma civil society organisations, national authorities and the Observatory for Roma Communities (ObCIG). CONCIG has been providing a platform for the regular participation and involvement of Roma Associations in public policies directly and indirectly concerning Roma Communities. Both the ACM's Support Unit and CONCIG were instrumental in the preparation of the fifth report, notably, by providing up-to-date information on the Roma population in Portugal and on public policies targeting Roma Communities and their results.

Since the 29th October 2023, the responsibilities hitherto held by the High Commission for Migration were transferred to the new created Agency for Integration, Migration and Asylum (AIMA).

d. Any other measures taken to promote awareness of the Framework Convention among national minorities, public officials and the general public.

Portugal reinforced the capacity building and training of the Public Administration through the National Administration Institute (INA). INA is recognized by the European Agency for Fundamental Rights (FRA) as an organization with relevant skills in training on the Charter of Fundamental Rights of the European Union. Since 2022, INA has promoted the Human Rights Capacity Building Program for Public Administration. As of last year, additional initiatives have been carried out by INA to raise awareness of human rights issues among the Public Administration staff, regular webinars on topics such as racism, non-discrimination, equality, and inclusion, where the subject of minorities is widely approached and discussed.

Noteworthy examples of these activities include:

- “Human Rights Capacity Building Programme for Public Administration” - 30-hour dedicated programme for public administration staff and managers, offering a comprehensive introduction to the national, regional and international mechanisms for the protection and promotion of human rights. In the context of this course, minority rights are widely discussed. The programme is currently in its 4th edition.
- "Deconstructing Stereotypes and Promoting a Culture of Racial Equality - Struggles and Challenges" held in 21 March 2022 (webinar);
- "Interculturality, equality and inclusion at work" held in 21 March 2023 (webinar);
- "Recognising diversity, promoting equality - opportunities and strategies for inclusion" held in 16 November 2022 (webinar);
- "Literacy on Racism and Racial Discrimination" - developed by INA in partnership with the ACM and the Commission for Equality and Against Racial Discrimination (CICDR). It was launched in May 2022, with a new edition in 2023 (Massive Open Online Courses – MOOC);
- "Skills for Interculturality" - Developed by INA in partnership with ACM and CICDR. It was launched in May 2022, with a new edition in 2023 (MOOC).

All these activities are free of charge. Both the webinars and the MOOC are also available to the general public.

For its course catalogue of 2024, INA created a subsection exclusively dedicated to training activities related to "Citizenship and Participation", which includes courses on intercultural competences and literacy on racism and racial discrimination.

PART II - MEASURES TAKEN TO ADDRESS CORE ISSUES

Recommendation

Address and combat direct and indirect discrimination faced by persons belonging to the Roma communities by stepping up efforts to raise their awareness of legislative standards and of existing human rights and equality bodies, as well as of existing human rights and equality bodies, as well as of various mechanisms for filling complaints and remedies available to victims of discrimination, hatred and racism.

The central anti-discrimination complaints body in Portugal is the Commission for Equality and Against Racial Discrimination (CICDR)⁴. In addition to handling complaints of discrimination on the grounds of race, ethnicity, colour, nationality, ancestry and territory of origin, CICDR also makes great efforts to inform the public, organisations and public servants of its purpose and work.

CICDR has been providing training to introduce associations and individuals from Roma communities to the legal framework for preventing and combating racism, as well as the procedures for filing complaints. Between 2017 and 2023, CICDR delivered over 300 hours of training tailored for Roma communities, leaders and professionals from Roma community associations, and intercultural mediators. These training sessions have proven to be a crucial mechanism for overcoming knowledge shortages and equip professionals who work closely with Roma communities with the necessary knowledge, tools and materials to address conflicts arising from discriminatory practices.

It is important to highlight the crucial role that associations have played, both in supporting victims and in referring complaints to the Commission. Between 2017 and 2022, out of a total of 386 complaints filed with the Commission by alleged victims from Roma communities, 97 were brought to the Commission's attention through these associations.

In addition to training, the Commission uses social media channels and national newspapers to raise the public's knowledge and awareness of its responsibilities and complaint procedures.

To facilitate victims' complaint submissions, the Commission's website offers an intuitive electronic form. Victims can also file complaints via email, postal mail, or in person. Whenever a victim files a complaint, the Commission provides an informative document outlining their rights, including

⁴ The Commission for Equality and Against Racial Discrimination was established by Law No. 134/99, on 28 August 1999. Further information available at: <https://www.cicdr.pt/>

information on the victim's right to seek compensation for damages suffered through court proceedings in case of a Commission conviction.

On July 2021, Portugal approved its first *National Plan to Combat Racism and Discrimination 2021-2025 – Portugal Against Racism* (PNCRD)⁵. The Plan's development involved contributions from all government sectors, resulting in a multisectoral commitment, as well as input from civil society (representatives of anti-racist associations and representatives of Roma and migrant communities) that participated in a working group created for this purpose. Additionally, input was gathered through a public consultation held in May of the same year.

The National Plan is structured around four principles: deconstructing stereotypes; coordinated, integrated governance and territorialisation; integrated intervention in combating inequalities and intersectionality. With approximately 80 concrete measures, the Plan focuses on 10 areas of intervention: information and knowledge, education and culture, higher education, employment, housing, healthcare, justice, participation and representation, sports, and media.

In 2022, an event was organized to promote the National Plan, which was broadcast on social media and attended by the mainstream media. During this event, a debate on "Combatting racism in Portugal: actors, policies, and strategies" was conducted, with a panel composed by representatives from Roma community associations, migrant associations, and academics.

Furthermore, the Commission has partnered with ACM to provide training on Roma communities in multiple contexts. For instance, on 23 November 2022, ACM organized a workshop on the History and Culture of Roma people for CICDR staff. ACM and CICDR have also held a session for Roma people on "Literacy on Racism and Racial Discrimination" which was attended by 21 participants.

Within the context of the Human Rights Capacity Building Training Course developed by INA (see item d) in Part I of this Report), CICDR teaches a module specifically addressing its mission and responsibilities, the legislative framework on discrimination and the existing mechanisms for victim's to file complaints and seeking redress.

Recommendation

⁵ Available in Portuguese and English here: <https://www.portugal.gov.pt/pt/gc22/comunicacao/documento?i=plano-nacional-de-combate-ao-racismo-e-a-discriminacao-2021-2025-portugalcontraoracismo>

Endow the sectorial anti-discrimination complaint bodies, as well as the Ombudsperson, with proper investigative powers and the power to impose sanctions; effectively monitor cases of discrimination, hatred and racism; shorten and simplify complaint procedures; and provide timely follow-up and feedback to complainants on the status of and response to their complaint.

Both Article 23 of the Portuguese Constitution and Article 1 (1) of the Statute of the Ombudsperson state that its “main purpose is to defend and promote the rights, freedoms, guarantees and legitimate interests of citizens, ensuring, through informal means, justice and the legality of the exercise of public powers”. The notion of “rights, freedoms and guarantees and legitimate interests” is fairly broad and includes the rights enshrined in the Portuguese Constitution and in other internal legal documents, as well as those established by customary international law and international human rights instruments, which are part of the Portuguese legal order, as per Article 8 of the Constitution (in particular, paragraphs 1 and 2).

Not only all citizens are entitled to file a complaint to the Ombudsperson, but the Ombudsperson may open investigation proceedings on his/her own initiative to seek the protection and promotion of fundamental rights, freedoms and legitimate interests of citizens, particularly in relation to those in the most vulnerable or marginalized circumstances, namely on the grounds of age, race or ethnicity, gender or disability (Article 4 (1)).

The Ombudsperson has proper investigative powers⁶ to effectively monitor cases of discrimination, hatred and racism.

The Portuguese Ombudsperson simplified complaint procedures in order to provide timely follow-up and feedback to complainants on the status of and response to their complaint.

At the beginning of 2022, new general criteria for receiving complaints were defined in order to guarantee an adequate and timely response. Additionally, a specialized Screening Unit was set up by the new Organic Law in 2021 (Decree-Law 80/2021, of October 6). It started operating in April 2022 and is entrusted with the task of screening complaints before they are handled by the dedicated teams. The Ombudsperson is now able to strategize, prioritize, reallocate advisers and, hence, cope with the existing workload more efficiently.

⁶ See Articles 21(1); 28, 29 and 30 of the Statute and 23 (4) of the Constitution

The Ombudsperson does not have the power to impose sanctions. According to the Constitution, citizens may submit complaints against actions or omissions by the public authorities to the Ombudsman, who shall assess them without decision-making power (Article 23).

If a complaint relates to “discrimination” on the basis of racial and ethnic origin, colour, nationality, ancestry and territory of origin, it can be forwarded by the Ombudsperson to the CICDR - responsible, inter alia, for receiving complaints and open the respective administrative offence proceedings - to be analysed within its purposes. However, that does not mean that the complaint is not appreciated also by the Ombudsperson. In fact, it has the duty to follow-up the complaint received, namely by conducting a proper investigation and, in case of wrongdoing or misconduct, address a non-binding recommendation or suggestion to the competent authorities.

Regarding the CICDR, Law no. 3/2024 of January 15⁷ amended Law no. 93/2017 of 23 August, establishing CICDR as an independent administrative body, with powers of authority, working alongside the Parliament. Its annual budget will be included in the Parliament’s overall budget.

As per matters related to discrimination in the workplace or in access to employment, CICDR must refer any complaints received to the Authority for Work Conditions (ACT), which is the entity responsible for monitoring compliance with the legal, regulatory and conventional provisions concerning labour in all sectors of economic activity.

Recommendation

Implement as soon as possible national and local plans to develop affordable and adequate housing conditions for vulnerable Roma communities; rehouse as a priority those Roma families and individuals still living in substandard housing conditions;

Ensuring that everyone, without exception and without barriers has access to quality housing that is appropriate for their size and income is not only a prerequisite for economic and social cohesion, but it is a central tenet of Portugal’s public housing policy.

While Portugal’s public housing policy adheres to the principle of universality in the access to adequate housing, the government recognises that this principle does not exclude, in complementary

⁷ Available from: <https://diariodarepublica.pt/dr/detalhe/lei/3-2024-836604892>

terms, the adoption of specific mechanisms to address different housing needs, including those of people with specific needs or at risk of greater vulnerability, as it is the case of young people, minorities or single parents, among others. For that reason, Portugal has approved the Council of Ministers Resolution (RCM) no. 50-A/2018, of May 2⁸ which institutes the *New Generation of Housing Policies* to ensure consistency across several areas of government action, notably, by linking up with instruments that respond to the specific needs of most vulnerable groups, such as the National Roma Communities Integration Strategy (ENICC).

Moreover, the main public housing programme, “1^o Direito” – *Support Programme to Access Housing* (Decree-Law No. 37/2018, of May 4)⁹, seeks to eradicate situations of people living in undignified housing conditions, through Local Housing Strategies.

To determine the aims and objectives to be met over the implementation period, the Local Housing Strategies are based on an assessment of the existing deficiencies in terms of housing access, resources, and the processes of transformations undergoing in the areas to which they correspond.

Local Housing Strategies are drawn up by municipalities with the participation of local communities and associations and can include housing solutions for Roma communities living in precarious or improvised housing. The Resilience and Recovery Plan investment and the legislative package “More Housing” reinforce these public policies.

The newsletter published by the Observatory of Roma Communities (ObCig) in December 2022 focuses on the theme of Housing and includes the participation of four different local actors (two representatives of municipalities, one mediator and a leader of local association)¹⁰ who reflect on the challenges faced by Roma Communities in accessing adequate housing and the role of the aforementioned policies in tackling them.

Recommendation

⁸ As part of its political priorities, the 21st Constitutional Government recognised the central role of housing and rehabilitation in improving people's quality of life, in revitalising and making cities more competitive, and in social and territorial cohesion. Publication of the Council of Ministers Resolution no. 50-A/2018, of May 2, available here: <https://diariodarepublica.pt/dr/detalhe/resolucao-conselho-ministros/50-a-2018-115211109> [accessed on 4.10. 2023]

⁹ <https://diariodarepublica.pt/dr/legislacao-consolidada/decreto-lei/2018-115868810>

¹⁰ Available from:

<https://www.obcig.acm.gov.pt/documents/58622/723172/Newsletter+OBCIG+dezembro+de+2022/f516fc18-b57f-4a32-bd13-5de819f9cef6>

Extend the Intercultural Municipal Mediators Programme to more municipalities, whilst ensuring Roma mediator's independence from undue interference, as well as regulating the professional status of the socio-cultural mediators, promoting and securing certified training and employability of Roma mediators, in particular women, and ensuring the programme's sustainability through adequate state support.

Portugal has continued its investment in the Intercultural Municipal Mediators Programme. In 2019, 12 new projects ensued, terminating in 2021 and 2022.

In 2021, the Programme was extended: 12 municipalities hired 41 mediators (21 women and 20 men), including five women and 16 men from Roma background. Additionally, 20 projects were approved and 45 mediators (31 women and 14 men) were hired, of which six were Roma women and 11 were Roma men. The projects ran from 2021 to 2023.

This Programme was funded by the European Social Fund's Social Inclusion and Employment Operational Programme, with a budget of €3,500,000 (three million five hundred thousand euros) for the first call and €2,500,000 (two million five hundred thousand euros) for the second call. New funding is expected to be channelled to this program under Portugal 2030.

In January 2022, the "Intercultural Mediator" reference was included in the National Qualifications Catalogue, developed by ACM, the National Agency for Qualification and Vocational Education (ANQEP) and a Working Group of various civil society organisations, which was an important step towards the regularisation of the status of the intercultural mediator. The regularisation of the status of intercultural mediator is one of the measures included in the ENICC.

PART III - FURTHER MEASURES TAKEN TO IMPROVE THE IMPLEMENTATION ON THE FRAMEWORK CONVENTION

Please provide information on an article-by-article basis on measures taken to enhance the implementation of the Framework Convention. Indications on other policies, measure and needs assessment considered relevant in this context should also be provided. Particular attention should be paid to:

- a. Measure taken to implement the recommendation included in Part 2 – “Further recommendations” of the Committee of Ministers’ Resolution;*
- b. To the extent not already covered under points II and III.a above, measures and policies adopted to implement all the detailed recommendations, the various finding and conclusions contained in the Advisory Committee’s fourth Opinion.*

To facilitate the reading of the report, the answers to the section follow, to the extent possible, the structure of the Opinion of the Advisory Committee. The Advisory Committee’s recommendations are indicated italics and are followed by the Portugal’s comments.

ARTICLE 3 OF THE FRAMEWORK CONVENTION

PERSONAL SCOPE OF APPLICATION OF THE FRAMEWORK CONVENTION

Recommendation

19. The Advisory Committee strongly encourages the authorities to pursue an inclusive approach in relation to persons belonging to groups who might seek protection under the Framework Convention and recommends that they effectively address the limited awareness about its specific provisions and protection it offers, including via the dissemination of information on the Framework Convention and the organisation of thematic meetings and seminars.

Portugal is committed to disseminate knowledge and awareness of the Framework Convention. To this end, national authorities across different sectors have organised thematic events. Please see below some noteworthy examples.

ObCig has published several fact sheets that briefly analyse themes about or related to Roma communities. This initiative consists in inviting researchers working in Roma communities' related-themes to produce the ObCig Fact Sheets to publish some of the main results of recent work conducted on and with Roma communities in a simple and timely manner. Fact Sheet No. 2¹¹ is dedicated to the Framework Convention and its applicability in the Portuguese context. The document is available online and was disseminated via ACM's social media channels.

In 2022, IPDJ organised an awareness/training action on Roma history and culture for its employees. This initiative aimed to accomplish the following goals: bringing Roma culture to the forefront of public policies; sharing practices and intervention strategies in order to promote greater equity and social cohesion; reflecting on certain portrayals of Roma culture and raise knowledge and awareness of Roma culture.

Over the last few years, the National Republican Guard (GNR) has sought to reinforce citizens' trust in the institution, promoting initiatives that favour proximity, based on the community policing model, compounded with close cooperation and collaboration with various entities, including via the dissemination of relevant information on the Framework Convention and the organisation of thematic meetings and seminars.

Recommendation

20. The Advisory Committee reiterates its call to Portuguese authorities to continue to pay due attention to the preservation and development of the Mirandese language and to sign and ratify the European Charter for Regional or Minority Languages

Following the Advisory Committee's call during the fourth monitoring cycle, Portugal signed the European Charter for Regional or Minority Languages on 7 September 2021. The instruction of the internal process for ratification is undergoing and it is being coordinated by the Ministry for Foreign Affairs in its capacity as the Executive Secretariat of the National Human Rights Committee. The Mirandese language was the basis for this signing. Miranda do Douro City Council, together with the

¹¹ Available from: <https://www.obcig.acm.gov.pt/documents/58622/1515680/ObCig+Fact+Sheets+2/8f6121f6-902e-45bf-b947-6bc63c9c7cc8> [accessed on 29.11.2023]

Associação de la Lhéngua i Cultura Mirandesa” developed a list of commitments to be fulfilled, arising from Portugal’s accession to the Charter.

DATA COLLECTION AND POPULATION CENSUS

Recommendation

26. The Advisory Committee further encourages the authorities to continue to ensure that quantitative and qualitative data, disaggregated by ethnic affiliation, sex, age, and geographical distribution, is made available through independent research for the design and periodical assessment of targeted policies and measures aimed at the promotion of effective equality, especially of persons belonging to the Roma communities.

As scheduled, the Statistics Portugal conducted the “Survey on Living Conditions, Origins and Trajectories of Population Resident in Portugal”¹², following the pilot survey carried out. This survey aims to obtain data and characterize the diversity of the population living in Portugal regarding their origins, generational trajectories and living conditions, addressing for the first time the themes of ethnic belonging and discrimination. Data collection started in January 2023, and the main results were released in December 2023. Ethnic identification, a central aspect of this survey, was analysed for the first time in official statistics. It resulted from individual’s the self-identification, following the recommendations of international institutions in this field.

Recommendation

27. The Advisory Committee invites authorities to commission independent research on non-Portuguese Roma residing in Portugal, in close cooperation with Roma mediators where possible, so as to design targeted measures addressing their specific needs.

On 4 July 4, 2023, the Economic and Social Centre (CES), ACM and the Foundation for Science and Technology (FCT) signed a protocol aimed at carrying out a scientific study on the socio-economic situation of Roma communities in Portugal.

¹² Survey available from:
https://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_destaques&DESTAQUESdest_boui=625453018&DESTAQUESmodo=2 [accessed on 23.11.2023]

ARTICLE 4 OF THE FRAMEWORK CONVENTION

ANTI-DISCRIMINATION LEGAL FRAMEWORK

Recommendation

30. *The Advisory Committee encourages the Portuguese authorities to bring their criminal legislation into line with ECRI standards.*

Law n.º 4/2024, of 15th January, amended article 240 of the Criminal Code which aims to punish the "discrimination and incitement to hatred and violence", as foreseen in the National Plan to Combat Racism and Discrimination 2021-2025. This amendment, in line with ECRI standards:

- added forbidden discrimination factors - language, nationality, territory of origin, gender expression or sexual characteristics, political or ideological opinions, education, economic situation or social status.
- made autonomous the criminalization of incitement to discrimination, hatred, or violence;
- removed the restriction that incitement be committed through organized propaganda activity;
- Where the offences set forth in Article 240 are committed through a computer system, the court can order the deletion of computer data or content, interrupt, cease or block access to a certain service provider or to computer data that exclusively or predominantly disseminates discriminatory content (Article 240 (3)).

Article 240 (1) criminalizes the founding of racist organizations and the participation in its activities for the purpose of incitement to hatred or violence; Article 240 (2) punishes whoever (legal or natural person), publicly, by any means intended for dissemination:

- a) **Causes acts of violence** against a person or group of persons because of their ethno-racial origin, national or religious origin, colour, nationality, descent, territory of origin, religion, language, sex, sexual orientation, gender identity or expression or sexual characteristics, physical or mental disability;
- b) **Defames or insults** a person or group of persons because of their racial/ethnic origin, national or religious origin, color, nationality, descent, territory of origin, religion, language, sex, sexual orientation, gender identity or expression or sexual characteristics, physical or mental disability;

- c) **Threatens** a person or group of persons because of their racial/ethnic origin, national or religious origin, color, nationality, descent, territory of origin, religion, language, sex, sexual orientation, gender identity or expression or sex characteristics, physical or mental disability; or
- d) **Incites** to discrimination, hatred or violence against a person or group of persons because of their racial/ethnic origin, national or religious origin, color, nationality, descent, territory of origin, religion, language, sex, sexual orientation, gender identity or expression or sex characteristics, physical or mental disability.

Article 240 is applicable to legal and natural persons, whether in the exercise of public office or profession.

If racial discrimination as set forth in article 240 is committed by a public official, then Article 66 of the Criminal Code applies (Prohibition from holding office).

In labor relations, the Labor Code, the General Law on Public Employment and Law nº. 3/2011, regarding protection against discrimination in the area of work and employment and self-employment, and the respective sanction regime, are also applicable.

The Criminal Code already provides, in other provisions, aggravating circumstances for offences motivated by racist, homophobic or transphobic behaviours.

Article 132 (qualified homicide) provides for a prison sentence of 12 to 25 years when the crime is committed in circumstances that reveal special reprehensibility, the latter being determined, according to paragraph f) by racial, religious, political hatred or hatred generated by the victim's color, ethnic or national origin, sex, sexual orientation or gender identity;

If the conduct of the offender is motivated by the mentioned special reprehensibility it is considered also an aggravating factor in cases of offence against qualified integrity (Article 145).

Article 155 of the Criminal Code, due to the amendment introduced in 2015 - in fulfilment of the obligations assumed by the Portuguese Republic in relation to the Istanbul Convention - now enshrines hatred motivated by the prejudice criteria set forth in Article 132 (f) as an aggravating circumstance in the crimes set forth in Articles 153 (Threat), 154 (Coercion), 154-A (Stalking), 154-B (Forced Marriage) and 154-C (Preparatory Acts).

INSTITUTIONAL FRAMEWORK

Recommendation

38. The Advisory Committee calls on the authorities to increase the financial and human resources of the Ombudsperson's office, especially for its outreach at grassroots level.

Currently, the Portuguese Ombudsperson has sufficient financial resources to perform its functions and to fulfil its mission and mandate, as it is established by the Constitution and the Law. The budget is also considered adequate to engage with all relevant stakeholders in a fully independent manner and freely determine their priorities and activities¹³.

The Ombudsperson is free to hire their staff, the only restrictions being the limits of the annual budget and the staff map that is established in the Organic Law of the Office of the Ombudsperson. Currently, 98 people work in the Office of the Ombudsperson.

The number, profile, qualification and experience of the people working at the Office of the Ombudsperson are considered adequate to fulfil its mission and mandate.

As the pre-existing organizational model was deemed excessively rigid to respond to the growing competences and broad legal mandate, the internal structure of the Office of the Ombudsperson has been improved with the adoption of a new Organic Law (Decree-Law 80/2021, of October 6).

The backlog of complaints resulting from a build up over several consecutive years was one of the reasons behind this reform. A specialized Screening Unit was created by the new Organic Law in 2021 and started operating in April 2022. The Ombudsperson is now able to strategize, prioritize, reallocate advisers and, hence, cope with the existing workload more efficiently.

This also allows the institution to focus on those subject areas which are facing substantial systemic deficiencies and/or are affecting the most vulnerable members of society.

Recommendation

¹³The annual budget proposal is drafted and approved by the Ombudsperson, taking into account the amount indicated for that year by the Parliament and the general rules set by the Ministry of Finance for all Public entities' budgets. The Ombudsperson submits the proposal directly to the Parliament.

39. *The Advisory Committee recommends that the Portuguese authorities bring the Commission for Equality and Against Racial Discrimination into line with ECRI standards by assuring the independence of the institution and regularly evaluate the proper functioning of the Commission.*

In order to strengthen its independent nature, on the 7 July, 2023, the Portuguese parliament approved the institutional autonomy of the Commission for Equality and Against Racial Discrimination. On the 15 January 2024, Law no. 3/2024 of January 15¹⁴ was approved, amending Law no. 93/2017 of 23 August and establishing CICDR as an independent administrative body, with powers of authority, working alongside the national Parliament. Its annual budget will be included in the Parliament's overall budget.

Regarding evaluation, CICDR prepares an annual public report on the situation of equality and discrimination in Portugal which includes an analysis of the situation of complaints received as well as the activities carried out by the Commission and other institutions in the prevention and fight against discrimination throughout the year. Reports are submitted to the national parliament in the first quarter of each year and are also published on the CICDR's official website¹⁵.

Recommendation

40. *The Advisory Committee invites the authorities to amend the name of "High Commission for Migration" so that it better reflects its mandate, and to consider increasing human and financial resources allocated to the High Commission for Migration to effectively fulfil its mandate, in particular to the Support Unit for Roma Communities.*

In April 2023 the Portuguese government announced the creation of AIMA, leading to structural reforms in key public institutions in migration and equality (currently under way). AIMA, which began operating at the end of October 2023, merged the ACM with the Immigration and Borders Service's (SEF) administrative component. SEF's police functions were transferred to the security forces.

In relation to ACM, AIMA succeeds it in the responsibilities relating to reception and integration of migrants, combating racism and discrimination, the integration of ethnic groups, in particular Roma communities, and the promotion of intercultural and inter-religious dialogue and the issue of

¹⁴ Available from: <https://diariodarepublica.pt/dr/detalhe/lei/3-2024-836604892>

¹⁵ CICDR's annual reports can be accessed from: <https://www.cicdr.pt/-/relatorio-de-atividades> [accessed on 9.11.2023]

intersectional inequality. IPDJ succeeds the ACM in the duties relating to the development of social inclusion programmes for children and young people from the most vulnerable socio-economic backgrounds.

EQUALITY DATA AND MEASURES TO PROMOTE FULL AND EFFECTIVE EQUALITY

Recommendation

51. The Advisory Committee also encourages the authorities to provide human rights training to identify and deal effectively with discrimination cases, including about Roma, to legal professionals, such as lawyers, judges and prosecutors.

CICDR actively promotes education, training, and awareness on human rights issues, including on the prevention and combating of discrimination based on racial and ethnic origin, colour, nationality, ancestry, and place of origin. Over the past six and a half years, training initiatives have been developed for public officials and law enforcement personnel.

Since 2017, the Commission has provided more than 10.000 hours of training to public institutions' employees and law enforcement agencies. Concerning training directed at law enforcement, CICDR has trained over 3000 professionals since 2017.

In 2021, collaboration with law enforcement agencies was strengthened, and new protocols were signed. These protocols aim to offer law enforcement training on combating racial discrimination and implementing strategies to promote human rights, including improving the service, information, protection, and support for migrants and their descendants, refugees, asylum seekers, and Portuguese Roma communities. The training intends to familiarize professionals with the legal framework regarding racial discrimination, raise awareness of the importance of reporting discrimination cases to the Commission, and empower professionals to collaborate in administrative offense proceedings.

It is also important to note that in 2022, CICDR's support office staff received a 6-hour training session on Roma Communities and Intervention Approaches provided by the High Commission for Migration.

In the context of training, in 2022, CICDR, in partnership with the National Institute of Administration, launched the online course "Literacy on Racism and Racial Discrimination." This is a short-duration,

free online course that allows participants to gain a better understanding of racism, the underlying biases or beliefs that support it, and harness their knowledge of the evolution of anti-racist norms and current measures for prevention and combat racial discrimination. The course has reached public sector workers, contributing to deliver public services guided by the principles of equality and non-discrimination. The first edition of the course was launched on May 31, 2022, and concluded on December 27, 2022. Out of the 1.023 participants, 701 were public sector employees, and 322 were individuals from civil society. The second edition of the course, launched in 2023, has over 4.000 participants enrolled.

The National Plan to Combat Racism and Discrimination 2021-2025, approved on July 28, 2021, also includes measures to develop training and capacity-building for professionals on combatting racism, discrimination, ethnic-racial, cultural, linguistic, and religious diversity and equality. This includes information about the history of colonialism, slavery, and the Holocaust specifically related to the Portuguese context, targeting professionals from authorities responsible for preventing and penalizing discriminatory practices.

Please read reply to Part I, item d) of this report for further information on human rights training, most notably, the work carried out by INA.

THE NATIONAL ROMA COMMUNITIES INTEGRATION STRATEGY AND ACM ACTION PLAN

Recommendation

60. The Advisory Committee recommends that key public administrations at state and local levels, in close cooperation with Roma communities, take ownership and assume responsibility for achieving the objectives of the Roma Integration Strategy falling within their area of competence and earmark necessary financial resources, as well as gather reliable data in their respective area of competence that can underpin policy progress overtime. The Advisory Committee also calls for a rigorous and regular assessment, in close cooperation with members of Roma communities, of the impact of policy measures and outcomes and to ensure sustainability of the actions.

The RCM no. 154/2018 of 29 November¹⁶, which approved the revision of the National Strategy for the Integration of Roma Communities 2013-2022 appointed ACM as the Strategy's coordinating body, assisted by CONCIIG, which corresponds to the previous Consultative Group for the Integration of

¹⁶ <https://diariodarepublica.pt/dr/detalhe/resolucao-conselho-ministros/154-2018-117142874> [accessed on 9.12.2023]

Roma Communities and includes as permanent members: a) The High Commissioner for Migration, who presides over the Group; b) A representative of the Cabinet responsible for citizenship and equality; c) The coordinator of the ObCig; d) Two representatives of institutions working with Roma people, to be appointed by ACM; e) Eight representatives of associations representing Roma persons, elected by the associations under the terms to be defined by ACM; f) Two citizens of recognised merit appointed by ACM; g) Two researchers with relevant work on Roma people, to be appointed by ACM.

The eight Roma associations participating in this process are: Letras Nómadas (Association for Research and Promotion of Roma Communities), Agarrar Exemplos (Association for the Development and Promotion of Roma Communities) ASRCCC (Roma Social, Recreational, Cultural Association of Coimbra), AMEC (Association of Roma Mediators of Portugal), AMUCIP (Association for the Development of Portuguese Roma Women), Costume Colossal (Association for Gender Equality in Roma Communities), Ribaltambição (Association for Gender Equality in Roma Communities) and Sílabas Dinâmicas (Intercultural Association).

CONCIG also has several non-permanent members, including representatives from relevant state, municipal and local authorities, as well as representatives from law enforcement agencies.

The 6th edition of the International Seminar of the Observatory of Roma Communities was held in October of 2023. The event was co-organised by the Migration, Mobility and Ethnicity Research Group of CIES-ISCTE and the High Commission for Migration (ACM). It was attended by a number of personalities, including the Secretary of State for Equality and Migration, and the High Commissioner for Migration as well as academics, representatives of Roma associations and students.

The purpose of this event was to promote a broad and participated reflection on the 10th Anniversary of the National Strategy for the Integration of Roma Communities. Over the course of the two-day seminar, various perspectives were presented on what can be considered the first integrated public policy instrument aimed at promoting the integration, equality and participation of the Roma population in Portugal. These discussions provided a comprehensive overview of the strategies and actions underway for the integration and equality of Roma communities in Portugal.

RCM no. 36/2023 of 3 May 2023¹⁷ extended the Strategy's implementation period until 31 December 2023, and commissioned an external evaluation of the Strategy to the Institute of Sociology of the Faculty of Arts and Humanities of the University of Porto.

Recommendation

61. The Advisory Committee invites the authorities to consider further increasing the Roma Integration Strategy Support Fund to have wider geographical coverage and a more immediate impact.

The Roma Integration Strategy Support Fund (FAPE) was launched in 2015 and has been in implementation since then.

In its 1st edition, FAPE supported projects of up to €5,000.00 with a maximum duration of 9 months. Heeding the high number of applications received (fifty-three) that year, in the 2nd edition, in 2016, the financial allocation was doubled (€100,000.00), maintaining the project's support in up to €5,000.00 per project and the duration to 9 months.

Before the 3rd edition of FAPE was launched, there was an external evaluation which laid out several recommendations including: increased funding, longer implementation periods and a (positive) distinction for projects with partnerships with Roma communities.

The 3rd and 4th editions increased the overall budget to €250,000.00 and allowed applications for one-off or regular projects with a financial allocation of €5,000.00 and €25,000.00, respectively, and implementation period of up to 18 months.

FAPE's 5th edition ended in June 2023 and sought to favour organizations that applied in partnership with associations representing Roma people, in order to foster relations between these and other civil society associations. With an overall budget €173,000.00, the 5th edition approved 11 projects, six of which promoted by Roma associations. The financial allocation was €16,500.00 per project. The 11 projects were related to the following areas of intervention: Citizenship; Prevention of domestic violence; Mediation; Promotion of Roma history and culture; Theatre; Music; Communication (radio);

¹⁷ Available from: <https://diariodarepublica.pt/dr/detalhe/resolucao-conselho-ministros/36-2023-212551386> [accessed on 9.12.2023]

Entrepreneurship and Crafts. The intervention territories for these projects were Sintra, Amora, Mafamude and Vilar Paraíso, Figueira da Foz, Elvas, Almada, Covilhã, Matosinhos, Coimbra and Tomar.

The 6th edition of FAPE was launched in October 2023, and funded projects of up to €20,000.00, with a total budget of €260,000.00. The requirement that the organizations applying must link up with Associations Representing Roma People was maintained. The preliminary results of this edition indicate that 14 projects will be approved¹⁸.

ARTICLE 5 OF THE FRAMEWORK CONVENTION

SUPPORT FOR THE PRESERVATION AND DEVELOPMENT OF ROMA IDENTITY AND CULTURE

Recommendation

68. The Advisory Committee encourages the authorities to continue investing with sustainable state funding, in cooperation with Roma communities, in the protection and promotion of Romani cultures and identities on a national basis, including in mainstream public media, involving where possible Romani artists and role models from the Roma communities.

Within the scope of FAPE and the Roma Associations Support Programme (PAAC), the following projects were promoted by Roma associations and/or involved the participation of Roma people:

- 2022: Painting and photography exhibition of the project "Women and Roma communities, it's the dream that moves us!" promoted by Ribaltambição Associação (Roma Association) based in Figueira da Foz. This initiative highlighted the role of Roma women in today's society through 11 photographs and illustrations of Portuguese Roma women. The exhibition included the photographic work of members of the Roma community.

- 2021-2022: Theatre play "A História do Ciganinho Chico" promoted by Sílabas Dinâmicas Associação, based in Elvas. The play was based on the book with the same title by a Roma author and was performed in several schools, involving the participation of both Roma and non-Roma children.

¹⁸ Preliminary results available from: <https://aima.gov.pt/pt/a-aima/documentos>

- 2020: Launching of book "Pieces of Me", organised by Associação Agarrar Exemplos (Roma association), based in Almada. The book compiles several poems, all written by a Roma woman, activist portraying different experiences through her poems.
- 2018 to 2020: "A Par e Passo" project by the Beira Serra Association, which promoted a monthly radio programme "Myths or Truths" on Rádio Cova da Beira, with the aim of deconstructing myths and combating stereotypes and prejudices associated with Roma communities. The programme was recorded by a young Roma journalist hired for the project.
- 2018: Making of the short film "Entre os Montes", that tells the life story of a Roma mediator who crossed paths with the country's recent history, between the 1950s and the present day. It is a story of love, adventure and the fight for citizenship rights, promoted by APODEC - the Portuguese Association for the Development of the Roma Ethnicity, with the objective of combatting prejudice associated with Roma communities.

The initiative "Tour Diego El Gavi: Six Cities, Six Workshops, Six Concerts", organised by ACM with the objective of promoting Roma culture and music, and contribute to deconstruct prejudices around Roma culture thus contributing towards the integration of Roma communities. This initiative consisted in a tour with six concerts, six workshops in six cities around the country. The objective was to create a platform to promote the rich and diverse nature of Roma cultures as integral part of Portuguese culture. It also sought to distinguish music and culture as privileged means to foster inclusion. The tour included flamenco workshops and the launching of the album "Puerta del Alma" in the cities of cities of Braga, Coimbra, Moura, Beja, Viseu and Viana do Castelo, with around 600 people attending the six concerts and 90 participants in the six workshops. The documentary "Tour Diego el Gavi: 6 cities, 6 workshops, 6 concerts" is available online, at <https://www.facebook.com/ACMigracoes/videos/556817419641038/>.

Also aimed at promoting Roma music and culture, the project "Roma music enjoying itself" was organized by ACM. The recordings are available on the project's YouTube channel at: <https://www.youtube.com/channel/UCbCyCe9HsL4jrXI0IzsaCAw>

ARTICLE 6 OF THE FRAMEWORK CONVENTION

RESPECT AND INTERCULTURAL DIALOGUE

Recommendation

76. The Advisory Committee calls on the authorities to firmly condemn all expressions of racism or intolerance, including those addressed to members of the Roma communities, and ensure that they are effectively prosecuted and sanctioned.

The legal framework that came into effect on September 1, 2017, provided greater protection to victims of discrimination, notably by allowing them to turn to the CICDR to get information on their rights, and to be represented and supported during the administrative proceedings by associations focused on preventing and combatting discrimination.

Between September 2017 and June 30, 2023, CICDR recordings registered 2.781 complaints received, more than double the number of complaints received over the previous 12 years (998). This surge of complaints filed with CICDR results from a greater awareness of racial and ethnic discrimination issues. It also reflects the growing awareness and confidence in CICDR and the existing mechanisms for exercising rights, both on the part of alleged victims and individuals who have knowledge of or have witnessed any discriminatory practices.

Concerning the complaints received by the Commission, reference to the Roma ethnicity continues to be one of the most commonly cited reasons for discrimination. In the years 2017, 2018, and 2019, it was the most frequently mentioned in complaints submitted to CICDR. From 2020, there has been a gradual decrease in the use of this basis for discriminatory acts or practices:

- 2017 - 32.4% - 58 complaints;
- 2018 - 21.4% - 74 complaints;
- 2019 - 19.3% - 84 complaints;
- 2020 - 11.9% - 78 complaints;
- 2021 - 16.4% - 67 complaints;
- 2022 - 5.1% - 25 complaints;
- 2023 - 19.3% - 18 complaints (data for the 1st quarter based on 194 complaints).

Regarding administrative offense proceedings, CICDR has issued several condemnation decisions in which discriminatory practices were motivated by the victims' Roma ethnicity. Out of the 26

condemnation decisions issued by CICDR since 2018, 10 were related to discriminatory practices motivated by Roma ethnicity.

We also refer to the answer provided above regarding the efforts being made concerning hate crimes and hate speech under recommendation in Article 4, p. 10, para. 30 and to the most recent data made available regarding the recommendation in Art.º 6, p. 21, para. 87.

Recommendation

77. The Advisory Committee encourages the authorities to support projects throughout the country aimed at combating anti-Roma stereotypes and prejudice, including projects aimed at convincing shopkeepers and restaurant owners to remove ceramic frogs.

Under the FAPE and PAAC, 125 projects have already been supported in different areas, such as: Associative Capacity Building; Citizenship, Equal Opportunities; Mediation; Promoting Roma History and Culture; Theatre; Music; Crafts; Health; Support for Employability, among others, where there is always a component of combatting discrimination and demystifying prejudices and stereotypes. The following projects are examples of this:

- "ROMA TV" project (2019), promoted by Letras Nómadas - Associação de Investigação e Dinamização das Comunidades Ciganas with the aim of creating a webTV channel to disseminate and promote Roma culture through the dissemination of initiatives and good practices that are carried out with Roma communities in Portugal.
- "We don't swallow frogs" project (2016), promoted by SOS Racismo, which arose from the need to abolish a practice that tries to keep some Roma persons away from accessing goods and services, restaurants and commercial establishments through the figure of a "frog". The project consisted of a photographic tour of different shops and of Roma people interacting with toads.
- Project "Latchim Sastipen (De Boa Saúde)" (2015), promoted by Letras Nómadas which consists of the presentation of various humorous sketches about prevention in the area of health. The videos can be viewed on the association's YouTube channel: <https://www.youtube.com/@letrasnomadasaidc3543/videos>

Recommendation

78. The Advisory Committee encourages the authorities to take all necessary measures, in fighting anti-Roma prejudice and stereotypes and addressing anti-Gypsyism as a specific form of racism so that persons belonging to the Roma communities feel more secure to self-identify as Roma.

Within the scope of its mission and responsibilities, ACM has regularly offered public administration workers training courses on Roma History and Culture to raise awareness among national authorities towards the need to take measures to fight anti-Roma prejudice and stereotypes and addressing anti-Gypsyism across different areas.

In the first half of 2023, 15 training courses were organised, 11 of which were aimed at the public administration. In total, 1.325 hours of training were organised. A total of 313 people took part in these courses, 280 of whom were female and 33 male. In 2022, 87 training courses were organised, 79 of which were aimed at the public administration. A total of 7.314 hours of training were organised. A total of 1.753 people took part in these training programmes, 1.321 of whom were female and 432 male. In 2021, 68 training courses were organised, 63 of which were aimed at the public administration. A total of 5.924 hours of training were organised. A total of 1.458 people took part in these courses, of which 1.011 were female and 447 male.

Furthermore, FAPE and PAAC have funded several projects focused on deconstructing myths associated with Roma people in different areas:

- 2022-2023: Project “Matosinhos 100 preconceito”, promoted by APF - Associação para o Planeamento da Família which launched a social media campaign to highlight academic and professional success cases of young Roma individuals.
- 2020-2021: Project “Conhecer para Integrar”, promoted by Terras Dentro - Associação para o Desenvolvimento Integrado that launched a campaign consisting of a series of videos offering the testimonies of individuals from Roma communities that have been successfully integrated into the labour market. The aim of this online campaign is to debunk myths, provide

information and share testimonies so that more Roma people can have the opportunity to enter the labour market. The videos are accessible online¹⁹.

In March 2023, CICDR and ACM, in collaboration with the Directorate-General for Education, launched the Guide for the Prevention and Combating of Racial Discrimination in Schools. This guide is the first of its kind in Portugal and aims to support schools and their professionals in defining specific strategies and identifying practices for preventing and combatting racial discrimination in various aspects of school life. It recognizes educational institutions and their professionals as true agents of social change.

The Guide is intended as flexible document that encourages education professionals to become more aware and active in preventing and combatting racial and ethnic discrimination in schools. It has been disseminated in sessions held in schools. In June 2023, a webinar was conducted to present the Guide, which was attended by 320 education professionals.

POLICING AND RESPECT FOR HUMAN RIGHTS

Recommendation

81. The Advisory Committee encourages the authorities to expand training in fundamental human rights given to members of the police forces

Law enforcement agencies have been committed to offer fundamental human rights training to its professionals. The National Republican Guard, for instance, has included the promotion and implementation of equality as a strategic objective in its 2018 Activity Plan and set up an internal structure – the Commission for Gender Equality and non-Discrimination – which embodies its commitment towards equality and non-discrimination.

In terms of training, it is worth mentioning the Course of Criminal Prevention Community Policing and Human Rights, a specialization course that enables GNR military to integrate the structure of Criminal Prevention and Community Policing at this police force, providing them with the essential knowledge, skills and tools to perform these duties. The course includes, among other, a module dedicated to

¹⁹ Video 1 - <https://www.facebook.com/watch/?v=202767291298016>; Video 2 - <https://www.facebook.com/watch/?v=200601808499031>; Video 3 - <https://www.facebook.com/watch/?v=318479039733425>

Human Rights and Citizenship, which is taught by external entities with expertise in subjects such as racism, xenophobia and intolerance, hate crimes and hate speech.

Since August 2021, GNR is implementing a Plan for the Prevention of Manifestation of Discrimination (see more details below) to combat discrimination, through the prohibition of discriminatory attitudes and practices. Training is one of the Plan's main lines of action. It commits law enforcement agencies to improving the curricula of the courses, by integrating and consolidating human rights and fundamental rights-related content, and to carrying out thematic training actions. To meet these objectives, a curricular unit on human rights and fundamental rights was integrated into all GNR initial training courses and upgrade courses, and a lecture related to human rights, fundamental rights and gender equality was integrated in all specialisation, subspecialisation and qualification courses. GNR has a total of 290 courses in its course catalogue. All of them include a lecture related to human rights, fundamental rights and gender equality or include a curricular unit related to human rights and fundamental rights. Before the above-mentioned date, GNR had some courses where these themes were subject of training actions.

Between 2018 and 2023 the following human rights' related training actions were conducted:

YEAR	NO. OF TRAINEES	NO. OF TRAINING ACTIONS
2023	3903	77
2022	3856	125
2021	776	42
2020	1453	10
2019	1433	12
2018	1671	13

To improve police action in diverse communities, Public Security Police (PSP), in 2016 and together with the High Commission for Migration, created the programme *Juntos por Todos* (Together for All) to prevent conflicts in vulnerable multicultural communities, either by delivering training to police officers, or by organising awareness-raising actions for young people in these communities.

Since 2018, approximately 800 police officers were trained on policing diversity. In addition, PSP has made a remarkable effort to improve the professional training in interview and investigation techniques:

YEAR	NO. OF TRAINEES	NO. OF TRAINING ACTIONS
2022	186	10
2021	86	5
2020	64	4
2019	128	5

In 2021 this protocol was revised and strengthened, reorienting its objective towards the promotion of security and the rights and guarantees of migrants and their descendants, applicants for international protection, refugees and Roma communities, contributing to a safer, fairer and more egalitarian society, marked by the principles of equality and respect for diversity. Between 2017 and 2022, 1.729 PSP police officers were trained by the ACM in “Roma History and Culture”.

Between 2021 and 2022, taking into account the fact that people belonging to some minority communities are more exposed to situations of Trafficking in Human Beings, the PSP, the Observatory on Trafficking in Human Beings (OTSH) and the National Rapporteur for the Trafficking in Human Beings carried out the Training Plan “Trafficking in Human Beings. Children: from Prevention to Protection”, which was attended by 340 police officers.

Additionally, in 2022, PSP delivered the following training actions:

- The Academy of Police Sciences and Internal Security created (ISCPSI) a new curricular unit called “Contemporary Police Issues”, with a workload of 75 hours, which covers topics such as: Police and Diversity; Gender, Racism, Mental Health, LGBTQIA+. This curricular unit is taught by a police officer attending a post-doctorate in Human Rights, with occasional events in partnership with *Ius Gentium Conimbrigae* – the oldest Human Rights Centre in Portugal, based at the University of Coimbra.
- The Practical School of Police has recently introduced changes to the curriculum plans for the subject of Fundamental Rights and Citizenship.
- In partnership with the Inspectorate General of Internal Affairs (IGAI), PSP organised two lectures attended by 387 PSP personnel and 150 candidates and cadets from the Police Officer Training Course students, respectively.
- ISCPSI, with the involvement of the Inspector General of the IGAI, organized the Luso-Brazilian Human Rights Webinar on November 10, under the theme “Police and Human Rights in

Contemporary Societies”, marking the beginning of the 40th anniversary celebrations of Police Sciences in Portugal (1982-2022).

Between 2018 and 2021, the Immigration and Borders Service (SEF) has included training sessions on “Fundamental Rights” in all the entering courses and upgrading courses, totalling 211 officers trained. Between 2022 and 2023, SEF implemented several training initiatives on “Fundamental Rights” and “Traffic in Human Beings and Protection of Vulnerable Persons”, totalling 623 police officers (235 from GNR, 348 from PSP and 40 from SEF) trained.

OTSH (alone or jointly with other organizations) has provided several training actions for law enforcement agents likely to come in contact with (presumed) victims of trafficking in human beings. These sessions cover the legal framework, the national context and the National Referral Mechanism (and its indicators) aiming at a quicker flagging/identification of (presumed) victims, their referral, and rights. Between 2019 and 2023, 44 training actions were delivered. The total number of officers receiving training was 4.971 (2019: 85; 2020: 16; 2021: 1.677; 2022: 1.825; 2023: 1.368).

Plan for the Prevention of Discriminatory Practices in the Security Forces and Services²⁰

Since 2021, the Inspectorate-General of Home Affairs is coordinating the “Plan for the Prevention of Discriminatory Practices in the Security Forces and Services”. The Plan covers actions in five areas: Recruitment (1), Training (2), Interaction between members of Security Forces and Services (SFS) and other citizens, and with other SFS members, including on social networks (3), Promotion of the SFS image and communication (4), and Preventive and monitoring mechanisms (5).

As far as training is concerned, the subjects of human rights and equality have been given ample attention in the programmes that are taught (initial and on-going training), and in recent changes the programmes have been reinforced in those subjects. The SFS's individual training courses cover various subjects related to equality, human rights and combating discrimination. The SFS have promoted specific actions focused on subjects of human rights, equality, and non-discrimination and the IGAI has actively participated in these types of initiatives, even during the pandemic.

²⁰https://www.igai.pt/pt/Publicacoes/PublicacoesIGAI/Documents/Relat%C3%B3rio%20PPMDFSS_vf.pdf

As part of the Plan, in 2021, IGAI delivered four training sessions to the SEF and two training sessions to GNR. In 2022, IGAI delivered a total of seven training sessions to PSP (4), SEF (1) and GNR (2). In 2023, IGAI delivered 15 training sessions to GNR and PSP. These sessions include discussion groups that are presented with practical situations that each group must debate and assess. In addition to the involvement of four IGAI inspectors, including the Inspector-General and Deputy Inspector-General that also have an active role in the sessions, the training sessions also include a period with two experienced psychologists (from GNR and PSP) that also have an active role in the training, addressing situations involving victims of violence, degrading treatment or that may affect their dignity. The emotions and feelings of the victims that find themselves in those situations are also addressed and assessed. The group discussions around all these topics must result in conclusions.

PROTECTION FROM HATE CRIME AND HATE SPEECH

Recommendation

87. The Advisory Committee urges the relevant authorities to effectively investigate and prosecute hate crime and step up their interaction with the individuals and groups exposed to racism and intolerance and encourage them to lodge complaints.

In the Criminal Policy Law - a law that defines biennially the objectives, priorities and guidelines of criminal policy - for the biennium 2023-2025, the crimes of discrimination based on racial or ethnic origin, nationality, ancestry, territory of origin, religion, language, sex, sexual orientation, gender identity, physical or mental disability, political or other opinion, education, economic situation or social condition were included in the list of "priority prevention crimes".

According to the official statistics of the Ministry of Justice, between 2020 and 2022, 552 complaints of discrimination and incitement to hatred and violence were registered by the police authorities. Data regarding 2023 will only be available by November 2024.

The increase in the number of complaints originated an increase in the number of inquiries filed with the Public Prosecution Service.

I - In 2020:

- a) 109 investigations into the offence of discrimination and incitement to hatred and violence;

- b) 2 investigations into the offence of discrimination and incitement to hatred and violence in its attempted form, and
- c) 25 investigations into the offence of racial or religious discrimination, totalling 136.

II - In 2021:

- a) 1 investigation of aggravated threat determined by racial hatred or generated by colour;
- b) 119 investigations into the offence of discrimination and incitement to hatred and violence;
- c) 1 investigation into the offence of discrimination and incitement to hatred and violence in its attempted form, and
- d) 28 investigations into the offence of racial or religious discrimination, totalling 149.

III - In 2022:

- a) 2 investigations of aggravated threatening determined by racial hatred or hatred generated by colour;
- b) 184 investigations into the crime of discrimination and incitement to hatred and violence;
- c) 3 investigations into the offence of discrimination and incitement to hatred and violence in its attempted form;
- d) 66 investigations into the offence of racial or religious discrimination, and
- e) 1 investigation into aggravated persecution determined by racial hatred or generated by colour, totalling 256.

IV - In 2023:

- a) 1 investigation of aggravated preparatory acts determined by racial hatred or hatred generated by colour;
- b) 1 investigation into an aggravated threat based on racial hatred or hatred based on colour;
- c) 163 investigations into the crime of discrimination and incitement to hatred and violence;
- d) 3 investigations into the offence of discrimination and incitement to hatred and violence in its attempted form;
- e) 92 investigations into the offence of racial or religious discrimination;
- f) 1 investigation into the crime of aggravated homicide determined by racial hatred or hatred generated by colour in its attempted form, and
- g) 1 investigation into aggravated persecution based on racial or colour hatred, totalling 262.

Results of Investigations

I - In 2020:

1. Investigation no. 386/19.3 PBCVL (Castelo Branco district) - acquitted of the offence of discrimination and incitement to hatred and violence
2. Investigation no. 216/19.6 T9AGH (Azores district) - indictment rejected.
3. Investigation nº 551/19.3 PBAGH (Azores district) – convicted of an offence of racial discrimination and sentenced to 3 months' imprisonment suspended for a period of 1 year.

II - In 2021:

1. Investigation no. 282/20.1 PAVFR (Aveiro district) - convicted of the offence of discrimination and incitement to hatred and violence and sentenced to 8 months in prison, replaced by a 150-day fine of €6.50 per day.
2. Investigation no. 2629/20.1 T9GMR (Braga district) - convicted of an offence of discrimination and incitement to hatred and violence and sentenced to 8 months in prison, replaced by a fine of 240 days at a daily rate of €6, and an accessory sentence of a 12-month ban on access to sports venues (an appeal has been lodged and there has still been no decision from the higher court).
3. Investigation no. 6655/20.2 T9LSB (Lisbon): convicted of the offence of discrimination and incitement to hatred and violence and sentenced to 6 months in prison, replaced by an 80-day fine of €6 per day.

III - In 2022:

1. Investigation no. 759/20.9 T9CTB (Castelo Branco): convicted of the offence of discrimination and incitement to hatred and violence and sentenced to 1 year and 2 months' imprisonment suspended for the same period.
2. Investigation no. 215/21.8 GARMR (Santarém): the defendant was accused of committing an offence of discrimination and incitement to hatred and violence and, after requesting that the investigation be opened, it was decided not to bring charges
3. Investigation no. 2144/19.6 T9LSB (Lisbon): the defendant was convicted of the offence of discrimination and incitement to hatred and violence and sentenced to 2 years in prison suspended for the same period of time (an appeal has been lodged and no decision has yet been made by the higher court).

IV - In 2023:

1. Investigation no. 127/22.8 T9NLS (Viseu): the defendant was charged with the offence of discrimination and incitement to hatred and violence. No date has yet been set for the trial.
2. Investigation no. 22/21.8 JBLSB (Lisbon): the defendant was convicted of the offence of discrimination and incitement to hatred and violence and sentenced to 2 years and 4 months in prison, suspended for the same period.
3. Investigations no. 439/23.3 T9LSB (Lisbon): the defendant was accused of committing a crime of discrimination and incitement to hatred and violence. No date has yet been set for the trial.
4. Enquiry no. 5489/20.9 T9LSB (Lisbon): the defendant was charged with the offence of discrimination and incitement to hatred and violence. A date of 23 April 2024 was set for the start of the trial.
5. Enquiry no. 1439/22.6 PBFUN (Madeira): the defendant was charged with the offence of discrimination and incitement to hatred and violence. No date has yet been set for the trial.

As for decisions to closed investigations, 92 (ninety) were issued in 2020, 130 (one hundred and thirty) in 2021, 194 (one hundred and ninety-four) in 2022 and 214 (two hundred and fourteen) in 2023.

Finally, regarding data collected from first instance courts, the number of cases, defendants and convicted persons for crimes of discrimination and incitement to hatred and violence and racial or religious discrimination, between 2021 and 2022 are as follows - 10 cases, 25 defendants (20 in 2022) and 16 convictions (13 in 2022).

Data for the year 2020 in cases, defendants and convicts for the mentioned crimes is protected under statistical secrecy, as it is less than 3.

The data on 2023 will only be available in November 2024.

Recommendation

88. The Advisory Committee urges the authorities to take resolute measures in order to prevent and combat the dissemination of hate speech and discrimination in the media, including on the Internet. Without compromising the independence of the media, the authorities should follow-up that the media and Internet providers prohibit hate speech in their conditions of use and enforce that prohibition. The Advisory Committee calls on the authorities to provide the Regulatory Authority for the Media with the legal possibility to impose appropriate sanctions if discrimination should occur.

The Commission for Equality and Against Racial Discrimination has undertaken various initiatives aimed at combating hate speech. In addition to the training provided by the Commission, we highlight the "Recommendation for Adherence to the Non-Reference Principle of Racial, Ethnic, Colour, Nationality, Ancestry, Place of Origin, and Documental Status by CICDR²¹" elaborated by CICDR, especially directed at the media, with the goal of raising awareness about refraining from referencing racial and ethnic origin, colour, nationality, ancestry, place of origin, and documental status when it concerns illegal facts or the potential proliferation of stereotypes that could fuel hate speech and racial discrimination. The recommendation is available online and has been sent to media outlets whenever the Commission becomes aware of such references in their informative content.

In 2019, CICDR launched an awareness-raising campaign, disseminating digital posters on the social media platform Facebook, under the slogan "Freedom of Opinion is Not Verbal Violence." These posters sought to raise awareness about the issue of spreading discriminatory and offensive speech on the social network and explained how to report offensive content to Facebook.

Also in 2019, in partnership with Facebook, CICDR conducted two awareness-raising actions on "Preventing and Combating Hate Speech on the Internet and Facebook." These sessions were directed at representatives and leaders of associations of migrants, refugees, and Roma communities, as well as employees of National and Local Centres for Migrant Integration and public and private entities. Some collaborators from Facebook and its representative for Portugal and Spain attended these events.

In 2021, Facebook-META also partnered with CICDR to conduct an online workshop on "Addressing Online Harm," tailored for associations of migrants, refugees, and Roma communities. The workshop aimed to strategically introduce digital behaviour tools developed by Facebook-META for identifying and combating hate speech on their platform. During this session, topics such as community standards, an overview of counter-speech, and strategies for resisting and dealing with online hate speech narratives were discussed.

Since 2021, the Commission for Equality and Against Racial Discrimination has been part of the "kNOwing online HATE speech: knowledge + awareness = TacklingHate" project, also known as

²¹ Available from: <https://www.cicdr.pt/documents/57891/110180/Recomenda%C3%A7%C3%A3o+CICDR+-+Princ%C3%ADpio+da+n%C3%A3o+refer%C3%Aancia.pdf/Occa99a1-9b0d-400b-af4c-652d5816fc6f>

"kNOwHATE." This project is coordinated by ISCTE-IUL, funded by CERV-2021-Equal, and developed in partnership with the scientific community and civil society associations with the aim of detecting, analysing and countering online hate speech. It provides guidance and tools tailored to the detection, prevention, and combat of online hate speech narratives, both for individual social media users and civil society organizations.

Also noteworthy is the collaboration between CICDR and the "Linha Internet Segura" (Safe Internet Line) to offer a service where individuals can anonymously report potentially illegal content, including materials promoting racism and xenophobia. Reports received are analysed by operators, who then take appropriate action, including involving national or international law enforcement authorities.

ARTICLE 12 OF THE FRAMEWORK CONVENTION

INTERCULTURAL EDUCATION AND ROMA HISTORY TEACHING

Recommendation

99. The Advisory Committee calls on the authorities to include information about Roma communities' culture and history in national school curricula, with due regard to their identity and historical presence in Portugal and their contribution to society.

Under FAPE, two projects were promoted, which produced the following pedagogical resources to promote non-discrimination in the field of education:

[“Reflexo – Imagens Positivas”](#) (2018) promoted by Coolabora, Crl., based in Covilhã. This pedagogical tool deals with different contents in the school subjects and disciplines in order to bring Roma communities closer to the school context.

[“Kit Pedagógico Romano Atmo”](#) (*Alma Cigana*) (2016), developed by AMUCIP - Association for the Development of Portuguese Roma Women, based in Seixal. This pedagogical kit, that includes a set of interactive materials on different aspects of Roma culture, including history, Romani language, dance and other, is aimed at training teachers and students from Roma and non-Roma communities.

The kit can be accessed on the webpage of the National Strategy for Citizenship Education²², under the Interculturality section that focuses specifically on Roma Communities²³.

The School Library Network (SLN) offers information and proposals for educational resources and activities for everyone, especially children and youth, which contribute to the knowledge of the history and culture of the Roma community and their valuable contributions to society in Portugal. In the 2021/2022 and 2022/2023 academic years, school libraries reported to SLN projects and activities about Roma community, involving more than 1,300 children and young people and shared titles of films, songs and books read together, whose protagonists are Roma. Most of these activities took place as part of the biannual SLN inclusive learning project, Todos Juntos Podemos Ler/ All Together We Can Read²⁴.

The National Plan for Cinema includes two Portuguese cinematographic works from Portuguese filmmaker Leonor Teles that focus in Roma issues. Both films are accessible on a film streaming platform for schools. Between 2021 and 2023, these films were showed in 426 movie screenings were held in Portuguese schools, with a total viewership of 11 405 people.

TEXTBOOKS AND OTHER TEACHING AND LEARNING MATERIALS

Recommendation

101. The Advisory Committee encourages authorities to invest in teacher training and to include in the next school guidelines the need to pay due attention that textbooks contain non-stereotyping information about Roma communities' culture and history, with due regard to their identity, historical presence in Portugal and their contribution to society.

In the context of the Portuguese State's international obligations, namely in the International Holocaust Remembrance Alliance (IHRA) and within the scope of the National Plan to Combat Racism and Discrimination 2021-2025 and the National Strategy for the Integration of Roma Communities, the Directorate-General for Education (DGE) develops teacher training courses and workshops on

²² <https://cidadania.dge.mec.pt/sites/default/files/pdfs/national-strategy-citizenship-education.pdf>

²³ <https://cidadania.dge.mec.pt/interculturalidade/comunidade-cigana>

²⁴ International Roma People's Day: evidence, approaches and educational resources available from: <https://blogue.rbe.mec.pt/dia-internacional-do-povo-roma-2711060>; International Romani Day information post available from: <https://blogue.rbe.mec.pt/8-de-abril-dia-internacional-do-povo-2708126>

Holocaust education, which are co-organized with the Mémorial de la Shoah, the Association of History Teachers and Memoshoá, and others. In the trainings held in 2022, there was an intervention focused on the theme “Teaching of History, Human Rights and Minorities in the classroom” with detailed reference to Roma communities in Portugal. Additionally, every year DGE organises two training courses on teaching the Holocaust, aimed at teachers at all levels of education and in all subjects, which include one session dedicated to the history of the Roma and the Roma Genocide.

The digital newsletter *Noesis* publishes resources from the Council of Europe and the IHRA on the Roma.

Within the scope of National Strategy for the Integration of Roma Communities, DGE has organised/co-organised several activities to foster Roma educational inclusion and success, notably:

- Published two posts on DGE official website to raise awareness about Roma communities: International Roma Day²⁵ and Roma Genocide Remembrance Day²⁶.
- Delivered two training courses for teachers: 1) Inclusiveness and interculturality as critical dimensions of Roma children and young people, held in June and July 2022, attended by 15 pre-school, primary and secondary education teachers. 2) National Strategy for the Integration of Roma Communities and Cultural Heritage and Education: Education and culture in schools, held in October and November 2022, attended by 15 pre-school, primary and secondary education teachers.
- Co-organised two webinars with Inspectorate-General for Education and Science: 1) “A Voz das Escolas – Entre Culturas” (Voice of the schools – between cultures), held on May 18, 2022. (6th of April: 562 views); 2) “A Voz das Escolas – O Património Somos Todos Nós” (Voice of the schools – we all are the heritage), held on May 20, 2022 (6th of April: 346 views).

The Schools Library Network (SLN) develops resources and education/training activities for everyone, including teachers, to contribute to increase knowledge about the history of the Roma community and its valuable contributions to society in Portugal. SLN promotes a critical approach to information

²⁵ <https://www.dge.mec.pt/noticias/dia-internacional-dos-roma>

²⁶ https://www.dge.mec.pt/sites/default/files/boletim/dia_em_memoria_do_genocidio_dos_roma.pdf

- including textbooks, literature and media - in order to identify, question, contextualize and recreate prejudices/stereotypes concerning the Roma community and other under-represented communities.

The National Plan for Cinema published resources about the two short films by Leonor Teles: *Rhoma Acans* and *Balada de Um Batráquio* that include pedagogical suggestions to help Portuguese teachers work with students around these issues. These resources are available at the PNC site²⁷.

In the context of non-formal education, some projects funded by *Escolhas* Programme have sought to contribute to increase knowledge and awareness of Roma communities' culture and history among school staff. For instance, Project *B! EQUAL* in Braga implemented the activity "CIAE (Intercultural Training of Educational Agents)" aimed at fostering greater social cohesion by delivering training to educational agents in intercultural dynamics of the Roma community. The training provided different educational stakeholders, including teachers, educators, educational assistants, among others, with an in-depth knowledge Roma community cultural contributions, as well as equipping these key players with tools and methodologies that allow them to support these students at school, with due awareness of the individual, social and cultural dimensions. By the same token, Project *A Rodar* in Amadora implemented the "Roma Culture" activity which consisted in delivering training to school staff on Roma culture, customs, ways of living, rules and other cultural norms, to promote greater knowledge about this community and contribute to intercultural dialogue.

EQUAL ACCESS TO EDUCATION

Recommendation

108. The Advisory Committee urges the authorities to enforce compulsory education for all children and further reduce school absenteeism and early dropouts among Roma children; to this end, the Advisory Committee strongly encourages the authorities to conduct an in-depth study on both internal and external causes of early dropouts and absenteeism, closely involving members of the Roma communities, as well as all competent authorities at state and municipal levels, with a view to adjusting educational policies and measures. The Advisory Committee also calls on authorities to

²⁷ Available from: <https://pnc.gov.pt/13-duas-curtas-metragens>

ensure sufficient and sustainable funding for structures and staff required to support Roma families in their contact and inclusion in the education system.

Every two years, the Ministry of Education produces the "School Profile of Roma Communities", which includes information on Roma students in schools in the Ministry of Education's public network of schools. This study can be used in planning and monitoring educational policy measures, namely: enrolment by level of education, study cycles and geographical area; school results - retention and dropout rates; transition/completion rates; and dropout situations - by level of education, study cycles; access to school social action measures; enrolment/participation in curricular enrichment activities (existing in the 1st cycle of basic education). It should be noted that the information collected is based on the perception of the heads of the schools.

In the academic year of 2018/2019, DGE and the Directorate-General for Education and Science Statistics (DGEEC) conducted an online survey on the School Profile of Roma Communities that was responded by 98.9% of schools across the country. The objective of this survey was to deepen knowledge about students from Roma communities' access to formal education, compiling data on enrolment and academic performance in schools across Portugal (mainland). This study was published by the Ministry of Education. To improve the communication of the results an infographic was prepared and disseminated through ACM's social media.

The TEIP programme (Priority Intervention Educational Areas) is a very important measure at national level that targets schools in vulnerable contexts (in particular, those with a high percentage of students with disadvantaged socio-economic status, and among others, Roma children are included in some of these schools) and responds to the students' needs and expectations. TEIP Programme has been consolidated and is aligned with the current curricular guidelines. TEIP aims at improving learning outcomes and the quality of the educational paths, preventing early school leaving and absenteeism, reducing indiscipline and strengthening relations between school, families and community. As such this programme covers 146 school clusters in social and economically disadvantaged areas. Schools integrated in these challenging contexts can define improvement plans, supported on their realities and on the knowledge of the local contexts, through the reinforcement of their autonomy and of positive discrimination measures including: Human resources empowerment; Additional human resources (teachers, psychologists, social workers, mediators among others); Additional funds that allow schools to organise learning networks, as well as the

monitoring and the assessment by the higher education institutions; Diversification of the educational offers, in order to respond to the fundamental needs of students and to assure their school inclusion.

Regarding initiatives to combat early dropout and absenteeism, most *Escolhas* Programme's projects implement activities aimed at offering children and young people academic support, developing personal, social, academic and digital skills, mediating between school and family and emphasising the importance of school among children, young people and their families. Some specific examples include:

- Project *FAZ+ECO* in Tomar which implements an activity "*Recurso Escolhas - Biblioteca Andarilha*" - aimed at stimulating reading and critical thinking by holding regular reading sessions where a text is discussed by children thus contributing to develop their creativity and their personal, social and cognitive skills.
- Project *Cresce e Aparece* in Vidigueira, Cuba and Alvito (Alentejo Region) implements an activity - "*CigSupera*" - that offers Roma women sessions on literacy and basic skills using the ALFALIT literacy programme and the *Escolhas* Virtual School and Digital Literacy Curriculum resources.
- Project *Aderem* in Mourão (Alentejo Region), implements an activity that offers families certified courses in basic skills, including writing, reading and maths, and raises awareness about information technologies and communication.
- Project *eduk'ARTE* in Póvoa do Varzim (Porto Region) implements activity "*Bora Lá Estudar*" which consists in offering daily afterschool tutoring to support students with their homework and other school tasks; activity "*(A)Calma*" that designs and implements strategies for children and young people with ADHD to help them achieve better academic results; and activity "*Brunch Time*" that consists in organizing meetings between families and school staff to disseminate relevant information and discuss strategies to reduce school absenteeism and stimulate interest in professional and academic options for students.

Recommendation

109. *The Advisory Committee calls on the authorities to develop, in close consultation with representatives of Roma communities and parents, flexible teaching and learning solutions adapted to the needs of young people and adults.*

Regarding the diversification of educational offers for schools within vulnerable contexts, the legal framework fosters flexible teaching and learning solutions adapted to the needs of young people and adults. Specifically, Decree-Law 55, 6 July 2018²⁸, provides schools with up to 25 % of curriculum autonomy so as to meet their specific needs by fostering pedagogical differentiation in the classroom, interdisciplinary work, project-based methodologies, creating new subjects and fostering meaningful learning for all. The main priority is to develop an inclusive school, which fosters equality and non-discrimination, whose diversity, flexibility, innovation and personalisation meet the students' heterogeneity, eliminating barriers and stereotypes in the access to the curriculum and to the learning process, based on a multilevel approach, integrating universal, selective and additional measures to support learning and inclusion, namely also with the issuing of Decree-Law 54, 6th July 2018.²⁹

Recommendation

110. The Advisory Committee calls on the authorities to design indicators, determining their initial values and setting target values to be attained, for example regarding the school dropout rate and the school success rate of Roma pupils, and to ensure that enough quantitative and qualitative data are available in this area to be able to monitor progress.

The TEIP Programme seeks to improve the learning outcomes and the quality of the educational paths for every student, as well as contributing to prevent early school dropout and absenteeism in schools in vulnerable contexts. Schools integrated in these challenging contexts can define three-year improvement plans predicated on a SWOT analysis, which set up specific targets and indicators to measure progression (regarding schools dropout rate and school achievement, for instance). Most plan focus on prevention, early intervention and some compensation measures. The Programme is monitored by teams from the Ministry of Education who support and provide a face-to-face contact with TEIP schools to help them make the necessary adjustments to their commitments, methodologies and improvement actions laid out in the Plans.

Heeding the specific needs of Roma Students, schools can draw from the results of the *School Profile of Roma children and students* report which is produced every two years by the Ministry of Education (see comment to recommendation 108 for further details on the report).

²⁸ <https://diariodarepublica.pt/dr/detalhe/decreto-lei/54-2018-115652961>

²⁹ <https://diariodarepublica.pt/dr/detalhe/decreto-lei/55-2018-115652962>

Recommendation

111. The Advisory Committee strongly encourages the authorities to remain vigilant regarding possible cases of separate classes/schooling for Roma children and increase awareness-raising actions in schools to deliver the message that this goes against the principle of an inclusive education.

Decree-Law 55, 6 July 2018, offers a framework to support and monitor the implementation of this curriculum autonomy and flexibility in all public schools which is done by a national coordination team and 5 regional teams that include members from different organisms of the Ministry of Education, to provide close on-going support and thus enable better learning for all.

With curriculum autonomy and flexibility schools are given the possibility to develop Innovation Plans to address their specific needs and to manage more than 25 % of the curriculum. These plans have to be approved by the Ministry of Education. The regional teams support and monitor the whole process, from the innovation plans' design to implementation, with special attention to the specific measures, such as dynamic classes, to ensure that there are no separate classes for Roma children nor segregation of any kind.

PRESCHOOL EDUCATION

Recommendation

114. Whilst welcoming the positive developments in this regard, the Advisory Committee underlines that the rate of early childhood education for the general population is close to the 95% EU benchmark for 2020, whilst the rate for Roma children falls short of the same benchmark. More educational activities aimed at involving children at an early age and their parents in the school environment could be proposed to remedy the situation, such as Roma education incubators, 120 cooking activities, etc.

Portugal is one of the partners of the European Union and Council of Europe Joint Project “Inclusive Schools: Making a difference for Roma children” - INSCHOOL (2022-2024), which aims to support the design and implementation of national inclusive education policies and innovative education practices in targeted Member States, in line with European standards and principles for quality inclusive education, and with a focus on improving access, participation and performance of Roma and children at risk of marginalisation and exclusion in pre-school and compulsory education. In Portugal, the INSCHOOL Project has been implemented by the Ministry of Education and the High

Commission for Migration. One of the Project's objectives is to develop evidence-based solutions at national level to promote changes in policy and practice, focusing on further promoting and developing diversity, equity, and inclusion in education.

Portugal is implementing the project *Include-Ed*³⁰, which aims to identify measures to address school failure and school dropout in TEIP School clusters. The project, which is coordinated by CREA (University of Barcelona), allows for the development of a network of around 50 schools, which put into practice measures to promote inclusion, through participation, commitment and equal dialogue among the various stakeholders in the educational communities, with proven scientific results.

This approach was tested in Portugal in a pilot experiment limited to 11 clusters, in 2017-2018, and showed promising results. During school years 2019/2020 and 2020/2021, 40 trainers were provided training to ensure the sustainability of these schools' network and to be supported for its expansion to around 20 TEIP school clusters, with a school population that demand integration work based on validated practices that ensure better learning outcomes for everyone, regardless of their social origin.

With the general aim of promoting equal access to opportunities and strengthen social cohesion *Escolhas* Programme's projects implement non-formal education activities around educational support, development of social and digital skills, parental counselling, awareness-raising, mediation, psychosocial support, participation in public life, intercultural dialogue and other cultural aspects. While not targeting Roma students and their families specifically, some projects do work almost exclusively with Roma communities, allowing for a much deeper involvement with and from these communities.

Within the initiatives to promote Roma history and culture, various activities were held related to gastronomy, dance and music, as well as raise-awareness activities to promote intercultural dialogue. Some examples include:

- The "Romani" activity, organised by the project *Em Rede* in Moura (Alentejo), that develops products resulting from the testimony of young people from the local community, shedding light on their successful life path so the rest of the community may look up to them and follow their example.

³⁰ More information available at <https://www.dge.mec.pt/projeto>

- The "Roma Music and Flamenco Workshop/Musical Games and Percussions" and "Flamenco Dance/Oriental and World" activities implemented by project *SHAVE* in Beja, with the aim to use music and dance as a strategy for sharing Roma culture, but also for getting to know other cultures, socialising, integrating, communicating and developing personal and social skills.
- The "Arte&Cultura" and "K'Escolhas" activities implemented by project *3ESC* in Pombal to promote local identity through theatre, music and dance, culminating in an Intercultural Gala and the celebration of the National Day of the Roma Individual.

Recommendation

115. The Advisory Committee encourages the authorities to take measures to increase the rate of school attendance for Roma children in preschool education, recruit Roma as school assistants in preschools in accordance with new By-Law no. 10-b/2018, step up pupil support measures for them, as well as develop awareness activities with their parents, and Roma communities in general, on the importance of early school education.

In 2021 DGE published a resource for schools focusing on preschool education of Roma children. The *Guide to Promote the Inclusion and Educational Success of Roma Communities*³¹ that takes stock of good practices in Portuguese schools and offers guidelines for school staff to ensure the inclusion and academic success of every Roma children.

Also under its PLICC, the Municipality of Évora is implementing a measure to significantly increase the number of Roma children attending pre-school, while at the same time raising parents' awareness of its importance and deconstructing some of the prejudices that may exist within Roma communities regarding pre-school education. Families are invited to take part with their children in pre-planned activities with the educator who will be hosting them, with a view of raising mothers awareness about the importance of pre-school for children's development and their future integration into primary school.

³¹ Available from:

<https://educacaoinclusiva.dge.mec.pt/sites/default/files/recursos/documentos/guiaocomunidadesciganas.pdf>

PRIMARY, LOWER AND UPPER SECONDARY AND HIGHER EDUCATION

117. (...) The Advisory Committee believes that awarding scholarships to Roma, especially to girls, will create in the short-term positive Roma role models and lead to the creation of a new generation of Roma leaders, including women, able to take part more actively in socio-economic life and in decision making at local and national levels.

Since the first edition of the ROMA Educa Programme, 195 scholarships have been awarded to girls from Roma background (142 girls covered), and the selection criteria currently stipulates that, whenever possible, 60% of scholarships must be awarded to girls and 40% to boys.

Recommendation

118. The Advisory Committee invites the authorities to considerably increase the number of Roma students who receive scholarships and expand the granting of scholarships to lower secondary education and ensure that all Roma students in need of support are provided with the necessary financial assistance to pursue their education, such as free meals, textbooks, other educational resources, and transportation

Portugal has specific programmes to improve access to quality education for Roma children and young people, most notably, two National Scholarship Programmes: Roma EDUCA (for upper secondary and secondary education) and OPRE (for higher education).

The ROMA Educa Programme has been funded by the High Commission for Migration and it is managed in partnership with Roma organizations Sílabá Dinâmica, ASRCCC e Costume Colossal. It is currently in its 5th edition. In its the first edition, Roma EDUCA (2019-2020 academic year) awarded 49 scholarships (13 girls and 36 boys). In the second edition (2020-2021), the number of scholarships awarded increased to 120 (62 girls and 58 boys). Due to the high influx of applications (446 applications in total) and interest in the Programme, ACM signed a protocol the Braga-based company Domingos da Silva Teixeira, S.A. (DST) that allowed for 21 additional scholarships to be offered. In the third edition (2021-2022), 120 scholarships were awarded (56 girls and 64 boys).

Similarly in the fourth edition (2022-2023), 120 scholarships were awarded (64 girls and 56 boys).

The OPRE Programme has been funded by ACM and co-managed by the organization Letras Nómadas. Currently in its 7th edition, OPRE has awarded 226 scholarships between the academic year of 2016-2017 and the academic year of 2022-2023, supporting a total of 89 individuals. By the end of OPRE's 6th edition, 31 students (19 girls and 12 boys) had finished their undergraduate degrees and 5 students (3 girls and 2 boys) have finished their postgraduate degrees and 4 students had finished their Courses of Technical Specializations (post-secondary professional education) with OPRE support, in a wide variety of fields, including Sociology, Law, Communication, Dentistry, Physiotherapy, Social Education, Social Work, Tourism and Hotel Management, Maritime Electrical Engineering, Anthropology, etc.

ARTICLE 15 OF THE FRAMEWORK CONVENTION

PARTICIPATION OF PERSONS BELONGING TO THE ROMA COMMUNITIES IN PUBLIC AFFAIRS

126. The Advisory Committee understands that, following the adoption of the new Anti-Discrimination law, the composition of the Commission for Equality and Against Racial Discrimination increased to 31 advisers, with one person belonging to a Roma association. The Advisory Committee considers that this may not suffice, bearing in mind that the largest number of complaints addressed to the Commission concern Roma.

Since 2017, CICDR has included a representative from the Roma communities in its composition. In addition to the representation from parliamentary groups, various government departments, unions, and employer associations, the Commission consists of anti-racist associations and human rights advocacy associations. These members are elected every three years, along with individuals of recognized merit. In 2018, a councillor who had served as the coordinator of the Observatory of Roma Communities for the past five years was elected by the other councillors to join the Commission as an individual of recognized merit.

From 2019, the representative of the Roma communities became a member of the Commission's Permanent Committee. The Permanent Committee is composed of the President and two councillors and is primarily responsible for reviewing and deciding on administrative offense proceedings initiated by the Commission. It has the authority to decide on the condemnation of offenders through fines or admonishments or the closure of cases.

Recommendation

128. The Advisory Committee recommends that the authorities consider increasing the number of representatives of Roma associations among the members of the Commission for Equality and Against Racial Discrimination.

The selection of representatives from civil society organizations with a seat on the Commission is held on a rotating basis and subject to a vote by the CICDR's Councillors. Their term lasts for three years, which means that the representation of Roma community associations on the Commission may vary depending on the election outcomes.

Recommendation

129. The Advisory Committee strongly encourages the authorities to take measures for Roma to effectively participate in consultation processes and influence decisions that are relevant to them. To do so, the Advisory Committee calls on the authorities to provide Roma representatives with sufficient information, to build their capacity to negotiate with the authorities and to provide them with sufficient economic means to attend meetings, for example through the reimbursement of travel costs.

To encourage authorities to take measures to ensure greater participation of Roma Communities, the PLICC project promoted the organization of a series of focus groups with members of local Roma communities to give them a voice on the issues they considered most relevant, with the aim of promoting measures in the local plans that would address their concerns. One of the goals of the project was to make local plans known to Roma communities and promote their participation in the processes relating to these plans.

CONCIG has several permanent and non-permanent members, including eight representatives of associations representing Roma people, elected by these associations. This ensures that, Roma are represented and can actively participate in the monitoring the ENICC and any other integration policy measure targeting Roma Communities. Travelling expenses for Roma representatives are reimbursed.

ROMA MEDIATORS AND COMMUNITY ACTION GROUPS*Recommendation*

136. The Advisory Committee suggests that some further clarity should be provided as regards the participation of members of the Roma communities in Community Action Groups.

The protocol established between the ACM and the Letras Nómadas Association states that the ROMED programme is aimed at Roma people. Considering the beneficiaries, Letras Nómadas Association, through the ROMED team, organises a session with Roma people to encourage them to join the programme so that a Community Active Group can be created/reactivated. Thus, the participation of some members of the Roma community in the Community Active Groups is mainly linked to: Gaining knowledge of the ROMED methodology, gaining the technical capacity to present proposals for action to local organisations and being able to act as liaisons between local Roma communities and local authorities.

PARTICIPATION OF PERSONS BELONGING TO THE ROMA COMMUNITIES IN SOCIAL AND ECONOMIC LIFE - EMPLOYMENT*Recommendation*

146. The Advisory Committee invites the authorities to develop a plan for vocational education and training of Roma which would better match local employment needs.

The IEFP (Portuguese PES) is one of the implementation partners of the National Strategy for the Integration of Roma Communities 2018-2022. Within the scope of the «Qualification measure for trainers and technicians based on the Pedagogical Training Framework Continuous Training Course "Professional Training in a Context of Cultural Diversity: Specificities of Working with Roma People"», has been developing training activities to improve officer's ability to work with this specific public.

Following the Constitutional principle of non-discrimination, the IEFP training programmes, as well as other support measures, are designed according to the vulnerability of the target public. Therefore, there are no specific programmes nor are actions developed exclusively aimed at that population. Roma people are included in training actions adjusted to the educational level and the need to improve professional skills, as any other unemployed individuals registered in the PES.

Recommendation

148. *The Advisory Committee invites the authorities to find ways to encourage employers, in particular in the private and agricultural sectors, to hire Roma, through for instance the recruitment of Roma mediators in local employment offices, the introduction of financial incentives for employers, or the setting-up of job fairs.*

Within the scope of the National Strategy for the Integration of Roma Communities 2018-2022, the figure of a mediator is planned for and in operation under the coordination of Municipalities, who also liaise with local employment services when necessary.

The efforts of local employment services to support the integration of unemployed workers into the labour market, including individuals from Roma background, are revealing satisfactory results. Direct placement into the labour market, through the presentation of the unemployed to the job offers registered by the Employment Services, complemented with measures to support hiring, including financial, are the most used resources to promote the integration of vulnerable publics into the labour market.

The main hiring support measures in force are:

- *Compromisso Emprego Sustentável* (Sustainable Employment Commitment) - Granting of financial support to employers for permanent hiring of unemployed people registered with the IEFP, combined with financial support for payment of contributions to social security, in the first year of validity of supported employment contracts.
- *Incentivo ATIVAR.PT* (ATIVAR.PT incentive) - Financial support for employers who sign permanent or fixed-term employment contracts, for a period equal to or greater than 12 months, with unemployed people registered with the IEFP, with the obligation to provide professional training to contracted workers.
- *Prémio ao emprego ATIVAR.PT* (ATIVAR.PT employment award) - If an open-ended employment contract is signed with the trainee of ATIVAR.PT traineeships, within a maximum period of 20 working days from the date of completion of the traineeship, the promoting entity is awarded an employment bonus.

PARTICIPATION OF PERSONS BELONGING TO THE ROMA COMMUNITIES IN SOCIAL AND ECONOMIC LIFE - HOUSING*Recommendation*

157. *The Advisory Committee calls on the authorities to promote transparency in the processes of access to social housing, in particular in terms of the eligibility and allocation criteria and place on the waiting list; clear guidelines for the elaboration of regulations for access and allocation of social housing should be centrally produced.*

On November 30, 2021, notice No. 22600-B/2021³² established Portugal's Public Housing and Urban Rehabilitation Institute's (IHRU) Housing Access and Allocation Regulation for the Supported Rent Regime (*Regime de Arrendamento Apoiado*). This regulation outlines IHRU's conditions and procedures to access and allocate housing under the terms of Law no. 81/2014, of December 19, amended by Law no 32/2016, of August 24³³. The allocation of housing to families that cannot access housing via the market is carried out through the *IHRU Arrenda*³⁴ platform, where assignments are carried out by competitions by lottery. This Platform constitutes an electronic desk where citizens submit and follow-up their requests for housing support. Additionally, information about the programmes, its beneficiaries, on how to apply, and its legislations, are all available at the national Housing Portal³⁵.

Recommendation

159. *The Advisory Committee strongly encourages the authorities at both state and local levels to revise the social housing policies and regulations so as to avoid spatial segregation.*

One of Portugal's main housing support programmes – *1º Direito – Support Programme to Access Housing* covers the dispersion throughout the territory and provides for the obligation to set up a Local Housing Strategy which must necessarily remark the principle of local strategic planning.

To this extent, access to funding for the implementation of housing solutions for the elimination of undignified housing situations must be aligned with the municipal and supra-municipal strategies of local housing policy. These are developed within the framework of the options defined by the municipalities for the development of their territories, namely, in terms of land occupation,

³² <https://diariodarepublica.pt/dr/analise-juridica/aviso/22600-b-2021-175264450>

³³ <https://diariodarepublica.pt/dr/detalhe/lei/32-2016-75194221>

³⁴ <https://ihruarrenda.portaldahabitacao.pt/>

³⁵ <https://www.portaldahabitacao.pt/>

requalification and modernization of the urban building stock, socio-territorial and economic cohesion, equality and non-discrimination and the sustainability of urban spaces.

PART IV – SPECIFIC QUESTIONS

GENDER

“CÍRCULOS DE FALA DE MULHERES CIGANAS” (ROMA WOMEN TALKING CIRCLES)

Since 2019, the ACM has been implementing the “Círculos de Fala de Mulheres Ciganas” initiative, always in collaboration with local Roma associations and/or other organizations that support women’s empowerment. The goal of this initiative is to promote gatherings of Roma women across the country to informally exchange experiences and consider the role that Roma women play in various spheres of modern society, including employment and occupation, education and schooling, but also to speak about their aspirations and future prospects. In 2020, ACM and AMUCIP (organization for the empowerment of Portuguese Roma Women) signed a protocol that foresaw these events would start being organised by other Roma women. So far, eighteen meetings have been held with the participation of 220 Roma women. These women can come from very different backgrounds, both in terms of where they live (which regions of the country) and how they live (i.e. living conditions, housing). Debating the current role and condition of Roma women in different social spheres has proven to be important to foster a sense of shared experience and empowerment.