



**International Convention on
the Elimination
of all Forms of
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION**

Eleventh periodic reports of States parties due in 2003

Addendum

PORTUGAL*

[3 February 2004]

* This document contains the tenth and eleventh periodic reports of Portugal, which were due on 23 September 2001 and 2003, combined in one document. For the ninth periodic report of Portugal, and the summary records of the Committee meetings at which the report was considered, see documents CERD/C/357/Add.1 and CERD/C/SR.1447, 1448 and 1461.

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* These statistical annexes for 2001 and 2002 may be consulted in the files of the secretariat of the Committee on the Elimination of Racial Discrimination.

Introduction

1. Portugal introduced its ninth periodic report (CERD/C/357/Add.1) on 12 and 13 March 2001. As updated information was also provided at that time, the present report covers 2001, 2002 and the first half of 2003, since the tenth and eleventh reports are to be introduced on 23 September 2003, according to the schedule provided by the Committee on the Elimination of Racial Discrimination.

2. In its concluding observations (CERD/C/304/Add.117, 27 April 2001), the Committee requested additional information on the following points:

- (a) Incidents of racial discrimination and xenophobia;
- (b) The number of complaints brought before the courts;
- (c) The number of complaints admitted to the Commission on Equality and Non-Discrimination;
- (d) The number of complaints settled by the Commission, and the outcome;
- (e) Effective enjoyment by ethnic groups, including refugees, gypsies and citizens from the former colonies, of the rights set forth in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, namely equality and non-discriminatory treatment;
- (f) The socio-economic situation of these groups and the implementation of general recommendation No. XX (equality and non-discriminatory treatment);
- (g) The existence of information campaigns concerning complaints, the situation in terms of discrimination and means of combating discrimination; and
- (h) The publicity given to the Committee's reports and its general recommendations.

These questions would by themselves justify a report; they are at the heart of the report now being submitted by the Government.

3. The general structure of the report is as follows: part one deals, in chapter I, with the demographic status of the Portuguese population (number of aliens, residence by aliens, residence permits, naturalization, gypsies, etc.); there follows a fairly detailed analysis of the major constitutional provisions against discrimination (chap. II), the general situation with regard to discrimination (chap. III), some incidents of racial discrimination (chap. IV), recent domestic measures to combat racism and intolerance (chap. V), and, lastly, Portugal's participation in the activities of international organizations (chap. VI). As customary, part two of the report is devoted to information in connection with articles 2 to 7 of the Convention. This year the report contains a third part comprising three chapters on precedent (chap. I), specific national provisions (chap. II) and economic, social and cultural rights (chap. III).

Part One

General information

I. DEMOGRAPHIC COMPOSITION OF THE POPULATION

A. General

4. Reference to the demographic composition of the population means necessarily analysing the situation of aliens. This is essentially governed by legislation on aliens, which seeks to regulate their situation in the country.

5. The Government that emerged from the legislative elections of 2002 changed the legal regime governing the entry into, stay in and removal from the national territory of aliens, relying on the legislative authority granted by Parliament under Act No. 22/2002, of 21 August. The new regime introduced under Decree Law No. 4/2001 of 10 January, led to a significant increase in the number of legal aliens, namely 346,000 at the end of 2001. The figures submitted in the report, provided by the Aliens and Border Service, relate to 2001-2002. The increase in the number of aliens legally present in Portugal led to a change in the law.

6. Decree Law No. 34/2003, of 25 February, stipulates that entry into and exit from Portuguese territory must be through authorized border posts during their hours of operation. Under article 26, aliens who enter the country via a crossing which is not controlled and who arrive from another Schengen country must report their entry within three working days of their arrival.

7. Entry is refused to aliens who do not meet all the conditions provided for by law or who constitute a danger or serious threat to public order, national security or international relations, relations between member States of the European Union, or relations between States governed by the Convention of Schengen. Entry and travel documents are regulated by articles 12 and 13.

8. Only aliens with sufficient means of subsistence for the period of their stay or who are in a position to legally acquire such means may enter the country. A document pledging responsibility for the alien's stay must be produced by a foreign national or alien.

9. Authority to refuse entry rests with the Director-General of the Aliens and Border Service, the carrier being responsible for return of the alien if entry is refused. Appeal to the courts is possible, but without suspensory effect.

10. The visa regime is regulated under articles 27 et seq., with particular focus on work visas: a work visa allows its holder to enter Portugal with the intention of temporarily exercising a professional activity, whether as an employee or otherwise (art. 36).

11. The Government, in a notification from the Institute for Employment and Vocational Training (IEFP), produces a biennial report with a forecast of employment opportunities and

sectors in which they exist and establishing an absolute maximum annual limit for aliens arriving from third States to exercise a professional activity. The report is drafted taking account of the following factors:

- (i) The needs of the market in general;
- (ii) The need for labour in sectors of fundamental importance to the national economy; and
- (iii) Geographical weighting of employment opportunities for foreign citizens in accordance with the absorption capacity of each district.

12. An employment visa allows its holder to engage in an ongoing professional activity. The holder must inform the Institute for Employment and Vocational Training of any change in the exercise of a professional activity, so as to ensure that it is in conformity with the above report. An employment visa is valid for multiple entries into Portuguese territory and may be granted for up to one year.

13. The right to family reunification is provided for in articles 56 et seq. A citizen resident for at least one year has the right to family reunification with members of the family who are outside the national territory and who lived with him in another country or who are his dependants. The beneficiaries of this right are the spouse, minor children or children lacking capacity in the charge of a couple or one spouse, adopted children, direct ascendants in the first degree of the resident or his spouse provided that they are dependent, minor siblings under the guardianship of the resident pursuant to a decision by a competent authority in the country of origin, provided that the decision is recognized by Portugal.

14. Article 101 provides for an accessory penalty of expulsion. This may be applied to any foreign citizen not resident in the country sentenced in connection with an intentional offence to a term of imprisonment greater than six months or an equivalent fine. This penalty may also be applied to a foreign citizen resident in Portugal sentenced in connection with an intentional offence to a term of imprisonment greater than one year. In such circumstances it is, however, necessary to take into account the gravity of the offence, the character of the person involved, the likelihood of reoffending, the degree of integration in society, special prevention and the length of residence in Portugal.

15. The accessory penalty of expulsion is not applied to resident aliens when they have dependent children who are resident in Portuguese territory, over whom they were effectively exercising parental authority at the time of the events that resulted in application of the penalty, and for whose maintenance and education they are responsible, provided that the child remains a minor during the anticipated term of the penalty. The penalty is also not applied when the children have been present in Portugal from before the age of 10 and are ordinarily resident in Portugal.

16. Expulsion is determined by the courts when it is an accessory penalty or when the alien has entered Portugal irregularly (art. 109). Expulsion is determined by the administrative authorities in the case of a citizen in illegal status.

17. Lastly, enterprises committing the violations addressed in this legislative instrument have criminal and civil liability. In particular, anyone assisting illegal immigration is liable to a prison term of up to three years.

18. The following information relates to 2001. For updated data for the second half of 2003, the reader is referred to the various statistical tables in the annex which are available for consultation with the Committee secretariat.

B. Aliens resident in Portugal in 2001

19. In 2001 the resident alien population of Portugal was 224,913, comprising 126,449 men and 98,464 women, according to provisional data for 2001 (processed by the Aliens and Border Service in January 2003).

20. There are 61,795 resident aliens from the other 14 European Union countries, with United Kingdom citizens being the most numerous (14,961). Nationals of other countries, non-member States of the European Union, number 5,430.

21. Almost half the resident aliens - 107,946 - are from African countries: most are from the former Portuguese colonies; nationals of other African countries number only 5,906.

22. There is also a large number of aliens from the Americas: 10,212 aliens are nationals of Canada or the United States of America; 28,992 are from Central or South America, including 23,555 from Brazil. There are 9,721 Asians, including a significant number of Chinese (3,955) and Indians (1,374) as well as Pakistanis (1,039).

23. These figures give the following order:

Africans - 107,946, mostly from the former Portuguese colonies; European Union nationals - 67,225; Brazilians - 23,555; and Asians - 9,721.

Table 1

Resident alien population of Portugal, by nationality and sex (2001)

Nationality	Sex		
	Total	Men	Women
Overall total	224 913	126 449	98 464
Europe	67 225	35 771	31 454
European Union	61 795	32 952	28 843
Austria	590	319	271
Belgium	2 279	1 172	1 107
Denmark	827	464	363
Finland	550	237	313
France	7 824	4 096	3 728
Germany	11 166	6 164	5 002
Greece	160	87	73

Table 1 (continued)

Nationality	Sex		
	Total	Men	Women
Ireland	495	233	262
Italy	3 385	2 081	1 304
Luxembourg	98	62	36
Netherlands	4 461	2 436	2 025
Spain	13 682	6 840	6 842
Sweden	1 317	711	606
United Kingdom	14 961	8 050	6 911
Other European	5 430	2 819	2 611
Albania	22	15	7
Andorra	9	1	8
Armenia	20	10	10
Belarus	40	9	31
Bosnia and Herzegovina	107	37	70
Bulgaria	435	235	200
Croatia	111	61	50
Czech Republic	44	14	30
Estonia	9	3	6
Federal Republic of Yugoslavia	139	66	73
Former Czechoslovakia	69	38	31
Former Yugoslavia	149	90	59
Former USSR	308	147	161
Georgia	3	3	0
Hungary	136	55	81
Iceland	47	20	27
Kazakhstan	7	3	4
Latvia	12	3	9
Liechtenstein	5	4	1
Lithuania	18	8	10
Malta	4	1	3
Moldova	45	28	17
Monaco	2	1	1
Norway	567	324	243
Poland	249	112	137
Romania	512	329	183
Russia	598	233	365
Slovak Republic	14	7	7
Slovenia	13	8	5
Switzerland	1 405	768	637
The former Yugoslav Republic of Macedonia	24	19	5

Table 1 (continued)

Nationality	Sex		
	Total	Men	Women
Turkey	101	64	37
Turkmenistan	3	0	3
Ukraine	202	103	99
Uzbekistan	1	0	1
Africa	107 946	63 583	44 363
Angola	22 820	12 921	9 899
Cape Verde	50 223	28 746	21 477
Guinea-Bissau	17 884	12 514	5 370
Mozambique	4 768	2 584	2 184
Sao Tome and Principe	6 345	3 121	3 224
Other African	5 906	3 697	2 209
Algeria	107	82	25
Benin	6	4	2
Botswana	7	1	6
Burkina Faso	2	2	0
Burundi	2	1	1
Cameroon	33	20	13
Central African Republic	3	0	3
Chad	1	0	1
Congo (Democratic Republic)	296	185	111
Congo (Republic)	102	69	33
Côte d'Ivoire	101	67	34
Djibouti	1	0	1
Egypt	71	56	15
Equatorial Guinea	17	8	9
Ethiopia	13	3	10
Gabon	2	1	1
Gambia	6	5	1
Ghana	55	43	12
Guinea	740	527	213
Kenya	287	180	107
Lesotho	4	1	3
Liberia	40	38	2
Libya	43	29	14
Madagascar	6	1	5
Malawi	22	12	10
Mali	69	60	9
Mauritania	32	23	9
Mauritius	13	6	7
Morocco	566	369	197

Table 1 (continued)

Nationality	Sex		
	Total	Men	Women
Namibia	4	0	4
Nigeria	96	68	28
Rwanda	24	14	10
Saint Helena	8	3	5
Senegal	597	508	89
Seychelles	2	0	2
Sierra Leone	94	71	23
Somalia	1	1	0
South Africa	1 926	958	968
Sudan	17	12	5
Swaziland	12	6	6
Tanzania	332	182	150
Togo	15	15	0
Tunisia	38	25	13
Uganda	7	3	4
Zambia	9	7	2
Zimbabwe	77	31	46
North America	10 212	5 848	4 364
Canada	1 952	1 200	752
United States of America	8 044	4 561	3 483
Other North American	216	87	129
Bermuda	1	-1	2
Mexico	205	84	121
Saint Pierre and Miquelon	10	4	6
Central and South American	28 992	15 259	13 733
Brazil	23 555	12 150	11 405
Venezuela	3 529	2 202	1 327
Other Central and South American	1 908	907	1 001
Argentina	475	276	199
Barbados	2	2	0
Belize	1	1	0
Bolivia	32	19	13
Chile	215	107	108
Colombia	292	117	175
Costa Rica	15	6	9
Cuba	267	96	171
Dominica	1	1	0
Dominican Republic	42	7	35
Ecuador	123	54	69
El Salvador	12	8	4

Table 1 (continued)

Nationality	Sex		
	Total	Men	Women
Grenada	1	0	1
Guatemala	22	10	12
Guyana	20	11	9
Haiti	2	2	0
Honduras	10	4	6
Jamaica	2	1	1
Nicaragua	8	2	6
Panama	24	14	10
Paraguay	23	16	7
Peru	209	90	119
Dominican Republic	42	7	35
St. Kitts and Nevis	2	1	1
Suriname	4	4	0
Trinidad and Tobago	19	13	6
Uruguay	85	45	40
Asia	9 721	5 538	4 183
Afghanistan	3	2	1
Bahrain	16	16	0
Bangladesh	254	208	46
Cambodia	1	1	0
China	3 955	2 371	1 584
Cyprus	3	2	1
Hong Kong	295	150	145
India	1 374	650	724
Indonesia	16	2	14
Iran	592	346	246
Iraq	154	96	58
Israel	104	68	36
Japan	800	466	334
Jordan	80	49	31
Kuwait	19	11	8
Lebanon	192	108	84
Macao	1	0	1
Malaysia	44	27	17
Myanmar	2	0	2
Nepal	5	3	2
North Korea	11	5	6
Pakistan	1 039	661	378
Philippines	313	71	242
Qatar	2	1	1

Table 1 (continued)

Nationality	Sex		
	Total	Men	Women
Saudi Arabia	19	12	7
Singapore	42	14	28
South Korea	193	104	89
Sri Lanka	19	9	10
Syria	78	44	34
Taiwan	5	2	3
Thailand	66	24	42
Timor	2	0	2
United Arab Emirates	2	2	0
West Bank/Gaza Strip	10	7	3
Viet Nam	8	4	4
Yemen	2	2	0
Oceania	538	296	242
Australia	477	256	221
New Zealand	61	40	21
Stateless	273	152	121
Unknown	6	2	4

Source: Aliens and Border Service. Final data for 2001 (processed on 6 May 2003) are given in table 2 of the annex (available for consultation in the secretariat).

Note: Provisional data for 2001 (processed in January 2003).

Table 2

Resident alien population of Portugal, by nationality and district of residence

Nationality	Aveiro	Beja	Braga	Bragança	Castelo Branco	Coimbra	Évora	Faro	Guarda	Leiria	Lisboa	Portalegre	Porto	Santarém	Setúbal	Viana do Castelo	Vila Real	Viseu	Açores	Madeira
Overall total	8 187	1 158	3 606	418	719	6 003	1 059	29 272	855	2 998	122 258	768	13 152	1 799	23 289	1 599	713	1 618	2 606	2 836
Europe	1 709	927	1 361	177	321	2 691	616	17 788	293	1 253	26 599	494	5 367	734	3 025	924	208	485	675	1 578
European Union	1 464	877	1 194	161	287	2 546	592	16 849	275	1 131	24 253	467	4 938	653	2 712	870	190	393	567	1 376
Austria	27	10	16	3	7	36	11	114	2	8	222	6	49	8	10	1	1	4	13	42
Belgium	44	47	62	2	11	176	34	610	13	60	844	16	101	24	138	22	8	27	16	24
Denmark	41	44	2	0	0	23	4	234	5	9	287	5	101	1	29	7	0	0	4	31
Finland	16	1	6	0	0	17	0	201	0	6	186	0	64	1	15	5	1	1	0	30
France	412	45	305	29	71	327	42	919	69	322	3 474	24	677	128	410	190	41	89	134	116
Germany	222	302	244	14	47	369	106	3 469	57	182	3 506	34	1 077	76	626	68	18	59	263	427
Greece	8	0	8	0	1	13	0	17	0	15	84	0	15	1	2	2	0	2	0	7
Ireland	10	1	4	0	0	13	1	188	1	4	225	2	16	11	10	1	0	0	3	5
Italy	114	17	93	8	20	352	35	291	14	67	1 510	28	323	64	230	27	13	43	40	96
Luxembourg	2	1	2	1	0	8	2	20	1	9	31	2	10	0	1	2	1	5	0	0
Netherlands	59	120	43	-2	30	211	93	1 947	21	93	1 105	56	206	86	210	33	9	28	30	83
Spain	382	133	284	99	74	630	154	732	86	204	7 773	238	1 335	183	652	429	86	101	32	75
Sweden	12	5	14	0	1	44	91	292	1	8	694	3	64	5	58	3	1	7	5	9
United Kingdom	115	151	111	7	25	327	19	7 815	5	159	4 312	53	900	65	321	80	11	27	27	431
Other European	245	50	167	16	34	145	24	939	18	122	2 346	27	429	81	313	54	18	92	108	202
Albania	3	0	1	0	0	2	0	0	0	0	9	0	1	2	0	0	1	2	1	0
Andorra	0	0	0	0	0	0	0	0	0	0	6	0	0	0	2	1	0	0	0	0
Armenia	0	0	0	0	0	0	0	0	0	0	15	0	0	1	1	0	0	0	0	3
Belarus	10	0	0	0	0	2	0	2	0	3	9	0	6	1	3	2	0	0	0	2
Bosnia and Herzegovina	2	0	2	2	0	3	0	1	2	6	71	5	3	0	9	0	0	1	0	0
Bulgaria	39	1	9	0	0	9	2	53	1	6	179	0	34	9	22	7	1	51	3	9
Croatia	7	0	19	0	0	1	0	15	0	5	33	0	15	2	7	1	1	0	0	5
Czech Republic	0	1	1	2	1	1	0	9	0	0	14	0	3	0	7	0	1	1	1	2
Estonia	1	0	0	0	0	0	0	1	0	1	3	0	1	1	1	0	0	0	0	0
Federal Republic of Yugoslavia	13	0	1	1	0	5	1	23	1	4	49	0	14	0	1	0	8	1	0	17
Yugoslavia Former	8	0	2	0	2	1	0	0	0	1	34	2	16	0	0	0	0	1	0	2
Czechoslovakia Former	2	0	5	1	0	2	1	23	0	1	68	0	30	3	6	0	-2	2	1	6
Yugoslavia Former USSR	1	0	12	0	2	6	0	0	0	4	226	0	38	4	5	8	0	1	1	0
Georgia	0	0	0	0	0	0	0	1	0	0	2	0	0	0	0	0	0	0	0	0
Hungary	5	0	2	0	0	3	0	11	0	3	72	0	17	0	7	1	0	0	0	15

Table 2 (continued)

Nationality	Aveiro	Beja	Braga	Bragança	Castelo Branco	Coimbra	Évora	Faro	Guarda	Leiria	Lisboa	Portalegre	Porto	Santarém	Setúbal	Viana do Castelo	Vila Real	Viseu	Açores	Madeira
Congo (Democratic Republic)	26	0	16	2	4	4	0	5	7	7	176	1	23	1	16	1	5	2	0	0
Congo (Republic)	4	0	12	0	0	1	0	1	5	0	54	0	5	0	19	0	0	1	0	0
Côte d'Ivoire	14	0	0	0	1	1	0	12	0	1	48	0	3	1	20	0	0	0	0	0
Djibouti	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Egypt	4	0	0	1	0	3	0	9	0	1	33	0	12	1	5	1	1	0	-1	0
Equatorial Guinea	0	0	0	0	0	0	0	0	0	0	10	0	0	0	7	0	0	0	0	0
Ethiopia	2	0	0	0	0	0	0	0	0	1	7	1	1	0	1	0	0	0	0	0
Gabon	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0
Gambia	0	0	0	0	0	0	0	2	0	0	4	0	0	0	0	0	0	0	0	0
Ghana	2	0	0	0	0	0	0	9	3	2	31	0	6	0	2	0	0	0	0	0
Guinea	16	-1	22	0	0	30	4	61	0	1	421	2	66	8	97	6	1	2	-3	5
Kenya	1	0	0	0	0	11	0	10	0	2	237	2	1	1	20	0	0	1	0	1
Lesotho	2	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0
Liberia	0	0	0	0	0	0	0	3	0	0	35	0	0	0	2	0	0	0	0	0
Libya	1	0	1	0	0	0	0	0	0	0	34	0	3	0	0	0	0	0	0	4
Madagascar	0	0	0	0	0	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0
Malawi	0	0	0	0	0	0	0	0	0	0	20	0	0	0	0	0	0	0	1	1
Mali	1	0	3	0	0	2	0	4	1	0	32	0	5	1	14	2	2	0	1	1
Mauritius	0	0	0	0	0	0	0	2	0	0	8	0	0	0	0	0	0	2	0	0
Mauritania	0	0	0	0	0	0	0	0	0	0	28	0	0	0	2	0	0	0	0	1
Morocco	20	13	6	1	3	7	0	130	4	51	215	1	35	12	47	5	1	9	2	4
Namibia	0	0	0	0	0	0	0	1	0	0	3	0	0	0	0	0	0	0	0	0
Nigeria	2	2	1	0	0	1	0	3	0	1	72	0	5	0	8	0	0	0	0	1
Rwanda	0	0	2	0	0	0	0	1	0	4	9	0	7	0	1	0	0	0	0	0
Saint Helena	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Senegal	3	0	5	3	2	9	0	37	0	0	442	0	61	5	25	1	0	1	0	2
Seychelles	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0
Sierra Leone	0	0	0	0	0	1	0	2	0	0	86	0	2	0	2	0	0	0	0	0
Somalia	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
South Africa	25	4	14	2	3	18	1	563	6	15	983	2	99	19	86	8	1	9	13	55
Sudan	0	0	2	0	0	0	0	1	0	0	13	0	0	0	1	0	0	0	0	0
Swaziland	0	0	0	0	0	0	1	1	0	0	6	0	1	0	3	0	0	0	0	0
Tanzania	0	0	0	0	0	26	0	3	0	0	254	0	0	2	47	0	0	0	0	0
Togo	0	0	1	0	0	0	0	0	0	0	12	0	0	0	2	0	0	0	0	0
Tunisia	2	0	2	0	0	1	0	7	0	0	14	0	5	3	2	1	0	1	0	0
Uganda	0	0	0	0	0	0	0	0	0	1	5	0	0	0	1	0	0	0	0	0
Zambia	0	0	0	0	0	0	0	0	0	0	6	0	0	0	1	0	0	0	0	0
Zimbabwe	5	1	1	0	0	2	1	14	0	0	38	0	3	2	8	1	0	0	0	1

Table 2 (continued)

Nationality	Aveiro	Beja	Braga	Bragança	Castelo Branco	Coimbra	Évora	Faro	Guarda	Leiria	Lisboa	Portalegre	Porto	Santarém	Setúbal	Viana do Castelo	Vila Real	Viseu	Açores	Madeira
North America	778	23	88	10	54	327	25	886	172	344	5 036	16	267	135	257	148	25	123	1 398	100
Canada	148	0	20	6	15	120	3	328	0	137	516	0	41	36	75	-1	-3	15	490	6
USA	627	19	64	4	35	203	21	552	171	195	4 390	12	215	91	162	149	28	108	909	89
Other North American	3	4	4	0	4	4	1	6	1	12	130	4	11	8	20	0	0	0	-1	5
Bermuda	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	-3	2
Mexico	3	4	4	0	4	4	1	6	1	12	129	2	11	8	11	0	0	0	2	3
Saint Pierre and Miquelon	0	0	0	0	0	0	0	0	0	0	1	0	0	0	9	0	0	0	0	0
Central and South America	4 116	80	1 249	96	159	1 235	132	1 769	217	552	11 380	74	3 977	254	1 407	323	300	706	156	810
Brazil	2 277	66	1 146	84	139	1 006	124	1 236	196	481	10 128	73	3 521	218	1 216	290	280	665	141	268
Venezuela	1 755	5	54	2	1	179	1	314	11	14	315	0	257	11	59	10	4	21	7	509
Other Central and South American	84	9	49	10	19	50	7	219	10	57	937	1	199	25	132	23	16	20	8	33
Argentina	9	4	-4	0	9	10	2	104	6	29	209	0	38	10	23	6	1	8	3	8
Barbados	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
Belize	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bolivia	1	0	0	0	0	0	1	2	0	0	25	0	0	0	2	0	0	0	0	0
Chile	8	2	5	1	1	3	0	20	1	4	126	1	11	6	22	1	1	1	0	1
Colombia	20	1	14	0	2	11	0	17	1	2	143	0	34	1	25	3	4	0	3	11
Costa Rica	1	-1	0	0	0	0	0	2	0	0	12	0	2	0	-1	0	0	0	0	0
Cuba	14	1	12	1	1	8	0	25	0	13	127	0	36	1	15	4	1	1	2	5
Dominica	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Dominican Republic	2	0	0	2	0	0	1	3	0	2	25	0	2	0	3	0	0	1	0	1
Ecuador	6	1	8	4	0	2	1	15	0	3	47	0	26	1	4	0	2	0	0	3
El Salvador	3	0	1	0	0	0	0	2	0	0	3	0	3	0	0	0	0	0	0	0
Grenada	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Guatemala	0	0	0	0	0	2	0	0	0	0	11	0	1	2	5	1	0	0	0	0
Guyana	0	1	0	0	0	0	1	0	0	0	3	0	1	0	13	0	0	0	0	1
Haiti	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0
Honduras	1	0	1	0	1	0	0	1	1	0	2	0	0	0	3	0	0	0	0	0
Jamaica	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Nicaragua	0	0	1	0	0	0	0	1	0	0	5	0	-1	1	1	0	0	0	0	0
Panama	4	0	0	0	0	0	0	0	0	0	21	0	1	0	2	0	0	0	0	-4
Paraguay	0	0	5	2	0	0	0	0	0	0	7	0	8	0	0	1	0	0	0	0
Peru	14	0	2	0	3	9	1	11	0	2	109	0	29	2	10	1	5	8	0	3
St. Kitts and Nevis	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0
Suriname	0	0	0	0	2	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0
Trinidad and Tobago	0	0	0	0	0	4	0	6	0	0	4	0	1	0	0	0	1	0	0	3
Uruguay	0	0	3	0	0	1	0	9	1	2	51	0	7	1	2	6	1	1	0	0

C. Aliens resident in Portugal in 2002

24. There was an increase in the alien population of Portugal in 2002. There was a total of 235,627, of which 112,550 were from Africa (with an increase in people from countries other than former Portuguese colonies, namely 6,217). European Union nationals totalled 65,393, there having been a decline between 2001 and 2002; the number of nationals of Eastern European countries increased to 5,990. The number of Brazilians also grew, increasing to 24,550. The same is true of Asians, whose numbers increased to 10,443, including 4,334 Chinese, 1,461 Indians and 1,123 Pakistanis).

25. The number of nationals of Portuguese-speaking African countries and Brazil is very significant and still increasing, but there has been a relative decline in the number of European Union nationals. The African component from the former colonies is also identifiable: 24,096 from Angola, 51,950 from Cape Verde (the biggest African community); 18,728 from Guinea-Bissau; 6,689 from Sao Tome and Principe; and 4,870 from Mozambique. There are also 24,550 Brazilians. This gives an idea of the foreign component with cultural affinities as a result of colonization by Portugal, bonds that unite the Portuguese-speaking community. That also means that more than half, in fact almost two thirds, of the resident alien population are from Portuguese-speaking countries.

Table 3

Resident alien population of Portugal, by nationality and sex

Nationality	Sex		
	Total	Men	Women
Overall total	235 627	131 448	104 179
Europe	71 383	37 838	33 545
European Union	65 393	34 728	30 665
Austria	631	343	288
Belgium	2 417	1 248	1 169
Denmark	857	478	379
Finland	567	242	325
France	8 295	4 335	3 960
Germany	11 779	6 468	5 311
Greece	171	89	82
Ireland	543	258	285
Italy	3 708	2 260	1 448
Luxembourg	110	70	40
Netherlands	4 756	2 582	2 174
Spain	14 479	7 185	7 294
Sweden	1 364	730	634
United Kingdom	15 716	8 440	7 276

Table 3 (continued)

Nationality	Sex		
	Total	Men	Women
Other European	5 990	3 110	2 880
Albania	24	16	8
Andorra	11	2	9
Armenia	21	11	10
Belarus	42	10	32
Bosnia and Herzegovina	111	37	74
Bulgaria	544	330	214
Croatia	113	62	51
Czech Republic	48	15	33
Estonia	13	4	9
Federal Republic of Yugoslavia	147	69	78
Former Czechoslovakia	69	38	31
Former USSR	308	147	161
Former Yugoslavia	149	90	59
Georgia	6	5	1
Hungary	158	62	96
Iceland	52	22	30
Kazakhstan	15	6	9
Kyrgyzstan	1	0	1
Latvia	15	3	12
Liechtenstein	5	4	1
Lithuania	20	8	12
Malta	4	1	3
Moldova	71	44	27
Monaco	2	1	1
Norway	636	361	275
Poland	276	121	155
Romania	584	366	218
Russia	665	255	410
Slovak Republic	14	7	7
Slovenia	16	9	7
Switzerland	1 449	794	655
The former Yugoslav Republic of Macedonia	26	20	6
Turkey	110	69	41
Turkmenistan	3	0	3
Ukraine	261	121	140
Uzbekistan	1	0	1

Table 3 (continued)

Nationality	Sex		
	Total	Men	Women
Africa	112 550	65 741	46 809
Angola	24 096	13 488	10 608
Cape Verde	51 950	29 550	22 400
Guinea-Bissau	18 728	12 940	5 788
Mozambique	4 870	2 620	2 250
Sao Tome and Principe	6 689	3 277	3 412
Other African	6 217	3 866	2 351
Algeria	113	88	25
Benin	6	4	2
Botswana	8	1	7
Burkina Faso	3	2	1
Burundi	2	1	1
Cameroon	37	21	16
Central African Republic	3	0	3
Chad	1	0	1
Congo (Democratic Republic)	324	201	123
Congo (Republic)	105	69	36
Côte d'Ivoire	103	67	36
Djibouti	1	0	1
Egypt	79	63	16
Equatorial Guinea	19	10	9
Ethiopia	15	3	12
Gabon	2	1	1
Gambia	7	6	1
Ghana	59	45	14
Guinea	771	542	229
Kenya	288	180	108
Lesotho	4	1	3
Liberia	41	38	3
Libya	43	29	14
Madagascar	6	1	5
Malawi	22	12	10
Mali	71	60	11
Mauritania	34	24	10
Mauritius	12	5	7
Morocco	649	428	221
Namibia	4	0	4
Nigeria	103	73	30
Rwanda	25	14	11
Saint Helena	8	3	5
Senegal	663	544	119
Seychelles	2	0	2

Table 3 (continued)

Nationality	Sex		
	Total	Men	Women
Sierra Leone	95	72	23
Somalia	1	1	0
South Africa	1 976	974	1 002
Sudan	16	11	5
Swaziland	12	6	6
Tanzania	331	181	150
Togo	16	16	0
Tunisia	42	28	14
Uganda	7	3	4
Zambia	10	8	2
Zimbabwe	78	30	48
North America	10 230	5 849	4 381
Canada	1 940	1 192	748
USA	8 057	4 565	3 492
Other North American	233	92	141
Bermuda	3	1	2
Mexico	220	87	133
Saint Pierre and Miquelon	10	4	6
Central and South American	30 196	15 630	14 566
Brazil	24 550	12 497	12 053
Venezuela	3 573	2 170	1 403
Other Central and South American	2 073	963	1 110
Anguilla	1	1	0
Argentina	508	290	218
Barbados	2	2	0
Belize	1	1	0
Bolivia	35	21	14
Chile	225	112	113
Colombia	330	126	204
Costa Rica	15	6	9
Cuba	302	109	193
Dominica	1	1	0
Dominican Republic	47	7	40
Ecuador	146	63	83
El Salvador	13	8	5
Grenada	1	0	1
Guatemala	22	10	12
Guyana	23	11	12
Haiti	2	2	0
Honduras	10	4	6
Jamaica	3	1	2
Nicaragua	7	2	5

Table 3 (continued)

Nationality	Sex		
	Total	Men	Women
Panama	17	9	8
Paraguay	24	17	7
Peru	220	96	124
Saint Kitts and Nevis	6	2	4
Suriname	4	4	0
Trinidad and Tobago	19	13	6
Uruguay	89	45	44
Asia	10 443	5 938	4 505
Afghanistan	4	3	1
Bahrain	16	16	0
Bangladesh	353	277	76
Cambodia	1	1	0
China	4 334	2 544	1 790
Cyprus	3	2	1
Hong Kong	296	150	146
India	1 461	711	750
Indonesia	18	3	15
Iran	597	349	248
Iraq	154	96	58
Israel	109	72	37
Japan	814	471	343
Jordan	81	50	31
Kuwait	19	11	8
Lebanon	194	109	85
Macao	2	0	2
Malaysia	45	27	18
Myanmar	2	0	2
Nepal	8	3	5
North Korea	15	8	7
Pakistan	1 123	724	399
Philippines	329	78	251
Qatar	2	1	1
Saudi Arabia	19	12	7
Singapore	42	14	28
South Korea	205	111	94
Sri Lanka	20	9	11
Syria	78	44	34
Taiwan	5	2	3
Thailand	69	24	45
Timor	2	0	2
United Arab Emirates	2	2	0
Viet Nam	8	4	4

Table 3 (continued)

Nationality	Sex		
	Total	Men	Women
West Bank/Gaza Strip	11	8	3
Yemen	2	2	0
Oceania	545	297	248
Australia	483	257	226
New Zealand	62	40	22
Stateless	273	152	121
Unknown	7	3	4

Note: Provisional data as at 30 November 2002. The data processed on 14 May 2003 are given in table 4 of the annex (available for consultation in the secretariat).

Table 4 (continued)

Nationality	Aveiro	Beja	Braga	Bragança	Castelo Branco	Coimbra	Évora	Faro	Guarda	Leiria	Lisboa	Portalegre	Porto	Santarém	Setúbal	Viana do Castelo	Vila Real	Viseu	Açores	Madeira
Ethiopia	2	0	0	0	0	0	0	0	0	1	8	1	1	0	1	0	0	1	0	0
Gabon	0	0	0	0	0	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0
Gambia	0	0	0	0	0	0	0	2	0	0	4	0	0	1	0	0	0	0	0	0
Ghana	2	0	0	0	0	0	0	9	3	2	32	0	8	0	2	0	0	0	0	0
Guinea	18	-1	25	0	0	30	4	69	2	1	435	2	66	8	6	1	2	0	-3	7
Kenya	1	0	0	0	0	11	0	10	0	2	237	2	0	1	1	0	1	0	0	1
Lesotho	2	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
Liberia	0	0	0	0	0	0	0	3	0	0	36	0	0	2	0	0	0	0	0	0
Libya	1	0	1	0	0	0	0	0	0	0	34	0	3	0	0	0	0	0	0	4
Madagascar	0	0	0	0	0	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0
Malawi	0	0	0	0	0	0	0	0	0	0	20	0	1	0	0	0	0	0	0	1
Mali	1	0	3	0	0	2	0	4	1	0	33	0	5	2	14	2	2	0	1	1
Mauritania	0	0	0	0	0	1	0	0	0	1	28	0	0	0	3	0	0	0	0	1
Mauritius	0	0	0	0	0	0	0	2	0	0	8	0	0	0	0	0	2	0	0	0
Morocco	33	13	6	2	4	9	1	146	4	66	219	1	47	13	59	9	1	9	2	5
Namibia	0	0	0	0	0	0	0	1	0	0	3	0	0	0	0	0	0	0	0	0
Nigeria	2	2	1	0	0	1	0	6	0	0	76	0	5	0	8	0	0	0	0	1
Rwanda	0	0	2	0	0	0	0	1	0	4	10	0	7	0	1	0	0	0	0	0
Saint Helena	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8	0	0	0	0	0
Senegal	5	0	5	3	4	9	1	53	0	0	472	0	68	0	34	1	0	1	0	2
Seychelles	0	0	0	0	0	0	0	0	0	0	2	0	2	0	0	0	0	0	0	0
Sierra Leone	0	0	0	0	1	1	0	3	0	0	86	0	2	0	2	0	0	0	0	0
Somalia	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	0	0
South Africa	27	4	15	2	4	18	1	579	6	18	995	2	104	20	87	8	1	9	17	59
Sudan	0	0	2	0	0	0	0	1	0	0	12	0	0	0	1	0	0	0	0	0
Swaziland	0	0	0	0	0	0	1	1	0	0	6	0	1	0	0	0	0	0	0	0
Tanzania	0	0	0	0	0	26	0	3	0	0	253	0	0	2	47	0	0	0	0	0
Togo	0	0	1	0	0	0	0	0	0	0	13	0	0	0	2	0	0	0	0	0
Tunisia	2	0	3	0	0	1	0	8	0	0	14	0	7	3	2	1	1	0	0	0
Uganda	0	0	0	0	0	0	0	0	0	1	5	0	0	0	1	0	0	0	0	0
Zambia	0	0	1	0	0	0	0	0	0	0	6	0	0	0	1	0	0	0	0	2
Zimbabwe	5	1	0	0	0	2	1	15	0	0	39	0	3	2	8	1	0	0	0	1
North America	785	23	80	9	53	333	25	909	176	343	5 062	18	266	136	259	136	19	121	1 377	100
Canada	152	0	17	6	15	120	3	333	1	139	520	0	40	37	74	-9	-4	15	474	7
USA	630	19	59	3	34	208	21	568	173	192	4 409	13	211	91	164	144	23	106	901	88
Other North American	3	4	4	0	4	5	1	8	2	12	133	5	15	8	21	1	0	0	2	5
Bermuda	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	-1	2
Mexico	3	4	4	0	4	5	1	8	2	12	132	3	15	8	12	1	0	0	3	3
Saint Pierre and Miquelon	0	0	0	0	0	0	0	0	0	0	1	0	0	9	0	0	0	0	0	0

Table 4 (continued)

Nationality	Aveiro	Beja	Braga	Bragança	Castelo Branco	Coimbra	Évora	Faro	Guarda	Leiria	Lisboa	Portalegre	Porto	Santarém	Setúbal	Viana do Castelo	Vila Real	Viseu	Açores	Madeira
Central and South America	4 263	91	12 52	108	182	1 270	156	1 908	250	601	11 757	83	4 067	298	1 529	345	300	721	177	838
Brazil	2 361	76	1 148	95	159	1 030	146	1 351	219	528	10 452	81	3 600	253	1 315	304	277	680	160	315
Venezuela	1 799	5	54	2	3	185	1	310	11	13	328	0	251	12	65	14	5	20	7	488
Other Central and South American	103	10	50	11	20	55	9	247	20	60	977	2	216	33	149	27	18	21	10	35
Anguilla	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0
Argentina	10	5	-4	0	9	10	2	110	13	29	219	0	37	10	24	6	0	9	4	13
Barbados	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Belize	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Bolivia	1	0	0	0	0	0	1	0	0	0	25	0	0	0	3	0	0	0	0	0
Chile	9	2	5	1	1	3	0	22	3	4	129	1	13	6	22	1	1	1	0	2
Colombia	28	1	14	0	3	12	0	24	2	2	151	0	38	3	28	4	5	0	3	12
Costa Rica	1	-1	0	0	0	0	0	2	0	2	12	0	2	0	-1	0	0	0	0	0
Cuba	16	1	12	1	1	11	1	32	0	16	134	0	42	2	19	4	2	1	3	4
Dominica	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Dominican Republic	3	0	0	2	0	0	1	3	0	2	26	0	2	1	3	2	0	1	0	1
Ecuador	9	1	9	5	0	2	2	21	0	3	53	0	29	3	4	0	2	0	0	3
El Salvador	3	0	1	0	0	0	0	2	0	0	4	0	3	0	0	0	0	0	0	0
Grenada	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Guatemala	0	0	0	0	0	2	0	0	0	0	11	0	0	2	5	1	0	0	0	0
Guyana	0	1	1	0	0	0	1	0	0	0	3	0	1	0	15	0	0	0	0	1
Haiti	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0
Honduras	1	0	1	0	1	0	0	1	1	0	2	0	0	0	0	0	0	0	0	0
Jamaica	1	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0
Nicaragua	0	0	0	0	0	0	0	1	0	0	5	0	0	1	1	0	0	0	0	0
Panama	4	0	0	0	0	0	0	0	0	0	21	0	0	0	2	0	0	0	0	0
Paraguay	0	0	5	2	0	0	0	0	0	0	7	0	8	0	0	1	0	0	0	0
Peru	16	0	2	0	3	9	1	11	0	2	111	0	32	2	12	1	5	8	0	5
St. Kitts and Nevis	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0	0
Suriname	0	0	0	0	2	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0
Trinidad and Tobago	0	0	0	0	0	4	0	6	0	0	4	0	1	0	0	0	1	0	0	3
Uruguay	1	0	3	0	0	2	0	9	1	2	52	0	7	1	2	7	1	1	0	0
Asia	236	17	171	24	48	216	52	1 065	33	112	6 458	33	894	105	747	58	22	56	41	55
Afghanistan	0	0	0	0	0	0	0	0	0	0	2	0	0	0	2	0	0	0	0	0
Bahrain	0	0	0	0	0	1	0	0	0	0	5	0	9	0	1	0	0	0	0	0
Bangladesh	4	0	23	0	8	8	0	20	0	0	177	0	40	2	57	8	0	1	3	2
Cambodia	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
China	192	13	129	11	28	141	29	397	11	77	2 257	18	603	59	262	22	18	29	15	23
Cyprus	0	0	0	0	0	0	0	1	0	0	0	0	1	1	0	0	0	0	0	0

Table 4 (continued)

Nationality	Aveiro	Beja	Braga	Bragança	Castelo Branco	Coimbra	Évora	Faro	Guarda	Leiria	Lisboa	Portalegre	Porto	Santarém	Setúbal	Viana do Castelo	Vila Real	Viseu	Açores	Madeira
Hong Kong	0	0	0	8	0	0	0	285	0	0	1	0	-1	0	0	0	0	0	0	3
India	8	0	5	1	4	21	10	82	18	4	1 098	2	71	8	105	4	2	12	3	3
Indonesia	0	0	0	0	0	0	1	1	0	0	14	0	1	0	1	0	0	0	0	0
Iran	2	0	1	0	4	13	1	43	0	0	445	2	15	6	51	1	0	1	10	2
Iraq	2	0	0	2	0	0	0	6	0	0	96	0	3	2	43	0	0	0	0	0
Israel	2	1	0	0	0	0	0	11	0	0	80	7	4	0	4	0	0	0	0	0
Japan	14	0	8	0	0	11	1	14	1	5	603	2	73	11	51	16	2	1	1	0
Jordan	0	0	0	0	0	0	2	33	0	1	43	0	2	0	0	0	0	0	0	0
Kuwait	0	0	0	0	0	0	0	3	0	0	13	0	1	0	2	0	0	0	0	0
Lebanon	0	1	0	1	0	3	0	41	0	6	129	0	3	1	8	0	0	1	0	0
Macao	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0
Malaysia	1	0	0	0	0	0	0	13	2	0	20	0	6	0	3	0	0	0	0	0
Myanmar	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0
Nepal	0	0	0	0	0	0	0	0	0	0	7	0	0	0	0	0	0	0	0	0
North Korea	0	0	0	0	0	0	0	0	0	0	15	0	0	0	0	0	0	0	0	1
Pakistan	2	0	2	0	0	9	4	38	0	7	910	0	15	2	123	1	0	1	1	8
Philippines	5	1	1	1	1	2	4	37	0	8	204	2	12	11	21	3	0	9	3	4
Qatar	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0
Saudi Arabia	0	0	0	0	0	0	0	5	0	0	8	0	1	0	4	1	0	0	0	0
Singapore	0	0	2	0	2	0	0	3	0	0	23	0	7	2	2	1	0	0	0	0
South Korea	0	0	0	0	0	3	0	0	0	0	180	0	18	0	0	0	0	0	3	1
Sri Lanka	0	0	0	0	0	0	0	3	0	0	13	0	0	0	1	0	0	0	0	3
Syria	1	0	0	0	0	2	0	19	0	1	47	0	1	0	3	1	0	0	0	3
Taiwan	0	0	0	0	0	0	0	0	0	0	5	0	0	0	0	0	0	0	0	0
Thailand	3	1	0	0	1	0	0	7	1	3	41	0	8	0	0	0	0	1	1	2
Timor	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
United Arab Emirates	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0
Viet Nam	0	0	0	0	0	0	0	1	0	0	6	0	0	0	0	0	0	0	0	1
West Bank/ Gaza Strip	0	0	0	0	0	0	0	0	0	0	8	0	1	0	2	0	0	0	0	0
Yemen	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0
Oceania	16	4	6	0	3	29	5	176	0	6	215	2	17	9	32	0	0	4	4	17
Australia	11	3	5	0	3	27	5	169	0	6	176	2	17	9	31	0	0	3	3	13
New Zealand	5	1	1	0	0	2	0	7	0	0	39	0	0	0	1	0	0	1	1	4
Stateless	2	0	2	2	0	1	0	36	1	8	169	0	11	1	26	1	0	1	4	8
Unknown	0	-1	0	0	0	3	0	2	0	0	2	0	0	0	0	0	0	1	0	0

Note: Provisional data as at 30 November 2002. The data processed on 14 May 2003 are given in table 3 of the annex (available for consultation in the secretariat).

D. Issuance of residence permits in 2002

26. In addition, 47,657 residence permits were issued in 2002: 11,373 to Brazilians, 2,547 to Angolans, 2,523 to Cape Verdeans, 997 to nationals of Guinea-Bissau and 733 to nationals of Saõ Tomé and Príncipe. These figures are sometimes exceeded in the case of certain countries, such as Ukraine, with 16,523 permits, Moldova with 3,080 permits, Romania with 2,866 permits and Russia with 1,534 permits.

27. These figures show that the number of new arrivals from Eastern European countries is considerable: while it is not very significant in comparison with the total, there has been a considerable change in the pattern of arrivals in that they were far more numerous in 2002 than in previous years.

Table 5
Issuance of residence permits, by nationality (2002)

Nationality	Number	Nationality	Number
Albania	4	Gambia	20
Algeria	30	Georgia	285
Angola	2 547	Ghana	86
Argentina	31	Guinea-Bissau	997
Armenia	11	Guinea-Conakry	177
Australia	1	Honduras	1
Bangladesh	52	Hungary	22
Belarus	311	India	553
Belize	1	Indonesia	1
Benin	23	Iran	1
Bolivia	12	Jamaica	1
Brazil	11 373	Japan	2
Brunei	1	Jordan	1
Bulgaria	1 091	Kazakhstan	236
Burkina Faso	2	Kenya	1
Cameroon	7	Kyrgyzstan	8
Canada	4	Latvia	49
Cape Verde	2 523	Lebanon	2
Central African Republic	1	Liberia	1
Chile	4	Libya	1
China	500	Lithuania	244
Colombia	66	Malawi	1
Congo	12	Malaysia	2
Côte d'Ivoire	10	Mali	21
Croatia	1	Malta	1
Cuba	53	Marshall Islands	1
Czech Republic	19	Mauritania	2
Ecuador	49	Mauritius	1
Egypt	56	Mexico	5
Equatorial Guinea	1	Moldova	3 080
Estonia	13	Mongolia	1

Table 5 (continued)

Nationality	Number	Nationality	Number
Morocco	323	Solomon Islands	2
Mozambique	147	South Africa	10
Myanmar	1	Sri Lanka	1
Nepal	29	Stateless	6
New Caledonia	1	Sudan	1
New Zealand	1	Taiwan	1
Nicaragua	1	Tajikistan	1
Nigeria	81	Thailand	4
Pakistan	186	Togo	19
Palestine	1	Tunisia	13
Panama	1	Turkey	14
Paraguay	2	Turkmenistan	2
Peru	5	Ukraine	16 523
Philippines	22	Unknown	12
Poland	73	Uruguay	8
Republic of Korea	1	USA	29
Romania	2 866	Uzbekistan	202
Russia	1 534	Venezuela	36
Sao Tome and Principe	733	Viet Nam	1
Senegal	110	Virgin Islands	1
Sierra Leone	7	Yugoslavia	15
Slovakia	13	Zambia	1
Slovenia	4	Total	47 657

E. Naturalizations in 2000, 2001 and 2002

28. There is confirmation of the figures relating to residents: in 2000, 491 applications for naturalization were submitted by Cape Verdeans, of which 407 were granted; 212 by Brazilians, of which 152 were granted; 204 by nationals of Guinea-Bissau, of which 177 were granted; 194 by Angolans, of which 131 were granted; 141 by Mozambicans, of which 101 were granted; and 88 by nationals of Sao Tome and Principe, of which 81 were granted. The figures for nationals of the countries of Eastern Europe are negligible.

29. In 2001, 720 applications were submitted by Cape Verdeans, of which 428 were granted; 356 by nationals of Guinea-Bissau, of which 137 were granted; 240 by Brazilians, of which 101 were granted; 230 by Angolans, of which 104 were granted; 115 by nationals of Sao Tome and Principe, of which 46 were granted; 97 by Mozambicans, of which 53 were granted. The figures relating to nationals of Eastern European countries remain negligible.

30. In 2002, 1,277 applications were submitted by Cape Verdeans; 633 by nationals of Guinea-Bissau, of which 197 were granted; 284 by Angolans, of which 160 were granted; 168 by nationals of Sao Tome and Principe, of which 98 were granted; 109 by Mozambicans, of which 60 were granted. Numbers for Eastern European countries remain negligible.

Table 6
Naturalizations
(2000)

Country	Applications					
	Entries		Proceedings concluded: deferrals		Proceedings concluded: rejections	
	All	Men	All	Men	All	Men
Algeria						
Angola	194	97	131	50	17	3
Argentina	2	1	2	1		
Armenia	4	2				
Australia	1	1	1	1		
Belgium	1		1			
Bolivia	1	1				
Bosnia and Herzegovina			1	1		
Brazil	212	124	152	98	6	6
Bulgaria	3	1	2	2		
Canada	12	6	8	3		
Cape Verde	491	247	407	202	86	35
Chile	1	1	2	1	1	1
China	18	10	9	6	3	2
Colombia	1		2			
Congo	3	1				
Cuba						
Egypt						
France	1	1				
Germany	3	1	1	1		
Great Britain	2	1	6	5	1	
Greece						
Guinea-Bissau	204	141	177	120	54	44
Hong Kong			1	1		
Hungary						
India	6	5	2	2	3	2
Iran	4	3	3	2		
Iraq	1	1	4	2	2	1
Israel						
Italy						
Japan						
Jordan						
Kenya			1	1	2	1
Lebanon	10	7	2	1		
Malawi						
Malaysia						

Table 6 (continued)

Country	Applications					
	Entries		Proceedings concluded: deferrals		Proceedings concluded: rejections	
	All	Men	All	Men	All	Men
Mali			1	1		
Mauritania						
Mexico						
Morocco			1	1		
Mozambique	141	68	101	58	11	7
Myanmar						
New Zealand	1	1	1	1	1	1
Norway						
Pakistan	10	5	6	5	2	2
Palestine	1	1				
Panama						
Peru	2	1	3			
Philippines	4	2	1			
Poland						
Romania	2	1				
Russia			3	1		
Sao Tome and Principe	88	47	81	39	14	6
Senegal	2	1	1	1	2	2
Slovakia			1	1		
South Africa	4	3				
Spain	3		2	1		
Stateless						
Sudan			2	1		
Switzerland	5	2	6	3	1	
Syria	1	1				
Tanzania	1	1				
Turkey					2	2
Ukraine	3	2				
Unknown	1	1	1	1		
Uruguay	4	2				
USA	5	1	6	4		
Venezuela	4	2	4	3	1	1
Yugoslavia	1	1	5	2		
Zaire	3	2	1			
Zambia						
Zimbabwe	3	2				
Total	1 464	799	1 142	623	209	116

Table 7
Naturalizations
(2001)

Country	Applications					
	Entries		Proceedings concluded: deferrals		Proceedings concluded: rejections	
	All	Men	All	Men	All	Men
Albania	1	1				
Algeria						
Angola	230	125	104	56	12	4
Argentina	3		4	2		
Armenia			2	1		
Australia	2	1				
Bangladesh	1	1				
Belgium						
Bolivia			1	1		
Bosnia and Herzegovina						
Brazil	240	136	101	62	1	1
Bulgaria	9	4	2	1		
Canada	6	3	5			
Cape Verde	720	377	428	203	90	48
Chile	1	1	1	1		
China	14	10	4	3	1	
Colombia	4	2	1			
Congo	2	1	1			
Cuba						
Egypt						
France	4	2	3	2		
Germany			1			
Great Britain	2	1	2			
Greece						
Guinea-Bissau	356	271	137	100	16	9
Hong Kong	1	1	1	1		
Hungary						
India	9	7	1	1		
Indonesia	1	1				
Iran	3	3	5	4		
Iraq						
Israel	2	1				
Italy	1					
Japan						
Jordan						
Kenya			2	1		
Lebanon	2	2	6	4		

Table 7 (continued)

Country	Applications					
	Entries		Proceedings concluded: deferrals		Proceedings concluded: rejections	
	All	Men	All	Men	All	Men
Liberia	1	1				
Luxembourg	1	1				
Malawi						
Malaysia						
Mali	4	3				
Mauritania						
Mexico	11	5	7	3	3	1
Morocco	2	2				
Mozambique	97	51	53	29	3	1
Myanmar						
Netherlands	1	1	1	1		
New Zealand	1					
Nigeria	2	2	1	1		
Norway						
Pakistan	9	6	2		1	1
Palestine						
Panama						
Peru						
Philippines						
Poland	1	1				
Romania	3	2	1	1		
Russia	13	8	9	3	1	
Sao Tome and Principe	115	58	46	24	6	2
Senegal	1	1		1		
Slovakia						
South Africa	10	5	3	2		
Spain	6	5	3	1		
Stateless						
Sudan						
Switzerland	5	2	1			
Syria			1			
Tanzania	1	1			1	1
Turkey	1	1				
Ukraine	9	4	2	1		
Unknown	2	2	1			
Uruguay						
USA	14	6	4	2		
Venezuela	7	3	6	2		

Table 7 (continued)

Country	Applications					
	Entries		Proceedings concluded: deferrals		Proceedings concluded: rejections	
	All	Men	All	Men	All	Men
Yugoslavia	7	4	1			
Zaire	1					
Zambia						
Zimbabwe	1	1	2	1		
Total	1 946	1 131	956	515	135	68

Table 8

**Naturalizations
(2002)**

Country	Applications					
	Entries		Proceedings concluded: deferrals		Proceedings concluded: rejections	
	All	Men	All	Men	All	Men
Albania						
Algeria						
Angola	284	152	160	71	27	13
Argentina	5	2	1			
Armenia			2	1		
Australia			1			
Bangladesh	1	1	1	1		
Belarus	1		1			
Belgium						
Bolivia			1			
Bosnia and Herzegovina						
Brazil	247	127	73	43	11	7
Bulgaria	15	6	1			
Canada	9	5	2		1	
Cape Verde	1 277	708	470	238	91	43
Chile	1	1	1	1		
China	18	14	7	5	1	1
Croatia	1	1				
Colombia	3	1	3	2		
Congo	2	1				
Cuba						
Czech Republic	2					
Egypt						

Table 8 (continued)

Country	Applications					
	Entries		Proceedings concluded: deferrals		Proceedings concluded: rejections	
	All	Men	All	Men	All	Men
France	4	1	2	2		
Germany	1	1	2			
Great Britain	1					
Greece	1	1				
Guinea-Bissau	633	501	197	148	38	31
Guinea-Conakry	2	2				
Hong Kong						
Hungary	2	1				
India	18	12	2	1		
Indonesia						
Iran	2	1	5	3		
Iraq	1	1				
Israel			2	2		
Italy	2	1				
Japan						
Jordan			1	1	1	
Kenya	2	2				
Lebanon	4	1	4	3		
Liberia	1	1			1	1
Luxembourg						
Malawi	1		1			
Malaysia			1			
Mali	1	1				
Mauritania			1	1		
Mexico	1	1				
Morocco	11	8				
Mozambique	109	51	60	29	23	10
Myanmar						
Netherlands						
New Zealand	2	2				
Nigeria						
Norway						
Pakistan	8	6	5	5		
Palestine						
Panama						
Peru	2	1				
Philippines	4	1				
Poland	1	1				
Romania	8	3				
Russia	9	5	2	2	1	

Table 8 (continued)

Country	Applications					
	Entries		Proceedings concluded: deferrals		Proceedings concluded: rejections	
	All	Men	All	Men	All	Men
Sao Tome and Principe	168	71	98	41	11	3
Senegal	2	1			1	
Slovakia	1	1				
South Africa	4	2	3	2		
South Korea	4	2				
Spain	1	1	3	2		
Stateless						
Sudan			1	1		
Sweden	1	1				
Switzerland	3	2	1	1		
Syria	1	1	2	2		
Tanzania	2	2	1	1		
Togo	1	1				
Turkey	1	1				
Ukraine			2	2	1	
Unknown	1	1	1	1		
Uruguay	1	1	1			
USA	12	6	4	4	1	
Venezuela	9	5	5	1	1	1
Yugoslavia	1		2	2		
Zaire			3	2		
Zambia						
Zimbabwe	2	1			1	1
Total	2 912	1 725	1 136	621	211	111

F. Gypsy population

31. In May 2001 SOS Racisme Portugal published the results of a survey of Portuguese local authorities (307, then 308 in March 2003) on integration of gypsies. The survey is entitled "Gypsies: figures, approaches and realities"; the study states that Portuguese local authorities, for the most part, consider that the integration of gypsies will take place only when the gypsy community has "radically changed its habits". The survey, probably the most comprehensive study on relationships between institutions and gypsies in Portugal, was cross-matched with existing studies, in particular those conducted under the "Dignity project" by the Department for the Pastoral Care of Gypsies and Manuel Xarepe on the gypsy community of the Alentejo, a region in the south of Portugal, to the south of the Tagus, extending to the Algarve.

32. Analysis of the data, covering 216 municipalities, leads to the conclusion that the gypsy population of some 40,000 is particularly concentrated in the most densely populated coastal regions and in border areas (21,831 people). Some 29 per cent of the gypsy population live in Lisbon. Despite ongoing measures, 31 per cent of the gypsy population live in marginal circumstances, the situation being particularly serious in the districts of Viana do Castelo (north-coastal), Castelo Branco (centre-east), and Évora (Alentejo, south). Efforts to improve living conditions for the gypsy population must continue. The survey, which better identifies the reality of the life of the gypsy population, represents a significant step by civil society. The survey is not in lieu of efforts by the Government but complements them.

G. Measures taken by the Government

33. Employment measures go hand in hand with general measures, in particular the guaranteed minimum wage and training activities (for the guaranteed minimum wage, reference is made in the eighth periodic report of Portugal (CERD/C/314/Add.1, para. 219) to Act No. 19-A/96, of 29 June).

34. Mention should also be made of the training and employment activities of the Ministry of Labour and those conducted through the Institute for Employment and Vocational Training. Of particular note are the model programmes of the kind conducted from June 1966 to 31 December 1997 entitled "Socio-economic integration of young gypsies" (see CERD/C/314/Add.1, para. 230) carried out as part of a global plan of action defined in the framework of the cooperation agreement signed between the Santa Casa da Misericórdia in Lisbon and the Institute. With a total cost of 147,326,354 escudos, this project was carried out in the Lisbon region (Charneca da Lumiar and Buraca) and covered about 200 people. Social and vocational skills were imparted through activities in pre-vocational preparation, vocational training in the metal-working, garment, furniture-making and catering sectors, and through socio-educational training comprising continuing education, social and human training, psychopedagogical intervention and physical education.

35. A project for the disadvantaged submitted by the Lisbon diocesan office of the Department for the Pastoral Care of Gypsies is under way in the framework of the European Community "Employment - Horizons" initiative. This project, which targets both the gypsy and non-gypsy population, is being executed in run-down neighbourhoods of Lisbon and Loures; it aims to carry out two vocational training courses (garment-making, pastry-making and gypsy facilitators) for a total of 25 gypsies. It includes the constitution of a database with facts relating to the realities of gypsy life in Europe (CERD/C/314/Add.1, para. 231).

36. The diocesan office of the Department for the Pastoral Care of Gypsies also has five centres functioning permanently in the "*freguesias*" (parishes) of Alto Pina, Carnide and Santa Maria does Olivais, Lisbon and the parishes of Buraca, Amadora and Moscavide, Loures. All these centres provide a reception, information and case-referral service, and home visits. The centres are also attended by 420 nursery schoolchildren, of whom 250 are gypsies (CERD/C/314/Add.1, para. 232).

37. An application was made to the Lisbon and Tagus valley regional social security office in the context of measure 4 of the INTEGRAR subprogramme, by the Oficina Romani association, to conduct special vocational training for 30 gypsies in 1997. The project included vocational training in furniture-making, guitar-making and garment-making, complemented by general schooling and various cultural activities (CERD/C/314/Add.1, para. 233).

38. This set of measures, already mentioned in the eighth periodic report, is referred to here because they are ongoing and seek to provide better protection and integration of gypsies as well as positive discrimination on their behalf.

39. The gypsy mediators represent an excellent semi-public measure. The programme receives substantial government funding and gypsy mediators are trained under the programme for the social promotion of gypsies of the Santa Casa da Misericórdia. These mediators have the task (training of the first was completed in 1994) of ensuring liaison between the gypsy community and public and private institutions, identifying the needs of the community and how to meet their needs for employment, education, housing, etc.

H. Local authority measures

40. The SOS Racisme survey analysed the measures taken in practice by municipalities to promote and facilitate the insertion of gypsy communities, including both community-based and general measures. In general terms it was noted that intervention by local authorities with a view to promoting insertion of gypsy communities focused on initiatives that targeted the communities directly. This represents intervention guided by the basic daily needs of gypsy communities.

41. The various measures taken by local authorities focus essentially on housing, education and social support, and complement national rehousing programmes (in particular the special rehousing programme: PER families), the guaranteed minimum wage, which applies to gypsies as to all citizens, and community development or poverty alleviation projects.

42. Resolving housing problems is the number one priority for local authorities in Portugal. Most are engaged in rehousing gypsy families living in marginal areas. An additional measure is support for housing renovation, in particular through the provision of building materials and equipment for the refurbishing of houses. Intervention in the housing sector is generally conducted through rehousing agreements with public institutions such as the National Housing Institute.

43. Poverty alleviation projects are implemented by municipalities and a range of partners who conduct integrated activities aimed at addressing the problems than underlie poverty. The projects relate to social support for families, psychological and social support for the individual, placement of children in school, promotion of adult education, and employment and professional training activities.

44. In addition to the data from the SOS Racisme survey, the Portuguese Government, through the High Commissioner for Immigration and Ethnic Minorities and the European poverty alleviation network, has helped to improve housing conditions for gypsies. Thus, under the agreement concluded with 170 municipalities throughout the country, the annual rate of rehousing increased from 900 families a year in the first half of the 1990s to an average rate of 7,500 families in 1999.

I. Civil society measures

45. One measure taken by civil society is worthy of particular mention: support for immigrant doctors, organized by the Jesuit Service for Refugees and the Calouste Gulbenkian Foundation, aimed at the professional qualification through appropriate training of immigrant doctors. The programme, which began in 2002, seeks to integrate immigrant doctors in the field in which they have specialized, to avoid their working in occupations that are unrelated to their skills, while meeting medical needs in Portugal. The programme covers 120 immigrant doctors, with 140 doctors currently enrolled, of whom 90 per cent come from the countries of Eastern Europe. Thus far 12 doctors have passed the State exam, with only one having failed.

46. The programme places doctors in their profession, funds the translation of documentation, pays a grant for the training course, makes available books, and conducts all necessary follow-up, until the final phase represented by the State examination then enrolment in the medical association and the start of professional activity as a doctor. To implement the programme, in addition to the support received from the Calouste Gulbenkian Foundation, an agreement has been signed with the Lisbon Faculty of Medicine, and collaborative contact has been instituted with other faculties of medicine with the Aliens and Border Service and the Ministry of Health.

II. MAJOR CONSTITUTIONAL PROVISIONS AGAINST RACIAL DISCRIMINATION

47. On 12 December 2001, pursuant to the fifth constitutional revision, the new text of the Constitution was published in the Official Journal. The basic aim was to integrate and allow recognition by Portugal of the jurisdiction of the International Criminal Court. Thus, new article 7, in its paragraph 7, reads as follows:

“Portugal may, with a view to obtaining international justice intended to promote respect for the rights of the human person and of peoples, accept the jurisdiction of the International Criminal Court with the conditions of complementarity and the other stipulations provided for in the Rome Statute.”

The introduction of this new paragraph in the text of article 7 of the Constitution, dealing with the international relations of the Portuguese State, can only give cause for gratification in terms of implementation of the International Convention on the Elimination of All Forms of Racial Discrimination in the light of the typical motivations for crimes against humanity.

48. The Rome Statute of the International Criminal Court was ratified by Portugal in Presidential Decree No. 2/2002, of 18 January, with approval by Parliament, for the purposes of ratification, on 20 December 2001.

49. Article 13 still refers in broad terms to the right to non-discrimination. Attention should be drawn to the wording of its paragraph 2: “No one shall be privileged or favoured, or discriminated against or deprived of any right”, which means that discrimination must not place citizens at an advantage in comparison with others on unjustified terms, or harm them. Instances of positive discrimination are provided for in the respective constitutional provisions.

50. Lastly, with regard to freedom of association, attention must be drawn to the considerable progress represented by the fourth revision of the Constitution, in 1997, and which provides in its paragraph 4:

“Armed, quasi-military, militarized or paramilitary associations (...) and racist organizations or those that adopt fascist ideologies are not permitted.”

It is no longer fascist associations that are not permitted; racist organizations, whether or not fascist in nature, are also not permitted.

III. CONSIDERATION OF THE GENERAL SITUATION WITH REGARD TO DISCRIMINATION

51. Racial violence in Portugal seems to consistently embody the defamation and discrediting of others. There are other forms of aggression, less frequent, which may even involve physical assault causing bodily harm.

52. The Criminal Code defines the crime of racism in its article 240, in the part on crimes against humanity, focusing on the organizational aspects of racial violence [paras. 1 (a) and (b)] and on incitement to violence, in writing or any other means of communication [para. 2 (a) and (b)]. Assault causing bodily harm - in addition to homicide, which is aggravated when the motivation for the crime is racial hatred (Criminal Code, arts. 131 and 132, para. 2 (d)) - is an offence under article 132, in conjunction with article 146, paragraph 2, of the Criminal Code. The criminal aspect is thus comprehensively covered.

53. In addition to criminal sanctions, administrative sanctions exist. Thus, Act No. 134/99 and its implementing decree provide for such sanctions. When an act is punishable by both administrative and criminal sanctions, criminal liability prevails and gives rise to the sanctions provided for in the Criminal Code. The provisions of Act No. 134/99 thus make it possible to punish racist acts more comprehensively.

54. Lastly, with regard to the status of the victim, civil liability for acts of racism is not excluded. The Civil Code, in its article 483.1, addresses, with reference to the rights of others, the violation of absolute rights such as the right not to suffer from discrimination based on race, colour, or ethnicity. It is possible to demand compensation for racist behaviour where moral or material injury occurs.

55. In addition to civil liability, article 70 of the Civil Code provides for restraining orders, both as a preventive measure and also to end the effects of the racist behaviour. Such measures may also be accompanied by financial penalties under article 829-A of the Civil Code.

56. One concern in suppressing racial discrimination through civil liability and restraining orders is to demonstrate that the law also protects the victim and not merely the goals of social coexistence, as expressed more directly in the Criminal Code.

IV. INCIDENTS OF RACIAL DISCRIMINATION

57. The Portuguese press sometimes relates particularly shocking events, some examples of which are given below.

A. Announcement in a daily newspaper

58. An announcement inserted by “a group of watchful young people” in *24 Horas*, a daily, on 22 May 2000, read as follows: “If you are black, you are given your house; if you are white, go to the bank”. An inquiry was conducted by the criminal investigation police under file No. 74/00.4 jblsb; the aim was to ascertain whether the message had been inserted by a racist organization. Unfortunately it has not proved possible to identify those responsible. On 24 September 2001 the case (No. 74/00.4 jblsb) was struck off the list, subject to new evidence, under article 277.2 of the Code of Criminal Procedure.

B. Murder of a gypsy

59. Although falling outside the reporting period, in a desire to provide the fullest possible information, attention is drawn to the following: on 14 January 2000 a gypsy, Álvaro Rosa Cardoso, was killed in the Aldoar à Porto district, following an altercation between groups of gypsies which involved the use of guns. This led to intervention by the police, with a physical confrontation between law enforcement officers and the citizens involved. Álvaro Rosa Cardoso resisted arrest at the scene of the incident.

60. The autopsy report indicated that his death was due to haemorrhaging as a result of abdominal trauma caused by a violent blow. So as to clarify the circumstances of his death at the Santo Antonio hospital in Porto, where, according to the media, he was taken by police officers, an investigation was begun by the Internal Administration Inspectorate. Further to this a formal inquiry was opened since the investigation was unable to conclude whether the death was due to police action, and, if so, who was responsible.

61. The inquiry did not find that death was due to the police, and was struck off the list, as there was no proof that it was due to police action. Criminal proceedings were initiated in the Porto Investigation and Criminal Affairs Department against two members of the public security police, and a decision of *non pronuncià* (not to proceed to sentencing) was handed down and confirmed by the Porto Court of Appeal; disciplinary proceedings were then initiated.

C. Noteworthy behaviour

62. At Póvoa de Lanhoso, a noteworthy event occurred. A young male, 13 years old, of gypsy origin, who had committed a rape, was protected by his community. Ultimately he was arrested and handed over to the Institute for Social Reintegration. He was held in the Olivais education centre at Coimbra, in connection with trial No. 347/2001 in section 1 of the Braga Family and Juvenile Court. His good behaviour at the centre means that a less severe measure than imprisonment may be envisaged, and this has been proposed by the Institute for Social Reintegration. Review of the detention measure will take place in October.

D. Racism and car hire

63. In July 2001, the *Expresso* weekly reported, under the headline "Racism in hiring", that a car hire company had informed insurance companies that it did not hire cars to blacks, gypsies or drug addicts. This involves a refusal of service, which has been notified to the High Commissioner for Immigration and Ethnic Minorities. Administrative proceedings were opened and the Commission on Equality and Non-Discrimination has been seized of the case (No. 4/2001-ACIME). The company was fined 1,002.58 euros.

E. Some positive developments

1. Radio against discrimination

64. However, not all the news is bad. From 23 to 25 November 2001, 60 European radio stations met at Vila Real, in Marão (north-east Portugal) at a conference promoted by the World Association of Community Radio Broadcasters (AMARC), in cooperation with Radio University of Marão; the theme for the conference was "Sixty radio stations against discrimination".

2. The Ângelo Semado case

65. In December 2001 a young man, Ângelo Semado, of Cape Verdean origin, was killed by police during a pursuit in a marginal neighbourhood, and rioting broke out in the district. In the event of homicide, an inquiry is automatically conducted by the Public Prosecutor's Office and the police. The incident occurred on 5 December 2001 in Alto da Cova da Moura, in Buraca, following intervention by the public security police - a police pursuit following the theft of a car - which resulted in the death of Ângelo Semado, who was shot.

66. Disciplinary proceedings were conducted in the Internal Administration Inspectorate: the recommendation was for 75 days' suspension: the measure was itself to be suspended for one year. The police officer charged apparently benefited from mitigating circumstances: it was the first time he had used his firearm, he was in a marginal neighbourhood in which he had earlier been attacked, he was alone, he fired after giving warning, and he gave first aid. An inquiry was begun by the public prosecutor in the Lisbon Investigation and Criminal Affairs Department; the investigation is ongoing.

3. Attack by skinheads

67. Another case in 2001 involved an attack causing bodily harm. A party worker who was sticking up posters for the *Bloco de Esquerda* (left-wing bloc) was attacked by a skinhead with a knife. The incident occurred at night on 9 March 2002. Two party workers, Henrique Manuel Loureiro Gil and Luís Pedro Álvaro Branco, were sticking up posters at Calçada da Tapada in Lisbon, when they were approached by several individuals, number unknown, who the victims associate with skinheads. The assailants got out of their cars, said nothing to the victims, but hit and kicked them in several places. One of the party workers sustained a stab wound to the leg.

68. The proceedings were the subject of an inquiry by the central crime division (DCCB) of the criminal investigation police, a special unit for the most serious crimes, which deals with proceedings involving racial discrimination. The complainants, summoned for medical examination at the Lisbon Forensic Institute, failed to appear. The police showed them photographs of possible skinhead suspects, but no one was identified. The case was struck off the list as the perpetrator was unknown.

69. Nevertheless, it should be noted that under article 277, paragraph 2, of the Code of Criminal Procedure, the halt in the proceedings is only temporary. Should someone be identified, or new clues or evidence emerge that would allow the criminal investigation to be resumed, the Public Prosecutor's Office is obliged to do so. The case is No. 38/02.3 jblsb, an extremely important detail in terms of follow-up.

4. Two old cases

70. In the interests of chronological precision, at least in terms of closure of cases, mention should be made of two cases from 2000, one of which had been struck off the list on 24 January 2003, the other still being under investigation. The first case, No. 136/00.8 jblsb, relates to an Internet message targeting young people, children of immigrants, particularly those of African origin, in which it was not possible to identify the creator of the message. The second case, No. 322/00.0 p5lsb concerns the distribution of racist pamphlets in Restauradores Square, right in the centre of Lisbon; it is still under investigation. It should be noted that police officers on patrol in the square on 31 May 2000 saw that the pamphlets were being distributed, and immediately put an end to their distribution.

5. Some accidents with the public security police

71. Unfortunately, accidents in the context of relations between the police and young people in marginal neighbourhoods continue to occur. In June 2002 the police, feeling threatened, fired on a neighbourhood resident in Bela Vista, killing him outright. Here, too, an investigation was automatically opened by the Public Prosecutor's Office and the police. Bela Vista is a district of Setúbal where people from the former colonies are settled; the young people in the district were born in Portugal, but are ill-adapted and are not integrated. The district has ended up by becoming a kind of ghetto, where the police, who feel unwelcome, fear to enter. The accused, an officer with the public security police, is accused of mitigated homicide (that is, under the influence of intense emotion, such as fear); the victim was a young black male. Sentencing is scheduled for 10 November 2003.

72. In this case the gang to which the young man belonged had committed a series of rapes and attacks in dwellings and stores. When the public security police arrived there was a violent reaction by the gang, compelling the police to intervene. The offence is a common crime, there is no evidence that the police were motivated by racial discrimination. There are no indications of racial discrimination. The proceedings are being conducted under case No. 860/02.0 pcostb.

73. On 2 March 2003 the Sacavém public security police were accused of brutal treatment of two women, one of whom filed a complaint. In the Carnival festivities a police check led to violence. SOS Racisme took on the case, and submitted a complaint against the public security police to the Office of the Attorney-General and the Internal Administration Inspectorate. The police officers stated that they had been attacked by a gang. The complainants are Francisca Diogo Pedro, on her own behalf and on behalf of her three children, Claudete Gorete (14 years old), Walter Pedro Abílio (17 years old), and Sílvia Patrício Pedro Abílio. The complaint is against unidentified public security police officers, who allegedly attacked and insulted (in particular in racist terms) the complainant and her two daughters, Claudete and Sílvia. The agents illegally arrested the complainant and her three children and assaulted her while she was in the police station. A complaint was also submitted to the Lisbon Investigation and Criminal Affairs Department. As matters stand, the Police Conduct and Discipline Unit in the Metropolitan Command of the public security police in Lisbon has initiated disciplinary proceedings (No. 2003LSB00430DIS) against an accused, a senior officer; the investigation is continuing. The proceedings are being monitored by the Internal Administration Inspectorate (PA 216/2003).

74. On 26 April 2003 a young black man, Carlos Reis, was seriously wounded in the head in Zambujal, in Buraca, Amadora, by a public security police officer. His pregnant wife, Marlene Silva, was also wounded. Carlos Reis died from his wounds. The young man was driving without a licence and the two attempted to evade a police check. The Public Prosecutor's Office opened an inquiry; there is also an investigation by the internal affairs police. Disciplinary proceedings have been initiated by the Internal Administration Inspectorate against two public security police officers; one of them, against whom interim measures have been taken, has been denied use of his firearm.

75. Lastly, a complaint dated 18 February 2002, struck off the list following withdrawal of the complaint by the victim, concerns injuries and threats suffered by Mr. Abdul (case No. 44/02.8 jblsb).

76. In all these cases, some of which are extremely serious, note must be taken of the efforts made by the authorities to intervene in order to end the acts of racial discrimination and acts of violence: a common element is that none has come to trial - in each case these are proceedings still subject to confidentiality at the investigation stage, in which there is a manifest effort by the authorities to combat all forms of discrimination.

77. Under Act No. 134/99, 33 complaints have been submitted: refusal to rent an apartment; refusal to provide service in a hotel; questions of access to employment (such as the announcement referred to above); discrimination in public service; refusal to hire vehicles; police aggression. Complaints have also been submitted in connection with

discrimination by banks: with regard to administrative precedent, see, *infra*, part three, chapter I.A. (paras. 114-118); judicial precedent having the force of *res judicata* is analysed in part three, chapter I.B (paras. 119-122). These trials have not yet concluded. The competent inspectorates have been seized of the cases and the complaints are under investigation.

6. Significant studies and activities to counter racism

78. On 13 January 2002 a study by the Catholic University found that ethnic minorities are stigmatized by the media; gypsy and African communities are those most frequently associated with social conflict. In November 2002 a study by the High Commissioner for Immigration and Ethnic Minorities concluded that the press deals favourably with immigration issues and that progress is being made in the integration of immigrants. Finally, on 30 January 2003 a prize, "Immigration and ethnic minorities: journalism and tolerance", was offered by the High Commissioner for Immigration and Ethnic Minorities. The candidates in the competition were journalists representing all the media and academics who had worked on the issue in 2002. Candidacies were to be submitted by 30 January 2003.

V. RECENT DOMESTIC MEASURES TO COMBAT RACISM AND INTOLERANCE

79. It should be noted, although this is not strictly relevant to continuity in government action to combat racism and intolerance, that legislative elections were held in 2002, resulting in a change of majority. As a result, the holder of the post of High Commissioner for Immigration and Ethnic Minorities changed: José Leitão was replaced by Father António Vaz Pinto.

80. On 22 November 2002 Decree Law No. 251/2002, of 22 November, created, under the Office of the President of the Council of Ministers, the Office of the High Commissioner for Immigration and Ethnic Minorities, abrogating Decree Law No. 3-A/96, of 26 January, and Decree Law No. 39/98, of 27 February. Through this legislation the Government seeks to decentralize the functions of the Office of the High Commissioner, which has offices in Lisbon and Porto, where the current High Commissioner has his office, without prejudice to the possibility of establishing further offices throughout the country. The Office of the High Commissioner comprises the High Commissioner, the Consultative Council on Immigration Affairs, and the Commission on Equality and Racial Discrimination, established by Act. No. 134/99.

81. The role of the Office of the High Commissioner is to promote the integration of immigrants and ethnic minorities into Portuguese society, and to ensure participation and collaboration by associations representative of immigrants, the social partners and social solidarity institutions in defining policies to promote social integration and combat exclusion, as well as to monitor the implementation of legislation designed to prevent and prohibit discrimination in the exercise of rights on the grounds of race, colour, nationality or ethnic origin.

82. The role of the Consultative Council on Immigration Affairs is to ensure the participation and collaboration of associations representative of immigrants, the social partners and social solidarity institutions in defining policies to promote social integration and combat exclusion. The Consultative Council comprises the High Commissioner, as presiding officer; the

Deputy High Commissioner; a representative of each of the immigrant communities from the Portuguese-speaking countries appointed by the corresponding federations and associations, provided that their representativeness is recognized by the Office of the High Commissioner; a representative of each of the other three communities, appointed by the competent associations or federations, provided that their representativeness is recognized by the Office of the High Commissioner; a representative of private social solidarity institutions; two representatives of institutions working with immigrants; two representatives of employers associations and two representatives of trade union federations represented on the Economic and Social Council;¹ two citizens of recognized merit, appointed by the High Commissioner; a representative of the member of the Government with responsibility for emigration affairs and Portuguese communities; a representative of the Minister of the Interior; a representative of the Minister of Education; a representative of the Minister of Social Security and Labour; a representative of the regional Government of the Azores; a representative of the regional Government of Madeira; and a representative of the National Association of Portuguese Local Authorities.

83. The role of the Consultative Council is, on its own initiative or at the request of the High Commissioner, to:

- (a) Take decisions on legislative proposals concerning the rights of immigrants;
- (b) Participate in the definition of social integration policies aimed at eliminating discrimination and promoting equality;
- (c) Participate in the definition of measures and activities aimed at improving living conditions for immigrants and monitoring their implementation;
- (d) Participate in the defence of immigrants' rights in respect for their identity and culture, by formulating proposals for their advancement;
- (e) Exercise other functions attributed by law.

The Consultative Council meets every three months; its members are elected for three-year terms; they are not remunerated.

84. Attention is drawn, as another recent measure adopted to combat racism and xenophobia, to the signature by Portugal, on 17 March 2003, of the Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems, of the Council of Europe. The Protocol was still not in force in March 2003 (five ratifications are needed), no State having ratified it.

¹ The body bringing together the social partners with the aim of participating in the definition of the Government's economic and social policy.

VI. PARTICIPATION BY PORTUGAL IN ACTIVITIES OF INTERNATIONAL ORGANIZATIONS

85. Particular mention must be made here of Portugal's participation in the second country report prepared by the European Commission against Racism and Intolerance of the Council of Europe. This report was prepared taking account of information of all kinds from all sources, the European Commission against Racism and Intolerance having made a visit to various Portuguese institutions in November 2001. The report is dated 20 March 2002, when it was finalized by the Commission.

86. The Portuguese authorities placed themselves fully at the disposal of the Commission, which took note of that. The Commission recommends that the Portuguese authorities adopt supplementary measures intended to deal more effectively with racism and intolerance in several areas. Thus, according to the Commission, there is a need: (i) to make the legislative provisions in force fully effective; (ii) to adopt measures that would improve the functioning of the authorities and law enforcement vis-à-vis minority groups; (iii) to establish an independent specialized organ to combat racism; (iv) to improve the application of the rules governing the right of asylum; (v) to protect immigrants against employment abuses; and, lastly, (vi) to inform and raise the awareness of the public regarding efforts to combat racism and intolerance.

87. The Commission notes as positive elements the adoption of Act No. 134/99, prohibiting racial discrimination, the various initiatives taken to promote insertion of gypsies in education and the workplace, the efforts to increase awareness among the police and judiciary of human rights, and the declaration recognizing the competence of the United Nations Committee on the Elimination of Racial Discrimination to receive individual complaints.

Part Two

Information in connection with articles 2-7 of the Convention

I. ARTICLE 2

Anti-racism policy

88. As indicated in earlier reports, Portugal pursues an anti-racism policy in terms of legislation and specific actions. A legal framework exists which protects potential victims and specific activities are undertaken, in particular on an ongoing basis by the High Commissioner for Immigration and Ethnic Minorities.

II. ARTICLE 3

Racial segregation

89. There is no racial segregation in Portugal. Since the 1974 "red carnation" revolution Portugal has always strongly condemned all policies of racial segregation throughout the world. It maintains this position today, and supports all efforts to end segregation.

III. ARTICLE 4

Racist organizations

90. Portugal prohibits and suppresses fascist and racist organizations. While there is no legislation that parallels that prohibiting fascist organizations, racist organizations may be considered banned under the Constitution, which is directly applicable in this field. One small party on the extreme right has emerged in the country, the National Renovation Party, which asserts in particular that immigrants occupy jobs that should be occupied by Portuguese, which, in the view of this party, justifies the adoption of measures restricting the entry of immigrants into Portugal. This minor party has not been subject to legal action, its pronouncements being manifestly populist. It has not engaged in violent acts other than its pronouncements; its dissolution has not been sought, as was the case with the National Action Movement (MAN) referred to in the eighth periodic report (CERD/C/314/Add.1, paras. 100-102).

IV. ARTICLE 5

Equal rights of all before the tribunals

91. The provisions of the Constitution and of the legal order admit of no discrimination in terms of access to the system of justice. Accordingly, access to the courts is limited only by ignorance on the part of individuals of the means available to them. The educational work undertaken by the Office of the High Commissioner, by the coordination office for multicultural education (the Office of Multiculturalism), referred to in earlier reports, and by the Ministry of Education in cooperation with the Santa Casa da Misericórdia, to increase the number of mediators, seeks to put an end to this situation. This is true of both access to the system of justice and of decisions by the courts which, judges being trained in non-discrimination at the Centre for Judicial Studies (National Judges College), cannot be considered as discriminatory in terms of racism and xenophobia.

V. ARTICLE 6

Effective remedies

92. Every individual has access to the system of justice under article 240 of the Criminal Code (racial discrimination) and Act No. 134/99 (discrimination, administrative penalties), and every individual also has access to the provisions of the Civil Code on restraining orders and civil liability. The technical measures that exist are made available to the parties concerned under the Portuguese legal order.

VI. ARTICLE 7

Education and information

93. Mention must be made of the work of the Office of Multiculturalism, in existence since 1991, which has developed databases on the education of vulnerable groups in Portugal, in terms of ethnic minorities. The Office also translates into Portuguese works of importance for awareness of the phenomenon, in particular the work of Professor Jean-Pierre Liégeois. This work is carried out in collaboration with the Gypsy Research Centre at the René Descartes

University in Paris, focusing on the Interface collection. The books produced are made available free of charge to schools with the largest number of gypsy pupils. A teacher's manual on multicultural education relating to the gypsy culture has also been drafted, entitled *La gestion interculturelle des curricula* (Multicultural Management of Curricula).

94. The High Commissioner for Immigration and Ethnic Minorities seeks to implement an active policy for the reception and integration of immigrants in Portugal. In terms of information, a national information network for immigrants has been established with an information bulletin on web site www.acime.gov.pt; brochures are produced on the various pieces of legislation; and the SOS Immigrant helpline has been set up, and a telephone call team is being trained. Still with regard to the Office of the High Commissioner, two national immigrant support centres are being set up, one in Lisbon and one in Porto; they are conceived of as innovative centres representing the government authorities in immigrant circles.

95. In other areas, also at the national level, a network of local immigrant support centres is being set up: 15 centres have already been established; the aim is to provide all necessary information to arriving immigrants.

96. With regard to the education of gypsies, decision No. 175/96 of the Council of Ministers, of 19 October, established the Working Group on equality and insertion of gypsies (see CERD/C/314/Add.1, para 302 et seq.), under the High Commissioner for Immigration and Ethnic Minorities. Regularly reconvened, it operates in close connection with the Office of Multiculturalism, and drafted the 1995 teacher's manual; in 1997 it published games and pedagogical materials based on gypsy culture (European Year against Racism).

97. Further to the objective of encouraging multicultural education in schools, while disseminating and promoting, inter alia, the history and culture of the gypsy people, a cooperation agreement has been concluded between the Office of Multiculturalism and the Gypsy Research Centre at the René Descartes University. In the context of this agreement, a network of publishers from various States (Bulgaria, Czech Republic, France, Germany, Hungary, Italy, Portugal, Romania, Slovakia, Spain, United Kingdom) has been set up. These publishers guarantee local penetration and international coverage while promulgating valuable knowledge and increasing the standing of a history, a culture and a language through the Interface collection. The Office of Multiculturalism has been invited by the Gypsy Research Centre to be the Portuguese publisher for the collection.

98. The collection, conceived by specialists, is not intended for experts but for secondary school pupils and teachers to make them more aware of the cultural values of their gypsy classmates and to promote better learning strategies. The collection was officially launched in Portugal in October 1998 in the presence of the Director of the Gypsy Research Centre and various European publishers. All the books offered *Les Gitans, de l'Inde à la Méditerranée* (Gypsies, from India to the Mediterranean), *Les Gitans sous le domaine de la Svastika* (Gypsies under the Swastika), *Gitans et déportation* (Gypsies and Deportation), have been translated into Portuguese; the latter has a section on the history of gypsies in Portugal, drafted by Portuguese authors. The Portuguese release will comprise at least one book a year. At present a translation is being prepared of *What's the Romany Language*, and is due to be published at the end of 2003.

99. Under the Socrates programme, the Office of Multiculturalism has developed a transnational project, "Gypsies, multiculturalism and integration", which has resulted in the publication of two books as part of the Interface collection: the translation of *Minorité et Scolarité: le parcours tsigane* (Minorities and Education: the Gypsy Experience), a reference book on the situation of gypsies in Europe, and *Quelle chance! Des Gitans dans notre école!* (Wow! Gypsies in our School!), which deals with the situation in Portugal regarding schooling and socialization of gypsies, the first book in Portuguese devoted exclusively to gypsies, also to form part of the collection. All these books have been distributed free of charge in schools with a high percentage of gypsy pupils.

100. The Office of Multiculturalism has partnerships for transnational projects with Spain and France, aimed at developing studies and research on school attendance by gypsies and training teachers for gypsy and traveller children. A compendium of teacher training institutions in this field and of their substantive work has been compiled with the aim of constituting a European database that will be available on the Internet, under the project on the training of teaching staff for gypsy/Romany children and youngsters. In the compendium produced by the Office of Multiculturalism, the "Traveller" project was selected: already presented at Dijon, the project was invited to develop a week-long training programme for foreigners in Dijon.

101. One of the most recent collections launched by the Office of Multiculturalism, *École et communauté* (School and Community), seeks to make immigrant parents aware of the benefits of sending their children to school. Reflecting the specificities of gypsy culture and its family organization, a volume has been prepared for gypsy parents and families. Another volume is being prepared for teachers to allow them to develop reception strategies for gypsy children in school and the classroom. Another book, *Abordages et perspectives* (Approaches and Prospects), on multicultural education, issued by the Office, identifies models and lines of research developed in the United States of America and in Europe, including work on the schooling of gypsies.

102. The Office has translated and published a textbook by the United Nations Educational, Scientific and Cultural Organization (UNESCO), *Tolérance, le seuil de la paix* (Tolerance - the threshold of peace); it has supported the publication by Oeuvre des Tsiganes of a new edition of the book by J.P. Liégeois on the gypsy people (1995). From the same author, 100 copies of *Scolarisation des enfants tsiganes et du voyage* (Schooling of gypsy and traveller children) have been acquired. The Office has also translated, published and distributed the UNESCO Human Rights Calendar and the Council of Europe Human Rights Album.

103. In parallel, the multicultural education project is developing: it should be noted that among the 52 schools that are at present involved, 14 have a significant percentage of pupils of gypsy origin; some of these schools were chosen at the outset precisely for this reason (for example, the school at Matosinhos). These 52 schools all have multicultural education projects that have specific activities for gypsy pupils, including in particular the provision of meals, participation in leisure activities and the development of initiatives and strategies for the motivation and involvement of gypsy families and communities (for example, lessons in camps, sessions of gypsy singing and dancing, compendium of gypsy history and legends).

104. Another activity has been the training of the 200 teachers participating in the project on the use of the teacher's manual. In terms of activities directly related to schools, there is nutritional, social and pedagogic support for schools with a significant number of gypsy children (55 and 167 schools in Lisbon, schools in Beja, Elvas, Nisa, Moura, Penafiel, etc.) and the distribution of books and publications to schools.

105. The Office's multicultural database, which covers all groups of children and not only gypsy children, and is continuously updated, shows that in spite of the efforts undertaken, failure and dropout rates for gypsy children are very high, even in comparison with other ethnic groups.

106. The Office of Multiculturalism has close links with several associations, including the Association of Portuguese Gypsy Women (AMUCIP). It has worked with these associations in promoting projects and sought their intervention as consultants in various specific instances.

107. A research team from the Regional Research Centre recently sent an invitation to the Office of Multiculturalism, asking it to become its institutional partner in a discussion group. The first research colloquium, entitled "Gypsies seen by others: social proximity in interethnic coexistence", is intended to assess the extent to which certain contexts for inter-ethnic coexistence promote (or not) social proximity between persons belonging to different ethnic communities.

108. Apart from the Office's activities, but still in relation to the activities of the Working Group on gypsies, there is a link with the Department of Primary Education of the Ministry of Education. Through this, the "Going to school" project has been developed; this has so far trained six young gypsies who have been placed in schools with a high percentage of gypsy pupils where they become facilitators with the gypsy communities, alerting parents to the need to send their children to school and helping them - with the support of the teachers - to resolve their everyday problems and to make good use of their leisure.

109. The "Learn with me" project consists in the development of learning materials to support itinerant pupils: these materials are intended for distribution to schools in the first cycle of primary education, preparing in particular for the learning of reading and writing and taking account of the itinerant situation of gypsy children.

110. In the framework of this project, now targeting the second and third cycles of primary education, a new method is being launched with the creation of a "mother school" (where pupils stay longest and where they are initially enrolled), which takes responsibility for the pupil's school career, develops contacts with itinerant families, prepares support materials and maintains close contact with the teachers at the schools through which the pupil passes. This project is also concerned with the beginning of distance learning: the Palmela 3 + 5 school is experimenting with the subjects taught.

111. With regard to the training of teachers, two activities are under way:

(a) The training of teachers in gypsy history and culture with the support of gypsy mediators and specialists in these subjects;

(b) The training of heads of schools with the highest percentages of gypsy pupils, in partnership with Italy and Greece and with the support of the European Union.

112. With regard to ongoing education, families are encouraged as necessary to help the young with reading, writing and arithmetic and with their attendance at primary school, which is compulsory.

113. Of relevance here is a statistic provided by the Office of Multiculturalism: the parents of 2,208 gypsy children stated on their enrolment form for school for 1999/2000 that their native language was Romany.

Part Three

Supplementary information

I. PRECEDENT

A. Administrative precedent

114. Portugal has adopted a set of legislation at the administrative level governing racial discrimination. As stated in the ninth periodic report (CERD/C/357/Add.1, paras. 40-44), Act No. 134/99, of 28 August, prohibits all discrimination in the exercise of rights based on race, colour, nationality or ethnic origin. Under its article 2, it applies to all natural and legal, public and private persons.

115. Under its article 2, any distinction, exclusion, restriction or preference based on race, colour, ancestry or origin, the aim of which is to prevent or restrict the recognition, enjoyment or exercise, on equal terms, of rights, freedoms and safeguards, or of economic, social and cultural rights, constitutes an act of racial discrimination.

116. Some examples of discrimination: denial of access to employment, access to the enjoyment and provision of goods and services, access to any economic activity, access to the facility to buy real estate or other property, access to establishments open to the public.

117. This Act establishes the Commission on Equality and Non-Discrimination, which receives complaints regarding violation of the right to non-discrimination. Regulations in connection with the Act were adopted in 2000 under Decree Law No. 110/2000, which attributed competence for judicial investigations to the inspectorates (for example, the Labour Inspectorate) concerned by acts of racial discrimination.

118. The table below provides a list of cases dealt with or being dealt with by the Commission on Equality and Non-Discrimination.

Administrative proceedings

1/2000	Complaint by Abailardo Margarido Borges. Against: the Post Office. Ground for the complaint: systematic exclusion from a higher professional level, owing to possible racial discrimination (black). Competent inspectorate: Labour Inspectorate. Status: investigation stage.
2/2000	Complaint by António João Miguel da Silva. Against: Totta Bank. Ground for the complaint: discrimination in the provision of banking services as a result of possible ethnic discrimination (gypsy). Competent inspectorate: conflict of competence between the Economic Affairs Inspectorate and the Bank of Portugal (Central Bank). Status: conflict of competence at the decision stage.
1/2001	Complaint by José Sousa Pinto. Against: the “Aqua Bar”, a commercial establishment. Ground for the complaint: denial of access to a commercial establishment owing to possible discrimination relating to ethnic origin (gypsy). Competent inspectorate: Regional Administration Inspectorate. Status: under investigation.
2/2001	Complaint by the Association of Angolans resident in Portugal. Regarding: Lucinda Garcia Adolfo Sabalo. Against: Cinector, real estate and tourism company. Ground for the complaint: refusal to rent owing to possible discrimination on racial grounds (black). Competent inspectorate: a joint decision is awaited from the Ministry of the President’s Office, the Ministry of Public Works, Transport and Housing, and the Ministry of Urban and Regional Development, as to who is competent to conduct the investigation in the IMOPPI (Institute for Public and Private Works and Real Estate Contracts) proceedings. Status: conflict of competence at the decision stage.
3/2001	Complaint by Gilmar Fernandes. Against: the owner of a commercial establishment and police officers. Ground for the complaint: physical aggression as the result of possible discrimination for belonging to another nationality (Brazilian citizen). Competent inspectorate: Internal Administration Inspectorate. Status: under investigation.
4/2001	Automatic inquiry by the Commission following publication of a news item in the weekly <i>Expresso</i> of 7 July 2001. Against: AMA, an automobile multiservice assistance company. Ground for the complaint: refusal to hire vehicles as a result of possible discrimination (black). Competent inspectorate: Inspectorate for Public Works, Transport and Communications. Status: final decision for payment of a fine of 1,002.58 euros by the company; payment has been made, and the proceedings struck off the list.
5/2001	Complaint by the Moinho da Juventude Association. Against: Buraca local authority. Ground for the complaint: refusal to issue residence certificates as a result of racial discrimination (black). Competent inspectorate: Regional Administration Inspectorate. Status: recommendation for inquiry by the Office of the Mediator; case struck off the list.

6/2001	Complaint by Aureliano Francisco Conceição. Against: Conservatória do registo civil de Sintra. Ground for the complaint: discriminatory treatment by a public service with use of racist language owing to the fact that the complainant seeking the service (civil registration) belongs to another race (black). Competent inspectorate: Judicial Services Inspectorate. Status: decision to strike the case off the list by the former High Commissioner, with the agreement of the Commission (the alleged practice was not proved).
7/2001	Inquiry by the Aliens and Borders Service into the facts relating to a European Union citizen, a French national, Yannick Bouzada. Against: the Post Office. Ground for the complaint: refusal to accept application for employment by a European Union citizen because of possible discrimination owing to nationality (French nationality). Competent inspectorate: Labour Inspectorate. Status: under investigation.
8/2001	Complaint by Victor Fernandes, Manager of the Joteltecnica company. Against: the manager of the Pérola do Mondego residential hotel. Ground for the complaint: refusal to provide hotel services owing to the fact that the injured parties were of another nationality (Ukrainian citizens). Competent inspectorate: Economic Affairs Inspectorate, which referred the case to the Department of Tourism, as the competent authority. Status: under investigation.
9/2001	Complaint by the Portuguese Union Romani Association. Against: Guimarães public security police. Ground for the complaint: expulsion of citizens; installation of an unjustified police surveillance system; photographic identification of individuals and of a camp owing to membership of a specific ethnicity (gypsy). Competent inspectorate: Internal Administration Inspectorate. Status: decision to strike the case off the list by the former High Commissioner, with the agreement of the Commission (the discriminatory practice was not proven). Case struck off the list.
10/2001	Complaint by Aparecida Magali da Silva. Against: the co-owners of the building where the complainant lives. Ground for the complaint: discrimination on the part of the resident co-owners who improperly accused him of making excessive noise in his apartment. The alleged discrimination is supposedly the result of belonging to another race (black). Notified by the former High Commissioner to present witnesses and describe the circumstances of the case, the complainant has not replied. Status: struck off the list, with the agreement of the Commission.
11/2001	Complaint by João Baptista da Silva Araújo Júnior. Against: Totta & Açores Bank. Ground for the complaint: refusal of financing as a result of possible discrimination on the ground of nationality. The complainant, invited by the former High Commissioner for Immigration and Ethnic Minorities to submit documentation, has not replied. Status: to be struck off the list, once the Commission has agreed.

12/2001	Complaint by Fernando Conceição Costa. Against: legal representative of the Vobis store, in Guia, Albufeira. Ground for the complaint: refusal of a cheque for merchandise, possible discrimination as a result of belonging to a specific nationality (Brazilian citizen). Competent inspectorate: Economic Affairs Inspectorate. Status: pending opinion, for final decision, by the Standing Committee of the Commission on Equality and Non-Discrimination.
1/2002	Complaint by SOS Racisme and Luis Augusto Correia Ramos, public security police officer. Against: public security police, Olivais. Ground for the complaint: use of racist expressions in relationship between a hierarchical superior/inferior; systematic racial discrimination on the part of the public security police throughout professional career (black). Competent inspectorate: Internal Administration Inspectorate. Status: pending opinion, for final decision, by the Standing Committee of the Commission on Equality and Non-Discrimination.
1A/2002	Complaint by Adilson Melo Pires de Carvalho. Against: public security police, Crime Division, Loures. Ground for the complaint: use of racist expressions by police officers and improper use of force motivated by possible racial discrimination (black). Competent inspectorate: Internal Administration Inspectorate. Status: pending opinion at the decision stage by the Standing Committee of the Commission on Equality and Non-Discrimination.
2/2002	Complainant: first cycle primary school, Sacadura Cabral, Amadora. Against: attack on a pupil by family members of another pupil (black). Ground for the complaint: racial conflict in a specific geographical area - possible mediation. Competent inspectorate: Internal Administration Inspectorate. Status: submission of a complaint regarding an offence; trial under way.
3/2002	Complainants: group of Chinese citizens: Ling Aizhong. Against: public security police, Martim Moniz. Ground for the complaint: unjustified action by the police, motivated by possible race-based discrimination (Chinese citizens). Competent inspectorate: Internal Administration Inspectorate. Status: proceedings referred by the Inspectorate to the Public Prosecutor's Office, under article 38 of Decree Law No. 433.82, of 27 October.
4/2002	Complainant: Portuguese General Confederation of Workers; Vila Franca de Xira. Office - Daniela Rossana Silva. Against: Super Desconto, SA (Póvoa de Santa Iria). Ground for the complaint: refusal to hire based on possible racial discrimination (black). Competent inspectorate: Labour Inspectorate. Status: investigation under way.
5/2002	Complainant: Hasvantal Talakchand. Against: several co-owners of a building in Alverca. Ground for the complaint: use of insulting expressions relating to the fact that the complainant is of Indian origin. Status: case submitted to the Public Prosecutor's Office.

6/2002	The High Commissioner for Immigration and Ethnic Minorities was seized, in connection with his oversight function, of prior notification of dismissal of a pregnant foreign worker, Ongania Niielenga Thecle Roselyne. The complaint does not claim racial discrimination. The High Commissioner followed the inquiry by the Commission on Equality in the Workplace and Employment, which found the dismissal proper. Employers associations have been informed of the need to tell their workers how they can exercise their rights (need to amend procedures). Case struck off the list, Standing Committee in agreement.
7/2002	Complainant: The High Commissioner for Immigration and Ethnic Minorities (report in the <i>Público</i> newspaper on an action by the Totta & Açores Bank). Against: Totta & Açores Bank. Ground for the complaint: possible discrimination against aliens on the part of the Bank, which subjected them to demands for documentation for the use of banking services not provided for by law. Competent inspectorate: the High Commissioner considered that it should be the Bank of Portugal (Central Bank), but the latter considered itself not to have competence. Status: since there are other cases of conflict involving similar conflicts of competence, a decision on the part of the respective authorities is awaited with a view to continuing with the current proceedings. It should be noted that possible discrimination by the bank would have been allowed to occur by the institution itself.
8/2002	Complainant: Carlos Francisco de Figueiredo Palma Brito. In the complaint, the victim is the foreign citizen Vasyl Herasymchuk (Ukrainian citizen). Against: Walter Soldati. Ground for the complaint: labour fraud - article 222 of the Criminal Code. Competent inspectorate: it was considered that the complaint should be submitted to the Public Prosecutor's Office in Portimão, which was done. Status: being tried before the Portimão Court.
9/2002	Complainant: Constantin Costin (Romanian citizen). Against: Emparque, park operators. Ground for the complaint: adoption by the employer of procedures that could be discriminatory through the exercise of pressure on the worker to end the employment relationship (the possible events stem from a conflict, with racist overtones, between the victim and another worker). Competent inspectorate: Labour Inspectorate. Status: under investigation.
10/2002	Complainant: Inocência Luciano dos Santos Mata. Against: Caixa-Geral de Depósitos. Ground for the complaint: request for documentation, contrary to the law, in connection with opening an account. Based on possible discrimination relating to nationality. Status: a letter has been sent to the Caixa-Geral de Depósitos requesting additional information; the Caixa-Geral de Depósitos has replied, and the complainant has stated her satisfaction at that reply. The complainant has been contacted by the High Commissioner and has stated that she does not wish any further action to be taken. The case has been struck off the list, with the agreement of the Standing Committee.

11/2002	Complainant: Luis Miguel Ramos Ferreira. Against: José Matias Silva Lourenço, a food and drinks vendor at fairs. Ground for the complaint: improper requirement for prepayment of service, unequal treatment with other customers, owing to possible racial discrimination (black). Competent inspectorate: Regional Administration Inspectorate. Status: under investigation.
12/2002	Complainant: Francisco Almeida Cardoso, police trade union leader, public security police, Cascais Division. Against: António Brandão de Melo. Ground for the complaint: offensive language to a police officer, Paulo Fernandes, linking his police work with the fact that he belongs to another race (black). Competent inspectorate: Internal Administration Inspectorate. This inspectorate considered itself incompetent to investigate the case, which was referred to the Cascais Public Prosecutor's Office. Status: the trial is continuing before the Cascais Court.
13/2002	Complainant: Idalino Alvares Pinheiro. Against: Rocks Café, Caldas da Rainha. Ground for the complaint: prevention of enjoyment of services and goods by a commercial establishment, motivated by possible discrimination owing to race (black). Competent inspectorate: Regional Administration Inspectorate. Status: under investigation.
14/2002	Complainant: João Miranda Alves de Oliveira. Against: various public and private entities. Ground for the complaint: non-renewal of contract for a Brazilian woman owing to pregnancy, the procedures of various bodies being called into question (contradictory information); the principal ground for the complaint does not involve possible discrimination owing to nationality. Status: to be struck off the list, with the agreement of the Standing Committee of the Commission on Equality and Non-Discrimination.
1/2003	Complainant: Yaroslav Terletsky. Against: Tecnovia Açores, a construction company. Ground for the complaint: adoption by the employer of practices (doubling up of jobs, work for which the worker was not paid at the beginning, failure to provide safety equipment for jobs requiring it, use of racist expressions, owing to nationality) which in the context of work relations could constitute discrimination against the worker owing to foreign nationality (Ukrainian). Competent inspectorate: Labour Inspectorate. Status: under investigation.
2/2003	Complainant: António João Miguel da Silva. Against: the municipality of Chamusca. Ground for the complaint: adoption by the municipality of measures affecting the exercise of rights, constituting possible discrimination owing to membership of a specific ethnicity (gypsy). Competent inspectorate: Regional Administration Inspectorate. Status: under investigation.
3/2003	Complainant: Karen de Freitas Farias. Against: El Corte Inglés - Parfumerie Marionnaud. Ground for the complaint: possible discriminatory action by the employer, through maintenance of behaviour, a measure or a standard by which termination of a labour contract depends on the nationality of the employee (Brazilian). Competent inspectorate: Labour Inspectorate. Status: under investigation.

4/2003	Complainant: Rosa Maria Mayunga. Against: University of Coimbra Medical Faculty. Ground for the complaint: possible adoption by the employer of practices which, under the Labour Code, discriminate against a worker in the provision of labour for reasons of nationality or race (black). Competent inspectorate: Labour Inspectorate. Status: there is as yet no decision by the High Commissioner regarding opening of administrative proceedings, since the employer has been requested to comment on the allegations.
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B. Judicial precedent

119. Just one new court decision has been taken since the submission of the ninth periodic report, but it is significant: it is the first decision directly applying article 240 of the Criminal Code (racial discrimination) to an act that can be classified as an act of racial discrimination.

120. In a case dealt with by the Paredes district court, a Paredes counsellor made a statement which included racist comments about gypsies. In the ensuing discussion in the municipal assembly, the deputy reiterated his racist comments and did so again some days later in a press release for Lusa, the Portuguese national and international news agency. He concluded his remarks with racist comments about blacks in Lisbon. His statements were published in several newspapers; in a subsequent press release, other deputies, in the context of political infighting within the same political coalition, criticized the first deputy for his racist comments. The latter admitted, in a further press release, that his remarks had been unfortunate and apologized for having made them.

121. The liability of the deputy who made the racist comments has been considered under article 240.2 (b) of the Criminal Code, which provides that:

“2. Anyone who, at a public meeting, by means of a text for distribution or any other form of media communication:

(...)

Defames or insults a person or group of persons for reasons of race, colour, ethnic or national origin, or religion, in particular through denial of war crimes or crimes against peace and humanity;

With the intention of inciting or encouraging racial or religious discrimination, shall be punishable by a prison term of six months to five years.”

In this case the court found two offences of racial discrimination, under the same criminal heading: one committed by the deputy at the public meeting, the other in the reiteration of his statements before the press, before his apology.

122. The Romany Union, an association of gypsies approached for its views, said that it was satisfied with the apology. In view of the fact that the deputy had no criminal record, he was given a suspended sentence of nine months' imprisonment. It should also be noted that his critics, who likened him to a Nazi in the press, were pursued for defamation; in the same decision they were fined (criminal penalty) for defamation. Further, they were ordered to pay 500,000 escudos in civil compensation to the person whose remarks they had censured. The decision is dated 14 February 2002.

II. SPECIFIC NATIONAL PROVISIONS

123. In addition to the text of Act No. 134/99 and of Decree Law No. 110/2000, considered above, which are directly relevant to racial discrimination, the most important specific national provisions are those on immigration. They were reviewed in chapter I of part one of the report (demographic composition of the population; see also the tables in the annex). The provisions of the Act on asylum, Act No. 15/98, of 26 March, have not been changed, and remain as described in the eighth periodic report. The provisions of the 1998 Act governing work by aliens, referred to in the ninth periodic report, also remain unchanged insofar as they are not at variance with those of Decree Law No. 34/2003, of 25 February.

III. ECONOMIC, SOCIAL AND CULTURAL RIGHTS

124. With regard to economic, social and cultural rights, foreign citizens in Portugal, once regularized, enjoy the same benefits and incur the same obligations as other citizens.

A. Housing

125. With regard to housing, the special rehousing plans under the special rehousing programme (PER) represent a significant initiative in improving living conditions for immigrants and the poor. In fact the special rehousing plans consist, as stated in the eighth and ninth periodic reports, in measures to rehouse the inhabitants of shanty towns in decent housing.

126. But these special plans do not always represent the leap forward that they might have inasmuch as the inhabitants rehoused in the new areas have taken with them the problems of the shanty towns. There are several reasons for this: lack of land for building housing, and in particular the fact that at times it is easier to focus on rehousing the poor, who are often aliens, in peripheral locations than to move them to other urban areas.

127. In this context, Decree Law No. 79/96 of 20 June, generally known as the special rehousing programme (PER Families), which established, as stated in the eighth and ninth periodic reports, a concessionary regime for support for housing or renovation of housing by families covered by the programme in the metropolitan areas of Lisbon and Porto, has offered the best opportunities for inclusion of the various population groups, giving them a chance to have their say in the choice of area in which they were to live.

128. As the various rehousing measures have taken shape, an evident need has emerged - in both old and new areas - for an overarching approach incorporating measures that will promote the social and urban renovation of peripheral areas and rundown districts by making living conditions more human, by providing better educational, professional and cultural opportunities

to the inhabitants of such areas, and by giving priority to the renewal, renovation and redevelopment of existing towns in preference to building out. Efforts have been made to create magnet areas for economic activities and for community services to stop them turning into dormitory districts. Coordinated public transport offering comfort, speed and reliability has been instituted.

129. The integrated renovation programme for suburban areas in the Lisbon metropolitan area is intended to establish conditions for improvement and integration in peripheral parts of the metropolitan area. It comprises an integrated, multisectoral programme of investment in infrastructure with encouragement of public/public and public/private partnerships acting in relevant areas involving both civil society and the principal beneficiaries of the intervention.

B. Examples of improvements in living conditions for minority populations

130. The “Live in your district” project at Vialonga, funded by the urban renewal programme, offers an example of how to improve living conditions in a rehousing area through expanded partnerships. The activities undertaken involve intervention in urban zones: recovery of housing; development of open spaces; provision of urban equipment; establishment of multi-purpose play areas for children; creation of informal sports areas in the streets; repair of highways and sidewalks; establishment of community centres; business districts; emergency centres for children; multi-use sports centres; education and employment intervention; creation of employment through establishment of five landscaping, dry-cleaning, information technology assistance, production and handicrafts marketing and restaurant enterprises; legal support for residents; organization of housing commissions; promotion of community associations and organizations. These various interventions are based on mobilization and participation on a geographical, rather than a cultural or national basis.

131. In the Loures area, on the outskirts of Lisbon, community development projects have been conducted based on a method promoting effective participation by all social actors that are representative of their local community. “Working with” local communities, rather than “working for” local communities, has been a guarantee for those communities, in that the activities undertaken effectively meet the needs of multi-ethnic populations.

132. In a local development strategy, projects have been carried out in various rehousing districts, in particular community development projects, including the APELARTE multicultural education project in Quinta da Fone, Apelação. This is a district housing residents who until 1997 lived in slums in the approaches to the Vasco da Gama bridge and areas of Parc Expo: 236 families form a multicultural population comprising 40 per cent Portuguese-speaking Africans, 40 per cent gypsies and 20 per cent other Portuguese; 50 per cent of this population is under 15.

133. This project, which concerns leisure activities, is a direct intervention by the municipality: it affects the entire rehoused population as well as that formerly living in the district. The municipality has borne all the cost of the project and established the operating conditions for the Apelação cultural centre. This is a centre offering singing, dance, African dance, photography, capoeira (athletic feats of Brazilian-Angolan origin), theatre and sport; it is intended to complement school, and participation is voluntary; life projects may be undertaken.

134. In addition to this project and its leisure workshop, the district has other social facilities, including a community centre, a school, a youth club, a multi-sports centre and training facilities. The equipment was funded by the local community and the State in cooperation with non-governmental organizations, by developing partnerships with local development organizations with support for training for young people and job placement.

General conclusion

135. Portugal strives to maintain an open and ongoing dialogue with the Committee. It also seeks to maintain continuity in its activities against racism and racial discrimination, and to remain steadfast in this constant and continuing battle.

136. While the information provided, particularly with regard to the adoption of legislation, is less spectacular than in the ninth periodic report (CERD/C/357/Add.1), that is because a relatively comprehensive legislative framework already exists and has already been described in that report. There is now a need to ensure follow-up to this legislation, both in terms of knowing the real situation as well as of implementing the legislation, a challenge at least as significant as the adoption of the legislation itself. Lastly, the report will not confine itself to cases that are concluded and have become *res judicata*. The State will supply information on cases that have not yet been decided, in accordance with the Committee's recommendations.

137. Portugal trusts that the Committee on the Elimination of Racial Discrimination will be conscious of its efforts, which it commends to the Committee for its consideration.
