



European Network Against Racism

# ENAR Shadow Report 2011-2012

## ENAR SHADOW REPORT

**Racism and related discriminatory  
practices in Portugal**

**Portuguese Association for Victim Support  
APAV**

Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism in the EU and its Member States. NGO reports are, by their nature, based on many sources of data - official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by racism. It is this that gives NGO reports their added value, complementing academic and official reporting.

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## 1. Executive summary

Racism and discrimination in Portugal affect immigrants (mostly Africans and people of African descent, Brazilians, Ukrainians, Romanians, Russians and other Eastern European nationals) and the Roma, the only recognized ethnic minority in Portugal. The lack of official data concerning the number of complaints of discrimination and of hate crimes in general and especially in the period under review (March 2011 to March 2012) hampers real understanding of this issue.

However, despite the lack of information on direct discrimination, studies show that in the period under review migrants and Roma continued to be discriminated against. As well as difficulties concerning the immigration process in Portugal, they also face social exclusion and difficulties in obtaining full access to employment, education, goods and services, health and housing.

In each area, the main findings of the Shadow Report were as follows:

**Racism and related discrimination in employment:** migrants continue to occupy low-skill positions, are more affected by unemployment and usually receive lower wages when compared to the rest of the population. The Roma suffer high levels of discrimination, firstly because cultural obstacles prevent their integration into the job market and secondly because they are subject to direct discrimination by employers.

**Recommendations:**

- Promote increased attainment of professional qualifications by members of the Roma community
- Raise awareness among employers about racial discrimination
- Raise awareness among minorities about their working rights

**Racism and related discrimination in housing:** Roma and migrants face social exclusion and poor housing conditions. They often suffer direct discrimination when trying to rent or buy a house in the private market.

**Recommendations:**

- Urgent action by the Government to relocate Roma families living in precarious conditions, or at least ensure that those families are included in relocation programs

**Racism and related discrimination in health:** healthcare providers are not trained to deal with cultural and language barriers. Migrants and Roma, even those who are undocumented, have the right to access the public healthcare system, but statistics show that they are often reluctant to seek medical assistance due to discrimination in the health service.

**Recommendations:**

- Training for healthcare providers on interculturality and language skills.
- Investment in research about the access of Roma and migrants to the healthcare system.

**Racism and related discrimination in access to goods and services:** the main issue in this area is the lack of data in the period under review.

**Recommendations:**

- immigrants should be permitted to name a foreign national as guarantor thus improving their access to bank loans

**Racism and related discrimination in political participation:** according to Portuguese legislation, foreign nationals are entitled to vote only in local elections. Recent statistics show that few migrants exercise this right. Many migrants are not aware of their political rights.

**Recommendations:**

- Increased investment by NGOs to encourage migrants to create groups that allow for their active political participation

**Racism and related discrimination in media:** Migrants and Roma are often linked with criminality in the media. This incites the general public to believe that those groups threaten national interests and cause insecurity in Portuguese society. Journalists do not accept social responsibility for fighting discrimination and are not held responsible for inciting racism.

**Recommendations:**

- Promote awareness among the media of discriminatory practices and ethics when dealing with situations involving migrants.
- Urgent investment by the government in training programmes and awareness raising initiatives among journalists to promote intercultural dialogue and racism-free reporting
- Enforcement of serious sanctions for those who violate the code of ethics by inciting discrimination.

**Racism and related discrimination in criminal justice:** the criminal justice system often fails to protect fundamental rights. The dissemination of official data could expose the need for the State to be more active in their role against racial discrimination.

**Recommendation:**

- National institutions should, among other duties, provide information to the general public about human rights and efforts to combat all forms of discrimination, particularly racial discrimination
- Increase public awareness, especially through education and the mass media.

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### 3. Introduction

This Shadow Report aims to provide information about racism and discrimination against immigrants and ethnic minorities in Portugal and also about their social integration in the main areas of society: employment, health, education, political participation, media, access to goods and services and criminal justice. The information provided focuses on available data about the above mentioned concerns and legal developments during the period of March 2011 to March 2012.

Following the findings of the first Portuguese Shadow Report in 2011, the communities most vulnerable to racism and discrimination are the immigrants and the Roma. While Portugal has a very precise data collection system to record migration movement there is no official or reliable data relating to the dimension of the Roma population. Discrimination suffered by these groups consists of outright racism and limited access to goods and services, as well as unequal conditions of work, housing and education.

During the period under review, there have been no significant legal developments in the fight against racism and discrimination. However, there were some efforts by the High Commission for Immigration and Intercultural Dialogue (*Alto Comissariado para Imigração e Diálogo Intercultural - ACIDI*) to propose amendments to the law on discrimination (Law nº 18/2004).

In 2011 the government launched the first National Strategy for the Integration of Roma Communities. This includes several measures aimed at the integration of Roma in many of the most problematic areas, such as employment, education and housing.

Regarding the Muslim communities,<sup>1</sup> the extent of discrimination is still widely unknown. The community is small and Islamophobia is not perceived to be a serious concern by the majority of stakeholders. Nonetheless, a number of incidents indicate that Portugal features the same prejudices and discrimination against Muslims which have been a concern in a number of other European countries.

This Shadow Report begins with an overview of the most relevant developments in Portugal during the period under review, highlighting the legal changes and the integration measures promoted by the government affecting immigrants and the Roma. The following chapter will examine racism and related discrimination faced by Muslims. The Shadow Report will then focus on specific areas where discrimination and obstacles to integration are

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<sup>1</sup> We found very little statistical data based on religious affiliation, possibly because this distinction is scarcely made in national official reports. The contact with NGOs working directly with these communities, the communities' representatives and prominent individuals was therefore vital to understand the current status of discrimination against Muslims. We interviewed a total of 10 people, from associations' representatives to prominent community members and would like to acknowledge their valuable and unique contribution to the conclusions hereby presented and prominent individuals was therefore vital to understand the current status of discrimination against Muslims. We interviewed a total of 10 people, from associations' representatives to prominent community members and would like to acknowledge their valuable and unique contribution to the conclusions hereby presented.

more palpable, with examples and statistics about immigrants, Roma and the Muslim community.

#### 4. Significant developments in the country during the period under review

According to the first Portuguese Shadow Report 2011, the communities most vulnerable to racism and discrimination are immigrants and the Roma.

Regarding the immigrant population, the 2011 report of the Immigration and Borders Services (*Serviço de Estrangeiros e Fronteiras - SEF*) shows that the number of documented foreign residents decreased by 1.90% compared to the previous year.<sup>2</sup> The report considers that this reduction is due to the fact that immigrants can easily obtain Portuguese nationality and from that moment on are longer considered immigrants for statistical purposes.

However, it is possible that the current economic crisis and the high level of unemployment in Portugal have led many immigrants to remain undocumented – either because they no longer have a work contract which enables them to apply for a residence permit or because the money they need to apply for or renew their residence permit is now needed for sustenance.

The economic crisis has had a notable impact on immigrants' integration and in the past year it has become increasingly common for Portuguese nationals to accuse immigrants of stealing their job opportunities, working for less pay, and being responsible for the increase in violent crimes.

In January 2012, the Prosecutor General stated publicly that racial and religious-based discrimination tended to increase in moments of economic crises and that the state authorities tend not to make a serious effort to combat the issue. He clearly stated that the Public Prosecution Services would stand up for minorities and that the idea of a cause-effect relationship between immigration and criminality is absolutely false<sup>3</sup>.

Following this announcement, on the 24<sup>th</sup> of January the Prosecutor General's office signed a cooperation protocol with the Commission for Equality and Against Racial Discrimination (*Comissão para Igualdade e Contra a Discriminação Racial - CICDR*), that works together with ACIDI, in order to promote more effective investigation of discrimination practices under Law n<sup>o</sup> 18/2004 e 134/99<sup>4</sup>.

Furthermore, CICDR took several measures to raise awareness about racial discrimination such as a seminar on the International Day for the Elimination of Racial Discrimination (21<sup>st</sup> of March)<sup>5</sup>, when several specialists and the general public discussed ways to improve the fight against discrimination, and

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<sup>2</sup> 2011 Report on immigration, borders and asylum, Serviço de Estrangeiros e Fronteiras, June of 2012, available at [http://sefstat.sef.pt/Docs/Rifa\\_2011.pdf](http://sefstat.sef.pt/Docs/Rifa_2011.pdf), accessed 23 July 2012.

<sup>3</sup> See <http://www.tvi24.iol.pt/sociedade/discriminacao-pgr-pinto-monteiro-tvi24/1319778-4071.html>, accessed 23 July 2012.

<sup>4</sup> See more information in <http://www.cicdr.pt/content/view/118/16/>, accessed 23 July 2012.

<sup>5</sup> See <http://www.cicdr.pt/content/view/119/16/>, accessed 25 July 2012.



the initiative “*Soccer Against Racism*”, which placed a sign in Portuguese stadia during matches saying “*Soccer against racism: join us!*”<sup>6</sup>.

There have also been no developments in addressing the social needs of immigrants and other minorities, since the introduction of the II National Plan for Immigrant Integration which remains in force until 2013 (see 2011 Shadow Report). However, in 2011 the first National Strategy for Integration of Roma Communities was launched. The strategy was submitted for public evaluation during that year and will be implemented in 2012.

This national strategy foresees several measures to promote the social integration of Roma, starting with a national study investigating the socio-economic situation of Roma in Portugal and continuing by taking measures in the following areas: justice and security, social security, gender equality, education for citizenship, social mediation, fight against discrimination, education, housing, employment, vocational training and health.

Concerning refugees and asylum seekers, there has been no legal or political progress towards their integration in the past year. However, it should be noted that on 15 May 2012, a new shelter for unaccompanied refugee children was opened.<sup>7</sup> This was the result of a partnership between the Portuguese Refugee Council (*Conselho Português para os Refugiados - CPR*) and the Lisbon municipality.

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<sup>6</sup> See <http://www.cicdr.pt/content/view/123/16/> accessed 25 July 2012.

<sup>7</sup> See [www.cpr.pt](http://www.cpr.pt), accessed 25 July 2012.

## 5. Special focus: Islamophobia

“Researchers and Muslims know about harassment. But public Islam in Portugal always stresses: 'Muslims in Portugal are not suffering discrimination. They are well integrated citizens and members of society'.” (Tiesler 2011, p. 457)

There is a belief among the general public that Portugal does not share the negative attitude towards Muslims felt in the majority of European Union countries. Islamophobia is not perceived as a serious issue and there is therefore little interest in studying the subject.<sup>8</sup>

The Muslim population is very small; it is estimated that 48 000 to 55 000 Muslims live in Portugal. The majority are Sunni, with a minority of Shi'a also present, especially Sevener Isma'ili Shi'a (around 8.000)<sup>9</sup>.

Muslims in Portugal today are 1<sup>st</sup> and 2<sup>nd</sup> generation of three migration flows during the second half of the 20<sup>th</sup> century and beginning of the 21<sup>st</sup> century. The majority of Muslims in Portugal come from former African colonies (mainly from Mozambique and Guinea-Bissau) and many are Portuguese citizens<sup>10</sup>. The latest migration flow (that started in the 1980's/1990's) was motivated by an attempt to escape poverty,<sup>11</sup> whereas the migrants that arrived after the 25<sup>th</sup> of April Revolution<sup>12</sup> fled for political reasons from former Portuguese colonies.

Geographically, Muslim communities are concentrated in Lisbon district (majority, Lisboa - Martim Moniz, Rossio, Odivelas, Amadora, Damaia; Sintra – Cacém), Setúbal district (Palmela and Laranjeiro), Porto district, Coimbra district, Algarve region and Madeira island<sup>13</sup>. According to Sheikh David Munir (Imam of Lisbon's Central Mosque) there is no geographical area in the country where Muslim communities are particularly vulnerable to discrimination.

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<sup>8</sup> Rosário, Edite; Santos, Tiago and Lima, Sílvia, *Discursos do Racismo em Portugal: Essencialismo e Inferiorização nas Trocas Coloquiais sobre Categorias Minoritárias*, Estudos Observatório da Imigração (Lisboa: ACIDI, I.P, 2011), p. 34.

<sup>9</sup> Tiesler, Nina Clara, 'Portugal', in Jorden S. Nielsen et al (Eds.), *Yearbook of Muslims in Europe* (Leiden: Brill, 2011), p.447.

<sup>10</sup> Loja, Fernando, 'Islam in Portugal', in Shireen T. Hunter (Ed.), *Islam, Europe's Second Religion – The New Social, Cultural and Political Landscape* (Washington, D.C., Praeger: 2002), p. 192.

<sup>11</sup> A first middle-class migration of Muslims from Mozambique of Indian origin established strong organisational structures for Muslims in Portugal. The latest migrant flow consists essentially of workers, arriving to the country in the course of legalisation campaigns in the 1990's and, contrary to previous migration flows, including migrants with no cultural proximity to the country (including immigrants from Bangladesh, India, Pakistan, Guinea-Conakri, Senegal, Algeria and Morocco). See Loja, Fernando, 'Islam in Portugal', in Shireen T. Hunter (Ed.), *Islam, Europe's Second Religion – The New Social, Cultural and Political Landscape* (Washington, D.C., Praeger: 2002), p. 192; Tiesler, Nina Clara, 'Portugal', in Jorden S. Nielsen et al (Eds.), *Yearbook of Muslims in Europe* (Leiden: Brill, 2011), p.450.

<sup>12</sup> On the 25<sup>th</sup> of April of 1974 a coup d'État organised by low-rank military and support by a great majority of the Portuguese population put an end to the 46 year long dictatorship of Estado Novo an authoritarian regime that came to power in 1928 and whose most famous leader was António de Oliveira Salazar. The last decades of the regime were marked by a brutal war between the then Portuguese colonies and the Portuguese government. After the revolution all former colonies were recognised as free countries. The 25<sup>th</sup> of April Revolution introduced democracy in Portugal.

<sup>13</sup> Tiesler, Nina Clara, 'Portugal', in Jorden S. Nielsen et al (Eds.), *Yearbook of Muslims in Europe* (Leiden: Brill, 2011).

In fact, according to Sheikh Munir there is no Islamophobia and generally the Muslims of Portugal are well integrated in the society.<sup>14</sup> Therefore, the fact that there are no specific policies for Muslim communities is not considered a concern by the Imam of Lisbon's central mosque<sup>15</sup>. Nonetheless, Sheikh Munir recognises that there have been episodes of tension, particularly in the area of employment.

All stakeholders interviewed by the Portuguese Association for Victim Support (*Associação Portuguesa de Apoio à Vítima – APAV*) for this report expressed their opinion that there is a lack of knowledge regarding Islam and Muslim communities' traditions among the general population.

A particularly worrying testimony revealed that the attitudes of some social workers put in jeopardy the living conditions of Muslim families in economic difficulties. Filomena Djassi<sup>16</sup> (K'CIDADE program<sup>17</sup>, office of Tapada das Mercês<sup>18</sup> - Sintra) described situations in which Muslim women from the community, particularly those from more conservative cultures, complained that they did not receive the social assistance they needed because prejudices on the part of social workers impaired evaluation of the difficulties they faced. For instance, one woman complained that no solution was found to resolve her financial difficulties in feeding her children and accessing to social services because the social worker only focused on denouncing an alleged case of domestic violence that she concluded from the following facts: the woman's husband did not sleep with her at the time of the social worker's visit (it was during the month of Ramadan), he had other wives and he held her documents (she had never asked for these documents and later the husband gave them to her upon her request). According to the social worker, "that is a problem with Muslim families". Ms. Djassi is therefore of the opinion that enhanced dialogue is needed to promote understanding and to ensure that evaluations are made in accordance to the real needs of families.

Filomena Djassi's experience in Tapada das Mercês revealed that there has been substantial progress in the integration of those communities in Portugal in recent years. Nonetheless, lack of understanding on the part of the general population regarding Islam and the numerous Muslim communities in the country is still an issue, particularly concerning new Muslim immigrants coming from more traditional cultures. One point highlighted by Ms. Djassi was that Muslim men in Tapada das Mercês are often associated with "violent behaviours" by the non-Muslim population, who use prejudices about Islam to

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<sup>14</sup> For instance, controversial topics such as the use of religious symbols in public areas were never even considered and not even brought to public discussion.

<sup>15</sup> Peixe, B. et al, *O Racismo e Xenofobia em Portugal (2001 – 2007)*, (Oeiras: Númena, 2008).

<sup>16</sup> Speaking from her own personal experience working in K'CIDADE programs supporting children and women from Tapada das Mercês and **not** on behalf of the Aga Khan Foundation.

<sup>17</sup> K'CIDADE is an Aga Khan Foundation program of community urban development that aims to build capacity and empower communities in the urban areas of Lisboa, Amadora and Sintra, insofar fighting social exclusion and promoting better standards of living for these communities.

<sup>18</sup> Tapada das Mercês is a neighborhood in Mem Martins, Sintra, with a majority of low middle-class population of 23 nationalities. It includes both Portuguese nationals (of origin or acquired nationality) and both documented and undocumented migrants. The majority of the inhabitants have low education, precarious jobs and low income. See Instituto da Droga e da Toxicoddependência, *Resumo do Diagnóstico do Território: Freguesia de Algueirão – Mem Martins*, Plano Operacional de Respostas Integradas, 2008.

justify behaviours they cannot understand and use individual instances to generalize the wider community. This stereotype creates problems both in terms of social integration and increased difficulty for women who are in fact victims of domestic violence. Fear of labeling to the whole group can be an added factor to the already general difficult reporting of domestic violence cases.

From the interviews undertaken for this study<sup>19</sup>, we concluded that some groups, such as the Pakistani or the Guineans from Guinea-Conakri, seem to face more difficulties in their integration than other groups. Muslim communities generally make an effort to integrate into the country's culture and, afraid of possible discrimination, many sometimes avoid displaying their religion, in extreme cases even neglecting their religious beliefs.

A recent study<sup>20</sup> shows that ¼ of the surveyed Portuguese believe that there are too many Muslims in the country. This number is lower than any other of the surveyed countries; however, considering the size of the Muslim communities in the country, it is a sign that there is a striking need to investigate thoroughly the real extent of Islamophobia.

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<sup>19</sup> Interview with Filomena Djassi and Mamadú Baldé.

<sup>20</sup> Consider that the sample is reduced to 1000 people. See Zick, A. et al, *Intolerance, Prejudice and Discrimination: A European Report*, (Berlin: Friedrich-Ebert-Stiftung, 2011).

## 6. Access and full participation in all collective areas of society

In the period under review, the government, mostly through ACIDI, has made some effort to promote the inclusion of migrants and Roma in all areas of society. However, these efforts are very recent and it is not yet possible to evaluate their impact on access to employment, education, political participation, housing and health by minority groups.

### 6.1 Racism and related discrimination in employment

#### 6.1.1 Manifestations of racism and related discrimination in employment

Last year's Shadow Report found that minority groups suffered as a result of unequal working conditions, rather than more direct forms of racism such as verbal abuse or assault.

According to Portuguese legislation<sup>21</sup>, only those immigrants with a work visa or residence permit are eligible to access the job market. Undocumented immigrants and those with a tourist visa or study residence permit are not allowed to work. Indeed, it is an administrative offence to employ an immigrant who does not meet the required conditions, and both the immigrant and the employer risk a fine.

However, undocumented migrants who are hired in spite of the legal restrictions and the risk of receiving a fine are allowed to contribute to social security and apply for a residence permit, so that they can legalise their situation.

Besides the restrictions concerning legal status, another restriction imposed by the law on access to the job market relates to public sector positions that can only be occupied by Portuguese nationals, for national security reasons.

A survey targeting immigrants which took place in 2011 shows that most of the immigrants in Portugal work in the private sector or are self-employed<sup>22</sup> and an average of 80% face problems in finding a job (83% in Faro, 79% in Lisbon and 78% in Setúbal). The problems encountered by these immigrants include language barriers (for non-Portuguese speakers), the fact that most employers offer only temporary working contracts or no legal contract at all, and that employers do not recognise their professional qualifications and previous work experience.<sup>23</sup>

Other issues reported by immigrants,<sup>24</sup> though less frequently, are discrimination by employers (referred to by 30% of immigrants in Lisbon, 35% in Setúbal and 28% in Faro) and the lack of a proper legal status to work.

<sup>21</sup> Available at <http://www.sef.pt/documentos/56/Nova%20Lei%20de%20EstrangeirosEN.pdf>

<sup>22</sup> Immigrant Citizens Survey, *How Immigrants Experience Integration*, [http://www.immigrantsurvey.org/downloads/ICS\\_ENG\\_Full.pdf](http://www.immigrantsurvey.org/downloads/ICS_ENG_Full.pdf), accessed in 26th July 2012.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

Concerning over-qualification, the number of employed immigrants that believe their job does not require the level of skills they have is similar to that of Portuguese-born nationals and also of migrants in other European countries. Among the Portuguese cities where the above mentioned report was conducted, Faro had the highest number of immigrants who believe they are overqualified (38%, the third highest rate, followed by Lisbon with 31% and Setúbal with 22%)<sup>25</sup>. Among Portuguese-born citizens, over 1/3 believe they are overqualified<sup>26</sup> and in other European cities this rate is between 1/4 and 1/3 of immigrants<sup>27</sup>.

There is no available data concerning discrimination in recruitment policies. However, it is known that the type of CV accepted by most private companies for job application requires a photo, mention of the country of origin, nationality and age. Some immigrant associations advise their clients not to complete the field of nationality/country of origin; otherwise they face a high risk of not even being called for an interview.

The rate of unemployment among immigrants is higher than the rate among Portuguese citizens. According to recent OECD statistics, the unemployment rate in 2010 (last period with available data) for native-born men is 9% and for foreign-born men is 13.2%; for native-born women, it is 10.5% and for foreign-born women it is 13%<sup>28</sup>. Despite the lack of data for the relevant period, it is known that ethnic minorities, especially the Roma, have a stronger tendency to remain unemployed, due to discrimination by employers<sup>29</sup>.

The rate of unemployment among the Roma is double that of the non-Roma (almost 55% as compared to over 25% for non-Roma). Over 50% of Roma aged 16 and over looking for work in the past 5 years, are said to have encountered discrimination<sup>30</sup>. The high level of unemployment among Roma is also the result of low levels of education of this population and to the fact that their traditional trades and skills are marginal within the Portuguese job market (food and supplies fairs and craftwork).

The Authority responsible for receiving and investigating complaints about discrimination (*Autoridade para as Condições do Trabalho - ACT*) does not publish statistics in this regard. The published report of activities states that in 2011 there were 2,416 inspections into the working conditions of migrants and 836 investigations into the discrimination in employment, resulting in 152 convictions (not only for racial discrimination but for any kind of discrimination).

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<sup>25</sup> Immigrant Citizens Survey, *How Immigrants Experience Integration*, [http://www.immigrantsurvey.org/downloads/ICS\\_ENG\\_Full.pdf](http://www.immigrantsurvey.org/downloads/ICS_ENG_Full.pdf), accessed in 30th July 2012.

<sup>26</sup> See <http://www.mynetpress.com/mailemailsystem/noticia.asp?ref4=4%23k&ID=%7B856B14DF-4420-48E5-8309-B3E46D6A4F33%7D> accessed 30 July 2012.

<sup>27</sup> Immigrant Citizens Survey, *How Immigrants Experience Integration*, [http://www.immigrantsurvey.org/downloads/ICS\\_ENG\\_Full.pdf](http://www.immigrantsurvey.org/downloads/ICS_ENG_Full.pdf), accessed in 30th July 2012.

<sup>28</sup> OECD statistics, <http://www.oecd-ilibrary.org/docserver/download/fulltext/191100231e1t003.pdf?expires=1343821716&id=id&accname=freeContent&checksum=9CF25B032B1ED203861091C18359233B>, accessed 30 July 2012.

<sup>29</sup> For more information, see the Portuguese Shadow Report for 2011.

<sup>30</sup> FRA, *The Situation of Roma in 11 EU Member States*, in [http://fra.europa.eu/fraWebsite/attachments/FRA-2012-Roma-at-a-glance\\_EN.pdf](http://fra.europa.eu/fraWebsite/attachments/FRA-2012-Roma-at-a-glance_EN.pdf) accessed 30 July 2012.

Unfortunately the report does not specify the proportion of discrimination cases which were based on race)<sup>31</sup>.

Regarding Muslim communities, the representatives of Muslim and immigrant associations<sup>32</sup> interviewed had received no complaints of discrimination based on religious affiliation during the period under review. However, it is important to bear in mind that discrimination in employment is often veiled and does not consist only in open hostility, and is consequently difficult to monitor<sup>33</sup>.

The Islamic community in Portugal is very diverse and faces different varieties and degrees of discrimination as well as multiple discrimination. Some Muslims are wary of openly displaying their religion due to widespread prejudices about Islam. There is no perceived direct relationship between underemployment or unemployment and discrimination based on religion. However, there is no available data to allow a thorough assessment of this concern.

One of the particularly vulnerable Muslim communities is that of Guinea-Bissau origin. The community as a whole is very heterogeneous in terms of culture and religion. The level of education is also diverse, in great part due to distinctive migration flows from Guinea-Bissau, which influence their acceptance within the whole Portuguese society. This diversity in education levels within this community is not reflected in other indications of socio-economic status such as housing and employment conditions<sup>34</sup>. It appears that a disproportionate number of members of this community are employed in low-skill jobs.<sup>35</sup> It is however not possible to distinguish between Muslim and non-Muslim Guineans for this purpose. In fact, the percentage of Muslim population within the community of Guinea-Bissau origin is unknown, although estimated to be considerable. As Fernando Ka, President of Guinean Association for Social Solidarity (*Associação Guineense de Solidariedade Social – AGUINENSO*) stated “*black people in this country look for jobs in areas where white people do not want to work anymore*”.

Filomena Djassi further stressed that women increasing difficulties in the interview process and in access to the workforce due to prejudice against women who wear the headscarf. Although there is no record of employment contracts which specify that the headscarf is prohibited, several women in the district of Sintra have complained that in practice companies do not hire women who state at interview that they will not take off the Islamic veil. There are also several cases of alleged harassment in the workplace, mainly perpetrated by employers or managers, forcing women to take their headscarves off while at work. These situations cause intense distress for

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<sup>31</sup> ACT, *Relatório de Actividades – 2011*, in [http://www.act.gov.pt/pt-PT/SobreACT/DocumentosOrientadores/RelatorioActividades/Documents/Relatorio\\_Actividades\\_2011.pdf](http://www.act.gov.pt/pt-PT/SobreACT/DocumentosOrientadores/RelatorioActividades/Documents/Relatorio_Actividades_2011.pdf), accessed 30 July 2012.

<sup>32</sup> Namely of CIL, AGUINENSO and ACITMMM.

<sup>33</sup> Sheikh Munir in Peixe, B. et al, *O Racismo e Xenofobia em Portugal (2001 – 2007)*, (Oeiras: Númena, 2008).

<sup>34</sup> Quintino, M. C. R., 'Práticas associativas de guineenses, conexões transnacionais e cidadania incompleta', in Horta, A.P.B (org.), *Revista Migrações – Número temático associativismo imigrante*, (Lisboa: ACIDI, 2010), p.82.

<sup>35</sup> Namely the areas of civil construction (one area of major unemployment at the moment), cleaning services and sometimes administrative work. See Costa, P., 'Imigração em Portugal: Tendências Recentes', *Cadernos Curso de Doutoramento em Geografia*, (Porto: FLUP, 2009), p. 130-131.

these women, many of whom attempt to hide in their workplace so that their hair is not seen. The majority of the cases Ms. Djassi had knowledge of involved to cleaning companies or shops in shopping centers.

Yiossuf Adamgy revealed the same level of concern regarding highly skilled jobs. He mentioned that his two daughters are highly qualified business women who are well employed but “if they took the headscarf to the interview they would not be directors nowadays, they would not get their jobs”.

### **6.1.2 Facilitating factors or protective measures to combat employment challenges**

The government has made some efforts to combat discrimination in employment by promoting Portuguese language classes for young people and adults free of charge and by providing professional training to less qualified immigrants.

The Institute for Labour and Professional Training<sup>36</sup> (*Instituto do Emprego e Formação Profissional* - IEFP) provides specific programs for migrant workers and gives information on its website about where to take Portuguese language classes, find a job or start a business, and other information to help immigrants integrate into the job market. Despite the growing number of immigrants from non-Portuguese speaking countries, this page is only available in Portuguese.

The government also opened 21 offices for professional integration at immigrants' associations to help their clients find work and to allow employers to place job advertisements directed at immigrants. In 2011, these offices provided support for 12 000 migrants.<sup>37</sup>

However, it is important to note that sometimes this kind of program encourages discrimination since the job offers placed by employers at immigrants' associations are generally for low skill, badly paid positions.

The 2010-2013 National Plan for Immigrants' Integration includes a number of measures which aim to increase protection and combat unemployment, such as the reinforcement of the inspection of employers who illegally hire undocumented migrants, raising awareness of workplace rights among immigrant workers, promotion of the immigrant's access to the job market and to professional training, as well as incentives which promote the social responsibility of employers in the field of cultural diversity.<sup>38</sup>

According to the 2010/2011 report on the implementation of the National Plan, the ACIDI considers that most of the measures related to employment were implemented:

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<sup>36</sup> See [www.iefp.pt](http://www.iefp.pt), accessed 30 July 2012.

<sup>37</sup> See <http://www.acidi.gov.pt/cfn/4d346bd641db7/live/Relat%C3%B3rio+de+Atividades+do+ACIDI+%282011%29> (p. 34).

<sup>38</sup> See *Resolução do Conselho de Ministros n.º 74/2010*



- 632 immigrants received training in line with the program 'Immigrants' Entrepreneurship', exceeding the target of the National Plan. After the training, 39 immigrants opened their own businesses, supported by ACIDI;
- The National Centre for Immigrants Support (*Centro Nacional de Apoio ao Imigrante - CNAI*) referred 571 immigrants to vocational courses, exceeding the target of the National Plan in 11%;
- A website was created with specific information about the recognition of foreign diplomas, available in English and Portuguese<sup>39</sup>;
- The Intervention Program for Unemployed Migrants provided support for 26 553 migrants, helping them search for job positions and vocational training.<sup>40</sup>

In order to improve integration of the Roma in the job market, the recently launched National Strategy for the Integration of Roma Community provides for measures aimed at promoting professional training for Roma and fighting discrimination by employers through enhancement of access to employment and self-employment; increasing levels of professional qualification of Roma to better integrate them in job market; revitalization of their traditional activities to promote socio-professional integration; awareness raising initiatives and dissemination of good practices<sup>41</sup>.

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<sup>39</sup> See [http://www.dges.mctes.pt/NR/rdonlyres/DEF331EC-2119-4F03-9B52-F322F3C42FBB/6076/eflyer\\_NARIC.pdf](http://www.dges.mctes.pt/NR/rdonlyres/DEF331EC-2119-4F03-9B52-F322F3C42FBB/6076/eflyer_NARIC.pdf)

<sup>40</sup> See [http://www.acidi.gov.pt/\\_cfn/500839e22884a/live/Relat%C3%B3rio+Execu%C3%A7%C3%A3o+PII](http://www.acidi.gov.pt/_cfn/500839e22884a/live/Relat%C3%B3rio+Execu%C3%A7%C3%A3o+PII), accessed 2 August 2012.

<sup>41</sup> See *Estratégia Nacional para a Integração das Comunidades Ciganas*.

## 6.2 Racism and related discrimination in education

### 6.2.1 Manifestations of racism and related discrimination in education

Portuguese legislation provides that every child is entitled to access to education, regardless of their immigration status in the country<sup>42</sup>. However, access to higher education is conditional and only those immigrants with a specific visa or residence permit are permitted to enrol in public and private universities (this conforms to European requirements).

Recent statistics of the Ministry of Education show that 21.8% of students in secondary school are of Portuguese descent (8% Luso-Africans, 3.6% Luso-Europeans, 3.3% descendants of former Portuguese migrants, 2.1% Africans, 1.4% Luso-South-Americans, 1.1% Europeans, 0.9% South-Americans and 1.5% from other origins)<sup>43</sup>. According to statistics, on average students from ethnic minority groups achieve broadly similar levels of academic success to those from the majority population. Only students of African descent have a higher fail rate than average. This can be explained by the fact that in general most African immigrants in Portugal have a low level of education and are not employed in highly skilled jobs, which may lead to increased difficulties in providing the support children need for academic success.

According to a recent report of the Fundamental Rights Agency (FRA)<sup>44</sup>, the number of drop-outs among foreign-born students aged 18-24 is lower than among the general population (29% and for general population 31%).

Most of the students seem to have a good command of Portuguese even though only 88% speak Portuguese at home with their families<sup>45</sup>. ACIDI provides Portuguese language classes for students who do not have these skills.

Access to education among the Roma population is significantly lower than among the rest of the population. Over 40% of Roma children attend preschool or kindergarten while among the rest of the population this rate is over 60%. The number of Roma between 20 and 24 years old that finish upper-secondary school or vocational education is very low (less than 10%) compared to non-Roma population of the same age range (which the rate is over 40%)<sup>46</sup>.

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<sup>42</sup> See <http://www.dre.pt/pdf1s/2004/03/072A00/17981798.pdf> (Law n° 67/2004, that grants access to education for undocumented children).

<sup>43</sup>See *Estudantes à Entrada do Secundário 2010-2011* in [http://www.gepe.min-edu.pt/np4/%7B\\$clientServletPath%7D/?newsId=643&fileName=Publica\\_o\\_a\\_entrada\\_2010\\_2011.pdf](http://www.gepe.min-edu.pt/np4/%7B$clientServletPath%7D/?newsId=643&fileName=Publica_o_a_entrada_2010_2011.pdf), accessed 30 July 2012.

<sup>44</sup> See *Eurostat, Indicators of Immigrant Integration: A Pilot Study*, in [http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-RA-11-009/EN/KS-RA-11-009-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-RA-11-009/EN/KS-RA-11-009-EN.PDF), accessed 30 July 2012.

<sup>45</sup>See *Estudantes à Entrada do Secundário 2010-2011* in [http://www.gepe.min-edu.pt/np4/%7B\\$clientServletPath%7D/?newsId=643&fileName=Publica\\_o\\_a\\_entrada\\_2010\\_2011.pdf](http://www.gepe.min-edu.pt/np4/%7B$clientServletPath%7D/?newsId=643&fileName=Publica_o_a_entrada_2010_2011.pdf), accessed 30 July 2012.

<sup>46</sup> FRA, *The Situation of Roma in 11 EU Member States*, in [http://fra.europa.eu/fraWebsite/attachments/FRA-2012-Roma-at-a-glance\\_EN.pdf](http://fra.europa.eu/fraWebsite/attachments/FRA-2012-Roma-at-a-glance_EN.pdf), accessed 30 July 2012.

CICDR<sup>47</sup>, the national body responsible for receiving complaints of racial discrimination, have unofficially reported receiving two complaints about direct discrimination in education in 2011. There is no further information available about these complaints.

There is also no available data about bullying of children from ethnic minority groups in schools.

We did not find any data which would suggest that the Muslim community experiences reduced access to or lower quality of education based on religious belief *per se*.

In relation to female education within Muslim communities, according to Abranches (2007), traditional norms seem to play a greater role in restricting the interaction in society of young Muslim girls of Indo-Mozambique origin (many Portuguese citizens). However, there is a high rate of higher education within this community, striking when compared with young girls of Guinea Bissau origin. Among Muslim girls of Guinean origin (Guinea Bissau), the greater impediment to the pursuit of higher education seems to be their socio-economic constraints and not the wishes of their families.<sup>48</sup>

The testimony of a 25 year old Portuguese Ismaili girl revealed that ethnicity, cultural background and nationality are usually confused with religion. There is a generalised misconception about Islam (associated with “*terrorism*” and “*violence*”) and this is reflected in the attitude of children towards Muslims. The interviewed girl also mentioned that girls wearing the Islamic veil are a minority and when they do so they “*stand out*”, at times becoming victims of harassment. She further highlighted that although she never felt direct discrimination by teachers in school, she could not identify any situation where a teacher had brought up the topic of cultural diversity, or tried to contradict the misconceptions of his or her pupils.<sup>49</sup>

These experiences are also reflected in a recent study about Muslim communities in Portuguese public schools (Santos, 2008). The study concluded that the Black Muslim children are the most vulnerable within the Muslim communities. Among this study’s sample, teachers’ expectations towards black children are particularly low due to an association to “*trouble*” and “*lower intellectual abilities*”. The study also mentions that Muslim students in the sample multiethnic school are paradoxically seen as either “*peaceful*” and “*dedicated students*” or as “*thieves*” and “*lazy*” (Santos, 2008, p. 196).

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<sup>47</sup> See, [www.cicdr.pt](http://www.cicdr.pt), accessed 30 July 2012.

<sup>48</sup> Abranches, M., *Pertenças Fechadas em Espaços Abertos, Estratégias de (re)Construção Identitária de Mulheres Muçulmanas em Portugal* (Lisboa: ACIDI, 2007), p. 90-93.

<sup>49</sup> The girl, who always studied in public schools (including University), stated that in primary school her name (of Indian origin) and the colour of her skin were mocked by her classmates. She further stated that she was frequently mistaken for an immigrant at first, probably because of a false conception of Portuguese people as white Christians. She told APAV that one of her classmates who, unlike her, wore the Islamic veil was often harassed by her classmates, who tried to take her veil off and said that “she should be very ugly to wear such clothes”. The girl also stated that, at the time, the very few Muslim students in the school would try not to interact very often with each other in order not to call other non-Muslim students’ attention, afraid of being called “terrorists” or questioned with malice about their religion. She mentioned that in high school and University she never felt discriminated against, but her contact with young children and teenagers (primary and middle school) from the community show that this type of behaviour has not changed within time.

In the period under review, there were no cases of direct or indirect discrimination against Muslim students reported to or even acknowledged by the Islamic Community of Lisbon (*Comunidade Islâmica de Lisboa - CIL*)<sup>50</sup>. Sheikh Munir told APAV that “*there was no Muslim that could not enter a classroom due to his or her religion*”. However, Sheikh Munir also mentioned that the majority of women and girls in Portugal do not wear the Islamic head scarf outside religious ceremonies “*to avoid comments, to remain low profile*”.

The Portuguese *Law of Religious Freedom* (Lei da Liberdade Religiosa)<sup>51</sup> establishes the right of any religious community to provide religious instruction in public schools, as long as there are enough students to form a class (minimum of 10). However, there are currently no Islamic instruction classes being taught in public schools.<sup>52</sup>

### **6.2.2 Facilitating factors or protective measures to combat education challenges**

The main measures to promote minorities’ integration in education and interculturality in schools are provided by the II National Plan for Immigrants Integration, which are discussed in last year’s Shadow Report.

Each school can decide whether or not to implement measures to promote intercultural dialogue, since there is no legal requirement that they do so. The ACIDI is making some effort to work together with schools to promote interculturality<sup>53</sup>, but only when a specific school shows interest and asks for their intervention.

According to the 2010/2011 Report on the Implementation of the National Plan, ACIDI held 63 training sessions for educational providers on the promotion of interculturality at schools. ACIDI also organised awareness raising workshops about interculturality, reaching 2,732 students and 688 teachers, and distributed 595 teaching resources.<sup>54</sup> (exceeding the target of the National Plan, which was the distribution of 200 teaching resources).

In spite of the measures provided by the National Plan and the notable effort of ACIDI to ensure their implementation, the legal instrument that regulates

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<sup>50</sup> In spite of its regional reference, CIL is the prime actor when it comes to managing Muslims relationships with non-Muslim communities and the State. In fact, although there are several communities with their own associations in and outside Lisbon, CIL has a key role on representing all these Islamic communities of Portugal. Other notable associations include Centro Cultural Ismaili e Fundação Aga Khan, Comunidade Islâmica de Palmela or Centro Cultural Islâmico do Porto, but these are just a few.

<sup>51</sup> Lei nº 16/2001, de 22 de Junho.

<sup>52</sup> This can be either due to a lack of awareness on their rights by the community itself or simply to the fact that there are many religious classes (*madradas*) available close to the Muslim communities. There is also a private secondary Islamic school, with 10 % non-Muslim students, that in 2009 was the best school in the national ranking. See Tiesler, Nina Clara, 'Portugal', in Jorden S. Nielsen et al (Eds.), *Yearbook of Muslims in Europe* (Leiden: Brill, 2011), p. 452.

<sup>53</sup> See <http://www.acidi.gov.pt/noticias/visualizar-noticia/4ea96ec3248c2/municipio-de-santarem-promove-interculturalidade-nas-escolas-do-1ociclo-do-Conselho>, accessed 30 July 2012.

<sup>54</sup> ACIDI, Relatório de Execução 2010-2011, in <http://www.acidi.gov.pt/cfn/500839e22884a/live/Relat%C3%B3rio+Execu%C3%A7%C3%A3o+PII>, accessed 30 July 2012.

the distribution of students among public schools<sup>55</sup> provides only that “*the arrangement of school classes should respect the heterogeneity*”, and does not deal specifically with the issue of discrimination against students.

The National Strategy for the Integration of Roma Communities<sup>56</sup> has established several measures aimed at combating high drop-out rates among Roma children. These include the encouragement of continued education, promotion of access to education for adults and training educators on the topics of Roma culture and cultural diversity.

CIL is very active in its efforts to promote inter-religious dialogue and intercultural exchange. For instance, they have provided guided tours to Lisbon’s Central Mosque for a range of non-Muslim students from all levels of education.

One outstanding project which promotes empowerment of disadvantaged communities is Project Live, Develop and Integrate (*Projecto Viver, Crescer e Integrar*) promoted by the Muslim Association of Tapada das Mercês and Mem Martins (*Associação A Comunidade Islâmica da Tapada das Mercês e Mem Martins - ACITMMM*). This project is the root of what the Association is today, a milestone in Tapada das Mercês’ community which provides a number of services to the whole community, Muslim and non-Muslim. Through this project, the association provides specialised training to all members of the community - regardless of their religious views - with classes of Portuguese, Arabic, English and computer skills available for both children and adults. They also provide school support for children, including physics and mathematics lessons. The project works in partnership with the Immigration and Borders Services (*Serviço de Estrangeiros e Fronteiras - SEF*) and the Public Security Police (*Polícia de Segurança Pública – PSP*).<sup>57</sup>

Project Live, Develop and Integrate emerged from the need the Muslim community of Tapada das Mercês felt to teach Islamic culture to their children. However, the importance of general capacity building and intercultural dialogue was soon identified and the aims of the community centre broadened. Mamadú Bah, Vice President of ACITMMM, and Filomena Djassi both recognise that this was an important step to integrate all communities living in Tapada das Mercês and promote mutual understanding and integration.

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<sup>55</sup> See Despacho n.º 5106-A/2012.

<sup>56</sup> See *Estratégia Nacional para a Integração das Comunidades Ciganas*.

<sup>57</sup> This project began in 2007 and in February 2012 that it was included in Portugal’s Social Stock Exchange

## 6.3 Racism and related discrimination in housing

### 6.3.1 Manifestations of racism and related discrimination in housing

In the period under review there were no developments concerning immigrants' and ethnic minorities' housing conditions. The measures provided for in the *II National Plan to Immigrants' Integration*<sup>58</sup> are still being implemented (discussed in the last year's Shadow Report).

A study carried out in 2011<sup>59</sup> investigated access to the housing market among individuals of Brazilian and African origin. Despite the fact that the study did not use a quantitative method, it was possible to establish that immigrants face problems renting houses that are not encountered by Portuguese people, such as the need to name a Portuguese guarantor and the questioning of the enquirer's immigration status (however, if the immigrant were undocumented, the rental contract would not be affected).

The report concluded that immigrants are subjected to many more requirements than Portuguese nationals when accessing the housing market. However, discrimination is more linked to the social status of the immigrant than to nationality or ethnic origin, meaning that many immigrants are doubly vulnerable to discrimination.

In the period under review, CIL received no complaints related to housing from its community members. However, Mamadú Baldé<sup>60</sup>, revealed that he had knowledge of several cases where Muslims were rejected as potential tenants in one neighbourhood in Amadora under the false excuse that "Muslims use too much water". It is not known whether this indicates a pattern or these were isolated cases.<sup>61</sup>

The Roma remain the community most affected by housing issues. According to FRA<sup>62</sup>, over 20% of Roma in Portugal live in houses without at least one basic amenity while less than 5% of the general population live in this condition. Also, almost 100% of Roma families in Portugal live in households at risk of poverty, showing that they face very precarious housing conditions.

The poor housing conditions of the Roma in Portugal led to a condemnation of the country in 2011 by the European Committee for Social Rights, which found that Portugal violated the European Social Charter, holding that "*Portuguese authorities have discriminated against Roma in failing to improve*

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<sup>58</sup> See <http://www.acidi.gov.pt/noticias/visualizar-noticia/4cdbf6408bb29/plano-para-a-integracao-dos-imigrantes-2010-2013>, accessed 5<sup>th</sup> of November of 2012

<sup>59</sup> Malheiros, Jorge and Fonseca, Lucinda, *Acesso à Habitação e Problemas Residenciais dos Imigrantes em Portugal*, (Lisboa: ACIDI, I.P, 2011).

<sup>60</sup> Mamadú Baldé is a young Guinean (Guinea Bissau) Portuguese, highly educated and working in the development field.

<sup>61</sup> What became clear, though, is that often discrimination is not reported. Mamadú Baldé explains it through a lack of trust in the police (out of fear of lack of cultural understanding or further discrimination by the police officers), as well as a lack of awareness among many in the community that certain situations are not aimed at them in particular but to them as part of a group. He also mentioned that, if anyone, they would trust reporting to their religious leaders more than State agencies.

<sup>62</sup> See *Estratégia Nacional para a Integração das Comunidades Ciganas*, accessed 7th of August of 2012.

*segregated, substandard housing conditions for these communities. We urge Portuguese authorities to rethink housing policies which worsen living conditions and to invest in sustainable, lasting solutions*<sup>63</sup>.

Unofficial information from the National Body<sup>64</sup> shows that in the past year the Body received 7 complaints related to racial discrimination in housing.

### **6.3.2 Facilitating factors or protective measures to combat housing challenges**

The II National Plan for Immigrants Integration includes a number of measures to combat housing challenges faced by immigrants and ethnic minorities (discussed in last year's Shadow Report). These relate mostly to the improvement of social housing and do not focus on discrimination.

The 2010/2011 Report on the Implementation of the National Plan<sup>65</sup> states that the implementation of those measures did not reach the target and that the challenges in this area still remain due to the economic crisis faced by Portugal.

In 2011 the government took a positive step towards Roma integration by including several measures in the National Strategy to the Integration of Roma Communities which aim to improve the housing conditions of this community<sup>66</sup>. The first step was to collect data on the housing conditions. These results will then be used to strengthen practices which promote the integration of Roma communities, within the framework of existing housing policies. The measures are not more specific because housing conditions of the Roma in Portugal are not precisely known.

ACIDI promotes improvement of immigrants' housing conditions by providing information on immigrants' rights in the housing market and liaising with organisations that provide social support, i.e social housing.

The NGO Immigrant Solidarity (*Solidariedade Imigrante - SOLIM*) also supports immigrants who face housing problems and mediates with the public sector in order to improve housing conditions for minorities<sup>67</sup>.

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<sup>63</sup> See <http://www.errc.org/cikk.php?cikk=3940>, accessed 7 August 2012.

<sup>64</sup> The Commission for Equality and Against Racial Discrimination (CICDR), of the High Commission for Immigration and Intercultural Dialogue (ACIDI), which receives all the complaints related to discrimination practices (except for those who happens in the labor context).

<sup>65</sup> See <http://www.acidi.gov.pt/cfn/4d346c9b80687/live/Conhe%C3%A7a+o+Relat%C3%B3rio+Intercalar+de+Execu%C3%A7%C3%A3o+do+II+PII>, accessed on the 5<sup>th</sup> of November of 2012.

<sup>66</sup> See *Estratégia Nacional para a Integração das Comunidades Ciganas*, available at [http://www.portugal.gov.pt/media/409258/20111228\\_consulta\\_publica\\_enicc.pdf](http://www.portugal.gov.pt/media/409258/20111228_consulta_publica_enicc.pdf), accessed 7 August 2012.

<sup>67</sup> See <http://www.solimigrante.org/categoria/actividades/direito-a-habitacao>, accessed 9 August 2012.

## 6.4 Racism and related discrimination in health

### 6.4.1 Manifestations of racism and related discrimination in health

Linguistic and cultural barriers still constitute one of the main obstacles to access to healthcare services for immigrants. While only 15.2% of healthcare professionals and managers expressed concern regarding their own (lack of) intercultural skills and its impact on tending to immigrants, 44.9% report the existence of diminished social and cultural skills in the care of immigrants, citing a clear lack of support in the fields of translation/interpretation and added bureaucracy, with 15.5% agreeing that there is discrimination against immigrants in healthcare settings.<sup>68</sup>

A recent study which focused on the Ukrainian migrant population – one of the largest migrant communities in Portugal – also found that linguistic and cultural barriers were the basis of discriminatory practices. Migrants reported that most healthcare providers do not make efforts to be understood and to understand clients who do not speak Portuguese<sup>69</sup>.

A survey of eleven EU Member States on the situation of Roma communities revealed that in Portugal, along with Hungary, Slovakia, Poland, Spain and France, 90% of Roma respondents had health insurance. However, when respondents were questioned about their perceived limitation of daily activities due to health problems, 40% of Roma reported such problems compared with 20% of non-Roma. These health difficulties were reported more frequently by women than by men.<sup>70</sup>

It is important to consider the role of gender in the intersection between migration and discrimination. The aforementioned survey demonstrates that women are more restricted by health problems than men,<sup>71</sup> while other studies reveal that migrant women experience higher risk levels of sex trafficking, due not only to poor socio-economic conditions, but also due to the still prevalent cultural of stereotyping that sees women as sexualized objects.<sup>72</sup>

In recent years, NGOs such as Amnesty International and the Portuguese Association for Family Planning (*Associação para o Planeamento Familiar - APF*) have raised awareness about the practice of female genital mutilation in Portugal<sup>73</sup>. Immigrant associations, such as AGUINENSO<sup>74</sup>, have been

<sup>68</sup> Sónia Dias, Ana Gama, António Carlos Silva, Helena Cargaleiro, and Maria O. Martins, "Barreiras no Acesso e Utilização dos Serviços de Saúde pelos Imigrantes: A Perspectiva dos Profissionais de Saúde," *Acta Médica Portuguesa* 24 (2011): 511-516.

<sup>69</sup> Furtado de Sousa, José, 'Imigrantes Ucranianos em Portugal: Da Satisfação das Necessidades de Imigração à Adopção de Comportamentos Saudáveis', PhD dissertation (Universidade Aberta, 2012).

<sup>70</sup> European Union Agency for Fundamental Rights, *The situation of Roma in 11 EU Member States*, [http://fra.europa.eu/fraWebsite/attachments/FRA-2012-Roma-at-a-glance\\_EN.pdf](http://fra.europa.eu/fraWebsite/attachments/FRA-2012-Roma-at-a-glance_EN.pdf), accessed 9 August 2012.

<sup>71</sup> Ibid.

<sup>72</sup> Ana Sofia Antunes das Neves, "Women Trafficking for Sexual Exploitation in Portugal: Life Narratives," *International Journal of Humanities and Social Science* 17 (November 2011): 186-192.

<sup>73</sup> See [http://www.apf.pt/cms/files/conteudos/file/Direitos\\_ficheiros/II\\_Programa\\_Accao\\_Mutilacao\\_Genital\\_Feminina.pdf](http://www.apf.pt/cms/files/conteudos/file/Direitos_ficheiros/II_Programa_Accao_Mutilacao_Genital_Feminina.pdf), which highlights that since the year 2000 the World Health Organization considers that Portugal has a high risk for female genital mutilation (p. 23).

<sup>74</sup> See <http://www.aguinenso.org/>. Accessed on 5th of November of 2012



working directly with the practicing communities, in an effort to raise awareness that it is a human rights violation and is not linked to religion. CIL has also been involved in this campaign, as well as other Islamic community associations.

This practice has been widely identified among Muslim women of Guinea-Bissau origin<sup>75</sup>. Female genital mutilation has been recognised as a national concern and is a crime under Article 144, section *b*) of the Portuguese Penal Code. Two National Programmes have already been created to combat this harmful traditional practice<sup>76</sup>. However, there are no statistics on the number of victims in the country. Healthcare professionals do not adequately identify case of FGM and therefore do not report the incidents to the authorities. Associations working with communities which practice FGM are underfunded.<sup>77</sup> In the words of Mamadú Baldé, *“the problem is that the policies created are designed from the outside, with no involvement of the affected community and that does not solve anything”*<sup>78</sup>.

#### **6.4.2 Facilitating factors or protective measures to combat health inequalities**

The II Plan for Immigrant Integration<sup>79</sup> proposes a series of policies to be implemented from 2010 to 2013. Six measures have been proposed in the field of health, with a particular insistence on creating healthcare systems that are migrant-friendly, establishing partnerships between the various social actors, emphasizing the importance of NGOs and migrant associations, in order to empower migrant communities.

In the period under review, several measures in the National Plan were implemented, including training sessions promoted by ACIDI for health professionals, delivered to 244 professionals to date, and the creation of a commission that will follow the implementation of legislation guaranteeing access to healthcare for undocumented migrants.<sup>80</sup>

The need to improve the level of access to healthcare for immigrants has been recognised. Policies are being devised that seek to train healthcare professionals in interculturality and increase efforts to disseminate information within immigrant communities on their rights to healthcare.

In October 2011 a Booklet on Spiritual and Religious Assistance in Hospitals (*Manual Hospitalar de Assistência Espiritual e Religiosa*)<sup>81</sup> was launched by

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<sup>75</sup> Martingo, C., *O corte dos genitais femininos em Portugal: o caso das guineenses* (Lisboa: ACIDI, 2009), p. 216-217.

<sup>76</sup> CIG, *II Programme of Action for the Elimination of Female Genital Mutilation*, [http://www.apf.pt/cms/files/conteudos/file/Direitos\\_ficheiros/II\\_Programa\\_Accao\\_Mutilacao\\_Genital\\_Feminina.pdf](http://www.apf.pt/cms/files/conteudos/file/Direitos_ficheiros/II_Programa_Accao_Mutilacao_Genital_Feminina.pdf), accessed 10 August 2012.

<sup>77</sup> Araújo, R. 2012, 'Mutilação Genital Feminina: realidade em Portugal é ainda pouco conhecida', *Público*, 6 February, online edition.

<sup>78</sup> Mamadú Baldé in interview given to APAV in July 2012.

<sup>79</sup> ACIDI, *II Plan for Immigrant Integration*, [http://www.acidi.gov.pt/\\_cfn/4d346c9b80687/live/Consulte+a+vers%C3%A3o+da+Plano+2010-2013+em+Ing%C3%AAs](http://www.acidi.gov.pt/_cfn/4d346c9b80687/live/Consulte+a+vers%C3%A3o+da+Plano+2010-2013+em+Ing%C3%AAs), accessed 10 August 2012.

<sup>80</sup> [http://www.acidi.gov.pt/\\_cfn/500839e22884a/live/Relat%C3%B3rio+Execu%C3%A7%C3%A3o+PII](http://www.acidi.gov.pt/_cfn/500839e22884a/live/Relat%C3%B3rio+Execu%C3%A7%C3%A3o+PII) accessed 9 August 2012.

<sup>81</sup> Available in [http://www.pastoraldasaude.pt/dynamicdata/asset/manual\\_assist\\_espiritual.pdf](http://www.pastoraldasaude.pt/dynamicdata/asset/manual_assist_espiritual.pdf).

the Working Group Religions and Healthcare (*Grupo de Trabalho Religiões e Saúde*)<sup>82</sup>.

This booklet provides information to healthcare professionals on the restrictions that each of the seven religions considered in the booklet entail for the treatment of patients professing these religions, including for instance, limits to the food they can eat. It also explains how to proceed in situations such as the death of a patient.

This initiative is a response to the general lack of awareness among healthcare professionals on this issue and aims to help healthcare workers to avoid causing unintentional disrespect.

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<sup>82</sup> Created in December 2009, following *Law 253/2009 on Spiritual and Religious Assistance in the National Healthcare System* (Decreto-Lei 253/3009, de 23 de Setembro de 2009, que regulamenta a Assistência Espiritual e Religiosa no Serviço Nacional de Saúde).

## 6.5 Racism and related discrimination in access to goods and services

### 6.5.1 Manifestations of racism and related discrimination with access to goods and services in the public and private sector

In Portugal, there is no official data concerning racism and related discrimination in accessing goods and services. Racial and ethnical discrimination may be tried in court and punished with an administrative sanction applied by CICDR or ACT.

According to 2011 annual reports,<sup>83 84</sup> these institutions received complaints about racial discrimination in the following areas: employment; access to housing; restaurant and catering services; health services; education; access to public transportation.

Immigrants face great difficulty in accessing financial services in Portugal. National banks usually require a Portuguese guarantor before granting a loan, and often use the validity of an immigrant's residence permit to justify their refusal to extend credit.

Regarding the Muslim community we should distinguish between two main issues: availability of goods needed for religious observance<sup>85</sup>; and access to goods and services needed by any person.

Regarding the first point, the biggest problems relate to the availability of *halal* food in public canteens (for instance, schools and workplaces) and employers' understanding of religious rights, i.e. prayer times and legal absence from work in days of religious festivities. These are legally enforceable rights and CIL has, for example, helped several Muslims to fill in declarations to request permission to be absent. Children in schools face particular difficulties when there is no alternative to pork, spending several hours without eating<sup>86</sup>.

There was no data available concerning access to general goods and services by Muslim communities. However, Filomena Djassi<sup>87</sup> received reports of Muslims treated rudely when accessing public services. She also stressed the poor quality of treatment in the healthcare system. However, she noted that this discrimination can be based not only or necessarily on religion but also on ethnicity and race.

There were more complaints in relation to access to private services. Filomena Djassi told us that some children in Tapada das Mercês<sup>88</sup> were

<sup>83</sup> ACIDI, Relatório de Actividades de 2011, in <http://www.acidi.gov.pt/cfn/4d346bd641db7/live/Relat%C3%B3rio+de+Actividades+do+ACIDI+%282011%29> accessed 9 August 2012.

<sup>84</sup> See [http://www.act.gov.pt/\(pt-PT\)/Paginas/default.aspx](http://www.act.gov.pt/(pt-PT)/Paginas/default.aspx) accessed 9 August 2012.

<sup>85</sup> It is important to mention that there are currently *halal* butchers in the areas of greater concentration of Muslim communities and 2 big supermarket chains with *halal* food available (although in limited variety). There are 40 Mosques and Prayer Houses in the country. Religious rights in a work environment, although legally protected, are still too dependent on the employers will.

<sup>86</sup> This problem was identified by all interviewed stakeholders.

<sup>87</sup> See page 10.

<sup>88</sup> See page 10.

refused entry to private schools on the pretext that there were no more vacancies and when K'CIDADE (office of Tapada das Mercês) workers called the schools they were informed that there were still places available. According to Ms. Djassi this is due to a wrongful presumption that Muslims are poor. Sheikh Munir informed APAV that CIL received no complaints of direct refusal on religious grounds but admitted that sometimes such refusals are disguised under other reasoning. The lack of quantitative data means we cannot confirm whether or not this is a trend.

The reason behind discrimination is often unclear and multiple discrimination is common. Much discrimination in Portugal is oblique and, as Fernando Ka<sup>89</sup> stresses, *“it is not easy to assess what is discrimination based on religion and what is racial discrimination [when it comes to the Muslim community of Guinea-Bissau origin] because it is still not recognised that there is racism in Portugal. And the only way to tackle this problem is recognising its existence”*.

We should also mention the particular vulnerabilities of communities of Arab origin in certain situations. According to Mostafa Zekr<sup>90</sup>, airport security automatically regards anyone speaking Arabic with suspicion.

*If you have a little darker skin, you will be suspected. If you have an Arabic name, you will be suspected. If you ask for a room to pray [in an airport], for sure you will be a terrorist! Security in airport is ridiculous. But I never had problems in Portuguese airports. However, a student of mine is an air controller and he was travelling with his girlfriend, also my student. While waiting for the plane the girl decided to study Arabic and he said “no, no, no, don't open the book! We are in the [Lisbon] airport, if the security people see you with an Arabic book they will start suspecting, hide it!”*

### **6.5.2 Facilitating factor or protective measures to promote equality in accessing goods and services**

ACIDI<sup>91</sup> conducted over 40 anti-racism training sessions with several target groups, including juvenile associations, immigrant communities, professionals from public administration, etc. However, it is not known whether any of these training sessions directly addressed the issues identified above. Despite the success of training sessions, ACIDI has a very limited budget and is unable to provide further training sessions. Given the current financial crisis in Portugal, all measures<sup>92</sup> developed by the government tend to focus on social issues at the expense of religious and racial concerns.

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<sup>89</sup> See page 13.

<sup>90</sup> An Egyptian immigrant, married to a Portuguese citizen, with higher education studies undertaken in Cairo, employed and Arabic language teacher as a second job in Lisbon.

<sup>91</sup> ACIDI, Relatório de Actividades de 2011, in <http://www.acidi.gov.pt/cfn/4d346bd641db7/live/Relat%C3%B3rio+de+Actividades+do+ACIDI+%282011%29> accessed 14 August 2012.

<sup>92</sup> See <http://www.iefp.pt/apoios/empresas/Paginas/MedidaEstimulo2012.aspx> accessed 14 August 2012.

## 6.6 Racism and related discrimination in political participation

### 6.6.1 Manifestations of racism and related discrimination in the realm of political participation

In the latest MIPEX<sup>93</sup> report, Portugal received a positive evaluation on political participation, ranking 7<sup>th</sup> out of 31 countries.

The 15<sup>th</sup> article of the Portuguese Constitution states that “*the law may grant foreigners who reside in Portugal the right to vote for and stand for election as local councillors*”<sup>94</sup>. In Portugal, according to the Law 50/1996<sup>95</sup>, documented immigrants are entitled to participate in local and regional elections. This law states that immigrants not only have the right to vote in local and regional elections, but they can also be elected for these institutions (Parish and City Councils).

The Portuguese Constitution also states that EU citizens living in Portugal have the right to vote and run for election as members of the European parliament. The same article also provides that, with the exception of accessing offices such as President of the Republic, President of the Parliament, Prime Minister and President of any of the supreme courts, and of service in the armed forces and the diplomatic corps, “*such rights as are not otherwise granted to foreigners shall apply to citizens of Portuguese-speaking states who reside permanently in Portugal*”<sup>96 97</sup>.

In practical terms - bearing in mind the requirement of reciprocal agreements- EU citizens, foreigners of Portuguese-speaking countries with 2 years’ legal residency and foreigners from other countries with 3 years’ residency permit are entitled to participate actively in local elections. According to Government statistics<sup>98</sup> in 2006, of the 274 631 immigrants with resident permits, only 27,958<sup>99</sup> were registered on the electoral roll. One of the reasons for this is the lack information within immigrant communities on their rights to political participation.

### 6.6.2 Facilitating factor or protective measures to promote equality in political participation

On the subject of promoting immigrant political participation, the Portuguese Government is currently creating specialized bureaus to support immigrants in

<sup>93</sup> See <http://www.mipex.eu/> accessed 14 August 2012.

<sup>94</sup> See *Constituição da República Portuguesa*, revisão 2005.

<sup>95</sup> See *Lei 50/96 (Lei do Recenseamento Eleitoral)*.

<sup>96</sup> Ibid.

<sup>97</sup> It is important to note that all these constitutional rights are subject to reciprocity agreements, meaning that nationals from countries that do not have reciprocal provisions are excluded from any political participation. This situation is worrying when we consider the immigration context in Portugal – the majority of its immigrants are originally from former Portuguese colonies (e.g. Brazil, Mozambique, Cape-Verde, Angola, Guinea-Bissau) and from those countries, only Brazil and Cape-Verde have reciprocal treaties and therefore only nationals from those two countries living in Portugal are entitled to vote in Portuguese elections.

<sup>98</sup> See <http://www.ine.pt/> accessed 14 August 2012.

<sup>99</sup> See [http://www.oi.acidi.gov.pt/docs/Revista\\_8/Migracoes\\_8web57a76.pdf](http://www.oi.acidi.gov.pt/docs/Revista_8/Migracoes_8web57a76.pdf) accessed 14 August 2012.

registering as voters and to provide information on political participation. According to the last report on the Immigrant Integration Plan<sup>100</sup>, these bureaus will be operating from the second half of 2012.

National political parties are regulated by Law 2/2003<sup>101</sup> which states that; *'no one may be denied membership of any political party or be expelled there from due to ancestry, gender, race, language, territory of origin, religion, education, economic situation or social status.'* Moreover, according to the same law *'Foreigners and stateless persons who are legally resident in Portugal and who become members of a political party enjoy the participatory rights that are compatible with the status of the political rights they are recognised to possess.'*

Even though foreign nationals can join political parties, the number of affiliated members is still very small. According to the immigrant citizen survey<sup>102</sup>, only 3.4% of immigrants living in Portugal are members of a political organisation.

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<sup>100</sup> ACIDI, Relatório de Actividades de 2011, in <http://www.acidi.gov.pt/cfn/4d346bd641db7/live/Relat%C3%B3rio+de+Actividades+do+ACIDI+%282011%29> accessed 14 August 2012.

<sup>101</sup> See Lei Orgânica n.º 2/2003, de 22 de Agosto (Lei dos Partidos Políticos).

<sup>102</sup> Immigrant Citizens Survey, *How Immigrants Experience Integration*, [http://www.immigrantsurvey.org/downloads/ICS\\_ENG\\_Full.pdf](http://www.immigrantsurvey.org/downloads/ICS_ENG_Full.pdf), accessed in 14th August 2012.

## 6.7 Racism and related discrimination in media

### 6.7.1 Manifestations of racism and related discrimination in the media, including the internet

The major problem concerning racism and discrimination in this area is the language used, particularly in articles relating to crime, which frequently state the nationality or the ethnic origin of the perpetrator, even though this information is not essential to reporting the facts.

A recent study shows that 65.8% of the news stories about crimes issued by the Portuguese media identify the nationality of the perpetrator.<sup>103</sup> The most frequently mentioned nationalities/ ethnic origins are Cape-Verdean, Eastern European, Roma and Africans. Even though the majority of crimes committed in Portugal are non-violent property offences, the media highlights violent crimes (such as homicide, assault and battery, threats and drug trafficking), linking these crimes to foreign nationals and the Roma communities.

In most cases, according to the study, the media do not make reference to whether or not immigrants are documented. However, when an immigrant is a victim of a crime, the media tends to specify that they are undocumented or Roma, once again linking persons with these characteristics to socially unacceptable situations and engaging in victim blaming.

The study concluded that the media disseminates a negative image of immigrants and ethnic minorities, singling out immigrants from Eastern Europe and Africa and the Roma as groups that threaten the security and the interests of Portuguese society.

Most newspaper companies in Portugal allow readers to leave comments on their webpage under each article, and articles that mention the national or ethnic origin of a criminal offender in particular, commonly attract a strong public reaction. Companies do not usually forbid or remove this kind of comments on the grounds of “*readers’ freedom of speech*”. However, one of the largest Portuguese daily newspapers (*Diário de Notícias*) recently took the initiative to report comments which incite racial discrimination to the Attorney-General’s office<sup>104</sup>. This initiative caused a strong reaction among readers who claimed the newspaper was acting contrary to “*national interests*”. NGOs like APAV and SOS Racismo are wholly in favour of such initiatives and strongly congratulated the newspaper’s stance.

Muslim communities in Portugal attract relatively little media attention. When they are covered in the news, they tend to be portrayed positively and are seen as peaceful and well integrated. Such is the opinion of Yiossuf Adamgy

<sup>103</sup> See <http://cics.paradigma.pt/wp-content/uploads/2011/07/Working-paper-Gomes-S%C3%ADlvia-2011-Crime-na-imprensa-Representa%C3%A7%C3%B5es-sobre-imigrantes-e-ciganos-em-Portugal.pdf> accessed 14 August 2012.

<sup>104</sup> See [http://www.dn.pt/inicio/tv/interior.aspx?content\\_id=2644290&seccao=Media](http://www.dn.pt/inicio/tv/interior.aspx?content_id=2644290&seccao=Media) accessed 15 August 2012.

(director of *Al-Furqan* publisher, the only Islamic publisher in Portugal)<sup>105</sup>, who also mentioned that Muslim communities are very well integrated in Portugal and have never had any major noteworthy problems. According to Mr. Adamgy, the paradigm only slightly changed with the terrorist attacks of September 11<sup>th</sup> 2001 due to the inaccurate media coverage.

Although representatives of the Islamic community<sup>106</sup> are called to comment on major international events and give the Portuguese community's viewpoint<sup>107</sup>, many of those interviewed by APAV for the purposes of this report were of the opinion that most Portuguese media frequently address international news related to Islam in a narrow-minded, distorted and simplistic way.

This was confirmed by Yiossuf Adamgy, who highlighted that the biggest concern nowadays is not just the media discourse, but social media online. Hate speech on the internet has aggravated with time and comments on Muslim blogs are prejudiced and often aggressive. There are a number of anti-Islamic websites based in Portugal.

### **6.7.2 Facilitating factor or protective measures in the media**

In past years, ACIDI has made every effort, together with the media, to counter discrimination and promote interculturality.

Following measures provided by the National Plan for Immigrants Integration,<sup>108</sup> during the period under review, ACIDI issued several press releases setting out CICDR's position against references to nationality, ethnic origin and religion on the news and in entertainment programs. The press releases also incorporated international recommendations in this matter.<sup>109</sup>

ACIDI organised three seminars for journalists aimed at promoting cultural and religious diversity.<sup>110</sup> In 2011 a prize was awarded for journalists that promote cultural diversity. TV and radio shows promoted by ACIDI, with themes about immigrant communities and Roma in Portugal, also continued to be aired.<sup>111</sup>

No measures aimed at increasing employment of members of vulnerable groups in the media were identified.

Muslims take part in two television programmes on the public TV channel RTP 2 focusing on religious topics and practices, where the presentation time

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<sup>105</sup> Who also mentioned that, in the period under review, the fact that the events in Norway were initially believed to be an act of Islamic terrorism and that this was proved to be mistaken meant that coverage of subsequent events in Toulouse was less irrational.

<sup>106</sup> Often Sheikh David Munir and CIL representatives.

<sup>107</sup> Tiesler, N., 'Muçulmanos na Margem: A nova presença islâmica em Portugal', in *Sociologia, Problemas e Práticas*, 34, (2007), p. 130.

<sup>108</sup> See the past Shadow Report.

<sup>109</sup> [http://www.acidi.gov.pt/\\_cfn/500839e22884a/live/Relat%C3%B3rio+Execu%C3%A7%C3%A3o+PII](http://www.acidi.gov.pt/_cfn/500839e22884a/live/Relat%C3%B3rio+Execu%C3%A7%C3%A3o+PII) accessed 15 August 2012

<sup>110</sup> Ibid.

<sup>111</sup> Ibid.



is divided according to the numerical strength of the different religious communities.

Another positive initiative is the creation of a blog that aims to explain Islam and the way of living of Muslim communities in Portugal to non-Muslims. This blog, *Islão online*<sup>112</sup>, was created by a Master's student tutored by SOS Racismo, office of Oporto.

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<sup>112</sup> Available at <http://islaonline.blogspot.pt/>. Last accessed on 17 August 2012.

## 6.8 Racism and related discrimination in criminal justice

### 6.8 Racism and related discrimination in criminal justice

#### 6.8.1 Policing and ethnic profiling

There is no official data on ethnic profiling in Portugal related to any minority or to Muslims, but police authorities have been accused by independent organisations of discriminatory practices. The NGO *SOS Racismo* often reports situations of ethnic profiling and abuse by police officers particularly against the Roma community<sup>113</sup>.

In light of the lack of awareness among law enforcement actors concerning human rights issues, special training modules for police officers have been implemented in recent years. According to a RED report<sup>114</sup>, “*Courses in human rights are provided for law enforcement officers and prison staff. There is also a professional ethics module in the training given to the National Republican Guard (GNR) and the police (PSP – Public Security Police) in connection with immigrants and ethnic minorities, which contains information on racism and racial discrimination*”.

There is no assessment available of the adequacy of policing in effectively combating racist violence and hate crime. National legislation does not provide for specific sanctions against public servants reported to have committed such crimes.<sup>115</sup>

In the field of criminal justice, studies suggest that judges tend to give harsher and longer sentences to ethnic minorities. Two academic studies dated from 2005 and 2006 show that foreigners are overrepresented in the Portuguese prisons, first because custodial detention is always applied, assuming that every foreigner is a flight risk and second because foreigners are more frequently given prison sentences when compared to Portuguese defendants, regardless the type of crime<sup>116</sup>.

#### 6.8.2 Racist violence and crime

One problem is underreporting of acts of racist violence committed by public servants. However, NGOs, including ECRI, have reported that the police have been responsible for violent and discriminatory conduct against the Roma and people of African descent.<sup>117</sup>

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<sup>113</sup> For example, on April 2012 this NGO reported a case in which the police entered a neighbourhood occupied mostly by migrants and Roma to follow a person who was driving without a licence and threatened children using guns, having also shot two people without a reasonable justification (see <http://www.sosracismo.pt/category/comunicados-de-imprensa/#.UKTJrVKWyE8>, accessed on November 15<sup>th</sup>, 2012).

<sup>114</sup> Rights, Equality & Diversity. European Network (RED), *Atlas of Racism & Discrimination*, <http://www.red-network.eu/?i=red-network.en.countries&id=13&view=racismAtlas>, accessed 06 August 2012. Also see Committee on the Elimination of Racial Discrimination. *Reports submitted by States parties under article 9 of the Convention*. Twelfth to fourteenth periodic reports of States parties due in 2009. Portugal [19 January 2011]

<sup>115</sup> *Ibid*, p.145.

<sup>116</sup> Rights, Equality & Diversity. European Network (RED), *Atlas of Racism & Discrimination*, <http://www.red-network.eu/?i=red-network.en.countries&id=13&view=racismAtlas>, accessed 06 August 2012

<sup>117</sup> *Ibid*, p.146.

There is no official data in Portugal concerning the responsiveness of the police and criminal justice system to racist violence in Portugal, particularly with regard to supporting victims of hate crime. According to recent studies, Portugal's data on crime does not disaggregate those crimes which are motivated by racism. In addition, official data on crime suggest that not all incidents are recorded either due to the lack of procedures for official registration, or due to inefficiency in the existing system. Thus, few recorded incidents of racist crime and violence may reflect ineffective data collection mechanisms, rather than a low incidence rate.<sup>118</sup>

Legal support for victims is available from public bodies<sup>119</sup>. Anti-racist and anti-discrimination organizations have an impact on anti-racist policies in Portugal through public denunciation, but mainly through participation and consultation in equality commissions<sup>120</sup>.

According to Law 34/2004 (Article 8-A)<sup>121</sup>, people lacking financial resources are entitled to free legal representation in court as well as legal advice. NGOs that combat racism and fight discrimination on the grounds of race or ethnicity may also provide legal assistance. These NGOs can legitimately engage (either on behalf of or in support of the complainant) in judicial and administrative procedures (Article 5. Law n. 18/2004). NGOs play an important role by raising awareness among minority groups. Information about minority rights and support for victims plays a major part in ensuring the effectiveness of legislation addressing racial or ethnic discrimination<sup>122</sup>.

Certain forms of racist behaviour are prohibited in the European Union, and are punishable in Portugal through criminal sanctions (Article 240, Constitution of the Portuguese Republic).

### 6.8.3 Hate speech

There is no official data concerning hate speech against minorities or Muslims in Portugal in the period under review.

There is legislation against hate crimes in Portugal<sup>123</sup>. According to the Portuguese Penal Code, racist motivation is treated as an aggravating factor in the crimes of homicide and assault.<sup>124</sup> Portugal criminalizes all forms of discrimination and hate speech, according to Article n<sup>o</sup> 13 of the Portuguese

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<sup>118</sup> European Monitoring Centre on Racism and Xenophobia. A violência racista nos 15 Estados-Membros da EU, <http://fra.europa.eu/fraWebsite/attachments/CS-RV-05-SUM-PT.pdf>, accessed 16 August 2012.

<sup>119</sup> RED. Rights Equality & Diversity. European Network. *Annual Report 2011 - Combating Racism Xenophobia Intolerancia*. Disponível em: <http://www.i-red.eu/resources/publications-files/annualreport-2011.pdf>. Accessed on the 7th of August 2012. p.131.

<sup>120</sup> Ibid, p.154.

<sup>121</sup> Available at [http://www.dgpi.mj.pt/DGPJ/sections/leis-da-justica/livro-iii-leis-civis-e/pdf-cpc-2/l-34-2004/downloadFile/file/L\\_34\\_2004.pdf?nocache=1181553268.75](http://www.dgpi.mj.pt/DGPJ/sections/leis-da-justica/livro-iii-leis-civis-e/pdf-cpc-2/l-34-2004/downloadFile/file/L_34_2004.pdf?nocache=1181553268.75). Accessed on the 5<sup>th</sup> of November of 2012.

<sup>122</sup> The European Union Agency for Fundamental Rights (FRA). Country thematic studies on access to justice, <http://fra.europa.eu/fraWebsite/attachments/access-to-justice-2011-country-PT.pdf>, accessed 16 August 2012. p. 08

<sup>123</sup> Ibid, p. 137.

<sup>124</sup> Ibid, p. 144. The Portuguese Penal Code can be accessed at <http://dre.pt/pdf1s/2007/09/17000/0618106258.pdf>

Constitution<sup>125</sup>. In addition, the law criminalizes the creation of or participation in groups or organisations engaged in such discrimination as well as those who incite racism. This law also applies to other forms of religious or racial discrimination.

The subject of hate speech raises issues concerning the proper limits of free speech, forcing us to reflect on what we mean by tolerance and to examine our inability to '*tolerate intolerance*'.

No evaluation or assessment of the effectiveness of the implementation of EU antidiscrimination Directives has been undertaken in Portugal<sup>126</sup>. Law n<sup>o</sup> 18/2004 partially transposes Directive n.º 2000/43/EC, known as the "*Race Directive*". The Law facilitates the investigation of instances of discrimination by reversing the burden of proof.<sup>127</sup> It is not clear that this reversal has been effective in practice.

#### 6.8.4 Counter terrorism

The Annual Report on Internal Security warned that the terrorist group AQIM, the armed wing of Al Qaeda on the African continent, is, "*showing signs of increasing its operating capacity and increasing influence in the regions of the Maghreb and the Sahel*"<sup>128</sup> and recommend that it should receive increased attention from the Office of Information Security in coming years, because of the geographical proximity to North Africa and the ease of movement of extremists across the external borders of the EU.

This report links terrorist activities to Islamic groups, which could potentially lead to manifestations of racism against Muslims. However there is no evidence of this occurring to date. Counter-terrorism measures taken by the State are in the field of police and judicial cooperation with other countries in order to track terrorist group's movements around Europe and do not impact minority groups that live in the country.

In terms of Basque terrorism, the fact that Basque Homeland and Freedom (*Euskadi Ta Askatasuna – ETA*) announced a permanent cessation of armed activity does not eliminate the risk of reuse of the country as a base of retreat or escape operations or as a place to carry out its eventual operational reorganization.<sup>129</sup>

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<sup>125</sup> Constitution of the Portuguese Republic. Article 13. (Principle of equality) No one may be privileged or favored, prejudiced, deprived of any right or exempted from any duty on the basis of ancestry, sex, race, language, country of origin, religion, political or ideological convictions, education, economic status, social status or sexual orientation.

<sup>126</sup> Rights Equality & Diversity. European Network. *Annual Report 2011 - Combating Racism Xenophobia Intolerancia*, <http://www.i-red.eu/resources/publications-files/annualreport-2011.pdf>, accessed 07 August 2012. p.136.

<sup>127</sup> This Directive was also transposed into national law by the Labour Code of 2003 (Law n<sup>o</sup>. 99/2003 of 27 August 2003).

<sup>128</sup> Relatório Anual de Segurança Interna 2011.

<sup>129</sup> Relatório Anual de Segurança Interna 2011.

### 6.8.5 Facilitating factor or protective measures in criminal justice

There has been no assessment of the effectiveness of the legal and political framework in combating racist violence and hate crime.

In general migrants and minorities do not face disproportionate problems in accessing justice when compared to the rest of the population, with the exception of undocumented migrants, who are not entitled to legal aid from the State. Academic research shows that migrants usually face harsher sentences due to the poor quality of legal aid provided.<sup>130</sup>

NGOs play a key role in expanding the work of national institutions, promoting and protecting human rights, economic and social development, combating racism and protecting vulnerable groups (especially children, migrant workers, persons with disabilities).<sup>131</sup>

Courts are usually slow in processing cases (more than one year)<sup>132</sup>. There is no data available on the number of cases concerning racist or hate crimes<sup>133</sup>. As regards racial discrimination in access to goods and services, there is a special commission (CICDR) to deal with complaints. The Commission works under the auspices of ACIDI, which defines and applies sanctions. The Commission is a non-judicial body and can apply fines in multiples of the national minimum wage. The decisions taken by the Commission are subject to appeal to the courts. The State Ombudsman also deals with complaints related to discriminatory practices.<sup>134</sup>

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<sup>130</sup> RED. Rights Equality & Diversity. European Network. *Annual Report 2011 - Combating Racism Xenophobia Intolerancia* p. 162.

<sup>131</sup> Provedor de Justiça. Relatório à Assembleia da República – 2011, <http://www.provedor.jus.pt/relatoriosan.php>, accessed 13 August 2012.

<sup>132</sup> The European Union Agency for Fundamental Rights (FRA). Country thematic studies on access to justice, <http://fra.europa.eu/fraWebsite/attachments/access-to-justice-2011-country-PT.pdf>, accessed 16 August 2012.

<sup>133</sup> RED. Rights Equality & Diversity. European Network. *Annual Report 2011 - Combating Racism Xenophobia Intolerancia*, p. 241.

<sup>134</sup> The European Union Agency for Fundamental Rights (FRA). Country thematic studies on access to justice, <http://fra.europa.eu/fraWebsite/attachments/access-to-justice-2011-country-PT.pdf>, accessed 16 August 2012. p. 06.

## **7. Civil society assessment and critique in ensuring protection of fundamental rights**

Once again, the main obstacle in writing this report was the almost total lack of official statistics in the areas under review. The only area where official statistics are developed to some extent and include information about immigrants is employment. This is probably because immigrants are seen in Portugal only as a source of labour.

Of greatest concern is the lack of statistics about racial discrimination complaints and convictions by competent authorities. While ACIDI provides some data, it is not published regularly and contains only limited information, such as the context in which the discrimination happened. Other institutions responsible for dealing with discrimination complaints, such as ACT, do not publish statistics. As a result, the number of proceedings, the measures adopted and even the convictions of employers for discriminatory practices are not known to the general public.

In addition, official statistics about criminal proceedings and convictions do not mention discrimination or hate crimes, such as homicide or assault and battery with racist motives.

In comparison with other European countries, Portuguese legislation relating to migrants is very tolerant, particularly concerning family reunion, access to healthcare (it is not restricted for undocumented migrants), special entry rights for citizens of former colonies, and access to education (which is also guaranteed for undocumented migrants, apart from higher education).

In addition, government institutions such as ACIDI have made every effort to promote social inclusion of migrants and Roma at every level and to fight racial discrimination, which is to be applauded.

However, there remain a number of difficulties which negatively affect Roma and migrants in Portugal. Concerning racial discrimination, the proceedings provided for in the legislation (Law nº 18/2004) are prohibitively complex for many victims. Procedural complications sometimes prevent the conclusion of the investigation within a reasonable timeframe. Changes in this law are of fundamental importance and ACIDI is making efforts to encourage Parliament to bring these about.

The situation of the Roma is particularly worrying since they are the group which is most affected by discrimination and social exclusion in Portugal. Up until 2011, the government did not have a special focus regarding this community. However, due to ACIDI's efforts, the first National Strategy for the Integration of Roma Communities was created, aiming to promote their integration in all areas of society. The first goal of this strategy is to collect data relating to the current Roma situation in Portugal. At present, we do not even know the number of Roma in Portugal. Using the results of the data collection, the National Strategy foresees the implementation of several

measures in the fields of criminal justice and security, social security, gender equality, civic participation and education, intercultural mediation, fight against discrimination, access to education, housing, employment and vocational training and health. This is a remarkable initiative, but the impact of the results will take a long time since the strategies will only begin to be implemented from 2020.

Some NGOs are undertaking significant work to promote immigrants' integration, particularly those who work with ACIDI. However, in Portugal there is still a lack of cooperation between NGOs at many levels and the lack of effort of many NGOs to collect data and invest in advocacy.

## 8. Good practices

### Example of NGO Good Practice in Employment

[Casa do Brasil de Lisboa](#) (House of Brazil in Lisbon) represents the interests of the Brazilian immigrant community living in Portugal. It provides a number of services including support in searching for employment. This NGO forwards job opportunities to immigrants according to their professional skills and experience and provides support until he/she is integrated in the labour market.

### Example of NGO Good Practice in Education

The NGO [Associação Olho-Vivo](#) (Keen Eye Association), which works on the defence of human rights, promotes English language classes, literacy, computer studies and training for future trainers, targeting the general public and especially migrants. Fees charged for courses are well below market price.

### Example of NGO Good Practice in Housing

The NGO [Solidariedade Imigrante](#) (Immigrant Solidarity) funded a group in 2005 to improve the housing conditions of immigrants who were not part of a government plan to relocate those living in tents.

This group provides targeted support to immigrants who face housing problem, makes representations to the public authorities on behalf of victims of discrimination and demands solutions to housing issues, especially through the restoration of abandoned and non-occupied buildings.

### Example of NGO Good Practice in Health

[PROSAUDESC](#), created in 2000, develops activities in areas as diverse as health, social support, environment and education. Projects in the area of health seek both to reduce existing health issues and also to act preventively through community training and organisation. This NGO provides free counseling, medical and nursing services, and organises frequent seminars and educational activities regarding effective health practices. It places particular emphasis on empowering migrant communities to access to adequate health services.

### Example of NGO Good Practice in Access to Goods and Services

[Associação de Imigrantes nos Açores - AIPA](#) (Immigrant Association in the Azores – AIPA) is an NGO which represents immigrants living in the islands of Azores, Portugal, and aims to integrate them into Portuguese society. AIPA offers a number of services to immigrants namely a platform with several services (e.g., medical services, plumbing, babysitting, etc.) where immigrants can access the service, safe in the knowledge that they won't face discrimination.



#### **Example of NGO Good Practice in Promoting Political Participation**

[Associação Caboverdiana de Setúbal](#) (Setubal Cape Verdean Association) is a NGO that intervenes to promote the Cape Verde community in Portuguese society. Among other activities, this NGO has been representing the Cape Verde community in political participation since their part of the Advisory Council for Immigration Affairs (*Conselho Consultivo para os Assuntos da Imigração - COCAI*), body of ACIDI.

#### **Example of NGO Good Practice in Media**

The NGO [SOS Racismo](#) intervenes within the media when news and headlines incite racism and discrimination.

For example, when a headline appearing in the national daily *Diário de Notícias* stated “*Woman from the East are the best pick pocketeers*”, the NGO immediately sent a letter to the newspaper pointing out that statements like this incite discrimination and violate the law, namely the Code of Ethics of Journalists.

#### **Example of NGO Good Practice in Criminal Justice**

Victims of racial discrimination in the access to goods and services may present a complaint on CICDR website. However, many complaints don't have sufficient information to allow the initiation of proceedings. To avoid this situation and to help victims of discrimination present a legal-based complaint, the Support Unit for Migrant Victims and of Racial and Ethnical Discrimination (UAVIDRE) of [APAV](#) gives legal support completely free of charge and in different languages, such as English, Spanish, French and Russian.

## 9. National recommendations

### Employment

- The government should continue to invest in programs to integrate minorities in the job market;
- Promote the attainment of professional qualifications by members of the Roma community;
- Raise awareness among employers about religious, racial and ethnic discrimination and among minorities about their working rights.

### Education

- Following the National Strategy for Roma Integration, transitional measures should guarantee access to education by creating a commission or group of experts to monitor the most disadvantaged families and settlements, until the other measures are implemented.

### Housing

- The Portuguese government should take urgent action to relocate Roma families who live in precarious conditions.

### Health

- Training of healthcare providers on interculturality and language skills;
- Greater efforts to assess the current practice of Female Genital Mutilation and better involvement of affected communities' representatives (recognised as such by the communities) in policy guidelines.

### Access to goods and services

- Banks should revise loan programmes for immigrants, as they should be entitled to name a foreign national as guarantor;
- Training on intercultural understanding, namely regarding Muslim and Roma communities, should be provided to all relevant public officers to guarantee adequate treatment.

### Criminal justice

- National institutions should publicize information on human rights, particularly on racial discrimination;
- Increase public awareness of racist crime through education and the mass media.

### Media

- Raising awareness among mass media about discrimination and ethics when dealing with situations involving migrants is needed;
- Urgent investment by the government in training and awareness raising initiatives among journalists to promote intercultural dialogue and racism-free reporting.
- Enforcement of serious sanctions for those who violate the code of ethics by inciting discrimination.

## 10. Conclusion

This report aims to present the general situation of racism and discrimination in Portugal for the period between March 2011 and March 2012. This year, the ENAR shadow report focuses on Muslim communities and the prevalence of Islamophobia in Portugal and the results are quite interesting.

Muslim communities and their issues are essentially invisible in Portuguese society. The different communities face diverse discrimination problems, not all of which are related to their religion. In fact, there is little perceived Islamophobia and communities' representatives generally see their communities as well integrated in the country (among those interviewed, most emphatically Sheikh Munir and Mamadú Bah). The numerous Muslim communities in Portugal try to blend in as much as possible and try to maintain a low profile, which can serve as a means to avoid discrimination. Therefore, in-depth studies are needed to truly evaluate the extent of Islamophobia in the country.

As noted in last year's report, the lack of official statistics and public data on racial discrimination is still a major impediment to understanding the situation in Portugal. The Portuguese government and public institutions must urgently publicize their information regarding ethnic minorities and immigrants.

Furthermore, NGO's with different missions but with common target-groups (i.e., immigrants and ethnic minorities) should cooperate on advocacy and policy making, in order to more effectively meet immigrants' rights and needs.

While Portugal's legislative framework on immigration is tolerant and inclusive by European standards, the economic crisis is a cause for concern. Historically, in times of economic and social crises, nationalism and hate speech increase and lead society towards intolerance. In order to prevent this situation, civil society, NGOs and political institutions must work together to raise awareness of a possibly grave situation. The coming years will be crucial for European democracy and human rights.

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## **Annex 1: List of abbreviations and terminology**

ACIDI – Alto Comissariado para Imigração e Diálogo Intercultural (High Commission for Immigration and Intercultural Dialogue)

ACITMMM - Associação A Comunidade Islâmica da Tapada das Mercês e Mem Martins (Muslim Association of Tapada das Mercês e Mem Martins)

ACT – Autoridade para as Condições do Trabalho (Authority for Labour Conditions)

AGUINENSO – Associação Guineense de Solidariedade Social (Guinean Association for Social Solidarity)

AIPA – Associação de Imigrantes nos Açores (Immigrant Association in the Azores)

APAV – Associação Portuguesa de Apoio à Vítima (Portuguese Association for Victim Support)

APF – Associação para o Planeamento da Família (Association for Family Planning)

CICDR – Comissão para Igualdade e Contra a Discriminação Racial (Commission for Equality and Against Racial Discrimination)

CIL – Comunidade Islâmica de Lisboa (Lisbon's Islamic Community)

CNAI – Centro Nacional de Apoio ao Imigrante (National Center for Immigrant Support)

COCAI – Conselho Consultivo para os Assuntos da Imigração (Advisory Council for Immigration Affairs)

CPR – Portuguese Council for Refugees

DRE – Diário da República Electrónico (Electronic Republic Diary)

DGAI – Direcção-Geral da Administração Interna (Directorate-General of Internal Administration)

ECRI – European Commission against Racism and Intolerance

IEFP – Instituto de Emprego e Formação Profissional (Institution of Employment and Professional Training)

FRA – Fundamental Rights Agency

NGO – non-governmental organization



OECD – Organização para a Cooperação e Desenvolvimento Económico  
(Organisation for Economic Co-operation and Development)

OI – Observatório da Imigração (Immigration Observatory)

PSP – Polícia de Segurança Pública (Public Security Police)

SEF – Serviço de Estrangeiros e Fronteiras (Immigration and Borders  
Service)

SOLIM – Solidariedade Imigrante (immigrant solidarity)

UAVIDRE – Unidade de Apoio à Vítima Imigrante e de Discriminação Racial  
ou Étnica (Support Unit for Migrant Victims and Victims of Ethnical and Racial  
Discrimination)

