



Civil society monitoring report
on implementation
of the national Roma integration strategy
in Portugal

*Identifying blind spots
in Roma inclusion policy*

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CONTENTS

LIST OF ABBREVIATIONS	5
EXECUTIVE SUMMARY	6
INTRODUCTION	8
ANTIGYPSYISM	10
<i>Fighting manifestations of antigypsyism in public services, the media and society in general</i>	10
Definition of the problem	10
Background and cause of the problem	10
<i>Victim Support and Access to Justice</i>	13
Definition of the problem	13
Background and cause of the problem	14
Policy answer to the problem	14
ASSESSMENT AND MONITORING OF NATIONAL PROGRAMMES	16
Definition of the problem	16
Background and cause of the problem	17
Policy answer to the problem	17
RECOMMENDATIONS	20
BIBLIOGRAPHY	23

LIST OF ABBREVIATIONS

ACM	High Commission for Migration (<i>Alto Comissariado para as Migrações</i>)
ACT	Authority for Work Conditions
APAV	Portuguese Association for Victim Support (<i>Associação Portuguesa de Apoio à Vítima</i>)
CEU	Central European University
CICDR	Commission for Equality and Against Racial Discrimination (<i>Comissão para a Igualdade e Contra a Discriminação Racial</i>)
CIG	Commission for Citizenship and Gender Equality (<i>Comissão para a Cidadania e a Igualdade de Género</i>)
CONCIG	Consultative Group for the Integration of Roma Communities (<i>Grupo Consultivo para a Integração das Comunidades Ciganas</i>)
EAPN	European Anti-Poverty Network (<i>Rede Europeia Anti-Pobreza</i>)
INE	National Statistical Institute (<i>Instituto Nacional de Estatística</i>)
ENICC	National Strategy for the Integration of Roma Communities (<i>Estratégia Nacional para a Integração das Comunidades Ciganas</i>)
FAPE	Support Fund for the National Strategy for the Integration of Roma Communities (<i>Fundo de Apoio à Estratégia Nacional</i>)
NACI	Support Center for Roma Communities (<i>Núcleo de Apoio às Comunidades Ciganas</i>)
PAAC	Support Programme for Gypsy Associations (<i>Programa de Apoio ao Associativismo Cigano</i>)
POISE	Social Inclusion and Employment Operational Programme (<i>Programa Operacional Inclusão Social e Emprego</i>)
UAVIDRE	Unit for Support to Immigrant Victims and Racial or Ethnic Discrimination (<i>Unidade de Apoio à Vítima Imigrante e de Discriminação Racial ou Étnica</i>)
UAVMD	Support Network for Migrant Victims and Discrimination (<i>Unidade de Apoio à Vítima Migrante e de Discriminação</i>)

EXECUTIVE SUMMARY

This report aims to contribute to the reflection and assessment of the implementation of the National Strategy for Roma Communities Integration (ENICC) with a focus on issues related to the antigypsyism (addressing stereotyped speeches in public services and the media; victim support and access to justice; and, finally, how civil society can be involved in tackling antigypsyism) and to the assessment and monitoring of national programmes designed to promote greater social inclusion for Roma communities. The Portuguese government approved, through the Resolution of the Council of Ministers,¹ the ENICC for the period 2013-2020. Its development and implementation has been coordinated by the High Commissioner for Migration (ACM) and represents an important milestone in social policy, targeting Roma communities in Portugal. In November 2018, ENICC's review was approved.² This review claimed the need for changes, both in redefining the ENICC, regarding the clarification and operationalisation of measures, and in setting priority areas for interventions such as: equality between women and men, knowledge about Roma people and their participation in the implementation of ENICC.

In recent years, we have witnessed some achievements in implementation of the planned measures, such as the work and emergence of initiatives organised by the civil society – which were mainly promoted by Roma associations and movements of Roma citizens. There has also been specific attention from the public authorities. However, these efforts are not yet sufficient to achieve the effective inclusion of these communities specifically in the fight against antigypsyism and existing stereotypes and prejudices. The report reflects some of the concerns voiced by Roma civil society that draw the attention to the need for defining measures and programmes aimed at promoting effective inclusion of Roma communities.

Antigypsyism

Portuguese law³ establishes an administrative complaint procedure for racial discrimination cases, handled by the Commission for Equality and against Racial Discrimination (CICDR), a Portuguese body specialised in fighting racial discrimination. CICDR includes one Roma representative. A high share (28.6 percent) of the complaints received by the CICDR are from Roma. In 2017, a new law⁴ was adopted to strengthen the CICDR and combat discrimination. However, the new law has been criticised by NGOs because it allows for various interpretations, on top of the slow assessment of complaints and cases.⁵

All the progress achieved in this area in terms of legislation is still not enough to fight discrimination effectively. This is due to a set of barriers that Member States need to overcome urgently by focusing on the following aspects:

- a) dissemination of information on existing equality legislation, as well as the mechanisms that exist for victims experiencing these situations;
- b) difficulties in recognising the existence of discrimination and the resistance of victims to report acts and practices of discrimination;

¹ *Estratégia Nacional para a Integração das Comunidades Ciganas (ENICC)*: http://www.acm.gov.pt/documents/10181/52642/RCM_ENNIC.pdf/8384c0f4-7c96-4979-90ba-73e5f565fd0b

² 2018 Strategy Review: <https://dre.pt/web/guest/pesquisa/-/search/117142874/details/normal?l=1>

³ Lei nº. 134/1999 - Prohibits discrimination in the exercise of rights for reasons based on race, colour, nationality or ethnic origin: <https://dre.pt/pesquisa/-/search/532442/details/maximized>

⁴ Lei n.93/2017: <https://dre.pt/pesquisa/-/search/108038372/details/maximized>

⁵ Despite the new legislation, the organizations that took part in the focus group reported that justice continues to be slow in the analysis of complaints and cases related to discrimination.

- c) legal costs associated with these proceedings;
- d) limitations of the dispute settlement procedures in order to achieve equality;
- e) lack of data;
- f) need for measures to help prevent discrimination and promote equality.⁶

Assessment and monitoring of national programmes

Some implemented measures and programmes are valued positively both by the responsible governmental bodies⁷ and civil society associations, as many of them have a relevant impact on the empowerment of the Roma communities involved and constitute a significant step in the inclusion and democratisation processes going on at the local level.

However, most of the existing programmes are very limited and focus primarily on a more micro level, lacking enlargement and projection at the national level, as well as a greater diversity of stakeholders for their implementation.

It should be noted that there is no serious and consistent assessment system for the implementation of programmes and projects in general. The assessment is relevant and necessary for redefining interventions and strategic goals as well as the analysis of results and their actual impact on Roma communities.

⁶ Report from the Commission to the European Parliament and the Council (January 2014) on the implementation of the European Directive on Racial Equality (2000/43/EC) and the Employment Equality Directive (2000/78/EC) adopted in 2000:
<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2014:0002:FIN:PT:PDF>

⁷ Activity Report of the ACM 2018:
https://www.acm.gov.pt/documents/10181/43252/ACM+RA2018_Final+5.pdf/7291ff95-c51e-4d0a-819f-166e07ad1db7

INTRODUCTION

Roma remain highly exposed to poverty, discrimination and social exclusion. In general, they live in precarious housing conditions, with low educational and vocational qualifications and with difficulty in accessing most goods and services. Thus, Roma communities face processes that lead to the development of stereotypes, prejudices and discriminatory practices which are important barriers to their inclusion in various areas of society, such as education, housing, health, work, access to justice. These elements prevent them from emancipating themselves from vulnerability and social exclusion, contrary to inclusion goals. This situation constitutes a self-perpetuating vicious circle that reinforces exclusion in its most diverse forms.

Thus, it is mandatory to create the requisite conditions for the participation of Roma communities in society on an equal foot with the rest of the population. Living in a situation of social exclusion prevents one from exercising the rights and duties that come with citizenship. With the topic of Roma inclusion having gained great visibility on the national and European political agendas, the need to establish specific, integrated, and efficient actions to tackle the inequalities and structural disadvantages faced by Roma communities across Europe became salient.

The current political commitment is reflected in the National Strategy for Roma Integration (ENICC) to promote inclusion and fight against discrimination. The Strategy is coordinated by the High Commissioner for Migration (ACM) through its Support Centre for Roma Communities (NACI) and integrates five strategic axes: transversal (which includes dimensions such as knowledge of Roma communities and monitoring of the Strategy, discrimination, education for citizenship, Roma history and culture, gender equality, justice and security, mediation and social security), education, housing, training and employment, and health.

On 29 November 2018, the review of ENICC was approved,⁸ stemming from the need to operate changes both in defining the Strategy, especially regarding the clarification and operationalisation of measures, and in determining priority areas for intervention, namely equality between women and men, knowledge about Roma people, and their participation in the implementation of ENICC. In this review, the validity of the Strategy was extended until 2022. Currently, priorities also include the reinforcement of schooling and vocational integration, improvement of housing conditions for Roma people who face social exclusion, as well as the recognition and strengthening of intervention measures in intercultural mediation, increasing the level of information and knowledge, and fighting against the discrimination of Roma people.

On the one hand, ENICC exhibits some strengths:

- a) systematisation and planning of specific actions for Roma communities;
- b) the social inclusion of Roma communities defined as a political priority;
- c) the promotion of the participation and involvement of Roma communities in the implementation of measures.

On the other hand, we cannot neglect some of its weaknesses:

- a) too generic goals; no impact goals;
- b) weak assessment system focused on quantitative indicators;
- c) weak connection of the strategy with the use of structural funds, leading to a lack of financial resources to attend to the needs of the territories;
- d) the strategy is not reflected in programs and initiatives at the local level.

⁸ 2018 Strategy Review: <https://dre.pt/web/guest/pesquisa/-/search/117142874/details/normal?l=1>

As a result, the [first RCM report on Portugal \(2018\)](#) focused on issues such as governance, anti-discrimination and antigypsyism, areas in which the need for municipalities' more active and fundamental role in the ENICC implementation gained visibility, since decentralisation plays an important role in strengthening and mobilising all actors involved in these communities' inclusion. The report mentioned that Law no. 93/2017 (legal framework to prevent, prohibit and fight discrimination) was not sufficient to avoid situations of discrimination experienced by Roma individuals and more effective procedures (penalties) were needed.

The [second RCM report on Portugal \(2019\)](#) focused on a more sectoral analysis (employment, housing, health, and education), reflecting ENICC's main orientation in these areas, as well as the vision of civil society organisations.

Despite the achievements and advances in Roma inclusion registered in recent years, there is still a need to redefine strategic guidelines and to monitor and assess the results of ENICC's implementation and the programmes developed in this area. Thus, this report focuses again on antigypsyism issues and the assessment of national programmes, reflecting the main concerns and vision of civil society organisations. The selection of these topics is related to a series of events that took place in Portugal between 2018 and 2019 (situations of discrimination and antigypsyism),⁹ which call for an increased attention to fighting against discrimination and antigypsyism.

For the preparation of this report, we conducted a consultation process with civil society entities, associations and representatives of the Roma communities by carrying out a focus group¹⁰ with questions aimed at promoting the discussion and reflection on the following topics:

1. antigypsyism, more specifically on fighting stereotyped speeches in public services, the media and civil society; victim support and access to justice; and secondly,
2. identifying existing national programmes to promote Roma communities' inclusion and their assessment.

At the same time, existing documents were analysed in the areas previously mentioned, namely the Report on Racism, Xenophobia and Ethnic-Racial Discrimination in Portugal,¹¹ prepared within the scope of the Subcommittee for Equality and Non-Discrimination of the Committee for Constitutional Affairs, Rights, Freedoms and Guarantees promoted by the Portuguese Assembly of the Republic.

⁹ For example, arson attacks on the property and belongs of citizens of the Roma community and incitement to hatred and threats written on the walls of the parish of Santo Aleixo da Restauração, in the municipality of Moura; among others.

¹⁰ The focus group was organised on 8 November 2019 (in Porto) and relied on the contributions of the following organisations and experts: *Associação Letras Nómadas*, *Obra Nacional da Pastoral dos Ciganos*, EAPN Portugal, Olga Magano; Porto Municipal Council (Roma mediator); *Associação Social Recreativa e Cultural Cigana de Coimbra*; *Associação Ribaltambição*

¹¹ This report was based on a series of hearings and visits to social organisations, Roma associations and immigrants, members of the Portuguese Government, experts and public entities. The rapporteur for this report was Catarina Marcelino (Former Secretary of State for Citizenship and Equality): <http://app.parlamento.pt/webutils/docs/doc.pdf?path=6148523063446f764c324679626d56304c334e706447567a4c31684a53556c4d5a5763765130394e4c7a464451554e455445637655306c4f5243394562324e31625756756447397a51574e3061585a705a47466b5a554e7662576c7a633246764c7a45335a6a637a4d4455784c574d305a5759744e47497a4e5331684e7a67314c574d78596a63355a6a526d595442684d6935775a47593d&fich=17f73051-c4ef-4b35-a785-c1b79f4fa0a2.pdf&Inline=true>

ANTIGYPSYISM

Fighting manifestations of antigypsyism in public services, the media and society in general

Definition of the problem

In Portugal, there is no governmental body devoted exclusively to combating antigypsyism. There are institutions, such as the High Commission for Migration (ACM) or governmental commissions (the Commission for Citizenship and Gender Equality¹² and the Commission for Equality and Against Racial Discrimination (CICDR)),¹³ whose objective is to combat the broadest possible range of discriminatory situations and promote equality among citizens. This effort is in line with Article no. 13 of the Constitution¹⁴ stating the principle of equality, as well as the law that establishes the legal regime for preventing, prohibiting and combating any form of discrimination (Law no. 93/2017).

Racist speech is still present in the Portuguese society, often reinforced by the media and the actions of police forces, creating an unhealthy relationship between Roma communities and public institutions and services.

Background and cause of the problem

The Portuguese law establishes an administrative complaint procedure for racial discrimination cases, handled by CICDR, a Portuguese body specialised in fighting racial discrimination. When Law no. 18/2004, transposing EU Race Equality Directive 2000/43/EC into Portuguese law, became effective, the CICDR took up its role as a specialised body in combating racial discrimination. The CICDR aims at preventing and fighting racial discrimination in all of its forms and sanctioning all acts that violate any fundamental rights, or that result in the refusal or constraint of any economic, social or cultural rights, by anyone due to origin, colour, nationality or ethnicity. The CICDR is chaired by ACM and includes representatives of the Assembly of the Republic,¹⁵ the government,¹⁶ immigrant associations, anti-racism associations, unions, employer associations, human rights protection associations, and notable experts appointed by the other members of the CICDR.¹⁷ Currently, there is only one Roma community representative in the CICDR: Olga Mariano, President of the NGO *Associação Letras Nómadas*.

Due to a significant number of complaints in 2016 (119 racial discrimination complaints received and analysed), the need for tighter mechanisms and stronger penalties led to further developing the legal framework in 2017. The following data from the activities of the Office of ACM reveals a significant increase in complaints. In 2015, the 84 complaints

¹² This Commission answers to the Presidency of the Council of Ministers. Its mission is to ensure the implementation of public policies on citizenship, to promote and defend gender equality, and to combat domestic and gender violence and trafficking in human beings.

¹³ <http://www.cicdr.pt>

¹⁴ "One cannot be privileged, benefitted, harmed, prevented from any right or exempted from any obligation because of one's ancestry, sex, race, language, origin, religion, political or ideological beliefs, education, economic situation or social status", Constitution of the Portuguese Republic: <http://www.parlamento.pt/legislacao/documents/constpt2005.pdf>

¹⁵ Elected by the National Parliament.

¹⁶ They are appointed by the governmental bodies responsible for employment, solidarity and social security, and education.

¹⁷ The associations are elected and there is an electoral process for this purpose. To access the list of CICDR members, please see: <http://www.cicdr.pt/-/membros-da-cicdr-composicao-atual>

received marked a 40 percent increase compared to 2014 (with 60 complaints received). The year 2016 registered the highest number of complaints of racial discrimination since the systematic collection and publishing of data by the CICDR (registration of data commenced in 2000, after the adoption of a specific law in 1999).¹⁸

Law no. 93/2017 establishes the legal basis for the prevention, prohibition and fight against discrimination on grounds of race, ethnicity, colour, nationality, ancestry and origin.¹⁹ In practice, this document states that all stages of the administrative complaints procedure – receiving and analysing complaints, prosecution and decision, and coordinating interventions in preventing, inspecting and suppressing discriminatory practices – are coordinated by the same entity – ACM via the CICDR – in order to facilitate faster action mechanisms and make law enforcement more effective. The law establishes strict cooperation mechanisms between the ACM and the Authority for Work Conditions (ACT), the latter now part of the CICDR. In addition to discrimination on grounds of race, colour, nationality and ethnicity, new forms of discrimination based on ancestry and origin, multiple discrimination (offending more than one protected feature), and discrimination by association (“as a consequence of a relationship or association with a person or a group of persons”) are included for the first time. Law no. 93/2017 further strengthens the powers of the CICDR, which has become the national body that has the competencies to deal with misconduct proceedings by determining the fines and ancillary sanctions to be applied.

Notwithstanding all the changes achieved so far, the new law is still being criticised by some antiracism organisations, arguing it allows for different interpretations and engenders a slowness in the assessment of complaints and cases. Another issue refers to the fact that these proceedings are the responsibility of the ACM, part of the public administration, hindering impartiality and independence upon assessment of complaints against the public administration itself (the majority of complaints). In this sense, these antiracism organisations claim there is a need for an independent, autonomous body that is not subject to any conflict of interest.

The 2018 CICDR Annual Report “Equality and non-discrimination on grounds of racial and ethnic origin, colour, nationality, ancestry and territory of origin” reveals that out of the 346 filed complaints, the top three positions were occupied by discrimination on grounds of Roma ethnicity (21.4 percent); black skin colour (17.6 percent); and Brazilian nationality (13 percent).²⁰ It appears that there is still a long way to go in fighting antigypsyism. Additionally, over the last two years (2018 and 2019) a series of events²¹ have raised concerns across government entities, social organisations and Roma associations, as they undermine the rights, freedoms and guarantees of Roma individuals. *“I think antigypsyism has increased since 6 October, when a far-right wing party, Chega [Enough], was elected to the Assembly of the Republic, which manages to ignite public opinion and is encouraging a lot of people to voice horrible things about Roma*

¹⁸ For more information, please see: <https://www.dn.pt/portugal/interior/queixas-por-discriminacaoracial-atingiram-numero-maximo-em-2016-5696432.html>

¹⁹ For more information, please see: http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?artigo_id=2749A0029&nid=2749&tabela=leis&pagina=1&ficha=1&so_miolo=&nversao

²⁰ 2018 CICDR Annual Report: <https://www.acm.gov.pt/documents/10181/0/Relatorio+Anual+2018++VERS%C3%83O+FINAL.pdf/f6f79b56-a696-4983-959e-b2c97d467c92>

²¹ Examples: fire attacks on Roma citizens’ estate, hate speech and threats written on the walls of the parish of *Santo Aleixo da Restauração* in the municipality of Moura; marking of two meters that separates the quarter called *Bairro da Integração* where 47 people live, the majority of them being of Roma ethnicity; the emergence of far-right political parties and the election of the political party *Chega* (far-right) to the Assembly of the Republic (6 October 2019); news of attacks by members of Roma communities against the *Borba* Fire Brigade barracks (2 November 2019); construction of a wall in the city of *Leiria* that separates *Bairro da Integração* from the remaining residents. The quarter is mostly inhabited by Roma people (November 2019).

*communities. It is a kind of normalisation of antigypsyism in the Portuguese society.*²² At the same time, media reinforces such discourses, whether through news programmes, entertainment programmes or other journalistic categories. Consequently, many journalists end up violating Article no. 8 of the Journalists' Code of Ethics and legitimising racist speeches.²³

At this stage, it is also important to highlight the role that Facebook has been playing in reinforcing racist attitudes, behaviours, messages and information, thus legitimising some discriminatory situations. *"Facebook acts as a great platform for spreading fake news, spreading hate and legitimising its reasons. Nowadays it is almost patriotic to say that we are against the Roma. There are often fake profiles on Facebook that display racist speeches against Roma communities."*²⁴

The role the media plays in contouring the image of Roma communities and other groups is increasingly important, as complaints to CICDR in 2018 are mostly conveyed through the media or the Internet (14,2 percent) across the country. The most frequent were complaints for alleged commercial discrimination (28,3 percent), followed by situations propagated by Internet or social media (9,2 percent).²⁵

Despite the existence of antidiscrimination institutions and legislation, stereotypes still exist within public services, the media and society in general. A focus group participant considers that even people employed by the very institutions that work with Roma communities have prejudices and stereotypes, such as the use of othering terms ("them" and "us") or stereotypical statements ("let's be realistic, Roma children miss school").²⁶

Against this background of discrimination and antigypsyism, the Socialist Party (of the former government) established, within the scope of the Subcommittee for Equality and Non-Discrimination of the Committee for Constitutional Affairs, Rights, Freedoms and Guarantees, a set of hearings and visits on topics, such as racism, xenophobia and ethno-racial discrimination in Portugal targeting the following groups: Roma communities, communities of African descent, and the Brazilian community. This work confirmed some of the situations described above and led to the formulation of a set of recommendations in the following areas: policy context, political participation, justice and security, education, housing, work and employment, and health.

Regarding the policy context, the report recommends the fight against racism and ethno-racial discrimination be removed from the competence of the High Commissioner for Migration (MCA) and advocates for the collection of statistical information on ethno-racial origin and discrimination by the National Statistics Institute (INE). In a certain way, this recommendation is in line with the considerations presented by the participants who helped in preparing this report, which emphasises that there is no specific governmental body to fight antigypsyism. There are institutions, such as the High Commissioner for Migration,²⁷ the Committee for Citizenship and Gender Equality,²⁸ and the Committee for Equality and Against Racial Discrimination,²⁹ whose main objective is to fight discrimination and promote equality between citizens. The fight against discrimination is

²² Statement made by a focus group participant on 8 November 2019. See footnote no. 10

²³ "The journalist should reject discriminatory treatment of persons on grounds of colour, race, religious beliefs, nationality or sex": <http://www.clubedeimprensa.pt/Legislacao/20>

²⁴ Statement made by a focus group participant on 8 November 2019. See footnote no. 10

²⁵ 2018 CICDR Annual Report, p. 9.

²⁶ Statement made by a focus group participant on 8 November 2019. See footnote no. 10

²⁷ For more information, refer to the following website: <https://www.acm.gov.pt/pt/acm>

²⁸ For more information, refer to the following website: <https://www.cig.gov.pt/>

²⁹ For more information, refer to the following website: <https://www.cicdr.pt/>

also mentioned in Article no. 13 of the Portuguese Constitution and in Law no. 93/2017,³⁰ which establishes the legal framework for preventing, prohibiting and fighting any form of discrimination on grounds of racial and ethnic origin, colour, nationality, descent and territory of origin.³¹

A protocol titled "Together for All"³² was developed and signed by the ACM and the Public Security Police in 2016, which aims to provide those professionals with a greater and deeper knowledge of the available legal mechanisms and legal framework regarding the situation of immigrants within the national territory. Also noteworthy is the Protocol signed in 2018 with the Directorate-General for Reinsertion and Prison Services, with the aim of training prison guards and social reintegration technicians throughout the country on matters of racial and ethnic discrimination.

Given the role played by the media in the dissemination of information to all, without borders, even though often used as a means of voicing prejudices, CICDR prepared and approved in 2018 the "Recommendation to adhere to the CICDR Principle of non-reference to racial origin, ethnicity, colour, nationality, ancestry, territory of origin and documentary status".³³ The recommendation aims at eradicating stereotypes, hate speech, racial discrimination, xenophobia, and other displays of intolerance expressed or conveyed through public communications. In general terms, there is no concrete evidence for the implementation of this recommendation, however, there is greater care and rigor in the presentation of the news. However, we still have a long way to go regarding the media and its professionals.

Victim Support and Access to Justice

Definition of the problem

In the field of victim support and access to justice, victims enjoy a poor access to justice and lack in-depth knowledge and awareness of the procedures and entities, mechanisms and human resources to resort to in cases of discrimination. After the entry into force of Law No. 93/2017, the number of complaints filed with CICDR increased (346 complaints, thus an increase of 93,3 percent). However, it is still necessary to focus on informing citizens and raising their awareness of the relevant policies and bodies, and gain in-depth knowledge of the real dimension of racial or ethnic discrimination. This need arises from identifying certain obstacles, such as (a) the lack of information on existing equality legislation, as well as the existing mechanisms for victims experiencing these situations; (b) difficulties in recognising the existence of discrimination and the resistance of victims to reporting discriminatory acts and practices; c) the legal costs associated with these proceedings; d) limitations of dispute settlement procedures to achieve equality; (e) lack of data, and (f) the need for measures to help prevent discrimination and promote equality.³⁴

³⁰ In 2017, a new legal framework was defined because in 2016 the numbers were substantial in terms of complaints and discriminatory situations (119 complaints of racial discrimination were received and analysed) and therefore, there was a need to implement more rigorous control mechanisms and stronger sanctions.

³¹ Law no. 93/2017, <https://dre.pt/home/-/dre/108038372/details/maximized>

³² For more information, refer to the following link:
https://www.psp.pt/Pages/atividades/Juntos_Por_Todos.aspx

³³ For more information, refer to the following link:
<https://www.cicdr.pt/documents/57891/110180/CICDR.PDF/8eb9dba1-fce4-4d8e-bf77-282f533e0774>

³⁴ Report from the Commission to the European Parliament and the Council (January 2014) on the implementation of the European Directive on Racial Equality (2000/43/EC) and the Employment Equality Directive (2000/78/EC) adopted in 2000:
<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2014:0002:FIN:PT:PDF>

Background and cause of the problem

Roma do not trust the justice system, which explains the lack of complaints filed with the relevant bodies, mainly because they consider that “it is not worth it and that their complaints will not be taken into consideration”³⁵. The increasing number of complaints with CICDR is not enough, as the real measure would be the number of complaints ending in court cases and convictions. The complaints are filed but without any consequence.³⁶ “CICDR sends it to the Public Prosecutor's Office and then the Ministry goes back. Justice is separated and must be integrated into these matters. There has to be more collaboration with these professionals. If a complaint from a Romani person arrives here, nothing happens; if it is a complaint against a Romani person, right from the beginning, in 90 per cent of the situations people are already convicted.”³⁷ This situation is due to the lack of credibility that Roma people face before the authorities where they file a complaint.

However, it is often the case that complaint made by citizens lack all the necessary data for consideration and follow-up, leading to the absence and/or poor intervention of relevant authorities to check upon the victims. Most of the data, which is not mentioned and makes it impossible to open infringement proceedings, relates to: (a) absence of evidence of the discrimination situation; (b) difficulties in identifying the accused (lack of information provided by the interested parties, who, in some cases, do not know the identification data, or such data is incomplete); c) data fields wrongly and/or insufficiently filled in or the complainants' identification data are absent (the case of complaints regarding the access to services and commerce).

Policy answer to the problem

After the last two years of implementing Law No. 93/2017 (a law that greatly strengthened the powers of CICDR) and without prejudice to the challenges that arose regarding the specificities related to the creation of adequate conditions to ensure the implementation of a new legal regime, a significant increase in requests addressed to the CICDR has been registered, which indicates an increased knowledge about the existence of this body and the mechanisms available to victims. However, this knowledge has not yet reached all citizens,³⁸ since 25,1 per cent of the complaints and denunciations submitted in 2018 to the CICDR came from third parties (people who had knowledge of alleged discriminatory practices but who are not victims themselves) or indirectly (associations, NGOs and public

³⁵ “We do have a problem of access to justice as the public prosecutor's office should actually represent the people, but these professionals themselves are biased, perpetuating stigma within their working environment. The case of Roma killing is an opinion on Facebook and this is seen as freedom of expression. Opinion and freedom of expression have red lines. This issue refrains people from filling complaints and we often hear speeches that are no longer worth reporting because it will come to nothing.” – Statement made by a focus group on 8 November 2019.

³⁶ Of all the complaints registered by the CICDR, 16.2 per cent were related to administrative infringement proceedings (PCO), and a significant number of complaints received by the CICDR in 2018 (28.6 per cent) were later sent to other entities due to their specific competencies on the matter, such as the Public Prosecutor, the Authority for Working Conditions, the Safe Internet Alert Line, the Regulating Entity for the Media, or the Portuguese Institute for Sport and Youth, 2018 CICDR Annual Report, p. 40.

³⁷ Statement made by a focus group participant on 8 November 2019.

³⁸ Although there are initiatives developed by the civil society, such as the Portuguese Association for Victim Support (APAV - *Associação Portuguesa de Apoio à Vítima*), which since 2005 has developed the Immigrant Victim Support and Racial or Ethnic Discrimination Unit (UAVIDRE - *Unidade de Apoio à Vítima Imigrante e de Discriminação Racial ou Étnica*), now named the Migrant Victim Support and Discrimination Unit (UAVMD - *Unidade de Apoio à Vítima Migrante e de Discriminação*). The APAV has been providing qualified support to immigrants who are victims of crime and racial or ethnic discrimination. This work was consolidated by the creation of the APAV's Support Network for Migrant Victims of Discrimination, which currently includes the following units: Migrant Victim Support and Discrimination Unit (*Unidade de Apoio à Vítima Migrante e de Discriminação*) – Lisbon (with the support of the Lisbon Municipal Council); Migrant Victim Support and Discrimination Unit (*Unidade de Apoio à Vítima Migrante e de Discriminação*) – Porto; Migrant Victim Support and Discrimination Unit (*Unidade de Apoio à Vítima Migrante e de Discriminação*) – Azores.

entities) representing approximately half of the total number of complaints (45.1 percent).³⁹

Thus, despite the achieved progress, the new law is still the target of some criticism from antiracist organisations that consider the legislation still very malleable, allowing for inefficiency and slowness in the assessment of complaints and prosecutions. Moreover, as the CICDR is under the responsibility of the ACM (a State body), it offers little neutrality and independence in handling complaints. In this sense, social organisations and Roma associations advocate for an independent and autonomous body.

³⁹ Of the 48 complaints submitted by associations/NGOs, the majority was filed by the organisation *Movimento SOS Racismo* (38 complaints, or 11 per cent). It is also worth considering the complaints filed by organisations *Associação Letras Nômadás* and *UAVMD* (four complaints each, or 1.2 per cent).

ASSESSMENT AND MONITORING OF NATIONAL PROGRAMMES

Definition of the problem

The National Strategy for the Integration of Roma Communities (ENICC) in Portugal constitutes an important milestone in the social policy aimed at Roma communities. In recent years there has been a definition of political measures that have allowed for some achievements, essentially the commitment assumed by the Secretary of State for Citizenship and Equality; the work and development of initiatives organized by civil society, mainly promoted by associations and movements of Roma citizens in combating discrimination and at different levels (specifically in terms of education, health and employment). However, ENICC needs to assert itself as a guideline so that the actions of public entities have a real impact and can promote the effective participation of these communities.

The ENICC is coordinated by the High Commission for Migration (ACM), through its Support Office for Roma Communities (GACI). This governance structure serves also as the National Roma Contact Point. The ENICC established a transversal structure, a Consulting Group for Roma Communities Integration (CONCIG) that involves representatives of seven ministries (internal administration, justice, economy and labour, housing, health, education, and solidarity and social security), and the Regional Governments of Madeira and Azores, as well as municipalities and civil parishes (third-level administrative units), two civil society organizations, four Roma associations, two higher education or research institutions, and two individuals. It should be noted that Roma are under-represented and decisions are taken by a simple majority vote, while the ACM holds the deciding vote in the event of a tie. This group presents itself as a multi-sector, wide-ranging platform, but the strategy is deemed to imply the existence of a coordination process and to require effective accountability shared among several bodies. This coordination is not yet consolidated because there is a lack of information and knowledge about the strategic guidelines and commitments undertaken by the ministries among the professionals in the areas of intervention.

The programmes and measures implemented under the National Strategy for the Integration of Roma Communities are very limited in specific areas and are only delivered at micro level,⁴⁰ requiring broadening and projection at national level, as well as the inclusion of a wider range and diversity of players and interlocutors. Based on the results from the focus groups, it is also clear that such programmes often lack an integrated and comprehensive approach, making it necessary to focus on creating synergies between several policy areas. *“People are tired of single and one-off interventions, of interventions that are based on the operation of projects (with limited and short duration) and do not solve more structural problems/needs, such as housing.”*⁴¹

From all the areas covered by ENICC, the existing measures are not sufficient to allow the inclusion of Roma communities, especially in the area of housing. This situation requires greater investment (in terms of financing and coordination between the various public bodies) in this specific area, as well as greater involvement of regional and local administrations in this regard.

⁴⁰ For example: a) Support Fund for ENICC (FAPE – *Fundo de Apoio à ENICC*; b) Roma Associations Support Programme; c) Local Plans for the multi-sectoral integration of Roma communities; d) “Roma Educa” Project; “Opre” Project; e) “Romed” Project. These projects are presented in the following sections of this report.

⁴¹ Statement made by a focus group participant on 8 November 2019. See footnote no. 10

Thus, we identify three types of problems regarding the assessment and monitoring of national programmes: a) the scarcity of national programmes for Roma (usually limited to micro areas); b) limited positive results of existing national programmes; c) the lack of a monitoring and assessment system that actually measures progress or impact (lack of ambition in terms of impact achievement, as reflected in the National Strategy, since there are no impact indicators expected).

Background and cause of the problem

In Portugal, there is no specific ESIF operational programme that would include special financial allocation for financing the measures included in the NRIS for the inclusion of Roma communities, as is the case in Spain or other EU Member States, making concerted action difficult to implement. Several national programmes have been implemented in recent years to improve the inclusion of Roma communities, but they have focused on specific areas (such as "Opre" and "Roma Educa" projects in education, among others), between which there is no correlation or an integrated and transversal approach. However, some progress has been achieved regarding the implementation of existing initiatives (both have received financial support from the ESF and the national budget) and, more importantly, on the visibility and the inclusion of Roma communities on the political agenda at national level, which has resulted in the definition and implementation of several other measures and projects (summarised below).

Policy answer to the problem

As stated above, there are no comprehensive and specific initiatives targeting Roma communities but there are projects (within the framework of the Operational Programme for Social Inclusion and Employment, POISE)⁴² that target disadvantaged groups, which end up targeting Roma communities too, as socially vulnerable. The areas that have received more attention are education and employment, with major advances being made, especially in education.

Within POISE, there are several actions ("intervention typologies") relevant for the inclusion of Roma communities. For example, under the specific goal 3.09 – "Municipal Intercultural Mediator Project"⁴³ (ongoing since May 2019 in 12 municipalities),⁴⁴ goal 3.1.1 – "Choices Programme"⁴⁵ (ongoing and including "Opre" and "Roma Educa" projects) and the specific goal 3.08 – "Socio-professional Integration of Roma Communities",⁴⁶ which specifically focuses on Roma communities and has been under development since June 2019.⁴⁷

Regarding inclusion programmes focusing on Roma communities, it is noteworthy that the High Commissioner for Migration created in 2014 the Support Fund for ENICC (FAPE; Priority 6 – "Supporting initiatives/projects initiated by civil society organisations and

⁴² For more information, refer to the following website: <http://poise.portugal2020.pt/inicio>

⁴³ For more information, refer to the following link: https://poise.portugal2020.pt/documents/10180/74906/ACC_3+09_Mediadores+Municipais+Interculturais_20180409_VF.pdf/d7ecab0a-2a7c-4a02-908d-be1fea357352

⁴⁴ These teams were formed in order to allow a solid intervention with the communities and services and will start to operate in the municipalities of Maia, Moura, Águeda, Idanha-a-Nova, Coimbra, Serpa, Beja, Braga, Fafe, Castelo Branco, Porto and Guimarães.

⁴⁵ For more information, refer to the following link: <http://www.programescolhas.pt/>

⁴⁶ For more information, refer to the following link: http://poise.portugal2020.pt/documents/10180/77420/AAC+TO+3.08+Insercao+Socioprofissional+Comunidades+Ciganas_20180620_vf.pdf/0377a22f-ab93-4389-a141-c0e36d9959d4

⁴⁷ The Programme for the Socio-professional Integration of Roma Communities has nine approved projects and is financed by the Social Inclusion and Employment Operational Programme up to 1,500,000 EUR.

academia").⁴⁸ It aimed at financially supporting experimental and innovative projects that directly contribute to the implementation of the goals defined in the National Strategy, most importantly the fight against discrimination, raising public awareness, citizenship training as well as encouraging the participation of Roma communities. FAPE supports projects that promote the fight against discrimination, raising society's awareness in general, the active participation of Roma communities and the exercise of their citizenship rights, as well as training about Roma history and culture.

The Roma Associations Support Programme (PAAC) was created in 2017 to strengthen the involvement of civil society (namely Roma communities) in the implementation of ENICC, financially supporting projects that address the following areas of intervention: a) encourage the participation of Roma communities as part of their citizenship exercise; b) promote the fight against discrimination and raise public awareness; c) support initiatives/projects initiated by civil society organisations; d) invest in empowerment strategies for Roma women through female associations; e) value Roma history and culture; f) insert Roma family values among the principles and values of Portuguese society; g) raise the awareness of public institutions on intercultural mediation as a strategy to promote more inclusive services.

In 2019, the pilot project Local Plans for the multi-sectoral integration Roma Communities⁴⁹ (PLICC) saw the development of 12 such plans. Two of the inter-municipal Plans took into account local characteristics in the areas of education, health, housing, access to services, citizenship, racism, while also planning to share the knowledge and experience achieved with other municipalities. Through this initiative, the ACM, as coordinating entity, intends to promote local intervention and the democratic participation of Roma communities; promote partnerships to design and implement strategies to bring Roma communities and the majority of the society closer together; support the design of Local Plans for the Integration of Roma Communities, and develop a Guide for Local Plan Development that can be disseminated to other municipalities after the end of the project.

Later in 2019, the ACM launched the "*Roma Educa*" project⁵⁰ through the Choices Programme, which aims to award 100 scholarships to support attendance and reduce the dropout rate in secondary education of Roma students for the 2019/2020 academic year. In the meantime, the results of the application process have been made public and 58 young Roma people⁵¹ will be supported at national level.

It should also be noted that there are initiatives promoted by civil society, especially by the *Associação Cigana Letras Nómadas* (Romani Nomadic Letters Association), which today include national policies for the integration of Roma communities. At this level, two initiatives stand out: Operational Programme for the Promotion of Education, "*Opre*", and "*ROMED*", the latter promoted until 2018 by the Council of Europe and currently a policy measure.

"*Opre*" is an initiative targeting higher education students from Roma communities, with the aim of fighting early school leaving by awarding 30 university scholarships and a set of training, mentoring and accompanying measures to the scholarship holders and their families. It is funded by the ACM (under the Choices Programme) and is developed in

⁴⁸ Priority presented at ENICC before the November 2018 review.

⁴⁹ This pilot project is funded by the European Union Programme for Rights, Equality and Citizenship (2014-2020) and lasts for 12 months (starting on 1 May 2018 and ending on 30 April 2019). The available funding for municipalities to prepare the project is 4,500 EUR.

⁵⁰ Students from Roma communities who are enrolled and attending the 10th, 11th and 12th grade can access this programme, preferably from territories covered by local projects funded through the Choices Programme, <https://www.acm.gov.pt/-/programa-de-bolsas-roma-educa-candidaturas-abertas-ate-30-de-setembro?inheritRedirect=true>

⁵¹ https://www.acm.gov.pt/documents/10181/167771/Despacho_ROMA_Educa.pdf/c0f2518c-258d-4d9c940b-21b618444fe2

partnership with the Choices Programme, the *Associação Letras Nómadas* and the Portuguese Youth Network for Equal Opportunities between Women and Men (*Rede Portuguesa de Jovens para a Igualdade de Oportunidades entre Mulheres e Homens*).

The "ROMED" project – Democratic Governance and Community Participation through Mediation⁵² has been under development in Portugal since 2011 and aims at improving the mediation activity between Roma communities and public institutions. In Portugal, the "ROMED" project was developed under the Roma Municipal Mediators Project of ACM, and contributed to the training of 19 municipal mediators, one health mediator, three cultural facilitators from the Choices Programme, one mediator from the Portuguese *Santa Casa de Misericórdia* and three school mediators. In January 2019, the third edition of "ROMED" was launched⁵³ and will be implemented by the *Associação Letras Nómadas*, through a protocol established with the Secretary of State for Citizenship and Equality, under the coordination of ACM. This initiative aims to implement local methodologies for integrating Roma communities through active mediation and participation,⁵⁴ in coordination with other public policy measures.

Regarding the projects presented, efforts and investment from governmental bodies are ongoing to define specific measures and projects to support the inclusion of Roma communities. However, there is often no articulation, comprehensive or transversal approach between the various existing initiatives. For this reason, it is necessary to have a global evaluation system consequent to the projects' implementation, bearing in mind the real impact these have on Roma communities (an evaluation system that focuses on qualitative information, not only on quantitative indicators). The assessment is considered relevant in redefining objectives and interventions, allowing for greater territorial coverage, as well as of the people involved. Therefore, there is the need to invest in an operational programme aimed at increasing the inclusion of Roma communities, especially in fields of education, employment and housing, as these are areas where there is still a long way to go (mostly in housing and employment). The Strategy addresses these areas but, in the practice, there are no specific measures.

To this end, we believe that a greater connection between ENICC and the use of the Structural Funds is necessary. Obtaining financial resources is crucial to respond to the needs of the territories and sustain actions in the medium and long term, and not just in a short period of time, with no effective results. The inclusion of Roma communities can only be effective when actions and changes are seen in the long term and considered as a whole. Approached in a systemic perspective, putting all stakeholders (politicians, technicians, communities, and Roma associations) in interaction and with a more systematic and continuous assessment and monitoring.

⁵² For more information, refer to the following link: <https://www.facebook.com/romedportugal/>

⁵³ Currently, the third edition of the project covers eight municipalities: Moura, Beja, Elvas, Seixal. Torres Vedras, Figueira da Foz, Viseu and Barcelos.

⁵⁴ The programme encourages and supports the creation of local community groups, through which its members have the opportunity to meet face to face with their councillors, present proposals and communicate and there is dialogue between numerous stakeholders. This empowers them as they get acquainted with the structure and the way how to draft proposals, all this being part of the self-empowerment process.

RECOMMENDATIONS

Recent years have marked the drafting of several political measures with a certain progress, mainly due to the commitment of the Secretariat of State for Citizenship and Equality and the work and implementation of initiatives developed by civil society, promoted mainly by Roma citizens' associations and movements fighting discrimination at different levels. However, ENICC needs to assert itself as an action guideline for public entities to have a real impact and promote the effective participation and inclusion of Roma communities. Consequently, the recommendations are aimed mainly at governmental bodies responsible for these areas.

Antigypsyism

Fighting the existence of stereotypes in public services, the media and society in general

1. Fighting antigypsyism and discrimination is a complex process that must involve multiple entities and players and, above all, must occur simultaneously in all policy areas, at several levels and always from a multidimensional and integrated perspective.
2. Establishing an independent Portuguese Observatory to address discrimination issues (Observatory against Racism) by gathering information on the status of discrimination in Portugal (hard data, surveys of existing initiatives/projects, other types of studies, etc.) so that the relevant authorities can prepare an integrated strategy against racism and especially against antigypsyism.
3. Organising intercultural training for media professionals. It is important that media and journalism graduates are knowledgeable about Roma history and culture. Such a measure addresses interculturalism as a fundamental element of our society and reflects the role these professionals play in disseminating information about socially vulnerable communities and groups.
4. Continue working with certain media and communication entities, such as the Union of Journalists and the Regulatory Authority for the Media,⁵⁵ to enforce Article no. 8 of the Deontological Code among their personnel,⁵⁶ so that they can present their journalistic work while guaranteeing and protecting human rights. At the same time, there should be a close and continuous cooperation with these entities to help them fight and "condemn" speeches and reports that convey hate speech and reinforce racist discourses regarding Roma communities. Entertainment programmes with headings⁵⁷ that can influence public opinion in a negative way should be scrutinised and sanctioned for promoting and disseminating hate speech and racist comments.
5. Civil Society Actors must focus on providing training and raising awareness about antigypsyism, while promoting a positive image about Roma through the media.

⁵⁵ <http://www.erc.pt/>

⁵⁶ Newspaper editors, journalists, among other professionals.

⁵⁷ Such shows present cases/situations involving Roma people and have experts, such as psychologists, lawyers, etc., analysing these cases, although it is often the case that their analyses are not free of stereotypes and prejudices.

Victim support and access to Justice

6. Invest in intercultural mediation and human rights NGOs in the area of access to justice so that mediators can help victims of discrimination with the submission of complaints and denunciations to the relevant authorities, as well as facilitate their access to information about legal procedures and the process as a whole.
7. At the same time, it is necessary to train these mediators, as well as Roma associations, on existing national legislation against discrimination, human rights and judicial procedures.
8. Invest in a more accessible legal language, so that Roma people can more easily understand information. Coding legal-friendly information is critical both for filing a complaint and during the judicial procedure.

Assessment and monitoring of national programmes

9. Portuguese Roma people are Portuguese citizens and their political and institutional situation should not be included in the field of migration, and have it managed by the High Commissioner for Migration. The guardianship of public policies that concern these communities cannot depend on a body that deals with migration issues.
10. Necessary measures and proposals must be defined in a joined-up consistent way, meaning transversal actions involving all ministries in the various areas of intervention. Despite the articulation and commitment of the various ministries, there are still isolated, specific, and fragmented measures. For such initiatives to be durable and sustainable, it is necessary that the national focus point (ACM) follow and monitor in a systematic way, the existing measures and programmes. The inclusion of Roma communities requires investment in the medium and long term and not programs with a limited duration that often do not allow to obtain their effective results.
11. Although the National Strategy contemplates the different areas of intervention, it is necessary to define integrated and efficient actions (it is necessary to take action in several fields: housing, employment, education and health) to fight inequalities and structural disadvantages faced by Roma communities, while also focusing on qualitative assessment in terms of results and impact regarding the improvement in their living conditions and effective inclusion.
12. It is important that the ACM and the Government focus on the formation of small local groups (CONCIGs), at least in municipalities where Roma communities are more represented.⁵⁸ It is urgent to focus on accountability for self-sufficiency and to highlight local governance by defining local intervention plans according to each territory's specificities. Although there is a national strategy, there is also a need for local "strategies" to consider the local specificities.
13. The need for broader national coverage (expanding to other territories/municipalities) of existing projects, such as the Intercultural Mediators Project, Local Plans for Roma Integration and the "ROMED" Project focusing on intercultural mediation and dialogue between Roma communities and public authorities.

⁵⁸ There are territories (municipalities) in which the number of Roma people is quite significant: Lisboa, Vila Nova de Gaia, Moura, Setubal, Portimão, Beja, Braga, Faro, Elvas and Vila Franca de Xira, according to the National Study carried out in 2014.

14. It is essential to create more assertive policies and develop a National Program for the Inclusion of Roma Communities (ESIF operational programme that would include special financial allocation for financing the measures included in the NRIS)

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