



PROVEDOR DE JUSTIÇA

International Convention on the Elimination of All Forms of Racial Discrimination
12th to 14th national implementation reports of Portugal
Contribution of the Portuguese Ombudsman
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The Portuguese Ombudsman, in his capacity as Portugal's National Human Rights Institution, would like to stress the importance it attaches to the collaboration with UN monitoring bodies in the area of human rights and to welcome, in particular, this opportunity to share with the Committee on the Elimination of Racial Discrimination his experience and views in the domains covered by the International Convention on the Elimination of All Forms of Racial Discrimination.

I. General information

The *Provedor de Justiça* is both Portugal's Ombudsman and National Human Rights Institution, with A-status accreditation since 1999.

This independent State body is established in the Constitution and its main function is to defend and promote the rights, freedoms, guarantees and legitimate interests of the citizens, ensuring, through informal means, that public authorities act fairly and in compliance with the law.

The Ombudsman's broad mandate includes the protection and promotion of all fundamental rights, in relation to all citizens, without distinctions of any sort, *inter alia* as regards their nationality, race, ethnic origin or place of residence.

Without prejudice to this, the Ombudsman seeks to dedicate a particular attention to the most vulnerable groups, as they are not only more exposed to human rights violations, but also often less aware of their rights and less able to make use of available means to uphold them.

Under the Constitution, citizens have a right to complain to the Ombudsman against actions or omissions of public authorities. The Statute of the Ombudsman adds that, in more limited cases, the Ombudsman may also act in relation to private entities, if there is a special relationship of power from one over the other and the intervention of the Ombudsman is necessary to protect the citizens' rights, freedoms and guarantees.

The Ombudsman shall assess citizens' complaints without the power to take binding decisions, sending to the competent bodies such recommendations as may be necessary to prevent or remedy any illegalities or injustices. Recommendations may be of an administrative or legislative nature. In less serious cases, the Ombudsman may simply formulate a critical remark or draw the attention of the public body concerned to the act or omission that needs amendment. The Ombudsman may also request the



PROVEDOR DE JUSTIÇA

Constitutional Court to review the constitutionality or legality of norms, as well as the constitutionality of omissions.

In addition to handling complaints, which remains the core of his activity, according to his Statute the Ombudsman may also act on his own initiative, based on facts that otherwise come to his attention (e.g. through NGO or media reports).

To carry out his mission, the Ombudsman has a wide array of powers, such as the power to carry out inspections with or without prior warning and the power to make all investigations and enquiries that he deems necessary or convenient. Correspondingly, the law establishes a strong duty of public entities to cooperate with the Ombudsman.

II. The Ombudsman and the issue of racial discrimination – main considerations

Over the years, the Portuguese Ombudsman has on various occasions intervened to the benefit of immigrants and foreigners in Portugal, namely to protect and promote their rights and to avoid situations of discrimination, ensuring the full implementation of the constitutional principle of equal treatment between foreigners and nationals.

Indeed, the intervention of the Ombudsman has been instrumental in overcoming difficulties connected to different areas, such as visa procedures, healthcare, social support in education, access to a profession, among others.

In this context, it is fair to acknowledge the engagement of the Portuguese authorities in this domain, reflected, *inter alia*, in a solid legislation for the protection and non-discrimination of migrants and foreigners, several policies, measures and initiatives that address their situation and promote greater equality and an availability to acknowledge and ponder persisting difficulties and possible solutions to overcome them.

Naturally, room for improvement remains. For instance, as regards the rules on family regroupment, the Ombudsman is currently concerned that foreigners who wish to regroup with a Portuguese citizen are being subject to a less favourable treatment than those who wish to regroup with another foreigner residing in Portugal. This seems to be due to practical aspects regarding the division of competences for attribution of visas, particularly in countries where Portugal has no Embassy or Consulate.

In contrast with his activity concerning migrants and foreigners, the Ombudsman's experience with cases of discrimination specifically based on race or ethnic origin has been much more limited. The number of complaints focused on this issue has remained low and, in most situations where the existence of discrimination was confirmed, the mediation of the Ombudsman was sufficient to restore legality and justice and respect for citizens' rights.



PROVEDOR DE JUSTIÇA

Nevertheless, from a preventive perspective, the Ombudsman remains vigilant, in the overall context of his activity, of possible reasons for concern. For example, the issue of racial discrimination is accorded specific attention in the Ombudsman's inspections, such as those carried out to prisons, police stations and detention centres for non-admitted foreigners. To date, no particular causes of concern have been identified.

It should also be noted that the Ombudsman tries to adopt a more proactive attitude with regard to groups of citizens that are more vulnerable or likely to suffer discrimination, in order to ensure that they truly enjoy the full extent of their rights and have effective access to remedies to address or prevent violations of those rights.

To that effect, in compliance with his human rights education and awareness-raising mandate, the Ombudsman has in the past promoted meetings with associations of migrants and NGOs engaged in the defence of the rights of migrants, with the aim of gaining a deeper knowledge of their problems and concerns and also of promoting amongst immigrant communities awareness to the existence and role of the Ombudsman.

The Ombudsman has also established fruitful interaction with the High Commission for Immigration and Cultural Dialogue (ACIDI) and its Commission for Equality and Against Racial Discrimination (CICDR), namely as regards awareness-raising to the existence of the Ombudsman and his/her role in the defence of the rights of migrants. For instance, in 2010 the Ombudsman participated in a meeting of the CICDR, where he spoke about the Ombudsman's role and contribution in the fight against all forms of racial discrimination.

Recently, the Ombudsman has engaged in informal consultations with the ACIDI, with a view to assessing the possibility of celebrating a protocol for collaboration, *inter alia* as regards referral of cases and provision of assistance in translation.

A word should also be said on the specific situation of the Roma. The Ombudsman has taken due note of the concerns raised by different international human rights bodies, particularly the recent decision of the European Committee on Social Rights regarding the violation by Portugal of provisions of the European Social Charter.

Pursuant to the news on the issuing of that decision, the Ombudsman determined an internal assessment of the cases handled in his Office concerning the rights of the Roma community. On the basis of that assessment, it was concluded that, after some more serious cases in the last decade of the 20th century, this has remained a minor area of activity in the overall context of the Ombudsman's work, mainly due to the low number of complaints. The reasons underlying the reduced number of complaints are not clear and one can suppose that, at least in part, they have to do with a low level of awareness as regards fundamental rights and the existence of the Ombudsman as a mechanism to uphold them.



PROVEDOR DE JUSTIÇA

Still, in line with his more proactive attitude towards vulnerable groups, the Ombudsman has on different occasions launched own-initiative proceedings to investigate concerns reported in the media or otherwise brought to his knowledge concerning the situation of the Roma and possible lack of respect for their rights.

As regards the result of the Ombudsman's investigations, some of the cases considered did seem to denote the existence of discriminatory conducts, although some examples of good practices could also be identified. On occasion, complaints have been received alleging the more favourable treatment of Roma in access to social benefits.

In any event, generally speaking, in the cases dealt with the intervention of the Ombudsman was able to restore legality and justice in the conduct of public authorities and resolve the concerns of the Roma communities affected by those conducts.

Nevertheless, the Ombudsman remains vigilant of the situation of Roma and of the measures adopted by the Portuguese authorities in relation to it. The Ombudsman is pleased to learn of the ongoing work on the National Roma Integration Strategy, in compliance with EU decisions in this regard, and would take this opportunity to encourage the Portuguese authorities to ensure close monitoring of this issue and to swiftly conclude work on the National Strategy and ensure its full implementation.

III. Cases dealt with by the Ombudsman – protection of the rights of immigrants and foreigners; fight against racial discrimination

As mentioned above, the Ombudsman has played an important role in ensuring, over the years, the improvement of the situation of immigrants and foreigners in Portugal, seeking to ensure an effective implementation of their rights and to eliminate cases of discrimination.

While to a more limited extent, the Ombudsman has also been called to act on instances of discrimination specifically based on race and ethnic origin, in which, for the most part, he has been able to ensure a satisfactory resolution of the situations in which discrimination was indeed found to exist.

In a general, non-exhaustive overview of the work of the Portuguese Ombudsman in this area, we provide below several examples of cases dating from 2000 to present date. For easier reference, please note that they are divided by subject matter and, to the extent possible, listed within each category from oldest to most recent.

- **Health:**



PROVEDOR DE JUSTIÇA

In 2001, the Ombudsman investigated a complaint against refusal of treatment to a citizen of an African country, legally residing in Portugal for over 18 years and with a regular fiscal and social security situation. The hospital defended that no care was provided for, within the National Health System, to citizens from non-EU countries without a bilateral agreement or a convention with Portugal in this regard. Pursuant to the Ombudsman's intervention, the right of access to the National Health System was recognized to all regular migrants in Portugal, in equal footing with that of nationals; and also to all irregular migrants in our country, provided they had been here for over 90 days and with the obligation to pay for the care received, except in situations of risk to public health or serious economic need.

Pursuant to this successful intervention, few complaints have been raised on the matter. The few that persist generally relate to doubts and errors of interpretation by the local services. For instance, in 2011, a complaint was received concerning an alleged refusal to register a Russian national in a health centre, for a medical appointment. The Ombudsman heard the Group of Health Centres and the worker in question, the latter having explained that she had merely asked for the relevant documents (residence permit and passport). While the registration and medical appointment had already been completed, the Ombudsman suggested to the Group of Health Centres that it stressed to the workers of its units the existing guidelines concerning provision of medical assistance to all persons, regardless of nationality, lack of legalisation or any other issues, particularly in cases of urgency or acute illness.

In 2009, the Ombudsman received a complaint against the delay of the National Institute for Medical Emergency in providing assistance, allegedly due to racial discrimination. The Institute apologised for the situation and assured that the conduct of the worker in question would be thoroughly examined.

- **Education:**

In 2003, the Ombudsman investigated a complaint arguing that social action in education benefits had been refused to children of immigrants from Eastern European countries, due to the absence of specific agreements with Portugal. Upon investigation, he found out that one Regional Directorate for Education considered that, for nationals of non-EU countries without specific agreements with Portugal in this domain, no access could be granted. The Ombudsman urged the Government to ensure, at least at basic education level, access to these benefits by children of immigrants residing and working in Portugal. As a result, the Government issued an interpretative guideline to all Regional Directorates for Education, upholding the interpretation of the Ombudsman.



PROVEDOR DE JUSTIÇA

In 2007, following a similar complaint concerning the access of foreign citizens to social access in education benefits, but this time at higher education level, the Ombudsman noted that the same kind of restriction did not exist for secondary education, where costs were lower, and recommended that access to social action in higher education be granted at least to foreign students who, previous to enrolment, already resided in Portugal with their families, being the holders of a residence or permanence permit or equivalent. The Government complied with this request, although restricting it to students with permanent residence in Portugal, i.e. 5 years (Decree-law 204/2009) – an exception admitted by EU law.

In 2008, an NGO engaged in the fight against racial discrimination referred to the Ombudsman a complaint from a parent against the behaviour from a teacher towards a student. Pursuant to investigation, the Ombudsman noted that the school had put in place the proper investigation mechanisms. He also found out that two judicial proceedings were pending, one initiated by the parent and the other by the teacher, who alleged defamation. While this excluded the case from the Ombudsman's scope of competence, he did, however, try to check whether the student's grades denoted any apparent persecution, which did not seem to be the case.

In 2008, a parent complained to the Ombudsman about the difficulties of his daughter, a Brazilian national, in accessing the program "e.escola" (an initiative that promotes access to computers with broadband Internet). After contacting the school and the central services of the Ministry of Education, the Ombudsman confirmed the existence of initial obstacles to the implementation of this program for foreign students. Such limitations, which were of a general nature and resulted from the computer application for management of the program, had since been overcome. Thus, the student was given the necessary access code for acquiring the computer.

Several complaints have been received, both from EU citizens and third country nationals holding a student visa, concerning the denial of applications for financing of scientific investigation. In dialog with the entity that manages these subsidies, the Ombudsman achieved the modification of the regulations, to expressly allow for the granting of financing, in equal footing, to foreigners residing in Portugal over 5 years and, exceptionally, even for those not meeting such a requirement.

- **Access to social benefits:**

In 2001, the Ombudsman obtained from the Constitutional Court the declaration of unconstitutionality, with general binding force, of legal provisions that excluded foreign citizens from the status of disabled person of the Armed Forces



PROVEDOR DE JUSTIÇA

(and the corresponding special regime created to compensate disabilities received in combat). This provision excluded many people from the Portuguese-Speaking African Countries who were members of the Portuguese military but later, by virtue of the decolonisation process, lost the Portuguese nationality. (Constitutional Court ruling 423/2001).

In 2002, the Ombudsman obtained the same declaration in relation to a legal provision that excluded foreign citizens from the possibility of receiving a public retirement pension. This situation affected many people from the Portuguese-Speaking African Countries who had worked for the Portuguese State but, by virtue of the decolonisation process, lost the Portuguese nationality (Constitutional Court ruling 72/2002).

In 2004, the Ombudsman dealt with complaints against the refusal by employment centres to register as unemployed foreigners whose proceedings for the prorogation or review of permanence / residence permits were pending. This prevented them from having access to unemployment subsidies. Through inquiries made to the Institute for Employment and Professional Training, the Ombudsman was able to overcome the situation, with registration being made possible on the basis of proof of the fact that those proceedings were pending in the Aliens and Borders Service. The Ombudsman also ensured a solution for the cases already submitted to him.

In 2005, in view of several complaints concerning the refusal of family and solidarity subsidies to foreigners with a residence permit or equivalent title, the Ombudsman recommended to the Minister of Work and Social Solidarity that a legislative measure be adopted to stop that situation. The recommendation was complied with through Decree-law 41/2006 and Decree-law 42/2006.

- **Tax issues:**

In 2010, pursuant to a complaint from an association defending the rights of immigrants, the Ombudsman dealt with a case concerning the application to immigrants of the less favourable rules for non-residents as regards collection of the Personal Income tax. The problem was that, due to lack of knowledge of the legal regime and also the language barrier, many immigrants did not initiate the necessary procedure to obtain resident status, once they acquired the right to do so. Usually, they only noticed something was wrong when they received requests to pay high amounts of tax. But as they did not contest these requests in a timely manner, they became final. Aiming not only to solve but also to prevent such cases, the Ombudsman suggested to the competent tax authorities that guidelines be sent to the finance services, asking them to inform the immigrants, on the date of the attribution of the Fiscal Identification Number with a non-



PROVEDOR DE JUSTIÇA

resident status, to the need to subsequently modify the declared address, as soon as they met the requirements to be considered residents. The suggestion was accepted and the guidelines were sent to the competent services, together with an information note in Portuguese and English, to be given to the immigrants, informing them of the requirements and procedures to obtain resident status.

- **Sports:**

In 2008, dealing with the case of a young foreigner that practiced amateur football, the Ombudsman became aware of the existence of a legal provision that made it very difficult for him to continue to practice that sport, if there were a change of the family residence to Portugal, as a high fee would then be established. For Portuguese citizens, however, the fee was insignificant. Noting this disparity, the Ombudsman recommended to the Portuguese Football Federation that both situations be made equivalent, on the basis of the lowest amount charged. The position of the Ombudsman was accepted.

In 2006, the Ombudsman dealt with the case of a sports federation that had in its regulations a provision limiting access to foreigners over 15 years of age to two per modality. The Ombudsman drew the attention of the federation to the need to eliminate any barriers to the registration of foreign students, at least in the non-senior divisions, which was accepted.

- **Racial discrimination in the media:**

In 2000, in an effort to contribute, within his scope of competences, to fight racism on the Internet, specifically the growing number of websites of general access promoting racism, xenophobia and other forms of intolerance and discrimination, the Portuguese Ombudsman asked the public institute in charge of regulating the sector to raise the awareness of internet service providers to that problem and also to the role they could play in its prevention. In this context, the Ombudsman suggested, as an example, the inclusion in standard contracts for webpage hosting of clauses forbidding content manifestly contrary to fundamental constitutional values of a state based on the rule of law, namely those values protected by Criminal Law. In parallel, the Ombudsman adopted awareness-raising measures as regards State entities responsible for basic and secondary public education, suggesting the filtering of content in school computers with Internet access. This intervention of the Ombudsman was successful.

In 2008, the Ombudsman received a complaint of a citizen against a humoristic program aired by a private television channel, arguing that it had used racist and xenophobic content. Since the competent public authority, in this case the



PROVEDOR DE JUSTIÇA

Regulatory Authority for the Media, had not yet been requested to act or state its position on the matter, the Ombudsman informed the complainant of the possibility to present the case to it.

- **Access to a profession and work-related issues:**

In 2002, the Ombudsman obtained the declaration of unconstitutionality, with general binding force, of legal provisions that only allowed access to the profession of teacher to Portuguese nationals and nationals from EU countries or countries with specific agreements with Portugal (Constitutional Court ruling 345/2002).

In 2007, a Brazilian doctor employed in a public hospital complained to the Ombudsman against perceived discrimination in an internal competition for a specialty of paediatrics. Underlying the complaint was a dispute of several years that opposed the doctor to the hospital and had been reported to the Ombudsman since 1998. Essentially, the complainant alleged that he had been discriminated against due to his nationality, as in 1996 and 1997, when the laws that allowed for the regularization of situations in public administration were being applied, he had been the only one to whom the hospital had not recognized his medical specialty as a paediatrician, but only as a general physician. The Ombudsman never found a violation of the principle of equality to exist, as his situation could not be deemed similar to that of the other doctors. Meanwhile, the case was subject to judicial proceedings and the resulting decisions did not substantiate the request of the complainant to be considered a paediatrician without having to undergo a competition.

In 2008, the Ombudsman handled a complaint forwarded by an NGO against racism, submitted by the widow of an agent of the Public Security Police, of African origin, who been killed on duty. The complainant argued that her husband had been discriminated against, as his death had not given place to the attribution of the same honours and compensation as in the case of other agents. Through his intervention, the Ombudsman was able to provide several clarifications to the complainant and explain that there had been no discriminatory intent.

- **The penitentiary system and the rights of foreign inmates:**

The situation of foreign inmates has been considered in the Ombudsman's three own-initiative inspection reports on the prison system. At all levels (socio-economic conditions of accommodation, visitation rights, access to training, contacts with families) the Ombudsman has defended a positive discrimination of non-residents, in light of the specific difficulties they face (less family



PROVEDOR DE JUSTIÇA

support, higher communication costs with relatives in the country of origin, language difficulties, etc). For example, among many others measures, the Ombudsman successfully defended the adoption of exceptional measures to allow for a lower cost of long-distance calls. He also successfully recommended that the menus provided take into account the different religious and cultural backgrounds of inmates.

As regards complaints addressed to the Ombudsman alleging discrimination based on nationality, they have focused mainly on the non-granting of permission to leave the prison facilities and the exclusion from training courses of non-residents or persons to which the accessory penalty of expulsion has been applied. The former matter is subject to judicial decision and therefore excluded from the Ombudsman's scope of competence. Still, in 2008, the Ombudsman opposed the position of automatically excluding from the open prison regime those inmates against which administrative proceedings of expulsion were initiated. In the latter situation, the greater difficulties relate to the lack of non-EU-funded trainings. The Ombudsman has generally asked the competent authorities to take into consideration the requests of non-EU inmates in the event that additional training opportunities arise.

- **Detention centres for foreigners not admitted into Portugal:**

In 2011, the Ombudsman carried out an inspection to detention centres for foreigners not admitted into Portugal, to assess the conditions in which they were temporarily installed there. In his final report, while considering that the overall situation was positive, the Ombudsman did address some suggestions to the Portuguese authorities, including, among others, to make the facilities less impersonal and sad and to provide more leisure time occupation, such as reading materials. The Ombudsman paid specific attention to the situation of particularly vulnerable groups, suggesting that the procedures regarding non-accompanied minors be strengthened, in particular as regards the obligation to report their presence to the Commissions for Protection of Children and Young People; that solutions be established to improve access for persons with reduced mobility; and that procedures concerning cases of transsexuality be devised for all spaces.

- **Documents and administrative procedures: visas, family regroupment, residence permits and certificates...**

As regards the granting of documents to foreigners, the complaints received over the past 10 years show a very significant improvement in the activity of the Alien and Borders Service. To that no doubt contributed the simplification of legal mechanisms carried out in 2007, as well as the lessening of the migratory pressure.



PROVEDOR DE JUSTIÇA

Some issues of contention do remain, *inter alia* as regards allegations of marriage fraud between Portuguese citizens and non-resident foreigners, as well as difficulties with the naturalisation requests by immigrants who completed the 6 years of residence required for acquiring nationality. As regards this last matter, the problems relate mainly to delays of the Aliens and Borders Service in certifying the 6 years of residence.

In the past, the Ombudsman has also dealt with cases concerning difficulties in the issuance of residence certificates by Parish Councils. These cases related to the charging of different fees depending on the nationality of the applicant, as well as the request for more stringent means of proof to foreigners. Also frequent was the refusal to provide such certificates to irregular immigrants. The Ombudsman asked for the collaboration of the National Association of Parishes, which issued a guideline for its members, clarifying the correct procedures in such situations.

In 2008, pursuant to a complaint submitted by an association of immigrants, the Ombudsman dealt with a situation of discrimination in the definition of the group of citizens that was eligible to pay the more favourable fee for residents, in the context of the provision of regular air traffic public services between the mainland and the Autonomous Regions of Azores and Madeira. In dialog with the Government, the Ombudsman was able to ensure the modification of the law, so as to cease the discrimination.

IV. Cases dealt with by the Ombudsman – the situation of the Roma

As mentioned above, the activity of the Ombudsman with regard to the situation of the Roma was subject to a recent assessment, pursuant to the European Committee on Social Rights' decision concerning the violation by Portugal of provisions of the European Social Charter.

This assessment revealed that, after some serious cases in the last decade of the 20th century, this has remained a minor area of activity in the overall context of the Portuguese Ombudsman's work, due to the low number of complaints, and without prejudice to some *ex officio* proceedings being opened to investigate concerns raised in the media with regard to the situation of specific Roma communities.

Overall, from 2000 to present date, we would mention the following cases:

- In 2011, the media reported that in February the European Centre for Roma Rights had questioned the Portuguese authorities about the precarious living conditions of an informal Roma settlement in Vidigueira and also about the



PROVEDOR DE JUSTIÇA

alleged interruption of access to water by this community, through the destruction, by municipal authorities, of 12 taps existing in the area, which constituted the only water source for the settlement. Pursuant to those media reports, and while he had not received any complaints on the matter, the Ombudsman decided on his own initiative to carry out an informal preliminary assessment of the situation. However, he ended up concluding that the available information did not seem to support the need for an *ex officio* intervention.

- In 2011, through his toll-free Children's Hotline, the Ombudsman received a complaint concerning the situation of three Roma children living with their mother in a tent under a bridge, without the basic conditions of hygiene, safety and comfort. The family was already receiving the Social Insertion Income and support for food and clothes. Taking into account that the children were still living in a tent, the Hotline alerted the local Commission for Protection of Children and Young People. Members of the Commission met with the children and the mother, who consented to the intervention of the Commission. Inquiries were also made to the school the children went to, which gave positive information on the level of attendance and commitment of the children and collaboration of the mother. Afterwards, the Commission interacted with the Municipal Council, to ensure the registration of this family for social housing, even though at the time no houses were available. The Commission met with the team that handled the Social Integration Income, to promote a joint intervention, particularly with the mother, to reinforce the need to stop living a tent and moving into a house. To that effect, since the mother had enough income to pay for rent, the entities concerned undertook to help her find a house, at least while social housing could not be granted.
- In 2009, the Ombudsman received a complaint from a Roma individual residing in the former Quinta do Mocho, who felt persecuted by neighbours of African origin. He complained against the City Council of Loures for not re-housing him in another neighbourhood. Pursuant to inquiries carried out by the Ombudsman to the municipality, several alternatives were offered, as there were no vacancies in the chosen neighbourhood.
- In 2008, an *ex officio* intervention was carried out concerning the lack of accessibility of a social housing neighbourhood, where a Roma community resided, to the city centre of Pombal, pursuant to the closing of an underway passage under the main road. The City Council indicated that this was a private passage, which had been cut off by the owner of the adjoining lands, but that an overhead passage was being built. The Ombudsman monitored the construction work, which lasted a few months, and noted to the Council that this type of solutions needed to be provided in due time, as the houses were being occupied.



PROVEDOR DE JUSTIÇA

- In 2007, the Ombudsman investigated a case concerning the precarious living conditions of several Roma families in the municipality of Albufeira, which the Municipal Council could not solve. The Ombudsman tried to raise awareness amongst the various entities involved to the need to swiftly solve the problem, which constituted a social emergency. To that effect, the Municipal Council of Albufeira acquired a land to install caravans or prefabricated homes to house those families. This project was developed jointly with the Santa Casa da Misericórdia (a Portuguese charity) and the District Centre of Social Solidarity and Social Security of Faro. However, it was rendered impossible by lack of financial support. In the meantime, a new municipal neighbourhood was built with 47 new houses available and the possibility was raised to house the Roma families there. After assessing the situation of the remaining candidates who had signed up for social housing, the Municipal Council decided to include the Roma families in the list of beneficiaries for that residential area.
- In 2007, a complaint was submitted by an NGO engaged in the fight against racism, arguing that a territorial post of the National Republic Guard (GNR) was requiring members of the local Roma community to sign a declaration taking on accountability for all altercations caused during their festivities, and also taking on the commitment of members in those events not entering local bars and cafés. The Ombudsman heard the GNR with regard to these allegations and concluded that the facts had been repeated on three different occasions, the last of which in 2006. The GNR apologized for these incidents and informed that it had adopted internal procedures to avoid similar situations in the future.
- In 2006, the Ombudsman dealt with a case concerning allegations that, due to racial discrimination, the Municipal Council of Chamusca was in breach of a rental agreement it had celebrated with a Roma person, by refusing to provide the keys to the rented building. The Ombudsman inquired the concerned entities and the (then called) High Commission for Immigration and Ethnic Minorities and was able to gather sufficient information to conclude that the complaint was unfounded.
- In 2006, the Ombudsman dealt with a case in which the complainant contested the discriminatory manner in which he had been received by the court clerk, pursuant to a precatory letter. In fact, the complainant was unable to obtain any explanation on the judicial procedure associated with the letter, as it involved proceedings pending before another court. After carrying out inquiries, the Ombudsman concluded that insofar as the motivations of the court clerk were concerned, there was no reason to suppose that there had been any intention to discriminate on the grounds of the complainant's Roma ethnicity.



PROVEDOR DE JUSTIÇA

- In 2004, the Ombudsman dealt with the case of a Roma family that occupied a land in the parish of Vale de Cavalos (municipality of Chamusca). The initial complaint concerned the refusal of the Parish Council to issue a residence certificate to the family members. The Parish Council was heard and the Ombudsman understood that the problem was that it considered that by issuing the certificate it would cause detriment to the judicial action it had pending for the eviction of this family. The Ombudsman explained to the Parish Council that the two matters were separate. In the meantime, the Ombudsman became aware that a re-housing procedure for this family was underway in the Municipal Council. The Ombudsman monitored this procedure and was able to obtain from the Parish Council the agreement that a future judicial decision that were favourable to it would in any case be articulated with the re-housing procedure.
- The Ombudsman dealt with a complaint from a Roma person concerning a case in which GNR police agents notified him to appear as a witness, in compliance with the Public Prosecutor's request, but, once in the police station, treated him as a defendant. The GNR accepted that there had been a formal error in the identification of the requested procedure concerning the complainant. Nevertheless, the information collected by the Ombudsman clarified that, under the circumstances in which it took place, the GNR conduct reflected no persecution based on Roma ethnicity.
- In 2003, it was reported in a news article that the Municipal Council of Faro had disseminated a public announcement in which it seemed to threaten to expel from the area a community of Roma. The Ombudsman requested a copy of the announcement, as well as further clarifications. The President of the Municipal Council denied any discriminatory intent and argued that the announcement merely related to the removal of a nomad camp from a certain municipal land, due to non-compliance with the rules established therein (in parallel, there was also an alleged commission of crimes). The Ombudsman sent a letter warning the municipality of the importance of avoiding less careful interventions that could, even if unintentionally, create racist or xenophobic feelings.
- In 2000, on his own initiative, the Ombudsman investigated a request of the Municipal Council of Vila Nova de Poiares that locals refused to sell or rent houses to Roma persons. The Council had distributed information in which it clearly incited to the refusal to enter into contracts with Roma, to avoid their fixation in the area. The Ombudsman summoned the President of the City Council and he agreed to a retraction.