

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

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¹ Any developments which occurred after 13 November 2015, date on which the response of the Portuguese authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, are not taken into account in this analysis.

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FOREWORD

As part of the fourth round of ECRI's monitoring work, a new process of interim follow-up has been introduced with respect to a small number of specific recommendations made in each of ECRI's country reports.

Accordingly and in line with the guidelines for the fourth round of ECRI's country-by-country work brought to the attention of the Ministers' Deputies on 7 February 2007¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

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

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

¹ CM/Del/Dec(2007)986/4.1.

1. *In its report on Portugal (fourth monitoring cycle) published on 9 July 2013, ECRI urged the authorities to take steps to put in place a monitoring system to enable the collection of data, either by Government agencies or by recognised academic institutions, which may indicate whether particular groups may be disadvantaged or discriminated against on the basis of “race”, ethnicity, religion or membership of Roma or other vulnerable communities, and to ensure that this is done in all cases with due respect for the principles of confidentiality, informed consent and voluntary self-identification.*

The authorities, while recognising the usefulness of compiling disaggregated equality data, recalled the constitutional and other legal obstacles to their collection.

They informed ECRI that, in order to address the lack of knowledge concerning the social, economic and cultural situation of Roma communities in Portugal, one of the first priorities of the National Roma Communities Integration Strategy (2013-2020) was to create the Observatory of Roma Communities. This Observatory carried out a national study of Roma communities in Portugal, in which more than 24 000 Roma persons were contacted in half of the Portuguese municipalities. The results were published in January 2015.

The authorities also referred to the Migration Observatory, set up in 2003 within the remit of the High Commissioner for Migration (ACM)¹ to strengthen knowledge about immigration in Portugal in order to define, implement and evaluate effective policies for the integration of immigrants and to promote dialogue between academia and decision-makers in this area. One of its objectives is to encourage the collection of data or information related to immigration. ECRI notes that the Immigration Observatory published a study in 2014 on Immigrants’ Indicators of Integration, with a collection of analysed data from 2001-2012 including a special chapter on racial and ethnic discrimination.

ECRI welcomes the steps taken to enable the collection of data by the Observatory of Roma Communities and the Migration Observatory as well as the studies which have been carried out by these institutions on the situation of Roma and immigrants.

However, ECRI considers that a monitoring system enabling the collection of data which may indicate whether particular groups are disadvantaged or discriminated against on the grounds of concern to ECRI has not been set up. Moreover, the Roma study mentioned does not give a complete picture of the situation of the Roma population in the country since only half the municipalities were involved.

Therefore, ECRI considers that its recommendation has been partially implemented.

2. *In its report on Portugal (fourth monitoring cycle), ECRI strongly recommended that the authorities take steps to simplify and speed up procedures following the lodging of complaints with ACIDI. In this context, ECRI also recommended that the authorities consider ways in which the principle of sharing the burden of proof could be put into effect.*

In the comments they submitted, the authorities recalled the administrative procedure following the lodging of a discrimination complaint with the Commission for Equality and Combating Racial Discrimination (CICDR), which remains as described in ECRI’s third and fourth reports. They also informed ECRI that they are in the process of amending the anti-discrimination Law No. 18/2004 in order to strengthen the concept of discriminatory practices, but gave no indication that the new law would introduce

¹ In 2014, the High Commission for Immigration and Intercultural Dialogue (ACIDI), referred to in ECRI’s fourth report, became the High Commissioner for Migration (ACM).

changes to simplify and speed up the procedures, as recommended by ECRI. There is also no reference to any changes in respect of the sharing of the burden of proof.

However, ECRI notes one positive development: the new website of the CICDR is more user-friendly and provides information about lodging a complaint as well as advice on filling in the electronic form, indicating how to present a complaint and the necessary evidence. It also mentions that plaintiffs benefit from the rules on sharing the burden of proof.

Overall, ECRI considers that its recommendation has not been implemented.

3. *In its report on Portugal (fourth monitoring cycle), ECRI urged the authorities to eliminate all walls and other barriers segregating Roma communities.*

In its fourth report, ECRI noted that there continued to be Roma settlements which were surrounded by walls and it cited as an example the concrete wall of around 100 metres in length around the Pedreira district in Beja separating some 400 Roma from the rest of the city. The authorities provided no information about any developments concerning this particular wall nor about the situation as concerns any other similar barriers which may segregate Roma communities from the rest of society.

However, according to information from Roma organisations and a press article, the wall in Beja has been demolished, not by the authorities but on the initiative of the Roma themselves. It appears that the local residents slowly took the wall apart piece by piece and by May 2015 it had completely disappeared.

Following this, a partnership between the Mayor of Beja and a number of local associations was set up to improve the area where the wall used to be; fruit trees and flower beds have been promised as well as a multi-purpose pavilion.

ECRI is pleased that the goal of its recommendation has been achieved, although it stresses that credit for this must be given to the efforts of the local Roma population rather than to the authorities. In addition, since no information was provided about other such walls or physical barriers segregating Roma communities, ECRI considers its recommendation only partially implemented.

