



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

Focusing on structural and horizontal
preconditions
for successful implementation of the strategy

Prepared by:
EAPN Portugal
Associação Letras Nómadas
Obra Nacional da Pastoral dos Ciganos
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Although the Roma Civil Monitor pilot project, as part of which the report was prepared, is coordinated by CEU, the report represents the findings of the authors and it does not necessarily reflect the views of CEU. CEU cannot be held responsible for any use which may be made of the information contained therein.

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LIST OF ABBREVIATIONS

ACIDI	High Commission for Immigration and Intercultural Dialogue
ACM	High Commission for Migration
ACT	Authority for Work Conditions
CAG	Community Action Group
CESIS	Centre for Studies for Social Intervention
CEU	Central European University
CICDR	Commission for Equality and against Racial Discrimination
CoE	Council of Europe
CONCIG	Consulting Group for Roma Communities Integration
EAPN	European Anti-Poverty Network
ENICC	National Roma Communities Integration Strategy
FAPE	ENICC Support Fund
FRA	EU Agency for Fundamental Rights
GAC	Community Action Groups
GACI	Support Office for Roma Communities
OBCIG	Roma Communities Observatory
PAAC	Roma Associative Movement Support Program
PIEF	Integrated Programme for Education and Training
POISE	Operational Programme for Social Inclusion and Employment
PROHABITA	Housing Financing Program
TEIP	Priority Intervention Educational Territories Programme

EXECUTIVE SUMMARY

The Portuguese National Roma Integration Strategy (ENICC) is an important milestone in social policy regarding Roma communities. Over the last four years we have been witnessing the definition of measures that have yielded some accomplishments, namely the commitment undertaken by the State Secretariat for Citizenship and Equality and the development of new initiatives organized by civil society, including Roma associations and Roma citizen movements aimed at tackling discrimination at different levels (employment, education, health and housing). However, the ENICC needs to cover more ground, be recognized as a guideline for public authorities' real actions to have a actual impact, and promote a stronger participation.

Governance and Overall policy framework

Over the years there has been an increasing effort by the Portuguese Government, by implementing the ENICC, to improve the inclusion of Roma communities. Despite all those accomplishments and progress, there is nonetheless still a need to redefine these strategic guidelines and monitor the results of its implementation.

On the one hand, the ENICC shows some strengths: for the first time, initiatives aimed at Roma communities are being planned systematically; inclusion of Roma communities is defined as a political priority; effective involvement and participation by Roma communities are promoted; and a "Roma Communities Observatory (OBCIG)" aimed at producing studies and publications has been established. On the other hand, we cannot ignore some of its weaknesses/gaps: its goals are too generic; there is a poor system of indicators that does not allow for assessing the impact of interventions; regional or local administrations are weakly involved; and lastly, there is little or no connection between the ENICC and the European Structural and Investment Funds (ESIF), leading to a lack of financial resources to meet the needs in the field.

Anti-discrimination

Portuguese law establishes an administrative complaint procedure for racial discrimination cases, handled by the Commission for Equality and against Racial Discrimination (CICDR),¹ a Portuguese body specialised in fighting Racial Discrimination. This Commission includes one Roma representative. A high share (28.6 per cent) of the complaints the CICDR has received are from Roma, and in 2017 a new law was adopted to strengthen the CICDR and combat discrimination. However, the new law is criticised by NGOs because it allows for varying interpretations, and they also complain that the assessment of complaints and cases is too slow.

It is worth mentioning that Roma children face segregation in schools and that Roma families are provided with social housing in segregated neighbourhoods.

Addressing antigypsyism

In Portugal, there is no Government body for which combating antigypsyism is its mission. There are institutions such as the High Commission for Migration, the Commission for Citizenship for Gender Equality or the Commission for Equality and against Racial Discrimination, whose main aim is to combat wide-ranging situations of discrimination and to promote equality among citizens. The Commission for Equality and against Racial Discrimination aims to ensure the implementation of public policies in the field of citizenship and to promote gender equality by undertaking actions to increase

¹ Commission for Equality and against Racial Discrimination (CICDR), see: <http://www.cicdr.pt>

civic awareness regarding the identification of discriminatory situations and ways to eliminate them.

All the progress achieved in this area in terms of legislation is still not enough to effectively fight discrimination. The current administrative offence law and penalties are not effective enough for fighting against the discrimination experienced by Roma citizens that is based on hate speech and barriers of intolerance built up against them.

INTRODUCTION

The available information about Roma communities shows that they are still a minority exposed to poverty, exclusion and discrimination, prejudice and stereotypes. In general, they live in precarious housing conditions, have low educational and professional qualifications, and face problems in accessing most public services, including health care, employment, education and training.

The National Study on Roma Communities,² developed in the scope of the National Strategy for the Integration of Roma Communities in Portugal (ENICC), provides general information on the Roma population in Portugal. The study identifies 24,210 Roma citizens, but the data concern only Roma who are beneficiaries of social support and cover only about half of the Portuguese municipalities, while for the other municipalities data are missing). The ENICC recognise the need for more comprehensive and reliable knowledge about Roma communities and therefore plans production of further studies; so far, a “National Study on Roma Communities” and a “Characterization of Housing Conditions in Roma Communities Residing in Portugal” have been published.

From a political and institutional point of view, some related initiatives have been developed in recent years. For example, in 2007, a Roma Communities National Support Office was created by the former High Commission for Immigration and Intercultural Dialogue (ACIDI),³ focusing on three domains: producing knowledge about the needs of Roma communities; support for local public authorities; planning interventions, implementing and evaluating them; and the establishment of national and transnational strategic partnerships.

The authors have consulted for the preparation of this report with civil society, associations and representatives of Roma communities,⁴ analysed strategic documents of the ACM Office and collected information from organizations in the coalition. The consultation was conducted through a workshop organised on 26 October 2017, using the focus group methodology.

² Developed by *Centro de Estudos para as Migrações e Relações Interculturais da Universidade Aberta* (CEMRI-UAB) together with *Centro de Investigação e estudos de Sociologia do Instituto Universitário de Lisboa* (CIES-IUL). This study included municipalities (150 answered to the questionnaire sent by the researchers), other public institutions and civil society organizations (30 entities interviewed by 33 researchers/representatives of Roma associations and social organizations). Study/research centres and experts (18), as well as Roma communities’ mediators and representatives, and 1599 representatives of Roma households nationwide answered the questionnaires). MENDES, Maria Manuela, et. al; *Estudo Nacional sobre as Comunidades Ciganas*, Lisboa, Alto Comissariado para as Migrações, 2014. Available at: <https://www.obcig.acm.gov.pt/documents/58622/201011/estudonacionalsobreascomunidadesciganas.pdf/89b05f10-9d1f-447b-af72-dac9419df91b>

³ High Commission for Immigration and Intercultural Dialogue, currently referred to as High Commissioner for Migration.

⁴ Workshop held on 26 October 2017 in Lisbon, attended by the following organizations and experts: *Obra Nacional da Pastoral dos Ciganos*, *Letras Nómadas*, AMUCIP – *Associação para o Desenvolvimento das Mulheres Ciganas Portuguesas*, Ribaltambição – *Associação para a Igualdade de Género nas Comunidades Ciganas*, AMEC – *Associação de Mediadores Ciganos de Portugal*, *SOS Racismo*, CMC (municipality) Idanha-a-Nova, EAPN Portugal, Sérgio Aires (expert) and Olga Magano (researcher).

GOVERNANCE AND OVERALL POLICY FRAMEWORK

Mainstreaming Roma inclusion across ministries and other national level public authorities

Following the *EU Framework for National Roma Integration Strategies up to 2020*, in 2013 the Portuguese Government approved the National Roma Communities Integration Strategy (ENICC) for the period of 2013-2020.⁵ The ENICC encompasses five strategic core areas: horizontal (including knowledge about Roma communities, the mechanism for monitoring and reporting on the indicators of the ENICC, discrimination, citizenship education, Roma history and culture, gender equality, justice and safety, mediation and social security); education; housing; training and employment; and health.

The ENICC includes a total of 40 Priorities, 105 Measures and the accomplishment of 148 Goals. Its evaluation began in April 2017; the most recent evaluation covering the 2013-2016 period states that 94.1 per cent of its targets have been achieved.⁶

However most of what has been done is being developed only along two axes: health and the horizontal axis (which concerns mediation, enhancement of awareness of Roma history and culture, combating discrimination and improving gender equality), while the achievement of targets in other areas such as housing (3.6 per cent), education (10.7 per cent) or training and employment (34.5 per cent) have been much less successful.⁷

The ENICC is coordinated by the High Commission for Migration (ACM),⁸ through its Support Office for Roma Communities (GACI). This governance structure serves also as the National Roma Contact Point. The ENICC (Priority 1) established a transversal structure, a Consulting Group for Roma Communities Integration (CONCIG)⁹ 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.

The CONCIG gathers every four months and its responsibilities include assessment of ENICC annual progress reports and external evaluations, as well as assessment of the situation of Roma communities. Civil society may contact the ENICC with suggestions for improvement or report weaknesses in the ENICC implementation.

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

⁵ National Roma Communities Integration Strategy (ENICC), see: http://www.acm.gov.pt/documents/10181/52642/RCM_ENNIC.pdf/8384c0f4-7c96-4979-90ba-73e5f565fd0b

⁶ Relatório de Execução 2016 da Estratégia para a Integração das Comunidades Ciganas, ACM, 2017, p. 5. Available at: https://www.acm.gov.pt/documents/10181/52642/ENICC_Relat%C3%B3rio+Execu%C3%A7%C3%A3o_2016.pdf/55f8ffb5-50bc-490e-b56c-3a5994d748b6

⁷ Relatório de Execução 2016 da Estratégia para a Integração das Comunidades Ciganas, ACM, 2017, p. 31. Available at: https://www.acm.gov.pt/documents/10181/52642/ENICC_Relat%C3%B3rio+Execu%C3%A7%C3%A3o_2016.pdf/55f8ffb5-50bc-490e-b56c-3a5994d748b6

⁸ The High Commission for Migration (ACM) is a public institution that is involved in the implementation of public policies on migration. The ACM seeks to look at the world in a creative way to respond to the increasing needs of the different profiles of migrants and their integration - <http://www.acm.gov.pt>

⁹ <http://www.acm.gov.pt/pt/-/grupo-consultivo-para-a-integracao-das-comunidades-ciganas>

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. *“There is still a severe lack of knowledge as to the strategy among the stakeholders involved in the inclusion of Roma communities, namely, among Roma citizens, intervention area workers, institutions, etc.”*¹⁰

Due to a lack of studies and information on Roma communities, and considering the need to produce in-depth knowledge about this subject, ENICC foresaw (in its Priority 2, Transversal Axis) the establishment of a “Roma Communities Observatory (OBCIG)” aimed at producing studies and publications about Roma communities. The Observatory is an informal network without its own permanent employees. It has a Scientific Council composed of researchers representing the national Research Centre and experts in the field, and it is led by a coordinator responsible for its scientific activities and reporting to the ACM. The Centre’s budget is integrated into the ACM budget.

The OBCIG objectives include: to gather and make available studies and other publications related to the Roma community topic; to promote the publication of studies to improve the existing knowledge about Roma communities; to promote and publish initiatives or events, such as seminars and conferences; to promote greater knowledge about the situation of Roma communities; to disseminate knowledge through the media; to promote cooperation and coordination between the ACM, public institutions and scientific and academic institutions, at the national and international levels; to raise awareness and deconstruct the existing myths, representations and stereotypes about Roma communities.¹¹

Mainstreaming Roma inclusion across local authorities

Roma inclusion activities vary depending on the level of sensitivity and commitment across the local authorities. If, on the one hand, there are municipalities committed to the inclusion of Roma communities that support active participation groups for Roma citizens (mainly promoted by the ROMED programme) such as Figueira da Foz, Seixal, Elvas, Beja, Barcelos, Moura, Torres Vedras and Viseu, on the other hand we are facing a deceleration on inclusion processes in other municipalities due to the socioeconomic context and economic crisis experienced by Portugal in recent years. Some territories have shown some setbacks in the Municipal Mediator Project;¹² while there was a real concern to fully include Roma communities by observing their cultural differences, enforcement logic toward them was soon resumed (i.e., behaviour was imposed on them). That means in some municipalities the intervention is developed with Roma citizens themselves, while in others all the measures are imposed without the active participation of the Roma communities.

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.¹³ 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

¹⁰ Statement made by one social worker from a social organization that participated in the workshop on 26 October 2017.

¹¹ www.obciq.acm.gov.pt/

¹² Mainly initiatives like the Municipal Mediator Project that promoted commitment to these issues and to intercultural dialogue (Abrantes, Amadora, Aveiro, Barcelos, Beja; Coimbra, Espinho, Idanha-a-Nova, Peso da Régua, Odivelas, Lamego, Marinha Grande, Moura, Paredes, Setúbal, Seixal, Sines, Sintra e Valongo Vidigueira, Vila Real de Santo António).

¹³ 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.

specificities. Although there is a national strategy, there is also a need for local “strategies” to consider the local specificities.

In practice, some players (civil society and Roma association representatives) are still showing a certain degree of disbelief and demotivation towards the ENICC. These feelings are associated with how it is being implemented, including the lack of resources, monitoring and assessment. *“Many accomplishments were made, but when it comes to implementation in the field, the strategy is not so effective and it is not properly known.”*¹⁴ Therefore, it is considered important to focus on the development of municipal plans that reflect the national strategy and local specificities.

It is worth mentioning that the municipalities must assume a key role in strategy implementation, by using the Social Networks programme¹⁵ or other local existing platforms. All municipalities have plans that are defined within the scope of the Social Network programme. The aim of these platforms is to shape the common picture about the municipality’s social situation from the inputs of the various entities intervening in the territory and, allowing for the identification of intervention priorities. This picture serves as the basis for the construction of a social development plan.

Promoting empowerment and participation of Roma

It is worth highlighting that Roma communities’ empowerment and participation are one of the accomplishments made in recent years. There have been more and more self-empowerment initiatives in Roma communities, although there are still only a few because Roma communities do not have much experience with associations and lack financial resources to develop the initiatives.

At this level, two initiatives stand out: The Operational Programme for Education Promotion – *Opre* (a policy measure arising from a civil society initiative) and the ROMED Programme promoted by the Council of Europe.

Opre is an initiative for young higher education students from Roma communities and focuses on fighting early school leaving by granting approximately 30 university scholarships and offering a set of training, tutoring and monitoring measures to these young fellows and their families. The initiative is funded by ACM (within the scope of the Choices Programme¹⁶) and was developed as a collaboration between the Choices Programme, *Associação Letras Nómadas*, and the Portuguese Network of Young People for Gender Equality. We considered this initiative successful because it aims at lowering the barriers between these communities and the formal education system, as well as avoiding early school leaving.

The ROMED Programme has been implemented in Portugal since 2011 and aims at improving mediation between Roma communities and public institutions. In Portugal, the ROMED programme was developed within the scope of the Roma Municipal Mediator Project of the ACM and has already trained 19 municipal mediators, one healthcare mediator, three cultural facilitators for the Choices Programme, one mediator of the *Santa Casa da Misericórdia*, and three school mediators. *“The programme allows the formation of local community groups who have the opportunity to meet face-to-face with*

¹⁴ Statement made by one social worker from a social organization that participated in the workshop of 26 October 2017.

¹⁵ The Social Network is a programme that encourages public organizations (decentralized services and local authorities), solidarity institutions and other entities working in the social field to combine efforts to prevent, mitigate or eradicate situations of poverty and exclusion and to promote the local social development through networking.

¹⁶ *Programa Escolhas* is a nationwide governmental programme created in 2001 by the Presidency of the Council of Ministers and the High Commission for Migration (ACM, IP), the main goal of which is to promote child and youth social inclusion for minors from vulnerable social economic backgrounds, aiming at providing equal of opportunities to reinforce social cohesion.

*councillors and present proposals. There is dialogue among several players that results in self-empowerment as they get to know the structure and the best way to submit proposals; this is all part of the self-empowerment process.*¹⁷ The CoE, by means of the ROMED programme, has created active Community Action Groups (CAG) in seven municipalities,¹⁸ in which people are encouraged to participate, mainly by the mediator, problems are identified, and proposals are presented in collaboration with the ROMED team.

There are some differences between the CAGs in terms of their maturity, their ability to make proposals and their ability to achieve results, but overall, the trend is positive. Some examples of CAGs' achievements include:

- Most municipalities have created job opportunities for Roma citizens (an average of 4-5 per municipality). In total, around 30 jobs were created. These initiatives are still symbolic in the context of high unemployment, but they are important in terms of active inclusion.
- The CAGs also work on health issues and in Figueira da Foz they are preparing a campaign about dental care.
- They are fostering the creation of conditions that allow Roma students to access higher education, namely, the active younger members of the CAGs.
- Many CAG members have also voted for the first time ever, which means a step towards participation in democratic decision-making.
- Organisation of events (photographic exhibitions and food festivals, among others) to promote Roma culture and raise awareness about Roma among members of the majority.
- Organisation of solidarity initiatives (to collect foodstuffs to donate to social solidarity institutions).

The CAGs could, therefore, assume a more institutional dimension by becoming local associations. For example, in Elvas, members of the CAG created the *Sílaba Dinâmica Association*, and in Figueira da Foz they created the *Ribaltambição Association*, allowing them to apply for projects and grants with the possibility of financing the activities of the group.

The ROMED Programme, as a bottom-up participatory program, has a relevant impact on the empowerment of the Roma communities involved and is becoming a significant step in the processes of inclusion and local democracy. For their part, the municipalities are showing a high level of satisfaction and recognition regarding the programme and are willing to continue its initiatives. For this reason, it is considered important to expand the number of municipalities involved in the ROMED Program, creating a network of ROMED municipalities.

Guarantees for the effectiveness of programmes with the largest budgets

Portugal has no Operational Programme specifically dedicated to the inclusion of Roma communities, and this is hindering the implementation of coordinated action. However, there are mainstream programmes such as the Operational Programme for Social Inclusion and Employment (POISE)¹⁹ that focuses on the less privileged and that supports interventions targeting socially vulnerable Roma communities. Within the POISE, there are several planned actions (called "intervention typologies") relevant to Roma inclusion under the specific objective 3.09 – Intercultural Municipal Mediator project (not yet in implementation) and objective 3.11 – Choices Programme (which is ongoing and encompasses the *Opre* programme). Moreover, the POISE does include one

¹⁷ Statement made by a participant from a Roma organization in the workshop on 26 October 2017.

¹⁸ Figueira da Foz, Seixal, Elvas, Beja, Barcelos, Moura, Torres Vedras and Viseu

¹⁹ <http://poise.portugal2020.pt/inicio>

intervention typology (under the specific objective 3.08 – Roma Community Socio-professional Insertion) that specifically focuses on Roma communities, but calls for proposals have not been released yet at the moment of writing this report. Also, the budget allocation for these actions is not known yet.

Civil society's access to funding for Roma inclusion activities

As to inclusion programmes for Roma communities, the creation of the ENICC Support Fund (FAPE) by the ACM in 2015 can be highlighted (as part of ENICC's Priority 6 – Supporting civil society organisations and academic initiatives/projects). The FAPE is funded from the national budget and its goal is to fund experimental, innovative projects competing to implement the goals established by the ENICC. The FAPE supports projects aimed at promoting the fight against discrimination, promoting public awareness, training in the active community participation and citizenship of Roma communities, and training about Roma history and culture. The following types of interventions are eligible for support:

- Training/awareness-raising actions aimed at combating discrimination against Roma communities and promoting intercultural dialogue between Roma communities and the majority society;
- Actions focused on promoting gender equality and/or the harmonisation of family and work life;
- Training courses for Roma trainers in Roma history and culture, association involvement and community participation;
- Actions/initiatives to promote economic and entrepreneurial activities.

The ACM gives a maximum of 5,000 EUR per project, with a maximum co-financing rate equivalent to 95 per cent of total eligible project costs. When applying for the grant, proposals developed in partnership are considered an asset, as they must be formed by an entity and a (formal or informal) group representing local Roma communities, therefore promoting Roma communities' actual participation and involvement.

This programme was developed in 2015 to support 11 projects (out of 53 applications submitted)²⁰ and the total budget of the FAPE for this year was 50,000 EUR. Its second Call for Proposals was developed in 2016, when the budget for grants was 100,000 EUR. In November 2017, ACM presented the FAPE's third Call for Proposals (2018),²¹ which integrates some suggestions and recommendations arising from the FAPE monitoring process, as well as some strategic recommendations from the FAPE Implementation External Assessment Study²² performed by the *Centro de Estudos para a Intervenção Social* (CESIS).²³

²⁰ The projects focused mainly on training/awareness initiatives in the area of fighting discrimination (through awareness campaigns, documentary production, radio shows) in the field of healthcare, media, and initiatives promoting Roma women's empowerment. <http://www.acm.gov.pt/documents/10181/0/FAPE.pdf/31f3d097-93ab-4ae3-abea-417bf40bf2fb>.

²¹ The financial allocation available for the program is 250,000 EUR and ACM shall finance not more than 95 per cent of the total eligible cost of each approved project, limited to the maximum amount stipulated in the form of support envisaged: 5,000 EUR for up to 10 projects of a specific nature, and 25,000 EUR for up to eight projects of a regular and continuous nature. See: <https://www.acm.gov.pt/-/iii-edicao-fape-fundo-de-apoio-a-enicc-candidaturas-ate-30-de-novembro>

²² The study recommended that a longer amount of time should be spent on project execution, that higher amounts of money should be available for funding project execution and there should be a higher budget allocation compared to previous editions; and that the awarding of projects should be done in collaboration with Roma associations or with Roma citizens included in the technical teams.

²³ <https://www.cesis.org/pt?p=pt>

The Roma Associative Movement Support Programme (PAAC)²⁴ emerged in 2017 and is aimed at reinforcing Roma civil society involvement in the implementation of ENICC by funding projects aimed at: a) encouraging the participation of Roma communities in exercising their citizenship; b) promoting the fight against discrimination and raising awareness; c) supporting civil society organisations' initiatives/projects; d) investing in the Roma women empowerment strategy by means of the women's associative movement; e) valuing Roma history and culture; f) including Roma family values among Portuguese society's principles and values; f) raising public institutions' awareness of intercultural mediation as a strategy that promotes more inclusive services.

Since then, the PAAC has been structured along the following axes of intervention: a) promotion of Roma civil organisations' capacities through the acquisition of goods and services necessary for their core activities and operation;²⁵ b) the promotion of equal opportunities, education for citizenship, mediation and the fight against discrimination; c) providing for the possibility of carrying out actions that reflect a contribution to the objectives and targets within the other ENICC Resolution of the Council of Ministers no. 25/2013, (27 March 27).²⁶ The project implementation ended in December 2017. The available budget allocation for 2018 is 43,500 EUR. The ACM allocated a maximum of 4,200 EUR per project; the maximum co-financing rate can be 100 per cent of the total eligible costs in axis I and 90 per cent in axes II and III.²⁷ Six projects were supported from this programme.²⁸

The absence of a solid assessment system resulting from the programmes' implementation (except for the definition of the second Edition of the FAPE) is a key problem, as these projects demanded an extended degree of intervention with a higher financial capacity. Assessment is essential for redefining interventions and reorienting strategic goals, and it has been requested by several civil society organizations and structures.

²⁴ For more information, please see: <http://www.acm.gov.pt/-/programa-de-apoio-ao-associativismo-cigano-paac-candidaturas-abertas-ater-7-de-abril>

²⁵ Through the acquisition of equipment, repair/maintenance services equipment; acquisition of goods and services for the recovery or adaptation of spaces; expenses with association accountings, association rent/facilities expenses.

²⁶ Through training/awareness-raising about anti-discrimination; promotion of gender equality; dissemination of Roma history and culture; development of personal, social and relational skills for Roma communities; and the importance of intercultural mediation with public institutions.

²⁷ For more information, please see: http://www.acm.gov.pt/documents/10181/167771/Regulamento+PAAC_2017.pdf/86c9f406-f344-4e59-a5db-67bb5122ab5b

²⁸ For more information, please see: http://www.acm.gov.pt/documents/10181/167771/Resultados_Provis%C3%B3rios_Publica%C3%A7%C3%A3o.pdf/d800e7e5-a952-4a60-8ef0-1dc35d79bf0e

ANTI-DISCRIMINATION

Implementing the Racial Equality Directive

The Portuguese Constitution includes the principle of equality in article 13 according to which *"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."*²⁹

Portuguese law establishes an administrative complaint procedure for racial discrimination cases that is handled by the Commission for Equality and Against Racial Discrimination (CICDR),³⁰ a Portuguese body specialized in fighting against racial discrimination. When Law 18/2004, transposing EU Race Equality Directive 2000/43/EC into Portuguese law became effective, the CICDR saw its role as a specialized body against discrimination strengthened. The CICDR aims at preventing and fighting racial discrimination in all its forms and penalizing all acts resulting in the violation of any fundamental rights or in the refusal or constraint of any economic, social or cultural rights, by anyone, because of origin, colour, nationality or ethnicity. The CICDR is chaired by the High Commissioner for Migration (ACM) and includes representatives of the Assembly of the Republic,³¹ the Government,³² immigrant associations, anti-racism associations, unions, employer associations, human rights protection associations, and notable experts appointed by the other members.³³ Currently there is only one Roma community representative in this CICDR (Olga Mariano, President of the *Associação Letras Nómadas*).

It is also noted that the CICDR in 2015 received 28.6 per cent of its complaints (out of a total of 84)³⁴ in relation to the alleged victim's Roma ethnicity. Regarding these cases of ethnic/cultural groups (Roma communities), there have been 39 cases dealt with in the period between 2005 and 2015. Two cases, in which the CICDR engaged, brought wider public attention. The first concerned racist and discriminatory comments by an analyst on the television programme *"Você na TV"* on 7 July 2016.³⁵ The second case concerned reported bans against Roma citizens using municipal swimming pools July 2015.³⁶ Moreover, in 2014 the CICDR annulled a ban prohibiting the entry of Roma persons into a commercial establishment.³⁷

In 2017, the legal framework was further developed because in 2016 the numbers were significant (119 complaints of racial discrimination were received and analysed), and therefore there was a need to implement tighter mechanisms and stronger penalties.

²⁹ Portuguese Republic Constitution - <http://www.parlamento.pt/legislacao/documents/constpt2005.pdf>

³⁰ Commission for Equality and Against Race Discrimination (CICDR), see: <http://www.cicdr.pt>

³¹ Elected by the National Parliament.

³² They are appointed by the Government bodies responsible for employment, solidarity and social security, and education.

³³ The associations are elected and there is an electoral process for this purpose. To access the list of CICDR members see: <http://www.cicdr.pt/-/membros-da-cicdr-composicao-atual>

³⁴ For more information, please see: <https://www.om.acm.gov.pt/documents/58428/207737/Queixas+Discrimina%C3%A7%C3%A3o+Racial+CICDR+entre+2000+e+2015.pdf/3fd45296-2b94-455b-b866-c8dcec14fb77>

³⁵ For more information, please see: <https://www.cicdr.pt/documents/57891/98773/comunicado+cicdr.pdf/c8af6261-4ae5-4eda-82c1-1cd065b08474>

³⁶ For more information, please see: <https://www.cicdr.pt/documents/57891/98773/Comunicado+CICDR+-+alegada+proibi%C3%A7%C3%A3o+de+frequ%C3%Aancia+das+piscinas+municipais+de+Estremoz+por+parte+de+cidad%C3%A3os+portugueses+de+etnia+cigana.pdf/01fc0faa-7c78-442a-9ff3-4d0e9c085b1f>

³⁷ For more information on the Press Releases of the CICDR, see: <http://www.cicdr.pt/-/comunicados-cicdr>

These data show a significant increase in complaints, as can be seen in the activities of the Office of the High Commissioner for Migration (ACM). In 2015, 84 complaints were received, corresponding to a 40 per cent increase compared to 2014 (when 60 complaints were received). The year 2016 saw the most complaints since data have been systematically collected and published by the CICDR (data started to be registered in the year 2000 after adoption of a law on this topic in 1999).³⁸

Law 93/2017 (Legal framework for preventing, forbidding and combating discrimination) establishes the legal basis for the prevention, prohibition and fight against discrimination on grounds of race, ethnicity, colour, nationality, ancestry and origin.³⁹ In practice, this document states that all stages of the administrative offence procedure are centred at the same entity in order to facilitate action mechanisms and make law enforcement faster and more effective. By means of this law, all stages of the administrative offence procedure regarding relevant matters – receiving and analysing complaints, prosecution and decision, and coordinating intervention in prevention, inspection and suppression of discriminating practices – are centred at the ACM via the CICDR. Also, the legislation establishes strict cooperation mechanisms between the ACM and the Authority for Work Conditions (ACT), with the latter now being included in the CICDR. In addition to discrimination on the basis 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 93/2017 further strengthens the powers of the CICDR, which has become the national body competent to deal with misconduct proceedings by determining the fines and ancillary sanctions to be applied.

Notwithstanding all the changes achieved by the new law, it is still being criticized by some antiracism organisations arguing that it allows for different interpretations. These organisations also complain of slowness in the assessment of complaints and cases. Another issue focuses on the fact that these proceedings are the responsibility of the ACM, as a part of the public administration, that makes it of a less impartial and independent character when assessing complaints filed against the public administration itself (which represent the majority of the received complaints). In this sense, the antiracism organisations claim there is a need for an independent, autonomous body not subject to any conflict of interest.

Educational and residential segregation

The concentration of Roma in certain residential areas may also drive school segregation. Children usually attend school near their homes; therefore, the ethnic composition of school classes is likely to reflect a neighbourhood’s ethnic composition.

According to the study carried out by the EU Fundamental Rights Agency (FRA), Roma children in Portugal attend school and classes with non-Roma children: “In the Czech Republic, France, Italy, Portugal and Poland more than 50 per cent of Roma children attend classes with some or no Roma classmates.”⁴⁰

In the 2015/2016 academic year, a school in Tomar created a class just for Roma children between the ages of 7 and 14. The school administration claimed the children

³⁸ For more information, please see: <https://www.dn.pt/portugal/interior/queixas-por-discriminacao-racial-atingiram-numero-maximo-em-2016-5696432.html>

³⁹ 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=

⁴⁰ European Union Agency for Fundamental Rights. 2014. *Education: the situation of Roma in 11 EU member States*, p. 44. Available at: <http://fra.europa.eu/en/publication/2014/education-situation-roma-11-eu-member-states>

had a history of academic failure. The parents were outraged and published the case in the media. The ACM intervened by requiring the concerned students to be enrolled in regular classes. In Moura that same academic year, a cluster of schools aimed at creating ethnically-segregated classes, but protests by children's parents and the municipal mediator were essential to discourage the formation of such classes.

Some alternative educational programmes have been created by the Government over the past few decades, the Priority Intervention Educational Territories Programme (TEIP)⁴¹ and the Integrated Programme of Education and Training (PIEF).⁴² Both aim at decreasing social and educational differences; however, in some areas, some Roma children/young people are redirected into these programmes, promoting ethnic segregation and reportedly preventing the programmes from achieving their goals (of success at school). *"In practice, these programmes have the opposite effect: instead combating school drop-out and absenteeism, they promote the exclusion and segregation of children/young people from Roma communities"*.⁴³

Home schooling and distance learning⁴⁴ have also been adopted in recent years by schools or Roma families at their own initiative *"and are disastrous measures, as they distance young Roma people, mainly little Roma girls, from socialising with other children at school. The 'ghetto schools', elementary schools located in social housing neighbourhoods with a high percentage of Roma residents, are yet another problem."*⁴⁵ Many of these schools have a high number of Roma students, usually more than 50 per cent, and show high levels of absenteeism and academic failure.

Regarding housing, according to a study conducted by the Institute of Housing and Urban Rehabilitation, the Roma population represents 0.35 per cent of Portugal's population, but as much as 3 per cent of the population living in social housing are Roma. Some 48 per cent of all Roma live in social housing. Moreover, a significant percentage of Roma families (32 per cent) live in substandard housing (tents, encampments, or mobile homes).⁴⁶

It is also worth mentioning that along with segregation practices we see many Roma families being moved from Roma settlements into the vicinities of towns, quite often in precarious and temporary conditions (prefabricated buildings) located far away from most public services. In 2016, neighbourhoods intended exclusively for Roma residents were built in the city of Albufeira (for eight families, or 39 people living in tents in the Orada neighbourhood) and in Campomaior (for 53 families or 220 people).

The recent economic crisis led to budget cuts that put an end to the good practices of programmes from the Housing and Urban Rehabilitation Institute.⁴⁷ One of these

⁴¹ Currently there are 1,367 clusters of schools/school groups in socially and economically unprivileged areas, marked by poverty and social exclusion, where violence, lack of discipline, early school leaving, and failure are more significant. The programmes' key goals are the prevention and decrease of school leaving and absenteeism, decrease of lack of discipline, and promotion of academic success for all students.

⁴² A temporary, exceptional social, educational and training inclusion measure to be applied to young people between 15 and 18 years old at risk and/or in danger of school and social exclusion after all other school integration measures have been exhausted. The measure aims to favour mandatory education completion and social promotion by granting students with a second or third-degree qualification.

⁴³ Claim made by a participant of the workshop on 26 October 2017.

⁴⁴ Homeschooling is a legal option in Portugal that allows children or young people (from first to twelfth grade) to be taught in their own home by a family member or person who lives in the home. In practice, the pupils are enrolled in a public school and take the compulsory exit examinations but do not have to attend school on a daily basis - <http://www.educacaoviva.pt/ensino-domeacutestico-individual.html>

⁴⁵ Claim made by a participant of the workshop on 26 October 2017.

⁴⁶ FERREIRA, Teresa Leal (coord.), *Caracterização das Condições de habitação das Comunidades Ciganas Residentes em Portugal 2013-14*, Lisboa, IHRU – Instituto de Habitação e de Reabilitação Urbana, 2015, p.26

⁴⁷For more information, please see: <https://www.portaldahabitacao.pt/pt/ihru/>

programmes was the Housing Financing Programme (PROHABITA)⁴⁸ aimed at supporting unprivileged families' housing, distributing apartments and private rental market houses in urban agglomerations to them. Some Roma families were beneficiaries of this programme, and a study performed by Coimbra municipality allowed for the assessment of these families' improved inclusion by comparing their circumstances before and after being supported by PROHABITA.⁴⁹

Discriminatory behaviour by police, misconduct by prosecutors or courts

The police should be more inclusive and closer to the citizens, and invest more in strengthening its preventive measures and activities. There is a lack of trust toward the police among Roma: *"Roma victims of crime usually do not press charges both because they fear retaliation and because they are not aware of the mechanisms available to formalise complaints. Portuguese Roma citizens do not believe in the justice system, because society including judges and public ministries, still holds a negative image about Roma, as if being a Roma citizen a priori implies one is guilty."*⁵⁰

In the summer of 2017, a representative of the local authority Cabeça Gorda in Beja municipality would not allow a resident Roma citizen to be buried there. That same year, the President of Estremoz City Council forbade the entrance of Roma citizens to municipally-run pools. André Ventura, PSD Candidate for the City Council of Loures, used hate speech against Roma communities during his local election campaign. All of the claims filed against this politician regarding this matter have been dismissed by public authorities. All the progress achieved in this area in terms of legislation is still not enough, as there are no effective mechanisms to sanction this lack of law enforcement. *"Fighting racial discrimination is only possible when the act of racism itself is criminalised"*.⁵¹

⁴⁸For more information, please see:

https://www.portaldahabitacao.pt/pt/portal/programas_de_financiamento/prohabita.html

⁴⁹ For more information, please see: <https://www.in.pt/local/noticias/coimbra/coimbra/interior/estudo-revela-que-dispersao-de-familias-ciganas-aumenta-frequencia-escolar-2542955.html>

⁵⁰ Claim made by a participant of the workshop on 26 October 2017.

⁵¹ Statement made by a participant from a Roma organization during the workshop on 26 October 2017.

ADDRESSING ANTIGYPSYISM

Institutional settings for fighting discrimination and addressing antigypsyism

In Portugal, there is no governmental body exclusively devoted to combat antigypsyism. There are institutions such as the ACM or governmental commissions (such as the Commission for Citizenship and Gender Equality,⁵² and the CICDR) whose objective is to combat the broadest possible range of discriminatory situations and to promote equality among citizens. This effort keeps in mind Article 10 of the Constitution 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 93/2017).

The ENICC states that Roma citizens are an ethnic minority and acknowledges that these communities are excluded, marginalized and discriminated, giving rise to Priority 3 – Promoting the fight against discrimination and raising awareness.⁵³ In this sense, awareness and information initiatives are being implemented with the goal of breaking down preconceived ideas and preventing hate speech regarding these communities. These initiatives arose from the implementation of projects funded by the FAPE – ENICC Support Fund and by civil society.

Between 2013 and 2014, the ACM and EAPN Portugal (European Anti-Poverty Network) developed a project called NETKARD – Cooperation and Networking between Key Actors against Roma Discrimination – at the national level aiming at preventing discrimination against the Roma community, improving support to victims of discrimination, and therefore promoting cooperation and networking between all the key agents involved in the protection of equal rights. This project produced Practical Guides on how to prevent the discrimination of Roma Communities,⁵⁴ written for NGOs, law professionals, police forces, and media outlets.

According to the National Strategy execution report of 2015,⁵⁵ the National Republican Guard (GNR) has carried out 14 awareness initiatives (training and information and awareness-raising actions) with their professionals in the field of fighting against discrimination, encompassing 283 people. EAPN Portugal also stands out for taking the initiative to present professionals with these guides and to reflect on intervention needs.

⁵² 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.

⁵³ National Roma Communities Integration Strategy (ENICC) - http://www.acm.gov.pt/documents/10181/52642/RCM_ENNIC.pdf/8384c0f4-7c96-4979-90ba-73e5f565fd0b

⁵⁴ Project Netkard is a cross-border (Portuguese-Spanish) project promoted by the Fundacion Secretariado Gitano and funded by the Fundamental Rights and Citizenship Programme of the European Union (DG Justice) <https://www.eapn.pt/proiето/148/net-kard-cooperation-and-networking-between-key-actors-against-roma-discrimination>

⁵⁵ https://www.acm.gov.pt/documents/10181/52642/ENICC_Relatorio+Execu%C3%A7%C3%A3o_2015.pdf/dfea39db-ca71-4517-82ae-76f0a46aa29e

Analysing and forming narratives and attitudes towards Roma

A national campaign against the discrimination of Roma communities *#direitoaseroquequiserem*,⁵⁶ was introduced in June 2017 by EAPN Portugal in collaboration with the State Secretariat for Citizenship and Equality. The main objective of this campaign is to positively influence the social image of these communities among the majority society, by confronting society with the unjust, violently discriminatory way members of this ethnic group are treated daily, thus challenging society to change its behaviour. The specific objectives of the campaign target society in general, the Roma communities themselves, and professionals from different social areas, aiming to: a) contribute to the deconstruction of stereotypes and negative representations, highlighting their existence and scope; b) address the discourses that legitimise the development of discriminatory attitudes against these communities. This campaign puts the focus on a basic issue: there is political will, there are individual dreams, there are efforts being made and there are paths to take, but there are also still huge barriers to enabling full social-economic integration of the Roma. Much has been achieved not just because of public policies, but also due to the enormous efforts of the Roma communities themselves. The educational and academic life of Roma children and young people is not different from that of other Portuguese citizens, but a barrier persists that prevents their full acceptance. This barrier, which is based on stereotypes and prejudice, results in a discouraging, disempowering discrimination and, in extreme cases, destroys all the efforts made in different fields (not just in education, but also in employment, housing and health), creating a feeling of powerlessness that is shared by Roma communities and by those who daily seek to break down these vicious circles of misconceptions that erect barriers of such gigantic dimensions.

The campaign is based on several outputs, namely, two TV advertisements, two web videos, ATM machine messages, public transport messages and posters, and involves the participation of two public figures: Catarina Furtado (actress and publicist) and Francisco George (Director-General of Health).⁵⁷

The campaign consists of two images with two Roma children and tries to convey that discrimination and the negative image that society in general has of Roma communities makes it harder for them to turn their dreams into reality. The poster of the girl portrays her dream of becoming an actress ("When I grow up I want to be an actress"), while the boy's dream is to become a doctor ("When I grow up I want to be a doctor"). The 24th of June refers to Roma communities' national day in Portugal, the date on which this campaign was launched (in 2017).



⁵⁶ For more information, please see: <https://www.eapn.pt/campanha/30/campanha-contra-a-discriminacao-das-comunidades-ciganas-direitoaseroquequiserem>

⁵⁷ For more information, please see: <https://www.youtube.com/watch?v=oeMy1e82aL8> / https://www.youtube.com/watch?v=DPn6hOw8m_q

Lastly, it is important to note the investment made by some programmes and initiatives in bringing Roma cultural mediators and facilitators into their structures and teams to facilitate intercultural dialogue. The GACI, implemented by the ACM, as well as some “Escolhas” projects,⁵⁸ are currently integrating some Roma citizens (community mediators).⁵⁹ This is also happening in a Public Hospital (Hospital Dona Estefânia), in educational institutions and in municipal housing companies (e.g., Gebalis in Lisbon). We find mediation to be an excellent instrument and strategy that must be promoted and fostered through several civil society organisations and public administration structures/bodies.

⁵⁸ “*Escolhas*” is a national governmental programme, created in 2001 and promoted by the Presidency of the Council of Ministers and integrated in the High Commission for Migration – (ACM, IP), whose mission is to promote the social inclusion of children and young people from vulnerable socio-economic contexts, with a view to equal opportunities and the reinforcement of social cohesion. The *Escolhas* Programme is funded by the Directorate-General for Education and the Social Security Institute and is co-financed by the European Social Fund/Portugal 2020 (this is the partnership agreement between Portugal and the European Commission that brings together five European Structural and Investment Funds - ERDF, Cohesion Fund, ESF, EAFRD and FEAMP - that define the principles which set forth economic, social and territorial development policy to be promoted in Portugal between 2014 and 2020) and the Regional Operational Programs of Lisbon and Algarve.

⁵⁹ Young person from the intervention field.

RECOMMENDATIONS

Governance and Overall Policy Framework

- The ENICC needs to become well known by different social professionals and stakeholders. It needs to “gain more ground”, to be recognised and used as a roadmap to sustain the actions and interventions regarding the inclusion of Roma communities. The ACM should invest in the dissemination of this Strategy, using a bottom-up approach (e.g., the professionals that work directly with Roma communities should know the Strategy’s objectives and targets in order to achieve them).
- The ENICC needs to have broader governance and more participation. It is essential to focus on improved governance with a multidimensional approach integrated into the sectorial areas (mainstreaming) with more measurable objectives and goals.
- Municipalities must assume a key role in strategy implementation by using the Social Networks programmes or other local existing platforms. A local dimension and the decentralized approach of the Strategy is essential for strengthening and mobilising all the stakeholders in its implementation by defining local inclusion plans for Roma communities. Similarly, the Municipality Association must try to foster local articulations between sectors by promoting social diagnoses and local development plans.
- The Portuguese Government must prioritize the definition of a systematic, independent assessment system of the ENICC. It is essential to deepen the assessment culture in Portuguese policy-making to know the real impacts of any given decision or political measure. This assessment is vital for the identification of new measures and for the update of existing measures to better align them with the strategy. Also, isolated measures must be avoided, and structural measures must be prioritised (in response to the ENICC).
- Better coordination is needed between the various Operational Programmes and funding lines to bridge the gap between the strategy and the use of the Structural Funds, as this gap leads to a lack of financial resources to meet the needs in the field.

Anti-discrimination

- There must be programmes contributing to the promotion of equal opportunities (based on an intercultural approach) at the educational level and therefore fighting the existing segregation practices, especially at the level of gender segregation and of elementary and secondary education.
- Focus on the definition of local action plans (for which municipalities are responsible) with the goal of eradicating tent use and settlements and instead promoting access to decent housing integrated into urban agglomerations to the greatest extent possible, avoiding ghettos and exclusion. To that end, the Government and municipalities must provide specific funding for these actions, to be supported by community funds.
- The current administrative offence law and penalties are not enough to prevent the discrimination experienced by Roma citizens based on hate speech and the barriers of intolerance built up against them. It is necessary to invest into proceedings that are timelier and more effective.

Antigypsyism

- Ministries must focus on the training and qualification of their professionals and other key players in fighting discrimination in partnership with civil society

organisations (Roma associations and other associations working directly in this field).

- Promote intercultural mediation and the Roma associative movement – Roma mediators and associations are key resources that act as a link between Roma communities and the rest of society, as they promote exchanges between these parties. Including pilot intercultural mediation experiences in healthcare services, schools and other public services will enable direct contact with the Roma population and promote their inclusion, therefore demystifying the existing negative image of them.

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