

European Union Agency for  
Fundamental Rights, selection of  
relevant and recent passages from  
published reports related to Portugal  
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## Contents

Data Explorers and tools.....	2
Roma survey data explorer .....	2
Annual reports.....	2
Fundamental Rights Report 2016 (2016).....	2
1. Racism, xenophobia and related intolerance.....	2
2. Roma integration.....	3
Fundamental rights: challenges and achievements in 2014 - Annual Report 2014 (2015).....	4
1. Equality and non-discrimination.....	4
2. Racism, xenophobia and related intolerance.....	6
3. Roma integration.....	6
4. Asylum, borders, immigration and integration.....	7
Thematic reports.....	8
Ensuring justice for hate crime victims: professional perspectives (2016)..	8
Severe labour exploitation: workers moving within or into the European Union States' obligations and victims' rights report (2015) .....	10

EU-MIDIS, European Union Minorities and Discrimination Survey. Data in Focus Report: Minorities as Victims of Crime (2012) ..... 13

## Data Explorers and tools

Roma survey data explorer

<http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-results-2011-roma-survey>

## Annual reports

Fundamental Rights Report 2016 (2016)

<http://fra.europa.eu/en/publication/2016/fundamental-rights-report-2016>

### 1. Racism, xenophobia and related intolerance

“Better recognition of hate crime can also improve the recording of such crime. The classification of Member States based on official data collection mechanisms pertaining to hate crime did not change in 2015. This means that data are still not comparable between Member States and that large gaps in data collection remain across the EU. Some Member States did, however, introduce changes that could lead to improved recording of hate crime. This is particularly the case in Greece, Hungary and Portugal, which instituted working groups on hate crime that represent various stakeholders. The working groups aim to develop a common approach to recording hate crime incidents among these stakeholders and to ensure more efficient information exchanges between them.” (page 82)

“Research conducted by the European Network of Equality Bodies (Equinet) stresses the key role of equality bodies in making sure that sanctions and remedies in discrimination cases are effective, dissuasive, and proportional. The Equinet analysis shows that equality bodies are

competent to issue sanctions and recommendations in several Member States, including Belgium, Bulgaria, Cyprus, Denmark, Finland, France, Hungary, Latvia, Lithuania, Malta, Portugal and Romania. The report also shows that the judiciary in some Member States could apply a wide set of sanctioning options, but that these remain unused or underused because judges lack knowledge or are reluctant to apply sanctions that are not common in their national legal systems. Equinet therefore calls on the equality bodies “to motivate judges to apply those sanctions, which are available in law, also in practice.”(page 86)

## 2. Roma integration

Portugal will be included in EU-MIDIS II (page 99)

“Raising awareness about the provisions of the NRIS among local authorities and local decision makers is an important factor that has the potential to enhance the measures and actions taken to support the Roma community. In Portugal, an increasing number of requests by local governments and partnership networks were submitted to the High Commission for Migrations (Alto Comissariado para as Migrações, I. P., ACM) in 2015, with the aim of improving the understanding and dissemination of the national strategy locally. As a result of these requests, the ACM drew up a set of guidelines.” (page 105)

## Fundamental rights: challenges and achievements in 2014 - Annual Report 2014 (2015)

[http://fra.europa.eu/sites/default/files/fra-annual-report-2014\\_en.pdf](http://fra.europa.eu/sites/default/files/fra-annual-report-2014_en.pdf)

### 1. Equality and non-discrimination

“Not knowing where to turn to seek redress in cases of discrimination is, however, often the first barrier to being able to fully exercise the fundamental right to equal treatment. No single organisation or body is responsible for enabling people to seek redress. FRA, together with a group of national human rights bodies, therefore continued working in 2014 on a pilot online tool named ‘Clarity’ to help victims of discrimination and other fundamental rights violations gain better access to non-judicial remedies. The bodies involved represented Austria, Bulgaria, Cyprus, Finland, France, Greece, Hungary, Italy, Malta, Portugal, Romania, Slovakia, Spain and the United Kingdom (Northern Ireland).” (page 29)

“Concerning the third conditionality [disability: arrangements in accordance with the institutional and legal framework of Member States to consult and involve bodies in charge of protecting the rights of persons with disabilities or representative organisations of persons with disabilities and other relevant stakeholders throughout the preparation and implementation of programmes], some Member States have consulted or plan to consult with bodies in charge of protection of rights of persons with disabilities or disabled persons organisations (DPOs). This was the case in Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Spain and Sweden. The criteria to be met under this conditionality include having a plan in place to involve such organisations, identifying relevant actors and their roles and facilitating their active involvement in the process.” (page 31)

“For the fourth conditionality [disability: arrangements to train staff of the authorities involved in the management and control of the ESIF in the fields of applicable Union and national disability law and policy, including accessibility and the practical application of the CRPD as reflected in Union and national legislation, as appropriate], Member States

took steps to ensure that relevant staff will be trained on applicable EU and national disability law and policy, including accessibility and the implementation of the CRPD. This happened in Austria, Belgium, Bulgaria, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Luxembourg, Malta, the Netherlands, Portugal, Romania, Slovenia, Slovakia and Spain. The criteria to be met under this conditionality are having a plan in place, and the plan covering all relevant actors.” (page 31)

“Country-specific recommendations (CSRs) made by the European Commission to Member States on how to boost growth and jobs creation could, where followed, play an important role here. Twelve Member States received recommendations relating to poverty and social inclusion for 2014–2015: Bulgaria, Croatia, Ireland, Italy, Hungary, Latvia, Lithuania, Poland, Portugal, Romania, Spain and the United Kingdom.” (page 32)

“Although Portugal ratified the CRPD in 2009, a national framework to meet its obligations under Article 33 (2) of the convention was not created until November 2014. As well as making recommendations to competent public authorities to promote better implementation of the CRPD, the national mechanism will raise awareness and disseminate information about the rights set out under the convention. The establishment of a new body is in keeping with a trend that has seen around a quarter of EU Member States create new entities to fulfil this role: an additional third of EU Member States have appointed national human rights bodies as Article 33 (2) bodies.” (page 35)

### **Promising Practice:**

*“Improving accessibility for persons with disabilities*

Member States have taken steps to increase the accessibility of tourist areas and facilities. For example, a Portuguese programme ensures that beaches comply with accessibility legislation. The programme, ‘Accessible beach – beach for all!’ (Praia acessível – Praia para Todos!), allows beaches meeting certain conditions to fly a flag highlighting their accessibility. The conditions cover accessible pathways, sanitary and first aid facilities, as well as parking spaces. The scheme has been in operation since 2004, and

the number of participating beaches has increased from 50 in 2005 to 194 in 2014. The programme brings together the National Institute for Rehabilitation (Instituto Nacional para a Reabilitação, INR), the Water Institute (Instituto da Água), the Portuguese Environment Agency (Agência Portuguesa do Ambiente) and Portugal Tourism (Turismo de Portugal). For more information, see: [www.inr.pt/content/1/17/praias-acessiveis-praias-para-todos](http://www.inr.pt/content/1/17/praias-acessiveis-praias-para-todos)" (page 35)

## 2. Racism, xenophobia and related intolerance

"No trends could be identified between 2011 and 2013 because of a lack of published data, the low number of recorded crimes, or changes in recording systems or to the definitions used, for the following EU Member States: Bulgaria, Croatia, Cyprus, Denmark, Estonia, Greece, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, Romania, Slovakia and Slovenia." (page 62)

## 3. Roma integration

"In Portugal, a Consultative Group for the Integration of Roma Communities was created and civil society is part of the group." (page 74)

"In response to the request in the 2011 European Commission communication on the EU Framework for national Roma integration strategies and the 2013 Council recommendation on effective Roma integration measures in the Member States, FRA established a working party on Roma integration indicators, as a subgroup of the European Commission's network of NRCPs. Since 2012, FRA has coordinated the working party in close cooperation with the Commission. The number of Member States participating in the working party grew from 13 in 2013 – Belgium, Bulgaria, the Czech Republic, Croatia, Finland, France, Hungary, Italy, the Netherlands, Romania, Slovakia, Spain and the United Kingdom – to 17 in 2014, with Austria, Greece, Ireland and Portugal joining. The objective of this group is to develop and pilot a rights-based framework of Roma integration indicators (presented in detail in [FRA's Annual report 2013](#)) that can comprehensively document progress made in reference to fundamental rights standards. In 2014, the working party set out process indicators that can show progress in implementing the

measures outlined in the Council recommendation, and four Member States piloted the indicators.” (page 75)

#### 4. Asylum, borders, immigration and integration

“In another five Member States (Bulgaria, Cyprus, Greece, Italy and Portugal), the return monitoring system is still in a preparatory phase pending staff, funding, training and/or other action.” (page 89)

“Ten Member States (Croatia, Finland, France, Greece, Italy, the Netherlands, Poland, Portugal, Romania and Slovenia), amended their legislation to establish independent monitoring systems in 2014.” (page 89)

“In Portugal, the General Inspectorate of Internal Affairs will now conduct the monitoring.” (page 91)

“However, in the last year, 12 Member States (Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Lithuania, Poland, Portugal, Romania, Sweden and the United Kingdom) have not implemented any concrete measure for migrant integration and inclusion targeting the general population.” (page 96)

“However, turning from policy to practice, fewer Member States adopted and implemented concrete measures, such as training for public officials and civil servants dealing with migrants. Austria, Croatia, the Czech Republic, Germany, Greece, Hungary, Ireland, Italy, Latvia, Malta, the Netherlands and Slovenia did so. Bulgaria, Estonia, Poland and Portugal have recently adopted such policies and are planning measures for 2015 and beyond.” (page 96)

“A majority of Member States (Belgium, Denmark, Estonia, Finland, Hungary, Ireland, Lithuania, Luxembourg, the Netherlands, Portugal, Slovakia, Slovenia, Sweden, Spain and the United Kingdom) have granted third-country nationals the right to vote in local elections, for all or some selected nationalities. This example could be followed by others, as political and social participation of migrants and their descendants is key to successful integration. This is particularly important for young people who are descendants of migrants, but were born and raised in an

EU Member State. Consideration could be given here to the Council of Europe Convention on the Participation of Foreigners in Public Life at Local Level.” (page 99)

## Thematic reports

Ensuring justice for hate crime victims: professional perspectives (2016)

<http://fra.europa.eu/en/publication/2016/ensuring-justice-hate-crime-victims-professional-perspectives>

“Several experts (for example, in Germany, Portugal and Sweden) perceived violence against homeless persons as an issue of mounting significance.” (page 16)

Quotes:

“There could be some crimes which are motivated by hate, but those are few and they are not reported.” (Police officer, Portugal), (page 25)

“The victims of racism have heard so often so many nasty comments that after a while such comments, while they are still, obviously, based on prejudice, no longer have an impact on the person who maybe feels that this is not that serious, when it is extremely serious.” (Victim support service, Portugal), (page 31)

“A striking general finding with regard to interviewees’ responses is a lack of awareness or agreement between experts on the actual availability of such services (e.g. in Ireland, Luxembourg and Portugal).” (page 37)

“In other Member States – including Portugal and France standard procedures for assessing victims’ protection needs are currently being developed.” (page 45)

“Several interviewees noted that the police’s failure to realise offenders’ bias motives has negative consequences. When the police overlooks such motives, it is unlikely that the issue will resurface at a later stage of proceedings. The police thus lay crucial groundwork for appropriate

classification and punishment of the offence (Austria, Belgium, Denmark, Portugal, Romania).” (page 47f.)

“Two clusters of countries were formed on the basis of patterns that surfaced in the research, and compared. The first cluster consists of five Member States – Denmark, France, Luxembourg, Netherlands and the United Kingdom. The second group comprises eight other Member States – Bulgaria, Cyprus, Greece, Latvia, Malta, Poland, Portugal and Romania. Of the 51 professionals interviewed from the first cluster, 13 (25 %) viewed the risk that police officers share discriminatory attitudes as either very high or fairly high. However, of the 71 interviewees from the second cluster, 41 (58 %) rated this risk as very or fairly high. Hence, according to the professionals interviewed in this research, the risk that police officers to whom hate crime victims report share the discriminatory attitudes of offenders is more than twice as high in the second cluster of Member States compared to the first.” (page 55)

*Additional Information regarding hate crime:*

Portugal was a member of the FRA Working Party on hate crime (2014–2016) and has contributed to the online Compendium on practices combatting hate crime.

- [Partnership between the police forces, the judiciary and the ILGA Portugal \(LGBTI NGO\) on training on hate crime.](#) This project provides specific training on LGBTI hate crime to all police forces, prosecutors, judges, civil servants at the Ministry of Justice and Internal Affairs, as well as lawyers, as they are part of the same judicial system where each one plays a specific role.

Portugal is a member of the new FRA led [Subgroup on methodologies on recording and collecting data on hate crime.](#)

*Severe labour exploitation: workers moving within or into the European Union States' obligations and victims' rights report (2015)*

<http://fra.europa.eu/en/publication/2015/severe-labour-exploitation-workers-moving-within-or-european-union>

*“The criminal laws of Croatia, the Czech Republic, Estonia, Italy, Portugal and Slovakia protect all aliens (third-country nationals and EU citizens from other EU Member States) in an irregular situation of residence.” (page 38)*

*“On the other hand, in marked contrast to their initial tentativeness, probably stemming from these conceptual complexities, once the terms were clarified, respondents assessed the exploitation of workers from other countries in particularly exploitative employment relationships as in fact the most common form of severe labour exploitation. In 13 of the 21 EU Member States that were included in the fieldwork phase of the project – Austria, Croatia, Cyprus, France, Germany, Greece, Hungary, Italy, Lithuania, Malta, Poland, Portugal and Spain – it was perceived by experts as the most frequently occurring form of severe labour exploitation.” (page 39)*

*“Respondents in the majority of EU Member States rarely indicated illegal forms of child labour as a common form of labour exploitation. When mentioned, labour exploitation involving children was linked to begging – for example in Austria, the Czech Republic, Greece, the Netherlands, Poland and Slovakia – while an expert in Portugal referred to cases of child labour involving Romanian children in olive picking.” (page 40)*

*Quotes:*

*“The offenders are always going to carry on doing this to new people. Non-punishment reproduces exploitation.” (Representative of a victim support organisation, Portugal), (page 44)*

*“This is a game. Many are Community companies, they are registered in other countries and they're not registered in Portugal. Well, they know that even if I intercept their activities, I don't have any legal power in*

Romania, for example. Consequently, everything I do is worthless, and they're not even obliged to answer me." (Representative of a monitoring body, Portugal), (page 66)

"Focus groups in Portugal and Greece highlight links between severe labour exploitation and the economic crisis. According to the participants in the Portuguese focus group, labour exploitation, as well as situations involving slavery, appears to be on the rise in Portugal and in Spain. This increase is particularly connected with a growth in farming in some areas of the country and with the need for seasonal labour power. Labour exploitation is still a hidden, invisible phenomenon. Economic and political interests favour this invisibility, particularly in times of crisis. Participants pointed out that coordination among the different organisations responsible for dealing with the issue is not always efficiently handled. There is poor communication between the institutions. "Without all the organisations pulling together, we won't be able to make any progress. There are small things that sometimes don't mean anything to an organisation, but which, pooled with other information that I already have, could mean a lot more." (Monitoring body), (page 54)

"In Portugal, participants in the focus group discussion emphasised that the situation of domestic workers is characterised by close personal relationships between the victims and the exploiters, even where there is a climate of intimidation and pressure is exerted upon the worker, which makes it even more difficult for victims to withdraw from an exploitative employment relationship." (page 57)

"Labour inspection often does not cover domestic work, with labour inspectors rarely authorised to enter private homes without court authorisation. Exploitation in domestic work, including of au pairs and those providing care for the elderly, often remains invisible because of a particular lack of monitoring of this sector in many Member States, in large part as a result of the legal and practical challenges related to inspecting private homes. This was highlighted by experts in Austria, France and Portugal, for instance." (page 67)

“Even in those EU Member States where experts generally consider victim support to work well (such as in Portugal, the Netherlands and the United Kingdom), support services have focused on sexual exploitation and trafficking, and support for victims of severe labour exploitation is seen as an emerging area.” (page 80)

“Desk research revealed that in 12 EU Member States public authorities with powers of inspection are in some way or other tasked with supporting workers in a manner that can also benefit victims of severe labour exploitation. In five EU Member States – the Czech Republic, France, Poland, Portugal and Slovakia – such authorities can oblige the exploiter to pay remuneration due. This is to be considered a promising practice.” (page 82)

“Respondents note the lack of and urgent need for ex officio investigations in relation to cases of labour exploitation. In many countries – Finland, Germany, Greece, Italy, Portugal and Slovakia – investigation and prosecution of severe forms of labour exploitation of workers who have moved within or into the EU does not seem to be in the interest of the state, and it is left to individual complainants to step forward and initiate proceedings.” (page 84)

“Desk research conducted in all 28 Member States revealed that in at least half of the Member States – Austria, Belgium, Cyprus, Finland, France, Germany, Hungary, Lithuania, Luxembourg, Poland, Portugal, Slovakia, Spain and Sweden – trade unions are entitled to lodge complaints on behalf of victims. In addition, labour inspectorates or similar monitoring authorities in more than 10 Member States can support or even act on behalf of workers in proceedings (the Czech Republic, Estonia, France, Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia and Spain). In about a quarter of Member States, interested private parties, including NGOs, can intervene on behalf of victims (Bulgaria, the Czech Republic, France, Poland, Portugal, Slovakia and Spain).” (page 85)

Breakdown of fieldwork in the EU Member States (interviews, focus groups and case studies), (page 101)

	Interviews	Focus group	Case studies
<p><b>Medium-sized Member States:</b> Austria, Belgium, Bulgaria, the Czech Republic, Finland, Greece, Hungary, Ireland, the Netherlands, Portugal and Slovakia</p>	<p>30 interviews: three to six interviews with representatives of groups M, P and J; four to seven interviews with representatives of group S, of which two or three interviews should be conducted with representatives of child welfare organisations; one to three interviews with representatives of group L (at least one lawyer mainly working in the field of civil or labour law), R,W and E; one interview with a national coordinator (N).</p>	<p>One focus group discussion</p>	<p>10-12 case studies</p>

EU-MIDIS, European Union Minorities and Discrimination Survey. Data in Focus Report. Minorities as Victims of Crime (2012)

[http://fra.europa.eu/sites/default/files/fra-2012-eu-midis-dif6\\_0.pdf](http://fra.europa.eu/sites/default/files/fra-2012-eu-midis-dif6_0.pdf)

“In comparison, other Member States – such as Greece and Portugal – publish either no ‘racist’ crime data on a regular basis or only limited data representing a handful of cases.” (page 6)

Portugal will be included in EU-MIDIS II