



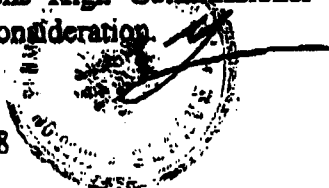
PERMANENT MISSION OF PORTUGAL
GENEVA

No. 62
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The Permanent Mission of Portugal presents its compliments to the Office of the United Nations High Commissioner for Human Rights and referring to its Note 235, dated 17 January 2008, has the honour to enclose herewith the answers by the Portuguese Authorities to the Questionnaire to Members States prepared by the OHCHR, pursuant to the decision PC.1/10 of the Preparatory Committee of the Durban Review Conference.

The Permanent Mission of Portugal avails itself of this opportunity to renew to the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 29 February 2008



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OHCHR REGISTRY

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**Durban review conference
Preparatory Committee
First substantive session
Geneva, 21 April-2 May 2008**

Questionnaire to member States prepared by the Office of the United Nations High Commissioner for Human Rights, pursuant to the decision PC.1/10 of the Preparatory Committee of the Durban Review Conference at its first session (A/62/375)

Document A/Conf.211/PC.2/2 – Answers of Portugal to the questionnaire.

Portugal intends to reply very briefly to the 6 core questions made. Developments on these 6 questions follow in a Document of the Alto Comissariado para a Imigração e Diálogo Intercultural, I.P. (the Portuguese High Commissioner for Immigration and the Intercultural Dialogue).

Core Questions

Question 1: Can you assess the implementation of the Durban Declaration and Programme of Action in your country?

This assessment can eloquently be made in the reports of Portugal to the CERD, namely in the last report debated in August 2004 (CERD/C/447/Add.1). The annex of the ACIDI, is also important for this question.

Question 2: Can you assess contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance as well as initiatives in this regard with a view to eliminating them in your country?

The pattern of racism manifestations in Portugal has not changed in the last years. Portugal is not a "more racist" society than it was in former years. There are slight and subtle manifestations of racism, not a violent, blatant and open form of racism. The constant work of the ACIDI (formerly the ACIME, without discontinuation in its work, from ACIME to ACIDI), the publications of the ACIDI, the work of all the national institutions of Human Rights, at the research level and in the field, the constant increase in the budget of the ACIDI, are good elements to understand the importance and the regularity of the efforts in combating racism.

Question 3: Please identify concrete measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance in order to foster the effective implementation of the Durban Declaration and Programme of Action.

At the legal field these measures are well documented in the Report of Portugal debate before the CERD in 2004, mentioned above. The transposition of the Race Directive under Law 18/2004 is one of the elements of the Portuguese legal machinery against racism. Of great importance is also the National Plan for the Integration of Migrants, which can be seen at:

http://www.acidi.gov.pt/docs/PII/PII_Ing.pdf . Other measures such as the National Immigrant Support Centres (CNAI) of Lisbon and Oporto, the social cultural mediator, the Local Immigrants Support Centres, the Programa Escolhas (Choices Program), the Protocol signed with APAV which instituted a special unit for any victim of racial and ethnic discrimination; are good elements to assess that there has been a progress since the Durban Declaration and Programme of Action in the sense that, if many measures and an important work already existed, this effort has been continued and has been developed.

Question 4: How would your Government assess the effectiveness of the existing Durban follow-up mechanism and other relevant United Nations mechanisms dealing with the issue of racism, racial discrimination and related intolerance in order to enhance them?

The international follow-up mechanisms are effective. Not only those of the United Nations, of the utmost importance such as, beside the Durban follow up, the reporting to the CERD of the United Nations; but also those of the Council of Europe, namely the European Commission against Racism and Intolerance (ECRI), which goes already in its third Report on Portugal, while at CERD, we are already at 11 Reports. The conclusions which are made in each opportunity of dialogue with the international organisations are of great importance to Portugal who searches to abide by them and studies new solutions at internal level on the basis of those conclusions.

Question 5: What are the steps taken by your Government to ratify/and or implement the International Convention on the Elimination of All Forms of Racial Discrimination and give proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination?

This question follows the former one. At the end of each meeting of Portugal and the CERD Committee, after the debate on a national report, the delegation comes back with the conclusions and recommendations of the CERD. These conclusions and recommendations are forwarded to each department of State concerned and to the ACIDI (former ACIME) who generally presides the Portuguese delegation. The measures indicated by the CERD are studied and the Portuguese administration and the Portuguese governments make their best to implement them. At the publicity level, they are published (each report, the acts of the sessions, the conclusions and the recommendations of CERD) in the homepage of the Office of Documentation and Comparative Law of the Attorney General's Office (www.oddc.pt) ; while the internet page of the ACIDI (www.acidi.gov.pt ; www.cicdr.pt) refers to them, or may also publish them. One of the consequences of the publicity of the debates with CERD and the other international human rights institutions is that awareness on human rights and human rights issues has significantly increased in Portugal.

Question 6: Please identify and share good practices achieved in the fight against racism, racial discrimination and related intolerance in your country.

See the annex of the Services of the ACIDI to these answers.



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United Nations High Commissioner for Human Rights / Durban Conference

Regarding the initiatives (Question 1), that we consider to be measures (Question 3) and good practices (Question 6) related to the fight against discrimination and that we consider to contribute to the implementation in Portugal of the principles contained in the Durban Declaration and its Program of Action, we would like to state the following:

The High Commission for Immigration and Intercultural Dialogue (ACIDI), a public institute with the mission of defining integration policies for immigrants and ethnic minorities in Portugal, created in 2004, the National Immigrant Support Centres (CNAI), Lisbon and Oporto, Portugal's two largest cities. The CNAI in Lisbon and Oporto emerged as an integrated, effective and humanitarian response to the problems of integration for immigrants, based on the concept of the "one stop one shop", bringing together several public departments related to immigration such as the Service for Foreigners and Borders (SEF) within one space and with the same operational philosophy allowing them to interact in a cooperative manner. It was also decided to establish other innovative departments which would meet the concrete needs of immigrants that were not satisfied by the existing departments (Support for Family Reunification, Legal Support, Social Welfare Support and Technical Support for Immigrant Associations, etc.). The idea was an innovative project focusing on the conception and management of space to involve social cultural mediators who would deal with the public (providing a cultural and linguistic and affective bridge with the users operating between the public administration and the third sector). A decision was taken to facilitate socio cultural mediators within all these services, in order that they would be a central role for solving any cultural or linguistic issues under Law No.105 of 31 August. Currently, there are 97 socio-cultural mediators working in Lisbon and Oporto CNAI's.

The approval of Law No. 105 of 31 August, was another important development, granting a legal status to the socio-cultural mediator that is a key figure on integration policies in Portugal. This framework states that: the role of the socio-cultural mediator is, to collaborate in the integration of immigrants and ethnic minorities, reinforcing intercultural dialogue and social cohesion. Socio-cultural mediators exercise their respective functions in schools, social welfare institutions, healthcare institutions, the border police, the Social Reintegration Institute, local authorities and in other services and public bodies as necessary. Its legal competences were defined under the following conditions: to promote intercultural dialogue, stimulating respect and better knowledge of cultural diversity and social inclusion. The duties are: i) To cooperate in the prevention and resolution of socio-cultural conflicts and in the definition of social intervention strategies; ii) To actively cooperate with all actors in the processes of social and educational interventions; iii) To facilitate communication between professionals and service-users of different cultural origins; iv) To assess users in relation to professionals and public and private services; v) To promote the inclusion of citizens of various social and cultural origins in equality of conditions; vi) To respect the confidential nature of information relating to families and populations covered by their activities.

ACIDI has also created the Local Immigrants Support Centres (CLAI's), a local network that aims to provide information for immigrants, by of a connection to the National System of Information





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for immigrants as they seek information to help to solve their problems, establishing partnerships with local entities, such as Municipalities. They also benefit from the contribution of specially trained socio-culture mediators and supported by a multimedia stand, ACIDI information guides and a connection to the SOS Immigrants phoneline, guaranteeing a reply in real time, and providing a welcoming human face. Currently, there are 71 CLAI's on Portuguese territory, whether in the north and south of the country, where 110 socio-cultural mediators are currently working on this integration model.

The Programa Escolhas (Choices Program) is a governmental program managed and coordinated by ACIDI, created in 2001, that aims to support the social inclusion of children and young people from the most socioeconomically disadvantaged backgrounds, mainly descendants of immigrants and ethnic minorities who live in the most vulnerable areas, in order to promote equality of opportunities and social inclusion. The targets of this Program are young people between 6 and 24 years old, from disadvantaged backgrounds. Early school leavers without the basic educational levels (9 years of schooling), children and young people at risk or young offenders and their parents or families are prioritized in order to promote their co-responsibility in the process of social and personal development. Initially, the Program aimed at the prevention of youth criminality and the social inclusion of young offenders in 53 vulnerable neighbourhoods in the districts of Lisbon, Oporto and Setúbal. This initial framework was established for a pilot phase period of three years, from 2001 to 2003, with a total financial support of 10.000.000€ for the 53 communities involved. After this pilot phase, the programme was renewed for three more years (2004-2006), under the designation of Programa Escolhas 2ª Geração (Second Generation Choices Program). The programme experience structural changes in its method and established the comprehensive aim of supporting the social integration of children and youngsters from the most disadvantaged and problematic social contexts. During this period the programme supported 86 local projects, created and implemented according to a bottom-up methodology under the programmes technical and financial co-ordination. The financial support was of 12.114.113,07€ for the 86 local projects involved. It is already in its third phase from 2007 to 2009, and aims to financially support 121 local projects already approved with total budget of € 20 741 368,10. The main areas of the project are: educational inclusion and non formal education, professional training and employability; civic and community participation and digital inclusion. In this way, the Escolhas Program attempts to develop their know how, and personal, social and professional skills, reducing competitive disadvantages and increasing their self-esteem. These projects have the participation of schools (145 schools in 121 projects approved), the municipalities (158), private charitable institutions (IPSS) (134) and Commissions for the protection of children and young people. Although the involvement of 39 732 participants in the project was anticipated for the 3 years term (2007-2009), in December 2007, the program has already achieved the involvement of 40 000 people.

The Portuguese government also transposed the Directive 2000/43/CE of the Council on 29th June - under law n° 18/2004 of 11 May, with the purpose of setting out a framework for combating discrimination on the grounds of racial or ethnic origin, with a view to putting into effect in the



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member states the principle of equal treatment. It is important to note that this principle was already established in Portugal with the approval of Law 134/99 of 28 August. This directive reinforced the anti discrimination framework and the role of the Commission Against Racism and Racial Discrimination (CICDR). On the other hand, with the purpose of protecting immigrants victims or any victim of racist acts, ACIDI signed a Protocol in 2005 with the Portuguese Association of Victim Support (APAV), under which it has been providing financial support to the implementation of a special unit for immigrant victim support and any victims of racial and ethnic discrimination (**UAVIDRE**) where they can obtain legal and psychological support. This unit has been functioning since 2005 and has already provided service to 629 victims.

The Portuguese equality body - (CICDR) - launched their own **website (www.cicdr.pt)** aiming to make available to the general public the possibility of filing complaints of racism with confidentiality and to get proper legal and psychological support for free. This website will also allow the plaintiffs to check online the stage of their case. It would be interesting to underline that CICDR, released a public recommendation, in 2006, directed to the official authorities, proposing that they avoid the release of information concerning the nationality, ethnic origin, religion or immigrant status, in their public statements related to presumed perpetrators of illicit activities. It was proposed to the media, in respect of their editorial independence, that they should avoid such references whenever those elements are not an essential aspect of the news, recommending, also, that they should consider the role and importance that is given to news that covers the detention of illegal immigrants, with respect of human dignity.

With regard to the existence of new entities for processing complaints or allegations of racism, in July 2007 a service was set up for reporting on illegal contents found on the Internet. This website, called **Linha Alerta (Open line)**, provides a set of features to allow people to report, anonymously, on any situation that may constitute abuse of minors or promotion of racism, xenophobia, terrorism and violence. The accusations made are then analysed and routed to the appropriate authorities for investigation and possible legal action. This initiative is being taken under the aegis of the project *Internet Segura* (Safe Internet), which is the responsibility of a consortium made up of the Ministry of Education. The main objectives of the project are to provide information and to make people aware of the risks associated with Internet use, as well as making the resources available to guard against these risks. The target groups are principally primary and secondary school teachers and pupils and students in higher education.

ACIDI also created a **Roma Communities Support Cabinet (GACI's)** whose main activity is to promote the integration and upward social mobility of the Roma Communities at national level as follows: i) support of Roma Associations - empowerment of leaders. At this level Gaci launched the first support guide in April of 2007, integrated in an international project created by the EU; ii) monitoring programs and projects related to Roma Communities, both at local and national level; iii) The engagement of the services of leaders from Roma associations in order to promote intercultural dialogic and obtain Roma views on integrating policies. ACIDI also launched the **website Ciga-nos (www.ciga-nos.pt)**. The main purposes of this initiative are to overcome barriers based on ignorance by presenting: i) Roma communities' history and culture; ii) ongoing



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field projects; iii) best practices within school and other institutions; iv) most relevant news on the activities of Roma communities.

In a partnership between the Ministry of Education and ACIDI, the *Entreculturas* team was created, currently an ACIDI office with an education/training team, that develops, among other activities, training courses for welcoming and inter-cultural matters. For doing this it has set up and runs a mobile team for raising awareness on the welcoming and integration of immigrants, called the *Bolsa de Formadores* (Trainer Group). Under this project, at the request of institutions directly or indirectly involved in the process of welcoming and integrating immigrants (schools, associations, NGO's for development, social solidarity institutions, local government authorities, hospitals, courts, public and private organisations, among others), training and awareness raising actions are carried out in several areas: a) Welcoming and Social Services, providing information on when and how ACIDI acts, including information resources, support structures available, research, etc.; b) Myths and Facts regarding Immigration, a module that seeks to contribute towards demystifying some entrenched social preconceptions related to the presence of immigrants in Portugal; c) Nationality Law, which has the objective of presenting the legal framework of the new Nationality Law; d) Intercultural Education, a module which seeks to provide a critical reflection on intercultural learning and which has one element directed towards schools (aimed at teachers, educators, trainers and other members of the educational community) and another directed towards young people (drawn up with a view to providing youngsters with experience concerning how to deal with questions of interculturality and the acceptance of diversity). This group of trainers comprises 30 people trained by ACIDI and the training / awareness raising actions are carried out in all parts of the country at the request of interested parties and at no cost to the requesting entity.

The *Programa de Promoção Social das Ciganas* [Roma Social Promotion Programme] developed by the Santa Casa da Misericórdia de Lisboa (SCML), which aims to promote the social integration of mainly Roma young people through professional and educational training, was distinguished by the project ROMA EDEM, promoted by the European Commission, as a good practice to be implemented in the European Union and was further included in the ROMA/EDEM Good Practices Handbook. The programme develops a set of vocational training activities addressed to young Roma but also to non Roma people who dropped out of school, in a multicultural atmosphere. It further tries to connect vocational training with professional work through the provision of various skill courses in the areas of carpentry, dressmaking, cooker, and baking, amongst others.

In the context of the 'European Year for Equal Opportunities for All' the contest '*A minha escola contra a discriminação*' (My school against discrimination) has been drawn up. Awards will be given for actions undertaken by pupils that provided information or training against discrimination and racism and which encouraged dialogue and cooperation between different peoples and cultures. This initiative was being promoted by the mission structure of the European Year for Equal Opportunities for All and was being developed jointly with ACIDI, the Ministry of Education, and with the collaboration of the CICDR. 105 schools entered the contest although only



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52 have presented the reports necessary for their candidatures to proceed. The projects presented involve approximately 6,000 pupils..

Resolution of the Council of Ministers No. 63-A/2007, dated 3 May 2007, approved the Plan for Immigrant Integration (PII). The PII is a document that sets the guidelines for public policy in the area of integration, covering several areas such as employment, education, health and the prevention and fight against racial and xenophobic discrimination over the next three years and outlines 122 measures stating that among its priorities are: "Equal opportunities for all. It seeks to stimulate the participation of immigrants in the conception, development and evaluation of immigration policies. In all, 122 measures have been suggested, which involve 13 Ministries. The plan seeks to achieve levels of integration, both in sectorial terms (in the areas of work, housing, health and education) as well as in cross-cutting terms with regard to questions of racism and discrimination, gender equality and citizenship. Please find attached its English version.

Resolution of the Council of Ministers No. 81/2007, dated 22 June, approved the National Plan Against Human Trafficking for 2007/2010. This plan is not limited just to trafficking for purposes of sexual exploitation, but also trafficking for reasons of labour exploitation, which has become increasingly visible in migratory flows associated with the phenomenon of trafficking;

The Criminal Policy Framework Law (Law n.o. 17/2006), published on 23 May 2006, established that the Portuguese Criminal Justice System had to define priorities regarding the prevention and investigation of crimes. During the first half of 2007 the crimes to which this priority status should be granted were considered. According to the Government Law-Proposal no.127/X, on the priorities for criminal policy, the crimes of racial, religious and sexual discrimination are among the elected priority crimes.

An important new development was the approval and entry into force of a new criminal code, which brings the Portuguese law closer to the proposal for the European Commission's Framework-Decision concerning the struggle against racism and xenophobia. Other important developments include the possibility of the crime of racial, ethnic or religious discrimination also being committed through a computer system, and the taking into account of threats against groups which broadens its scope. A new prevision was also approved that states - Article 246 of the Criminal Code - that an individual who is convicted, amongst other crimes, for the crime of racial, religious or sexual discrimination (article 240), can be temporarily deprived of their active and/or passive electoral rights. It was also foreseen that Companies and similar entities are now liable to be punished for practising some crimes, amongst them, the crime of racial, religious or sexual discrimination.

Law No. 23/2007, dated 4 July - Established the new juridical regime of the entry, residence, departure and deportation of foreigners in national territory. Amongst other points, the following changes are worthy of note: the creation of a single residence document; widening of family reunification measures; the elimination of preventive detention for illegal immigrants; a new regime against the trafficking of human beings; higher fines for entities that employ illegal immigrants; criminalisation of the act of assisting marriages of convenience for the purposes of obtaining residence; reinforcement of the rights of foreign citizens who are not admitted;



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reinforcement of the punishments applicable to those who assist illegal immigration; punishments for mistreatment of immigrants; changes in the status of long-term residents. The new law enshrines options from European policies on immigration, and transposes various EC directives. Recent Portuguese legislation has sought to guarantee the establishment of minimum standards for illegal immigrants, namely in terms of access to health services and social protection. This is the case with Decreto 25360/2001, which stipulates the need to provide health services irrespective of the immigrants' legal situation.

Since 2003, the National Action Plans for Inclusion (PNAI) have developed specific measures/actions aimed at immigrants and the Roma population. However, in the last PNAI (2006-08), the Roma community has not been the object of any specific actions. The projects planned for 2003-5 included the preparation of a health guide and pamphlets on Tuberculosis/AIDS/Hepatitis/STDs/Alcoholism, the circulation of a questionnaire to evaluate the difficulties that immigrants face when accessing hospitals and health centres, the preparation of a healthcare programme for immigrants from Eastern Europe, in situations of vulnerability and transmittable diseases in the district of Santarém and the publication of five thematic studies produced by various research teams between 1998-2000 about the inclusion of the Roma Community in Portugal. The PNAI for 2006-2008 envisaged the creation of the SOS Service for Immigrants - an information telephone line about the subject of migration, which will provide information in 6 languages, and the CNAI website in order to promote access to available information.

The Social Inclusion Benefit under law n° 13/2003 dated 21 May, was developed as a social policy measure, covering also foreigners who are legally resident in the country. This is a new citizenship right that is not linked to economic activities. A monetary subsidy is provided to support earnings within an inclusion programme that is negotiated and contracted between beneficiary families and communities organised into territorial zones managed on a participatory basis. It is important to highlight the healthcare sector in these inclusion programmes, since this has emerged as the second most important area in terms of enrolments, namely, by means of consultations and treatments, especially with regard to children. At the level of health services, it is also important to stress complementary treatments such as prostheses that enable individuals to overcome their disabilities and transform the image of the beneficiaries and also treatment for situations involving substance abuse.