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**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF PORTUGAL
SUBJECT TO INTERIM FOLLOW-UP**

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¹ Except where expressly indicated, any developments which occurred after 14 September 2020, date on which the response of the Portuguese authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

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FOREWORD

As part of its fifth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's fifth monitoring cycle brought to the attention of the Ministers' Deputies on 14 November 2012¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific recommendations subject to interim follow-up and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2012)1154/4.2.

1. *In its report on Portugal (fifth monitoring cycle) published on 2 October 2018, ECRI recommended that the authorities ensure that there are no cases of illegal forced evictions and that anyone at risk of being forcibly evicted from their home is afforded the full range of guarantees provided for in international and national texts on the subject: they should be given sufficient advance notification of any decision of forcibly evict them, and they should be entitled to appropriate legal protection and not be evicted without the possibility of being rehoused in decent accommodation.*

ECRI recalls that the above recommendation was made in the context of persons who live in slums due to their inability to benefit from social housing programmes and are exposed to the threat of forced evictions. The state authorities informed ECRI that the New Urban Rental Regime (Law No.6/2006) provides mechanisms for the protection of tenants in relation to the termination of lease contracts and extrajudicial and judicial evictions with a view to ensure balanced rights and obligations of landlords and tenants, considering the socially vulnerable. Furthermore, they provided input on the National Roma Communities Integration Strategy (ENICC) 2013-2022, which envisages measures to improve the housing conditions of Roma persons, including awareness-raising initiatives for landlords and support to Roma families in seeking the most appropriate housing solutions.

It also appears that in September 2019, Portugal adopted the “Basic Housing Law”³, in which the right to adequate housing is formally recognised. It strengthens the safeguards regarding evictions and prohibits any eviction of vulnerable people without prior guarantee of resettlement solutions. Protection measures for those at risk of evictions include consultation, information, legal aid and support, as well as the prohibition to conduct evictions at night.⁴ This new legal framework also requires that policies aimed to reduce informal settlements should be undertaken with full participation of their residents and that the feasibility of in-situ upgrading should be considered.

ECRI welcomes the adoption of the Basic Housing Law concerning the provision of housing for vulnerable groups and regards the introduction of further safeguards on evictions as a positive development. However, in the absence of sufficient information, ECRI is not in a position to properly assess neither the implementation of this new law so far nor its impact on the groups of concern to ECRI at risk of forced evictions. Whilst encouraging the Portuguese authorities to apply this recent law in the light of international human rights standards in the area of forced evictions, it therefore concludes that this recommendation has been partially implemented.

2. *In its report on Portugal (fifth monitoring cycle), ECRI recommended that the authorities ensure that all Roma children rigorously attend compulsory schooling up to the age of 18 years.*

According to the information provided by the state authorities, the statistics on the enrolment rate of Roma students signify an increase at all levels of education, particularly in the 3rd cycle (that covers pupils who are between the age of 13 and 15 attending grades from 7 to 9), increasing by 4,7% between the school years 2016/2017 and 2018/2019. Furthermore, school performance rates for those years also indicate improvement in this cycle, with an increase of 24% and 23% respectively.

ECRI takes positive note of the targeted measures introduced under the National Roma Communities Integration Strategy (ENICC) 2013-2022, including the launching of a new scholarship programme entitled “ROMA Educa” in 2019. This programme offers scholarships to Roma pupils at the secondary education level (pupils between the age of 15 and 18 attending grades from 10 to 12) and aims to decrease the level of school

³ [Law no. 83/2019](#), which entered into force on 1 October 2019.

⁴ *Ibid*, Article 13.

dropouts. In the school year 2019/2020, 58 scholarships were awarded (17 to girls and 41 to boys) out of 100 scholarships available.⁵ In this connection, ECRI understands that other tailored educational programmes, such as the Choices Programme⁶, which is currently implementing its 'eighth generation', has similarly been instrumental in increasing access to education of Roma children at all school levels.

Confirming the progress in enrolment rate of Roma pupils at secondary school level and highlighting a visible drop in early school leaves (up to 4%), the EU Commission considered actions taken against early drop-outs and scholarships in Portugal as promising in its last assessment on national Roma integration strategies.⁷ Despite these positive steps, pursuant to the latest data available,⁸ the overall enrolment rate of Roma pupils at 3rd cycle and secondary education level is still low and remains at 18,6 % and 2,6 % respectively. In this regard, ECRI strongly encourages the Portuguese authorities to continue their rigorous efforts with a view to ensuring that all Roma pupils attend the twelve years of compulsory education until the age of 18.

In view of these considerations, ECRI concludes that the recommendation has been partially implemented.

⁵ [Programa ROMA Educa](#)

⁶ [Programa Escolhas](#)

⁷ EU Commission, Report on the implementation of national Roma integration strategies – 2019, COM(2019) 406 final.

⁸ See data compiled by the Directorate-General for Education and Science Statistics; [Perfil Escolar das Comunidades Ciganas 2018/2019](#).

