

**National Analytical Study  
on Racist Violence and Crime**

**RAXEN Focal Point for PORTUGAL**

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## EXECUTIVE SUMMARY

During the nineties, in particular the first half, several racial violent incidents involving skinheads occurred, having as main victims *black* people. Also during the nineties, several episodes of racial discrimination against the *Roma* people came to public knowledge, some having as its author's individuals with public authority.

Since 1995, a considerable number of legislative measures and institutional bodies have been implemented to combat racial discrimination and violence. Specific legal provisions on racial crimes were introduced in the Portuguese Penal Code, an anti-discriminatory legislation was enacted, the High-Commissioner for Immigrants and Ethnic Minorities (ACIME) was established and a Commission For Equality and Against Racial Discrimination started the work of monitoring the situation of racial discrimination in Portugal. Since no evaluation has been done, so far, on the effects of the legal framework implemented and on the activities promoted by the existent institutional framework, it would be hasten to say whether Portugal has an adequate framework to combating racial discrimination and violence.

On the other hand, considering that data collected with reference to race, ethnicity or any other related reference is scarce is impossible to evaluate the real extension of racial discrimination and racially motivated crimes. However, some studies carried out in the past few years, point to the conclusion that racial discrimination exists in Portuguese Society, although expressed in a subtle way. The specific issue of racially motivated violence has not been a privileged object of research, probably because it is so difficult to have data on the issue to analyse. We know, however, that violent crime is extremely rare in Portugal and that may help explaining the reduced number of publicly known violent episodes with racist configuration.

Several good practices, aiming at fighting racism and xenophobia, have been implemented during the last two years by ACIME. Some Non-Governmental Organisations have also been active in denouncing these types of events during 2002 and 2003.

Nevertheless, several recent phenomena are changing the *scenario* of racial discrimination and violence in Portugal. The growing association between criminality and ethnic minorities, not only in the media but also in social and political discourse, and the rising of the first extreme right-wing party in Portugal, after the 1974 Revolution, using a direct discourse against immigrants and ethnic minorities are, in our opinion, phenomena that deserve to be seriously dealt with by governmental and non-governmental bodies.

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## GLOSSARY OF TERMS AND CONCEPTS

**Migrants and Minorities:** Neither migrants nor minorities are legally defined by Portuguese Law.

**Immigrant and Foreigner:** Although it is not uncommon to see the words ‘immigrant’ and ‘foreigner’ used as meaning the same thing, they stand for two quite different legal notions.

A foreigner is a citizen of another country living in Portugal, whereas an immigrant is somebody who has been living in Portugal for at least one year and who has moved from another country in the recent past (as per the definitions used by the National Institute of Statistics, which follow the recommendations of the United Nations).

Hence a foreigner might have been born in Portugal — under the so-called *jus sanguini* legislation — and never have migrated, and an immigrant does not have to be a foreign national — s/he can simply be a Portuguese citizen coming back to Portugal after a long period abroad and settling in for more than one year<sup>1</sup>.

**Second- and Third-Generation Immigrants:** There is no legal definition of second- or third-generation immigrants in Portuguese law.

In Portugal, the first generation of immigrants is for the most part associated with individuals originating from PALOPS (countries with Portuguese as its official language), who, in the wake of their countries’ independence, chose Portugal as their destination. The second and third generation immigrants are their descendants, many of which are Portuguese nationals as a result of their progenitors having benefited from the provision implemented by Decree-Law no. 308-A/75, dated June 24th, which regulated the mechanisms for the preservation and acquisition of Portuguese nationality, and of their inclusion in the disposition that grants nationality by birth to children of foreigners born on national territory, as laid down in Law no.37/81, dated August 12th.

**Asylum Seekers and Refugees:** Paragraph 8 of article 33 of the Constitution of the Portuguese Republic (CRP) states that ‘the right of asylum is guaranteed to foreigners and stateless persons who are persecuted, or under a serious threat of persecution, due to their activities on behalf of democracy, social or national liberation, peace between peoples, liberty or the human rights of the individual.’ When it comes to asylum seekers and refugee movements, Portugal’s situation is different from that of other EU countries, not only by law but also by numbers, and by this we mean that Portugal as a destination has never been favoured by this kind of mass movements. In the last decades, Portugal has almost exclusively received economic migrants<sup>2</sup>.

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<sup>1</sup> Valente Rosa, Maria João, Hugo Martinez de Seabra and Tiago Santos (2003), *Contributos dos “imigrantes” na demografia portuguesa. O papel das populações de nacionalidade estrangeira* [Immigrants’ contribute to Portuguese Demography. The Role of the foreigner population], Observatório da Imigração/ACIME (Forthcoming).

<sup>2</sup> Seabra, H. Martinez de (2000), Portugal: *Where does this Member State Stand? An overview of the most recent refugee crisis and political stands*. Refugee Protection in Europe Class, Universiteit Van Amsterdam, Amsterdam (Forthcoming).

**Racial Violence and its Perpetrators:** We can find the legal framework for situations of racial violence and its perpetrators in article 240 of the Portuguese Criminal Code. This article defines the crime of racial and religious discrimination.

**Racism:** Regarding the conceptualisation of racism, paragraph 2 of article 13 of the CRP (Constitution of the Portuguese Republic) establishes that no person can be privileged, favoured, injured, deprived of any right or exempted from any duty, by reason of ancestry, gender, race, language, territory of origin, religion, political or ideological convictions, education, economic situation or social situation.

## 1. INTRODUCTION

The number of legal immigrants in Portugal has doubled in the last three years: nationals from all continents are currently living in Portugal, with a high number of Africans (mainly from former Portuguese colonies, such as Cape Verde and Angola); South Americans (mainly Brazilians) and Eastern Europeans (from Ukraine, Russia, Moldova) among them. Official and non-official bodies further acknowledge that many more foreign nationals remain in Portugal in illegal situations.

At the period of reporting, the economic climate in Portugal is one of down turn trend which some of the most noticeable aspects are an increase of inflation, unemployment, bankruptcies and wage cuts. In 2002, Portugal faced a political crisis as well, as the resignation of the then Prime Minister paved the way for early elections.

And, just like it happens in many other countries, immigrants and ethnic minorities tend to become more vulnerable in times of crisis.

In this report on racial violence and discrimination, we intend to bring to light all relevant available information on the subject for the years 2002 and 2003. This report will ultimately show that racial discrimination manifests itself in Portugal, much as it happens in other European countries.

We will begin with a description of the political climate and with an identification of the main legislation and policies applicable to racially-motivated violence and racist crimes.

We then proceed to identify and analyse the existing data and sources on racial violence and racist crimes. At this point, we will show how there are conflicting numbers of regarding incidents of racial violence, largely reliant on the source of data. According to official numbers, there have been very few registered complaints of the kind, be it in courts of law or in other legal bodies. According to NGO's and several newspaper articles, however, there have been many more instances of racial violence than the ones that were officially acknowledged.

We will also demonstrate that there is insufficient scientific research on this matter and that quite a few examples of good practice in the fight against racism and racially-motivated violence have been officially implemented in 2003.

This report will close with a summing up of the data collected bearing in mind the urgent need for a more systematic and consistent gathering of information on racial violence related issues, the task of both official and non-official bodies.

## 2. THE POLITICAL CLIMATE

### THE XV GOVERNMENT PROGRAMME

Parliamentary elections took place in Portugal in 2002, and the result of those elections was a change of government. A left-wing party (the Socialist Party), which had been in power for six years, was replaced by a coalition of two centre/right-wing parties (the Social Democrat Party and the Popular Party).

The new Government Programme (*Programa do XV Governo Constitucional*) includes a section on ethnic minorities and immigration (pp. 175-177). The section in question begins with the admission that Portugal can no longer be defined as being a country of emigration, and it is agreed that immigration policies must adopt a transversal character, so that they can prevent the potential conflicts that might emerge from the integration of foreign residents — ‘the path must be one of inclusion, not of exclusion or marginalisation.’

Among other proposed initiatives for the next four years, the Government deemed necessary to establish co-operation networks with local authorities (councils and municipalities); with the Foreigners and Borders Bureau (SEF); with labour inspection units, foreigners’ associations, NGO’s, etc.

In 2003 the Portuguese NFP attended several public and private events in which the Portuguese Secretary of State for immigration issues, classified the integration of legal migrants and the fight against illegal migrant networks operating in Portugal as political priorities.

### RIGHT-WING ORGANISATIONS AND POLITICAL PARTIES

Right-wing organisations and political parties with racist and xenophobic views at the top of their agenda do not frequently appear in mainstream Portuguese politics.

There is only one legal xenophobic/populist political party in Portugal, and that is the PNR, an acronym that stands for *Partido Nacionalista Renovador* (Nationalist Renovator Party). Although this party has already run for local and parliamentary elections in 2002, they have yet to gain a seat, be it in Parliament or in any other representative political body. The PNR is the only party in Portugal that has an unambiguous rhetoric aimed at immigrant populations: they use a strong nationalist style that does not contemplate the inclusion of foreigners or other ethnic minority groups.

The PNR<sup>3</sup> website has a considerable amount of information on minorities and immigration-related issues, always followed by the PNR's stance on such matters. The PNR's political agenda reveals the party's active participation in what could be identified as a network of extreme right-wing European political organisations: the PNR took part in several meetings in 2003, both as a promoter and as an invited participant. On the 8<sup>th</sup> of July, the PNR gave an account of these meetings to the news agency LUSA, and a party spokesperson described them as an opportunity to improve the party's programme for the 2004 European elections. The party spokesperson furthermore guaranteed that the PNR's arrival to government is only a matter of time, even though the party criticises the federalist model taken up by the European Union.

In the short term, the PNR's project involves the sharing of knowledge with its European counterparts, namely France's *Front National* (National Front), Italy's *Forza Nuova* (New Force), Spain's *Democracia Nacional* (National Democracy) and Romania's *Partidul Romania Mare* (Great Romania Party). The PNR's chief political banner is the opposition to immigration, which the party associates with high levels of criminality. They do not want, on their own admission, to see Lisbon and Oporto turned into Los Angeles-like towns. The emphasis on family values is also central to the ideals of this organisation.

In the days that preceded Portugal's Day, which takes place on the 10<sup>th</sup> of June, a considerable number of posters celebrating Portuguese nationality with the slogan 'Portugal Sempre' ('Portugal Always') were hung in walls around Lisbon. Other PNR posters (available on the party's website to anyone who wishes to buy them) recurrently placed on walls across Lisbon and Oporto point out that Portugal is ageing and dying and that, due to the absence of demographic growth, the continuous carrying out of abortions and the presence of drugs, gays and immigration in Portuguese society, the country will cease to exist within the next 50 years. Issues such as these have been at the heart of the PNR's agenda since the inception of the party.

#### ATTITUDES AND REPRESENTATIONS OF THE MAJORITY POPULATION

Studies and surveys concerning the attitudes and representations of the majority population did not abound in 2003. Although the 2002 survey 'Attitudes and Values On the Stand of Immigration'<sup>4</sup> was available on the HCIEM's website for over six months, its formal publication by the Monitoring Centre on Immigration surprisingly made the headlines of some newspapers in 2003.

On the 15<sup>th</sup> of December an opinion poll on immigration issues was the subject of significant media coverage, namely by the newspaper *Público*<sup>5</sup> and the public television station RTP. The poll revealed that three quarters of the Portuguese population do not want the country to receive any more foreigners. 62% of the respondents further held the view that illegal immigrants should be expelled. The poll was carried out by the *Universidade Católica*, and the sampling frame was composed of over-18s. These poll numbers were classified as inaccurate by several politicians, scholars and NGO's, both in

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<sup>3</sup> See: <http://www.partidonacional.org>. (20-11-2003)

<sup>4</sup> Mentioned and fully assessed in last year's templates.

<sup>5</sup> "Three in four Portuguese citizens don't want more foreigners" in *Público* (15.12.2003).

a debate promoted by RTP on the 15<sup>th</sup> of December and in a congress on immigration issues organised by the HCIEM on the 18<sup>th</sup> and 19<sup>th</sup> of December.

## ISLAMOPHOBIA AND ANTI-SEMITISM

On the issues of Islamophobia and Anti-Semitism, no incidents of any kind were reported, either by the media or by any other sources. Likewise, official institutions do not make mention of any sort of violent behaviour towards these religious minorities.

## OTHER RESEARCH AND ANALYSIS

We are not aware of any research or analysis being conducted on Portugal's political climate and on recent activities involving right-wing parties at the time of reporting. We should not infer, however, that nothing is being done. The protocol established between the ACIME and the Foundation for Science and Technology (FCT), a Government institution, aims to finance several projects on issues related to immigration and ethnic minorities, especially projects directed towards the study of areas concerning representations and situations of potential conflict that may arise from inter-ethnic relations.

# 3. LEGISLATION AND POLICIES CONCERNING RACIAL VIOLENCE AND RACIST CRIMES

## 3.1. INTERNATIONAL LEGAL INSTRUMENTS

At an international level, Portugal has agreed to nearly every legal instrument concerning the issue of racism. These instruments are directly applicable and enter into force in the domestic legal order immediately after their official publication<sup>6</sup>.

In 2001 Portugal officially declared its agreement with the legal instruments provided for by the International Convention on the Elimination of All Forms of Racial Discrimination (CERD), following article 14 of this same convention. Portugal also accepted the amendments made to article 8. At present, then, the Portuguese Government recognises the competence of the Committee, established under article 14 of the Convention, to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by the Republic of Portugal of any of the rights set forth in this convention. Portugal has indicated the ACIME as the body with competence to receive and consider petitions from persons and groups of persons who claim to be victims of violation of any of the rights set forth in the Convention (Notice no. 95/2001 of 24 of August — Ministry of Foreign Affairs)

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<sup>6</sup> Fonseca, Graça (2002), Racial Violence Analytical Study for Portugal, European Monitoring Centre on Racism and Xenophobia, Númena, September, 2002.

In 2003 Portugal signed the Additional Protocol to the Convention Against Cybercrime, which establishes the provisions regarding the criminalisation of acts of a racist and xenophobic nature committed through computer systems. This protocol, however, is not yet in force, as it has yet to be ratified. Until now, web hosts have been conducting their own monitoring and control activities. In the last two years we have observed a constant shift of fundamentally nationalist sites to a Spanish host called *libreopinion*<sup>7</sup>.

## 3.2. NATIONAL LEGAL INSTRUMENTS

Since there were no major changes to Portuguese legislation on racial discrimination and violence in 2003, we will start this section of the report by looking at the already existing legislation<sup>8</sup>. The second part of this section will address the issue of neo-Nazi symbols and hate speeches. A third part will describe the current situation of the monitoring systems that, according to the Portuguese legislation, should be implemented. We will finish by analysing Portugal's latest developments in immigration legislation as of February 2003.

### 3.2.1. Legislation on racial discrimination and violence

#### THE CONSTITUTION OF THE PORTUGUESE REPUBLIC

Portugal, as stated by its Constitution, is a social, democratic and non-discriminatory State based on the rule of Law. Portuguese Constitutional Law establishes the principle of equality as one of its fundamental principles.

Article 13 of the Constitution establishes the general principle of non-discrimination and equality, defining in its first paragraph that '*all citizens are endowed with equal social dignity and are equal before the Law*' and in paragraph two that '*no person may be privileged, favoured, disadvantaged, deprived of any right or exempted from any duty by reason of ancestry, sex, race, language, territory of origin, religion, political or ideological convictions, education, economic situation or social situation*'.

Article 15 furthermore states that all foreigners, while on Portuguese territory, enjoy the same rights (except political rights) and are bound by the same duties as Portuguese citizens. Under Constitutional Law, persons coming from Portuguese-speaking countries may enjoy extended citizenship rights.

Concerning specifically to racism, the Constitution has an article — article 46 — on Freedom of Association, which paragraph four bans racist and fascist organisations. This article gives constitutional strength to the legal dispositions contained in the ordinary law regulating fascist organizations.

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<sup>7</sup> See, for instance, the following two websites:  
<http://www.libreopinion.com/members/ordemlusa/> and  
<http://www.libreopinion.com/members/imigport/index.htm>. The first is a nationalist site and the second a site about immigration in Portugal. Both have recently changed their Internet host and relocated to these addresses. Several other Portuguese Internet sites followed suit.

<sup>8</sup> Ibid.

## LAW ON FASCIST ORGANISATIONS

Law no. 64/78 of 6 of October establishes that organisations adopting an fascist ideology are not allowed within the Portuguese State. This specific legal framework adopts a broad definition of what should be considered an organisation, establishing that *‘an organisation exists whenever there is a coordination of efforts and wills, with or without the assistance of material means, with or without legal existence and having or not permanent nature’*. Organisations considered to be affiliated to a fascist ideology are those that *‘through their regulations, manifestoes and communications, statements by their leaders or by persons responsible for their activities, demonstrate that they either pursue, defend, intend to disseminate or effectively disseminate the values, principles, exponents, institutions and characteristic methods of fascist regimes throughout the course of History, namely bellicosity, violence as a means of political struggle, colonialism, racism and corporativism or the exaltation of the most representative personalities of those regimes’*. Organisations that have been proved to espouse the fascist ideology shall be declared extinct by Portugal’s Supreme Court of Justice, their assets and property lost to the State and the members responsible for the organisation punished with a prison sentence ranging from two to eight years.

## THE CRIMINAL PENAL LEGISLATION ON DISCRIMINATION AND RACIAL CRIMES

Concerning criminal law, the Portuguese Criminal Code has specific provisions on crimes motivated by racism. According to paragraph 2 d) of article 132, the crime of homicide is of a felonious nature whenever the motive of the crime arises from either racial or religious hate. This means that the perpetrator is sentenced to an aggravated prison sentence, which ranges between 12 and 20 years.<sup>9</sup>

Concerning racial discrimination and violence, article 240 — entitled ‘Racial or Religious Discrimination’ — is of paramount importance. It prescribes that:

*1. Any person who:*

- a. creates or establishes an organisation or carries out activities of organised propaganda which incite discrimination, racial or religious hatred; or*
- b. participates in the organisation of or in the activities mentioned under the previous paragraph or supports them, including financially;*

*shall incur a prison sentence of 1 to 8 years.*

*2. Any person who, in a public meeting, or in writing with the intent of disclosing it or by using of the media:*

- a. causes acts of violence against a person or a group of persons on grounds of race, colour or national or ethnic origin and religion;*

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<sup>9</sup> It is important to point out that the maximum criminal sentence established by the Portuguese Criminal Code is twenty-five years in prison.

- b. *slanders or insults a person or a group of persons because of their race, colour, national or ethnic origin or religion, namely through the denial of war crimes or against peace and humanity,*

*with the intent of inciting or encouraging racial discrimination is sanctioned with imprisonment for a period of 6 months to 5 years.'*

In 1996, a Law has come into force to allow interested associations to participate in criminal proceedings related to those crimes. Law no. 20/96 of 6 of July gives the right to immigrant communities and/or other associations with an interest to defend to be parties in criminal proceedings when the criminal charge is related to a racist or xenophobic crime.

More recently, Law no. 100/2001 of 25 of August altered article 143 of the Criminal Code, and several types of physical assault became public crimes, including those perpetrated because of racial motives. In practice, this change means that those crimes can be persecuted without an official complaint being made by the offended party, i.e. anyone can file a complaint with the judicial authorities when such a crime occurs.

#### CIVIL CODE LEGISLATION

Racist acts are also a feature of the Civil Code's legal framework. Paragraph one of article 483 mentions the individual's right not to suffer any kind of abuse. We should infer that this article refers to any kind of discrimination, be it based on race, colour or ethnic belonging.<sup>10</sup>

Article 70 of the Civil Code goes beyond issues of purely civil responsibility and allows for the possibility of enacting inhibiting measures to prevent racial discrimination, such as bringing specific types of behaviours and attitudes to an end.

#### ANTI-DISCRIMINATORY LEGISLATION

In August 1999 the Parliament passed a Law prohibiting discriminatory practices based on race, colour, nationality and ethnic origin. Law 134/99 of 28 of August (regulated by Decree-Law 111/2000 of 4 of July) came into force as an important instrument in the elimination of acts of racial discrimination. The main objective of this law is to prevent and forbid all forms of racial discrimination and to penalise the practice of acts which lead to the violation of any fundamental right or to the refusal to grant access to any economic, social or cultural rights by any person because of another person's belonging to a specific race, colour, nationality or ethnic origin.

The concept of racial discrimination agreed to in this Law is similar to the one established by international juridical instruments, in particular the United Nations' CERD. According to article three of the above-mentioned Law, *any distinction, exclusion, restriction or*

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<sup>10</sup> For a more complete analysis of the relation between civil law and the subject of racial discrimination, see P.M. Ferreira (2000) '*Algumas Noções Relativas a Racismo e a Responsabilidade Civil*' ['Some Legal Notions Regarding Racism and to Civil Responsibility'], in *Documentação e Direito Comparado* [Documentation and Comparative Law] 83-84 (2000), pp. 10-18.

*preference based on race, colour, ancestry, national or ethnic origin, intending or resulting in an annulment or restriction of the recognition, fruition or exercise, under conditions of equality, of rights, freedoms, guarantees or economic, social and cultural rights, is considered racial discrimination.*

The limitation of certain rights taken on by Constitutional Law and acts of positive discrimination are not prohibited within this legal framework, as it was considered that positive discrimination might be an important instrument in ensuring equal access to social, economic and cultural rights by members of underprivileged groups such as immigrants and ethnic minorities.

This Law gives an incomplete list of discriminatory practices and establishes the terms in which those and other practices are punishable. The list covers practices relating to access to work and working relations, access to public or private assets and services, access to economic activities, etc. The practice of any discriminatory act is punishable with a fine that may be one to ten times higher than the monthly minimum salary. Additional penalties may furthermore be determined, like the interdiction of exercising public activities or professions and the prohibition to apply for competitions to select personnel for the public sector.

### **3.2.2. Legal Framework on Neo-Nazi Symbols and Hate Speeches**

IS THE WEARING OF NEO-NAZI SYMBOLS CONSIDERED A CRIME?

Portuguese legislation makes no legal provision regarding the public display of neo-Nazi symbols or other kind of material related to Nazi iconography. None the less, in case racist and/or xenophobic propaganda is identified, then it should be punished as per the conditions established by paragraphs one and two of article 240 of the Criminal Code.

IS HATE SPEECH CONSIDERED A CRIME?

Regarding the specific issue of hate speeches and their possible punishment, we can infer, under paragraph two of article 240 of the Criminal Code, that they should be punished at all times. None the less, the Criminal Code contains no references to hate speech.

### **3.2.3. Monitoring System of Racist Crimes**

The Legal Policy and Planning Office (LPPO) of the Ministry of Justice publishes an annual report called *Estatísticas da Justiça (Justice Statistics)*. Among various other indicators, we can find the official numbers on racial and religious discrimination crimes in this report. This publication does not aim to monitor these events, but simply to publish the annual activity of the Portuguese justice system.

Law 134/99, in its turn, defines the Advisory Commission for Equality and Against Racial Discrimination (CEARD) as the body responsible for monitoring the application of

the Law. This commission, headed by the ACIME, decides on infractions of an administrative nature.

The commission, however, was inactive from the election of the new government in mid-2002 until roughly the end of 2003. The new High Commissioner for Ethnic Minorities and Immigration intended to modify the structure of the Commission, but the Attorney General held the High Commissioner's claim to be irregular. The High Commissioner thus requested a second assessment of the Attorney General's decision. Until the end of 2003 the process was still under consideration.

### 3.2.4. New Immigration Law (Decree- Law no. 34/2003 of 25 of February)

This is the third change affecting immigration legislation (Decree-Law no. 60/93 of 3 of March; Decree-Law no. 244/98 of 8 of August; Decree-Law no. 4/2001 of 10 of January; and lately Decree-Law no. 34/2003 of 25 of February) in the last ten years.

The article exposition of this new diploma identifies three main areas of intervention, namely *'the promotion of legal immigration in accordance to the country's realities, the effective integration of immigrants and the firm combat to illegal immigration.'*

The Government's intention to maintain the access of immigrants to social protection, education and health care is also underlined.

One of the aspects of this new law that has attracted a great deal of criticism is the introduction of a maximum annual quota of possible entries, a number which will be defined by a report drawn up by the IEFPP (Institute of Employment and Vocational Training). Some NGO's even accuse this measure of being xenophobic.<sup>11</sup>

Another oft-criticised situation was the new Law's lack of regulation. In fact, the ACIME only announced the publication of this fundamental regulation in mid-December 2003, i.e. ten months after the Decree-Law had been published.

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<sup>11</sup> "Immigrants alert against discrimination", in Público (09.06.2003).

## 4. DESCRIPTION AND ANALYSIS OF EXISTING DATA AND SOURCES ON RACIST VIOLENCE AND RACIST CRIMES

Due to the almost total absence of official or unofficial sources and data, it is extremely difficult to analyse incidents of racial violence and discrimination in Portugal.

There are no statistics that identify the variables of race, ethnic origin, ascendancy or any other category allowing for some ethnic differentiation of the population. Nationality is the only common statistical category to be found in all sources.<sup>12</sup> But nationality is of little help in the attempt to understand incidents involving racial discrimination and violence. Nationality, for instance, does not provide sufficient information for an accurate knowledge of the social and economic situation of the members of minority groups, considering that many of these individuals are Portuguese citizens. Without this knowledge, all public policies for social inclusion of minorities run the risk of failure, as they are designed on the basis of mere presumptions.

The reason that has been put forward by the authorities for not including ethnic statistical variables in every Census, database and official report links up with the text of the CRP. The Government and official agencies argue that article 13 of the CRP does not allow the inclusion of statistical variables related to race or ethnic origin in any statistical collection or information. The opposite would be non-constitutional and in clear violation of the principle of non-discrimination.

We consider that this line of reasoning does not hold up as a defence of Constitutional Law, none the less. Using that same reasoning, it would also be non-constitutional to gather statistical information on the gender of the individuals, which also violates article 13 but is a well-established and accepted practice.

We believe that this kind of statistical information would be extremely useful in achieving a more comprehensive and accurate knowledge of the ethnic and cultural composition of the Portuguese population in general, and in determining the real extension of racial discrimination and violence in particular. Also in what refers to specific policies aimed at youth minority groups (educational policies, health policies, policies for the prevention of delinquent behaviour, etc.) such accurate knowledge would avoid the inadequate use of human and financial resources.

We begin the next chapter by considering the official data and sources, and subsequently proceed to the presentation of some of the conclusions reached by international and national reports on related issues. We also look at the NGO's perspective and at the media coverage of matters concerning discrimination and violence. A description of the conventional victims of racial violence and the main perpetrators of this kind of abuse is provided, concluding with a 'gap-analysis' on non-existing data.

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<sup>12</sup> The one exception is a database on education, managed by a special department of the Ministry for Education, in which we can find statistics based on ethnic background.

## 4.1. OFFICIAL DATA ON RACIST VIOLENCE AND DISCRIMINATION

Official sources of data on racist violence and racist crimes are easy to identify, and include the CEARD lead by ACIME, the Attorney General's Office and the LPPO's<sup>13</sup> *Estatísticas da Justiça*.

Problems appear when we try to gather data on racially-motivated violence and racist crimes, for we are only able to compile largely unsatisfactory and/or inadequate data. The LPPO does not distinguish between racist and religious crimes, for instance, so if a crime is considered as falling over this category, we are unable to ascertain if it involved a crime of religious or racial discrimination.

What is more, the Portuguese NFP — much as it happened in 2001 and 2002 — is faced with a short supply of official data, in spite of all the legal developments that have taken place in the past few years.

### 4.1.1. The Commission for Equality and Against Racial Discrimination

As we have seen, the public institution in charge of monitoring racist behaviours is the ACIME. Formal complaints, however, should be put before the CEARD, which works under the direction of the ACIME. If the Commission considers that a transgression has in fact occurred, then the case is passed on to the competent Inspectorate.

The Commission has 36 pending cases: 16 of those took place during the tenure of the erstwhile High Commissioner and 20 during the current mandate. Two cases from 2000 are still pending, in addition to 12 from 2001, 15 from 2002 and seven from 2003.

From all the institutions responsible for assessing these processes, we would like to draw attention to the Inspectorate-General for Labour, the Inspectorate-General of Home Affairs (6 processes), and the Inspectorate-General of the Territorial Administration (5 processes).

Among the pending cases, we have identified six processes involving physical racial violence, with two Brazilians, two Africans, one Chinese and one Moldavian as victims; and four involving verbal violence, with two Africans, one Brazilian and one black policeman as victims. These processes will be analysed in greater detail in chapter 5.

### 4.1.2. Attorney General's Office

The Criminal Action and Investigation Department, a body that acts under the authority of the Attorney General's Office, had eight ongoing racial discrimination processes for the period 2000-2001, and five other processes for the whole of 2002.

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<sup>13</sup> Legal Policy and Planning Office

### 4.1.3. The Legal Policy and Planning Office

As is the case with other crimes, the number of racist crimes that fall under article 240 of the Criminal Code are quantified on an annual basis in *Estatísticas da Justiça*. The sources of the reported figures are Portugal's three major Police forces — the PJ (Judicial Police), the PSP (Public Security Police) and the GNR (National Republican Guard).

As this report was written during 2003, we could only gain access to data relating to previous years. The following table lists all criminal offences recorded since 1998 (the year in which the above mentioned article was introduced into the Criminal Code)<sup>14</sup>.

As abovementioned, there is no separate data on racial discrimination crimes, so what is presented is a combination of this kind of crimes and crimes of religious discrimination<sup>15</sup>.

**Table 1: Registered Crimes of Racial or Religious Discrimination**

Crimes	Total of Crimes	PJ	PSP	GNR
1998	**	**	**	**
1999	**	**	**	**
2000	3	3	**	**
2001	**	**	**	**
2002*	0	---	---	---

\* Provisional data

\*\* Results protected by statistical secrecy

Sources: *Ministry of Justice, Legal Policy and Planning Office.*

Table 1 provides almost no relevant information to the identification of trends and patterns with regard to this type of occurrence. Data referring to the years 1998, 1999 and 2001 is protected by statistical secrecy, which means that if there were any crimes reported to the police, they related to no more than two incidents. In 2000 we find three discrimination crimes reported to the PJ. In 2002, and despite the fact that this information is, for the time being, lacking official confirmation, it seems that no discrimination crime has been reported.

We would none the less like to draw attention to the fact that the existing culture among police agents, other legal and criminal staff, and even among some of the victims is still one that tends to classify this kind of incidents as merely involving either physical or verbal violence and abuse, thus omitting, intentionally or due to lack of knowledge, the possible xenophobic or discriminatory nature of the incident.

A unified and shared method of collecting and categorising this type of occurrences is also missing in Portugal's judicial system. We believe that these are situations that highly contribute to the shortage of racially-motivated violent crimes officially recorded during the periods in question.

<sup>14</sup> Template PUB/PT/0130

<sup>15</sup> The LPPO is implementing several changes to its system of statistical collection and publication, and the Portuguese NFP advised the LPPO to pay special attention to the desegregation of these two types of crimes in the future, so that there might be information exclusively on crimes involving racial discrimination.

The number of foreign citizens in Portuguese prisons<sup>16</sup> is also a feature of the *Estatísticas da Justiça* annual reports. The information is once again based on nationality and not on ethnic origin. By identifying the major sociological characteristics and the criminal elements of cases involving the foreigners who are among the prison population, we are also able to detect possible causes of xenophobic reactions of the host population.

**Table 2: Foreign Population versus Foreign Inmates in Portugal**

	1991	1994	1997	2001 <sup>o</sup>	2002
Overall Foreign Population	1,16%	1,58%	1,76%	2,17%	4%
Foreign Inmates	8%	9,61%	11,2%	12,06%	15,2%

Source: Seabra (2003a)

As we can see, taken at face value the simple difference between the percentage of foreigners in Portugal's entire population and the percentage of foreign inmates is likely to cause xenophobic reactions. The percentage of foreign inmates in 2002 was 3.8 times higher than the percentage of foreigners in the Portuguese population.

Scientific research on this subject<sup>17</sup> has showed us that these figures need to be analysed with caution. The foreign population in Portugal is mainly male, young, with low levels of education and with poor economic resources<sup>18</sup>, and imprisoned foreigners are likely to share those same characteristics. In Portugal, after all, the average inmate belongs to lower social groups. To draw a simple distinction between the percentage of foreign inmates and that of the overall foreign population is to present an inaccurate image of things. The comparison should be made between the percentage of foreign inmates and the population from the same social group, i.e., from lower social groups. Were this to happen, then the comparison would probably result in a much smaller discrepancy, and possibly reveal no discrepancy at all. Such an exercise, however, is unfortunately still impossible, due to the limitations on the treatment of statistical data that we currently face. What mostly happens is that the media (namely the tabloid press) presents the figures mentioned above as reasons for apprehension and alarm.<sup>19</sup>

As to the major nationalities of foreign inmates, the composition of the foreign population in prisons is not very different from the overall foreign population. Africans (mainly Cape Verdeans and Angolans), Brazilians and Eastern European citizens (mainly from Ukraine and Russia) account for the greater part of foreign inmates, with the latter group having registered a huge increase in the past few years.

The majority of the crimes comprising foreigners in Portugal concern road crimes such as driving without a valid permit or driving under the influence and also drug trafficking. In

<sup>16</sup> See template PUB/PT/0129 and also Seabra, H. M. (2003), 'Reclusos Estrangeiros em Portugal' ['Foreign Inmates in Portugal'], in *Boletim Informativo do Alto Comissariado para a Imigração e Minorias Étnicas [Informative Bulletin of the High Commissioner for Immigration and Ethnic Minorities]*, 11 (October 2003)

<sup>17</sup> Ibid.

<sup>18</sup> Valente Rosa, Maria João, Hugo Martinez de Seabra and Tiago Santos (2003), *Contributos dos "imigrantes" na demografia portuguesa. O papel das populações de nacionalidade estrangeira*, Observatório da Imigração/ACIME (Forthcoming).

<sup>19</sup> "Four thousand immigrants are arrested in Portugal" in *Diário de Notícias* (29.12.2003).

2001 violent crimes accounted for but a very small percentage (less than 10%) of the total crimes committed by foreign citizens<sup>20</sup>.

## 4.2. OTHER DATA AND REPORTS ON RACIST VIOLENCE AND DISCRIMINATION OR ON RELATED ISSUES

### 4.2.1. International Reports

#### EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE – SECOND REPORT ON PORTUGAL

The ECRI released its second report on Portugal in November 2001. The report covered the period until the 20<sup>th</sup> of March 2002.<sup>21</sup> Numerous issues, from legislation and education to the labour situation, are dealt with in this report.

This report makes mention of racially-motivated violence on two occasions.

In paragraph 44, which has the heading ‘Monitoring of the situation in the country’, the ECRI denounces *‘the lack of reliable information about the situation of the various minority groups which live in the country. This lack of information makes it difficult to assess acts of racist violence or discrimination perpetrated against members of these communities.’*

In paragraph 64, entitled ‘Roma/Gypsies’, the ECRI states that *‘relations between the Roma/Gypsy minority and the law enforcement officials [...] have been described as problematic and tense, with Roma/Gypsies being subjected to frequent spot checks, humiliating treatment and even ill-treatment at the hands of the police, chiefly in local police stations.’*

Regarding other related issues, we should however underscore the introduction of some improvements in the prevention and legal control of racism. Still, quite a number of the remarks made in the ECRI’s report should be targeted for special attention by the public authorities. The comments made on the most negative aspects of the current situation of immigrant and minority populations in Portugal address, for instance, the process of extraordinary regularisation of illegal or unauthorised migrants in the country.

Another note of caution introduced by this report is the alleged general discrimination suffered by immigrants from former Portuguese African colonies, especially if compared with the situation of the newly arrived Eastern European migrants. The nationwide distribution of Eastern European migrants may create the notion that these migrants tend to be more easily assimilated because of their skin colour and religion, in what appears to

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<sup>20</sup> Seabra, Hugo Martinez de (2003b), *Criminalidade de estrangeiros julgada em Portugal*, in Janus 2004 – Anuário de Relações Exteriores, Público e Universidade Autónoma de Lisboa, Lisbon.

<sup>21</sup> European Commission against Racism and Intolerance (2002), *Second Report on Portugal*, available at <http://www.coe.int/ecri> [accessed 3 December 2003].

be a matter involving more than higher education levels. This issue, however, has yet to be the object of further research.

The last situation deemed worthy of concern by the ECRI regards the situation of the Roma people. On top of living in ‘shanty ghettos’,<sup>22</sup> a situation that causes this population to be more vulnerable, their relation with official authorities, especially with the police, is reported to be very tense.

Portuguese authorities have made several observations and clarifications on some aspects of this report to the ECRI. One worth mentioning regards the question of the integration of Eastern Europe migrants:

*‘As regards the concerns expressed by ECRI in its report, namely the concerns relating to discrimination due among other factors to the physical appearance, Portugal does not have indicators of the existence of such cases. One of the reasons is that Portuguese and African nationals have a long history of mixed community life.*

*We may in fact consider that the workers coming from Eastern countries are integrating well. They are all over the country and not only in the urban zones (mainly in the Lisbon region) as, generally speaking, it happens to be the case of African communities.*

*There is another very important factor, namely the fact that people living outside towns and cities feel more sympathetic towards the immigrant population. One must not forget that in the past many of the Portuguese who immigrated were from Portugal’s countryside.’<sup>23</sup>*

We believe that this official reply reveals but a partial understanding of the history of inter-ethnic relations in Portugal, which probably has to do with the insufficient interest shown by Portuguese academia on these subjects. In what concerns the supposed easier integration of immigrants outside urban areas such as Lisbon one should bear in mind that the majority of conflict situations involving Roma individuals takes place outside the so-called major cities; while this is so doesn’t seem to support the argument of the countryside lack of hostility.

The conclusions of this second report were presented and discussed in Lisbon on the 26<sup>th</sup> of February 2003 at the Calouste Gulbenkian Foundation. This meeting gave special attention to themes involving asylum seekers, the implementation of anti-discrimination legislation and the situation of the Roma/Gypsy community.<sup>24</sup>

## AMNESTY INTERNATIONAL ANNUAL REPORT

In August 2003, Amnesty International (AI) published a report on Portugal, focusing primarily on police action and on prison system related issues. Racism is mentioned on several occasions (pp. 23-26). We chose to highlight three of those occasions:

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<sup>22</sup> European Commission against Racism and Intolerance (2002), Second Report on Portugal, p. 21.

<sup>23</sup> European Commission against Racism and Intolerance (2002), Second Report on Portugal, pp. 29-30.

<sup>24</sup> Template ACT/PT/0078.

Pages three and four concern the death of António Pereira, a black individual shot dead by a PSP officer in Bela Vista/Setúbal, on the 20<sup>th</sup> of June 2002: *‘In addition to being concerned at the possible unlawful killing of António Pereira, Amnesty International noted reports that the shooting and the police operation (...) had resulted in heightened tension within the local community. Several members of the community — which is largely formed by people belonging to ethnic minorities — reportedly said that they felt discriminated against and failed by the authorities, including the police.’*

Page eight revisits the story of Álvaro Cardoso, an individual of Roma origin who died in January 2000 after being arrested and held for some hours in a police station: *‘According to the autopsy report, his death was due to a ruptured spleen. There had been allegations that the police had beaten him while at the police station.’* Nothing was proved during the trial.

In pages 15 to 17 five cases of ill-treatment by the police are mentioned. Four of them involved foreign/ethnic minority individuals (a Chinese shopkeeper, a 15 year-old Cape Verdean, two French nationals and six Brazilians).

We would like to assert, in conclusion, that we share AI’s concern with the protection of the right to life of those in prison, especially when it comes to inter-prisoner violence: *‘Inter-prisoner violence has been a major problem in Portuguese prisons in the last decade, and has continued to be so in recent years, with some very serious incidents — including some which resulted in fatalities.’* (p. 10).

Although there is no information on the race/ethnicity of the involved inmates, we would still like to show our concern, bearing in mind the fabric of the prison population,<sup>25</sup> with the potential for inter-prisoner violence based on racial/ethnic belonging. We will return to this issue further on in this report.

#### 4.2.2. National Reports

The following analysis suggests that racially-motivated violent crimes are not placed high in the priorities of the Portuguese Government. This is most likely due to the relative scarcity of such crimes in Portugal.

#### OMBUDSMAN OFFICE ANNUAL REPORT FOR 2001

According to article 23 of Law 9/91 of 9 of April, which establishes the status of the Ombudsman, the Ombudsman Office has to draw up an annual report listing its activities. Among the multiple duties of the Ombudsman one should emphasise the set forth of recommendations to public authorities, the promotion and dissemination of fundamental rights and liberties and the inspection of individual claims related to the protection of individual rights, liberties and guarantees.

The most recent publication of the Ombudsman is the report for 2001. In pages 499 and 500 we can find a section dealing with matters of nationality and foreigners’ rights. The

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<sup>25</sup> See section 7.1.3. of this report.

fact that no complaints about racial violence or racial discrimination appear among the listed items is, from our point of view, particularly significant. The Portuguese NFP intends to update and follow this source of information in upcoming reports on racial violence.

#### HOME AFFAIRS ANNUAL REPORT FOR 2002

This report identifies the main areas of police intervention and reviews relevant recorded incidents. In earlier reports, the chapter describing the actions carried out by Portugal's secret services (SIS) usually followed the one monitoring the activities of skinhead groups. In the most recent report (2002), however, no attention is given to this issue, as the focus on terrorism and international organised crime led to the relative neglect of other security-related issues. Had racial violence and racial discrimination been in fact pressing situations in Portuguese society, however, then surely the Home Affairs report — which is quite lengthy — would have given them special attention.

#### OMBUDSMAN'S REPORT ON THE PRISON SYSTEM (2003)

The Ombudsman published a new report on the Portuguese prison system in 2003. Similar reports had been put together in 1996 and 1998, all having in common a section regarding the situation of foreign inmates.

As happens with the two previous reports, the 2003 document also fails to identify incidents of racial violence or racial discrimination. What it does, among other things, is to give a picture of the foreign inmate population; recommend changes to the penalty of expulsion; insist on a deeper involvement of consulates and embassies; and call for more co-operation between Portugal and other states regarding the transfer of inmates.

The Ombudsman has publicly announced that a report on immigration issues will be put together in 2004. The Portuguese RAXEN NFP will examine the contents of this document in future reports on racial violence and racial discrimination.

#### PRISON STUDY COMMISSION REPORT FOR 2004

The topic of foreign inmates is one of the 15 main issues handled by this report. Once again questions concerning racial violence and racial discrimination are not examined, although special attention is paid to foreign inmates in the report's final recommendations.

#### NATIONAL ACTION PLAN FOR INCLUSION (2003-2005)

The National Action Plan for Inclusion, released in December 2003, lays out the official priorities for the next two years with regard to the social inclusion of foreign citizens. A number of priorities in the areas of immigration and the integration of ethnic minorities are outlined, yet none of them is directly related to crimes involving racial violence. The

plan's priorities in the fight against discrimination include the distribution of information fliers, the introduction of telephone hotlines, etc.

### 4.3. NON-GOVERNMENTAL ORGANISATIONS

There are several NGO's working in the field of racism in Portugal: SOS Racismo; Olho Vivo; Solidariedade Imigrante; Rede Anti-Racista; and Amnistia Internacional Portugal. Unfortunately, these NGO's do not prove particularly helpful when it comes to the systematisation of data relating to complaints received from victims of racist actions. None the less, some NGO's have published numerous reports and press releases and made some comments on several visible manifestations of racism in Portugal. In this section we will focus on the activities of *SOS Racismo*, as this is the most active NGO dealing with racism issues in Portugal.

In November 2002 *SOS Racismo* issued a publication called *Imigração em Portugal (Immigration in Portugal)*. Although this book's 427 pages deal almost exclusively with racism, none of the 37 chapters fully focuses on racial violence.

*SOS Racismo* also held a press conference in the beginning of 2003, which was covered by one in the newspaper *Diário de Notícias*,<sup>26</sup> one of the most important Portuguese dailies. Under the headline 'Skinhead violence still on the rise', it was reported that *SOS Racismo* had identified the main targets of skinheads as 'Africans, immigrants, homosexuals, militants from left-wing parties, women's rights activists' and also that despite the 'increasing frequency of their attacks and their totally predictable modus operandi, skinheads continue to act completely unpunished'.

According to this NGO, the latest attack was perpetrated on two activists of the left-wing party *Bloco de Esquerda*, who were hanging posters close to Lisbon's Bairro Alto. *SOS Racismo* also mentioned other attacks that had happened during previous months, both in the outskirts of Lisbon (Olivais, Portela de Sacavém, Amadora) and in the inner city (Rossio and Bairro Alto).

During the press conference, elements of *SOS Racismo* identified the most critical areas of skinhead presence (Rossio and Amadora). A link was established between skinhead activities and violence and the National Renovator Party (PNR). Therefore a statement was made on what they thought would be the most appropriate action to take regarding the PNR. *SOS Racismo* claims that Portugal's Constitutional Court should declare this party illegal, as the PNR's, which had softened its discourse during parliamentary elections, had now 'dropped the mask' and toughened its racist and xenophobic stance<sup>27</sup>.

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<sup>26</sup> 'Skinhead brutality on display again', in *Diário de Notícias* (05.01.2003).

<sup>27</sup> For an exhaustive list of their press releases, see <http://www.sosracismo.pt>.

### 4.3.1. Incidents of Racial violence reported in the Media

Racial violence is not exactly a persistent feature in the Portuguese press. Still, many discriminatory and racist accounts appear in Portuguese newspapers. As stories of racially-motivated violence do not abound, the majority of the incidents we describe below have to do with racism, yes, but involving, at most, verbal racial violence.

#### THE MURDER OF FERNANDO JUSTO

In 2003, the most prominent and shocking episode, generally labelled by the media as a crime motivated by racist violence, was the murder of a black individual in Fundão, a municipality in northern Portugal. The perpetrators are suspected of having been hired by a third party. This event made the front pages of Portuguese newspapers in June 2003.

Fernando Justo, a 33-year old black male, was shot at the entrance of the café he owned, supposedly by two Brazilian citizens. Despite this fact, further investigations by the police revealed the involvement of a Portuguese citizen, LMM, otherwise known as ‘the engineer’. Although he was not responsible for pulling the trigger, as it were, all assembled evidence seems to point him as having masterminded the crime. According to the grapevine, LMM had also had several other rows with black individuals in the vicinity.

Several other revelations gradually came to light, as newspapers reported that LMM had had some previous quarrels with the murdered individual. For a year, the victim had also received a number of threatening telephone calls. The sister-in-law of the murdered individual also declared that her brother-in-law once asked the person over the phone what s/he wanted and was told that he had no business there because he was black<sup>28</sup>. LMM was known in the village as someone who disliked black people, and he frequently announced that aversion in public.<sup>29</sup> Another breakthrough occurred when the PJ searched LMM’s property and found out that he had been a member of an outlawed right-wing association called MAN (Nationalist Action Movement)<sup>30</sup>. A veritable arsenal containing thousands of ammunitions, a shotgun, several other weapons and guns (among which was the murder weapon), as well as several manuals on war and violence were found in LMM’s dwelling place.<sup>31</sup>

Further investigations allowed newspapers to find out more about LMM’s previous activities: not only had he acted as treasurer of the MAN, but he had also been a security guard of the same organisation, having allegedly taken part in several attacks perpetrated by the MAN. He also often carried a gun.

An article published in *Público* on the 19<sup>th</sup> of June further stated that, the more details of LMM’s life became public, the more indications that right-wing organisations still existed in Portugal emerged, suggesting that the legal ban had been unable to put an end to

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<sup>28</sup> ‘Racism was the cause of Fundão’s homicide’, in *Público* (14.06.03).

<sup>29</sup> ‘The mysterious crime of Cortiçada’, *Público* (15.06.03).

<sup>30</sup> ‘Right-wing movements are still active’, in *Público* (19.06.03). For further information in this subject, see RAXEN’s 2001 and 2002 reports on racial violence.

<sup>31</sup> ‘Racism was the cause of the Fundão’s homicide’, in *Público* (14.06.03).

isolated activities<sup>32</sup>. This case is still under investigation and therefore awaiting trial. The Portuguese RAXEN NFP will give an account of all court procedures in future reports.

#### DRIVER SHOT DEAD AT POLICE CHECK<sup>33</sup>

On March 26, Carlos Reis, a black Cape Verdean, failed to stop his car when asked to do so by traffic police. Officers then shot the car seven times, hitting Carlos Reis in the head. He died four days later.

The police defended their actions by arguing that Carlos Reis tried to run over the officers and that they had to act accordingly. Carlos Reis's family, in its turn, with his clean criminal record in hand, claimed that, even though Carlos Reis did not stop — as he had no driving licence —, that was hardly a pretext for the agents to fire seven shots, aiming to kill. Carlos Reis's wife, Marlene Santos, who was 7-month pregnant, was also in the car and ended in hospital with a broken leg, the alleged result of police violence. Although the article does not speak of racially-motivated police violence, the pattern of events resembles other incidents mentioned in several national and international reports on police violence. Carlos Reis' sister, furthermore, brought the issue of race to the forefront when she said: *'My brother isn't going to be just another black bloke dying here.'*

#### SKINHEADS' ASSAULT ON LEFT-WING GROUPS (SQUATTERS)

Another widely reported case — albeit one that did not involve direct racial discrimination — implicating skinheads occurred in Queluz (near the Lisbon-neighbouring city of Amadora). On the 17<sup>th</sup> of April, a group of about 15 shaved-headed individuals wearing army boots and armed with baseball bats attacked a house in the town centre. The house in question was inhabited by ten individuals who belong to a movement called 'Okupa', mainly composed of adolescent and young adults who plump for alternative ways of living. Squatting is one of them, and the house has been occupied in this manner for about six years now.

The aggression under consideration took place in this squatted house — an old post office station — at around 3:30 am, when the above mentioned skinheads forced their entry into the house and completely destroyed the ground floor. The squatters had to run to first floor and barricade themselves there. The police came immediately after the attackers left the house and was able to detain four of the perpetrators, still in Queluz. These skinheads carried two guns and several baseball bats with them. This type of attacks is apparently quite frequent, as squatters are frequently linked with leftist movements and organisations.<sup>34</sup>

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<sup>32</sup> 'Right-wing movements are still active', in *Público* (19.06.03).

<sup>33</sup> "Young man shot in Zambujal diegd", in *Correio da Manhã* (30.03.2003).

<sup>34</sup> 'Skinheads attack squatters', in *Correio da Manhã* (18.04.03).

## HUGO SILVA'S ARREST IN BELGIUM

Hugo Silva, one of the 15 skinheads sentenced for the murder of Alcindo Monteiro — an individual of Cape Verdean origin — in 1995 was caught by Belgian police on the 7<sup>th</sup> of February 2003. Hugo Silva had been on the run for 14 months. It appears that right-wing xenophobic activists in Belgium had been protecting Hugo Silva, who had been sentenced to 18 years in prison on charges of racially-motivated homicide<sup>35</sup>. Portuguese authorities immediately asked for Hugo Silva's repatriation. Although Hugo Silva asked not to be sent back,<sup>36</sup> the Belgian police finally decided in favour of his repatriation in May.<sup>37</sup>

## RE-HOUSING ROMA COMMUNITIES

A different instance of racial discrimination — and one that sometimes ends in violence — appears more frequently in newspapers and television news reports, and involves the re-housing process of Roma families/groups and the ensuing reaction of the surrounding population. In 2003 this kind of events were recurrently reported by newspapers and sometimes even broadcasted live in television news bulletins. Sometimes these populations seem to be the target of both the discrimination of the inhabitants of the areas where they intend to settle and that deriving from the public municipalities' reaction in the face of Roma people's refusal to settle in the assigned place.

Regarding this type of discrimination and/or the rejection of Roma people, it becomes evident after a careful look that there is a total absence of any kind of regional or geographical trends: a glance at the Portuguese press of the past two years reveals a widespread negative response to Roma populations. Just in 2002 we can find such attitudes in Ponte de Lima (in the North), Damaia (in the greater Lisbon area), Barreiro (in the South Bank of the river Tagus) and Borba (in Alentejo).

Roma populations continued to make the headlines on housing-related issues — probably involving racist and discriminatory elements — in 2003.<sup>38</sup>

## CALLS FOR THE SCHOOL TRANSFER OF ROMA CHILDREN

According to some of the conclusions reached by the 2003 European Union Annual Report on Human Rights, the school situation of Roma children also deserves special attention.

In a village called Teivas, in the region of Viseu, a group of parents forced the local school to assure them that 12 Roma children who had been attending the school for the past few years would be transferred to a neighbouring school. The parental-led protest even prompted the temporary closing of the school. The rationale behind the parents' claim had to do with the location of the Roma camp from where these children came,

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<sup>35</sup> See 2001 Racial Violence Report for further details.

<sup>36</sup> "Xenophobic groups protected skinhead" in *Correio da Manhã* (09.02.2003) and "Hugo Silva refused voluntary extradition", in *Público* (12.02.2003).

<sup>37</sup> "Belgium accepts to deliver skinhead", in *Visão* (15.05.2003).

<sup>38</sup> 'Lisbon Council postpones re-housing of Gipsy families for the third time, and does not know why', in *Público* (09.10.03).

which was allegedly located in a borderline area between Teivas and another village. The parents considered that the 12 children ought to be transferred to the secondary school in Rebordinho, the above-mentioned neighbouring village.

The local education authority finally decided on the transfer of the 12 children, although it must be mentioned that other Roma children continued to attend the same school. According to the local education authority, this decision was an administrative decision, not a racist one.<sup>39</sup>

Yet, although all was swiftly well at Teivas' school, the situation in Rebordinho could hardly be any more contrasting. In the following days, two posters in which was written 'No to Gypsies' were hung in the school's front gate. The school principal had the posters immediately removed and ordered the police to be called. The principal further guaranteed that she had already arranged for a meeting with the Roma children's parents and that the necessary arrangements to have an extra teacher in the school had already been made.

Among the reactions to this event, one must highlight that of Pedro Bacelar de Vasconcelos, the erstwhile president of the Portuguese Commission for Equality and Against Racial Discrimination, who voiced his concern with the fact that racial prejudice on such a scale still endured and also that 'some segregationist courses of action followed by some public administration continued to go unpunished'.<sup>40</sup>

#### FARO COUNCIL'S INTENTION TO EXPEL ROMA INDIVIDUALS ON ACCOUNT OF CRIMINAL BEHAVIOUR<sup>41</sup>

On the 23<sup>rd</sup> of July, the newspaper *A Capital* published an article on the possibility that *SOS Racismo* would press criminal charges against the President of Faro's Municipality on accounts of racial discrimination. It appears that an official council document endorsed the expulsion from the municipality of Gypsies and other nomads responsible for thefts or disruptions of the public order.

#### VIOLENT ASSAULTS AMONG CHINESE NATIONALS<sup>42</sup>

On the 30<sup>th</sup> October a couple of Chinese citizens were beaten in Oporto by four other Chinese individuals. According to the *Jornal de Notícias*, economic reasons are behind the increasing frequency of similar occurrences among illegal Chinese immigrants. Although they seem not to be directly related to *incidents of racial violence*, the Portuguese NFP will continue to follow such occurrences closely.

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<sup>39</sup> 'School reopens after the transfer of 12 Gipsy children', in *Público* (08.10.03).

<sup>40</sup> "'No to Gypsies': Racist posters welcome children at Rebordinho's school', in *Público* (09.10.03).

<sup>41</sup> "SOS Racism denounces Faro's Municipality to Justice Ombudsman and criticizes government" in *A capital* (23.07. 2003).

<sup>42</sup> "Illegal Chinese worry", in *Jornal de Notícias* (1.11.2003).

## UNIDENTIFIED BODIES IN PORTUGUESE MORGUES<sup>43</sup>

In September 2002 and November 2003, the newspapers *O Primeiro de Janeiro* and *Jornal de Notícias*, respectively, carried articles revealing that a considerable number of deceased foreign citizens were still waiting to be identified in Portuguese morgues and mortuary houses.

The most recent article states that, in the past five years, 142 bodies have remained unidentified just in Oporto and Coimbra. Legally, an unidentified body should remain in the morgue for no more than 30 days and then, if not claimed, be buried, yet the time limit for cases involving foreigners is increased to three months.

This latest article concluded that only 10% of the unidentified bodies in Portuguese morgues are of Portuguese nationality, while the rest are mainly of Eastern European individuals (from Ukraine, Belarus, Russia and the former Yugoslavia). Many of these bodies, moreover, are unrecognisable. For the time being, there is no information that allows us to know if these deaths are related to incidents involving racial violence. The majority of the deaths possibly have to do with situations of poverty and homelessness. None the less, more research needs to be carried out in the future, because of the large number of deaths related to organised human trafficking.

The following news are not related to any kind of physical violence, yet could be seen as holding the potential to fuel xenophobic and racist behaviours.

## POLITICAL STATEMENTS ON IMMIGRATION

On the 3<sup>rd</sup> of March and on the 13<sup>th</sup> of September the leader of the *Popular Party*, made several comments on immigration-related issues, saying on both occasions that more restrictions should be imposed on immigration. In September 2003 the by then Minister of State and National Defence - speaking as leader of the *Popular Party* -, argued during a party rally that immigrants were related to the high unemployment rate among Portuguese citizens. This public speech was given wide coverage by the press<sup>44</sup> and all media.

This is simply the latest observation on the causal relation between the high unemployment rates of Portuguese citizens and immigration numbers, and it provoked an immediate outburst. Among the outraged parties was the member of Government responsible for migration issues, Secretary of State Feliciano Barreiras Duarte, who remarked that the vision of the leader of the *Popular Party* on immigration was negative, demagogic and extremist<sup>45</sup>. The association of causal effect that was made between immigration and unemployment was highly criticised during the following days by more than a few social researchers, NGO's, immigrants associations and by the Government<sup>46</sup>.

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<sup>43</sup> “Without space for the dead”, in *O Primeiro de Janeiro* (5.09.2002) and “Corpsess that nobody claims”, in *Jornal de Notícias* 1.11.2003).

<sup>44</sup> “Portas wants to cut on immigration”, in *Público* (14.09.2003).

<sup>45</sup> “Negative statements on immigration are demagogic and extremist”, in *Público* (19.09.2003).

<sup>46</sup> “Immigrants and employment”, in *Público* (18.09.2003) and “Government changes Portas statements on immigration” (19/09/2003); “Portas and the fatal sentence” in *Expresso* (20.09.2003).

In the 30<sup>th</sup> of November, the same Minister, in a congress of the youth organisation of the Popular Party, demanded the withdrawal of the constitutional precept that declares Portugal an Anti-Colonialist state. This demand was made on two grounds: first, Portuguese should have pride in their History, and not shame; second, peoples colonized by Portugal never felt the racism that existed in other empires<sup>47</sup>. Like other European colonial empires the Portuguese one was based on the naturalisation of racial difference for purposes of economic exploitation associated with political and cultural domination that, in the specific case of the African colonies, included slave trade in a high scale. The cultural heritage of the colonial empire that, as it must be emphasised, ended only in 1974, is one of the persistent factors of feelings of racial and ethnic prejudice among the Portuguese population, directed especially towards Africans<sup>48</sup>.

#### TRAIN MUGGINGS<sup>49</sup>

On the 4<sup>th</sup> of November, the newspaper *Correio da Manhã* published an article about several muggings allegedly perpetrated by 200 black youngsters from the Cova da Moura neighbourhood, in Amadora. An African party had been organised by a Cova da Moura-based youth organisation called *Moinho da Juventude* on the above-mentioned day. This party took place in a neighbouring area — Tapada das Mercês — and some of the partygoers went home by train. It appears that there were some muggings inside the train that had been taken by the majority of partygoers. The police had to be called.

The most appalling side of this article, however, is the general assumption that every single one of the 200 young black individuals played an active role in the muggings. *Moinho da Juventude* wrote to *Correio da Manhã* and to several other institutions (among them RAXEN Portuguese NFP) and described the article as untrue, racist and xenophobic. It is not the first time that tabloid newspapers like the *Correio da Manhã* and *24 Horas* bring forth this kind of xenophobic and stigmatising headlines.<sup>50</sup>

#### THE BRAZILIAN FOOTBALL PLAYER WHO BECAME PORTUGUESE

It is not rare to see incidents involving racial discrimination blurred into a background of stereotypical interpretations, leading to unconstructive discussions about what is ‘blatant’ and what is ‘subtle’ racism.

Between the end of 2002 and the beginning of 2003, however, a case stirred Portuguese society. Like it happens in many other countries, sports can be an immense cause of public discussion. In this particular case, the possible naturalisation of a Brazilian football player — considered the best player in the Portuguese *Superliga* —, with a view to make him available to the national team, prompted a national debate on naturalisations. Little

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<sup>47</sup> “The Angolans, the Mozambicans and the Timorese never felt the racism that existed in other empires (...) but the constitutions of countries such as France and England have no reference to anti-colonialism.” in *Público* 1<sup>st</sup> of December 2003

<sup>48</sup> Vala, Jorge, Brito, Rodrigo and Lopes, Diniz (1999) *Expressões dos racismos em Portugal*[Racisms’s Expressions in Portugal], Lisboa: Instituto de Ciências Sociais.

<sup>49</sup> “Train robbery”, in *Correio da Manhã* (4.11.2003).

<sup>50</sup> See 2001 Racial Violence Report.

attention was paid to the actual naturalisation legislation, as this was essentially a matter involving feelings and raw emotion.

A football game was then the occasion chosen by Juve Leo — an organised group of supporters of Sporting Lisbon which was mentioned, at any rate, in EUMC’s report ‘Racism, Football and the Internet’) — to display a huge sign which read ‘Portugal to the Portuguese: Deco [the player’s name] why?’. The player in question plays for a rival club — FC Porto—, so, although some of the public hullabaloo could in fact have to do with partiality issues, the fact remains that xenophobia was publicly displayed.

#### IMMIGRANT INMATES<sup>51</sup>

On the 29<sup>th</sup> of October 2003, the newspaper *Diário de Notícias* published an article entitled ‘Four Thousand Immigrants Arrested in Portugal’, which was immediately accused of promoting stereotypes and xenophobic reactions by the ACIME. First of all, it is impossible to measure how many immigrants have been arrested in Portugal, as inmates are identified exclusively as either national or foreign citizens. Nobody can be arrested just because s/he is an illegal immigrant. By choosing the designation ‘immigrants’ over ‘foreigners’, the article thus promotes negative stereotypes. Secondly, the article failed to identify a reliable source of data. And last but not the least, it also included a controversial statement relating to Eastern European criminals made by Isabel Burke, a member of staff at the SEF: ‘*If their income sources dry out in the future, then they can turn their attention to other targets: they can turn to us.*’

The ACIME and the Immigration Office contacted the Portuguese RAXEN NFP in an attempt to try to understand the purpose of such an article. It was the ACIME’s inference that this newspaper article incorporated xenophobic elements and that it should be condemned.

## 4.4. RESEARCH ON RACIST CRIMES AND RACIAL VIOLENCE

Scientific research on racist crimes and racial violence falls short from being one of the most studied topics in Portugal. This fact might relate to the lack of official and non-official data.

As it was shown in previous reports (2001), related research projects always have to do with Portuguese skinhead organisations.

However, although not directly related with racial violence, it is worth mentioning the dissertation awarded with the ACIME’s Journalism Prize *Immigration and Ethnic Minorities - Journalism for tolerance*, in the “academic category”. In its conclusions, this work revealed some interesting features of the majority of the Portuguese population’s perceptions of non-white populations<sup>52</sup>.

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<sup>51</sup> “Four thousand immigrants arrested in Portugal”, in *Diário de Notícias* (29.12.2003).

<sup>52</sup> Template PUB/PT/0128

This dissertation, written within the scope of a Journalism course, gets underway with an episode that occurred in February 2002, in which a Cape Verdean was shot after a car accident by a policeman who also had Cape Verdean background. The dissertation involves a content analysis of three of the Portuguese major newspapers and of RTP's (Public television) primetime news programme.<sup>53</sup> Notwithstanding the fact that a great part of the analysis carried out owes much to journalistic methods, the findings point out some interesting results, as the relative sense of surprise that was in general conveyed by the media. Despite the different communication strategies used by the press and television, the oft-subtly-expressed improbability of an individual of Cape Verdean origin being shot by another individual with the same ethnic background reveals an image of other nationalities and of 'perceived' minorities as being homogeneous and undifferentiated mass. This particular inference strikes us as the most interesting element of the overall analysis, which *per se* demands further research.

We hope that the new co-operation protocol signed between the FCT and the ACIME, which aims to promote scientific research on ethnic minority and immigration issues, will provide us with new studies and methodologically-sound data on these issues in the near future.<sup>54</sup>

## 4.5. COURT CASES

The NFP had no knowledge of any case involving racism or racial discrimination tried during 2003.

Still, there is the possibility that we could very soon witness the already-mentioned trial involving the alleged murder contract made between LLM and two Brazilian individuals, which was motivated by racial hatred. This will probably be the first trial involving a racially-motivated homicide after the inclusion of the new provisions of the Anti-Discrimination Law and its further amendments, which, one has to recall, were introduced to increase the penalties established for racist and discriminatory acts.

In 2002, however, there was one court case in which the charge was racial discrimination. The incident dated back to 1997, when the president of a small local council categorised Roma people and their activities as being mainly criminal on two separate occasions. The individual in question was sentenced to nine months in prison, with a suspended sentence of two years.

The judge trying this case considered this to be a crime of racial discrimination, defined and punished by article 240 of the Criminal Code. This judge's decision thus marks a withdrawal from previous court rulings on similar cases.

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<sup>53</sup> The newspapers in question were *Público*, *Diário de Notícias* and *Correio da Manhã*.

<sup>54</sup> Template ACT/PT/0075.

## 4.6. VICTIMS

As mentioned in the 2001 and 2002 reports, and relying on NGO's and newspaper articles, the main victims of racist and xenophobic assaults are Roma communities and individuals of African origin. The most common offensive behaviour directed at these individuals usually involves insults or slander.

Less tangible forms of violence toward foreigners and non-whites as these may be, we have none the less gathered information on physical assaults, in particular against black individuals. The most violent and conspicuous of these was the alleged contract made between LMM and the two Brazilian individuals that has just been mentioned. As we have reported, police violence continues to be noticed in several reports on human rights, especially when it comes to incidents involving black and Roma people.

## 4.7. PERPETRATORS

Extreme right-wing groups — or skinheads — are the main discernible perpetrators of racially-motivated violence, as can be understood from the interpretation of the chronology of racially-motivated violent incidents listed in previous Raxen reports on racial violence. Many times associated with skinhead movements, the most visible demonstrations of racist behaviour can be sporadically observed in football matches, when certain individuals in organised groups of supporters display Nazi symbols. These same individuals sometimes clash with other groups that support the same football team allegedly as the result of racial difference. Below follows a list of some of the Internet sites most worth mentioning, in which xenophobic and racist beliefs are manifestly expressed:

<http://www.faixaroubada.pt.vu/>  
<http://www.libreopinion.com/members/imigport/index.htm>  
<http://dspace.dial.pipex.com/finalconflict/a17-1.html>  
[http://www.geocities.com/fnp\\_xxi/](http://www.geocities.com/fnp_xxi/)  
<http://www.geocities.com/sosportugal/>  
<http://www.mnsa-portugal.com/index.html>  
<http://www.libreopinion.com/members/ordemlusa/>  
<http://www.Nazi-lauck-nsdapao.com/portugues.htm#portugues>  
<http://www.libreopinion.com/ptns/>

Reports on human rights and newspaper articles also include references to racially-motivated police abuse.<sup>55</sup>

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<sup>55</sup> See, for example, European Commission against Racism and Intolerance (2002), *Second Report on Portugal*, available at <http://www.coe.int/ecri> [accessed 3 December 2003] and 'Policemen guilty of misconduct go unpunished', in *Correio da Manhã* (14.10.03).

#### 4.8. 'GAP-ANALYSIS'- DESCRIPTION OF NON-EXISTING DATA.

As we have pointed out in previous sections of this report, there is a huge shortage of comprehensive official and even unofficial data on racist violent crimes in Portugal.

1. As the second ECRI report on Portugal claims, the real numbers of racially-motivated violence are likely absent from existing crime statistics.<sup>56</sup> Not only are the numbers gathered almost irrelevant (when confronted with media and NGO's reports), but other sources of information are also underestimated.
2. The NGO's also fail to systematically present credible data from their own fieldwork in the areas of racial violence and discrimination.
3. Data regarding the children of immigrants should be made available in order to allow for some other types of research. The calculation of patterns of upward or downward mobility amongst second-generation immigrants, for instance, would be of the utmost importance in the assessment of discriminatory trends in any society.
4. There should also be an improvement in the gathering of information about skinhead activities, in particular their organisational and networking capabilities. Official authorities should play a major role in this area, given the violent nature of these groups.
5. Finally, Portuguese statistics also display little or no information on undocumented immigrants, as it is impossible to estimate their number and hence their impact on society.

It can be said, in conclusion, that Portugal still has enormous limitations when it comes to collect reliable data and sources on the fields of racially-motivated violence and discrimination practices.

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<sup>56</sup> Quoting a newspaper article: 'Policemen guilty of misconduct go unpunished d', in *Correio da Manhã* (14.10.03).

## 5. ANALYSIS OF RACIAL VIOLENCE AND RACIST CRIMES

### 5.1. MAIN VICTIMS OF RACIST VIOLENCE AND RACIST CRIMES - STATISTICAL OVERVIEW

The official numbers of racially-motivated crimes published in *Estatísticas da Justiça* are not only statistically irrelevant but also do not contain any information about the victims. The only source of information apart from non-official data is the one provided by the CEARD, which clearly identifies black and Roma individuals as the most vulnerable to racial abuse.

According to this data, black individuals visibly emerge as the most discriminated against. The rationale behind 14 of the 36 processes that the Commission has pending is based on the argument that colour was the reason for discrimination. Brazilians filed five of these complaints, and Roma individuals four. All other processes had to do with individual complaints.

The majority of the pending cases concern discrimination in the workplace, or situations where injurious comments about the colour of someone's skin are made publicly. Four of the cases that we have previously seen may be classified as incidents that involved violent verbal racial abuse, as racist slogans were in fact used. There is, however, almost no information on the victims. We know that two of them were black males that were verbally discriminated against in public institutions (the Civil Registration Office and a police station). A Brazilian woman also claimed that she had been verbally abused in a police station.

We have also considered 6 of the 36 pending cases as incidents involving physical racial violence:

- a. A black male victim of police violence;
- b. A young black male student victim of peer violence;
- c. A Chinese group of individuals victims of police violence;
- d. A Brazilian woman victim of police violence;
- e. A Brazilian male victim of police violence;
- f. A Moldavian male victim of police violence.

[Note: These complaints are still being processed.]

We may therefore conclude that, according to the complaints made to the Commission, Blacks and Brazilians (mainly male) seem to be the main victims of verbal and physical racially-motivated violence in Portugal.

## 5.2. MAIN PERPETRATORS OF RACIAL VIOLENCE AND RACIST CRIMES

As is the case with the victims, there is also little or no information on the perpetrators of racially-motivated violence and racist crimes in *Estatísticas da Justiça*. Data from the CEARD's pending cases points out **police officers as the main perpetrators of recorded racist violence since 2000**. Among the 36 pending cases, 9 are related to verbal and physical racially-motivated violence, 7 of these implicating police officers.

**According to unofficial sources, skinheads are undoubtedly the main perpetrators of racial violence in Portugal.** None the less, and although their visible activity reveals a growing sense of organisation, a situation more worthy of alarm can be witnessed on their Internet sites. In addition to the already-mentioned sites, *libreopinion* hosts ([www.libreopinion.com](http://www.libreopinion.com)) many more Portuguese sites, and a quick glance at their debate forums attests to the increasing amount of racist propaganda. One of the better-organised sites belongs to the self-denominated National Socialist Youths. Their web page, put together by MS88,<sup>57</sup> reveals this group's knowledge of the current legislation by stating that this is not the site of an organisation but only one belonging of a group of friends. A group of women — the Feminine Division of the MS88 — is also represented.

Research published in 2000 allows us to find out that skinheads are usually young and live mainly in the outskirts of Lisbon.<sup>58</sup> The absence of new information, however, renders an in-depth analysis on the composition of skinhead groups hardly attainable.

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<sup>57</sup> 'MS' stands for Margem Sul (the south bank of the river Tagus) and '88' is a well-known symbol for the salutation 'Heil Hitler', seeing that 'H' is the eighth letter of the alphabet. A reference is also made to 'LS', here meaning the Line of Sintra (the Lisbon-Sintra train line), an area in the outskirts of Lisbon with a strong presence of Africans and descendants of Africans. The MS site can be found at the following address:  
<http://www.libreopinion.com/ptns/>.

<sup>58</sup> See R. M. C. M. Fava, 'Discursos de Poder: os Skinheads e os outros na sociedade portuguesa' ['Discourses of Power: Skinheads and others in Portuguese Society], MA Dissertation in Anthropology (Lisbon: ISCTE, 2000).

## 6. STRATEGIES, INITIATIVES AND EXAMPLES OF GOOD PRACTICE FOR THE REDUCTION OF RACIAL VIOLENCE AND RACIST CRIMES

It is our belief that the most important Portuguese institutions — such as the Presidency of the Republic, the Government, Local Councils, the political parties, the police, etc. — have finally realised that the tide of immigration which started in the 1980s can no longer be overlooked. 5% of Portugal's population, after all, is now made up of legal foreign nationals.

This heterogeneity of origins, cultures and practices necessarily requires more attention on part of both official institutions and non-official organisations, as the risk of xenophobic and racist activities is now much higher than what it was 10 or 20 years ago.

In this chapter of the report we will focus on examples of good practice that aim at contributing to the reduction of racial violence. We will start by focusing on official initiatives, then proceed to the analysis of international proposal and end up with NGO's activities.

### 6.1. THE PRESIDENT OF THE REPUBLIC

Between the 9<sup>th</sup> and the 18<sup>th</sup> of March 2003 the President of the Republic devoted a period of open presidency<sup>59</sup> — a tour in which the President goes on the field, as it were, to meet the people and verify the success or failure of official policies — to Portugal's foreign communities and ethnic minorities.<sup>60</sup>

In the context of the considerable growth of immigration in the last few years, the President sought to strike home some crucial points, such as the necessity of implementing policies that will contribute to fully integrate immigrants into Portuguese society and also to the need for the State to acknowledge its social responsibility towards immigrants.

The President also made an appeal to the development of a culture of tolerance, and recognised the importance of acknowledging the 'other' (here understood in cultural or ethnic terms). The fight against every form of racism and xenophobia should also be considered a priority, according to the President, one that should involve not only the State but every single citizen.

An open presidency obviously attracts the attention of the media and consequently has the potential to draw the attention of the general population to many new issues.

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<sup>59</sup> Template ACT/PT/0082.

<sup>60</sup> The complete programme followed by the President during this period is available at <http://www.presidencia-republica.pt/pt/main.html> (E-mail: [presidente@presidencia-republica.pt](mailto:presidente@presidencia-republica.pt)).

In this particular case the President emphasised much more than the negative aspects of immigrants' lives (as the media usually do when the talk is on immigrants), as he called attention to the many positives that arise from cultural diversity in schools and in society at large.

## 6.2. GOVERNMENT INITIATIVES

The ACIME is the governmental body responsible for awareness-raising actions in Portugal. In 2002 and 2003 the ACIME developed a number of new initiatives and good practices on issues like public awareness; the promotion of scientific research on immigration and on Roma populations; the implementation of a National System of Support to Immigrants, etc.

### PUBLIC AWARENESS AND THE PROMOTION OF SCIENTIFIC RESEARCH

One of the main endeavours of the ACIME when it comes to the raising of public awareness is the fight against prejudiced perceptions of immigration, something that can only be achieved with the promotion of various scientific studies on immigration. This kind of studies goes against the grain of current stereotypes concerning immigrants and their role in Portuguese society, as they show that immigrants are in fact integrating and making a positive contribution to the country.

Two scientific research papers were made public during December 2002, the first concerning the financial contributions made by immigrants to the State. In a time of crisis, in which questions about the economic deficit are on everybody's lips, due to the need to meet the targets defined by the Stability and Growth Pact, it was timely to show the public how immigrants are making a positive contribution to the reduction of that same deficit.<sup>61</sup> The second piece of research had to do with media analysis, i.e. it studied the role of the media and of news in shaping the perception of immigration-related issues.<sup>62</sup> This research concluded that, even though some media (mainly tabloid newspapers and private television channels) still chose to concentrate on mainly negative images of immigrant populations, a growing proportion of the news reflected an affirmative image of immigrant communities and their integration in Portuguese society.

Other scientific studies have received some coverage in 2003, among them research concerning the contribution of immigration to Portuguese demography.<sup>63</sup> The conclusions of this research allude to the fact that foreign populations and their particular demographic behaviour make a significant contribution to the rejuvenation of a rapidly ageing population.

Several research projects on immigration and Roma issues have started in 2002 and 2003, and are expected to be made public at some point during 2004. Still regarding public opinion, the ACIME launched a journalism prize that aims to commemorate journalistic

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<sup>61</sup> The full text of this study is available at:  
<http://www.oi.acime.gov.pt/docs/rm/Estudos/ImpactoContas.pdf>

<sup>62</sup> The full text of this study is available at <http://www.oi.acime.gov.pt/docs/rm/Estudos>

<sup>63</sup> <http://www.oi.acime.gov.pt/docs/pdf/estudoOIDemografia.pdf>

features that promote tolerance and social diversity (*Imigração e Minorias Étnicas: Jornalismo pela Tolerância*). The award ceremony took place in 2003.

#### 'SOS IMIGRANTE' HELPLINE

The telephone helpline 'SOS Imigrante' is another ACIME initiative, and was opened on the 13<sup>th</sup> of March 2003<sup>64</sup>. It is a service geared towards providing counsel to both immigrants and institutions that work with immigrants in areas such as discrimination, exploitation in the workplace, violence and housing difficulties, among others. The cost of a call is that of a local call and the line is available in Portuguese, English, Creole and Russian. The individuals who take the calls are also immigrants.

#### NATIONAL SYSTEM OF SUPPORT TO IMMIGRANTS

The ACIME is also establishing a National System of Support to Immigrants<sup>65</sup>. This system will consist of local centres in cities, towns and villages (CLAI — Local Centres of Support to Immigrants), Regional Centres in every district capital (CRAI — Regional Centres of Support to Immigrants)<sup>66</sup> and two national centres, one in Lisbon and the other in Oporto (CNAI — National Centre of Support to Immigrants)<sup>67</sup>, and their purpose will be to aid foreign citizens to legalise their situation as quickly as possible; to provide them with information concerning their rights; and to answer any questions they may have. There are currently 15 CLAI/CRAI units (with 3 more expected to open during 2004) spread all over the country.

In order to provide help in numerous areas, a number of different services will have a seat in the national centres (CNAI). Among them will be the SEF (Aliens and Borders Service), several housing services, the National Health Service, education and social security, as well as the IEFP (Institute for Employment and Professional Training).

We consider this National System of Support to Immigrants to be a major development for the support of immigrant communities in Portugal. This is probably the most significant example of official good practice in this field in the last few years.

#### INFORMATIVE BULLETIN

The ACIME publishes an informative bulletin (*Boletim Informativo*) on a monthly basis. Several issues are addressed in these 16 to 18 page-long periodicals, namely editorials by the High Commissioner; opinion articles by the Secretary of State; news on immigrant communities and associations; news on events related to migration or ethnic minorities; interviews; scientific articles; edition of new books; recommended Internet sites; etc. The ACIME distributes 4000 of these bulletins to several official institutions, immigrant associations, NGO's, research units, individuals who subscribe the online newsletter, etc.

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<sup>64</sup> Template ACT/PT/0072.

<sup>65</sup> Template ACT/PT/0066.

<sup>66</sup> The following link provides a list of already operational local centres:  
<http://www.acime.gov.pt/modules.php?name=Content&pa=showpage&pid=109>.

<sup>67</sup> <http://www.acime.gov.pt/modules.php?name=Content&pa=showpage&pid=108>

We consider this bulletin to be an important tool for spreading information on how to fight racism and xenophobia.

## INFORMATION FLIERS

In 2003 the ACIME published eight fliers in four languages (Portuguese, English, Creole and Russian). These fliers contained information on several issues:

- a. Access to education for immigrants' children;
- b. Portuguese nationality;
- c. Family reunion;
- d. Health guide for immigrants;
- e. Portuguese immigration laws;
- f. Qualifications equivalence;
- g. Voluntary return; and
- h. Legal means of action against racism and xenophobia.

This last flyer directly deals with issues of racism and xenophobia, and:

- Explains the Portuguese laws against racial discrimination;
- Identifies which practices are considered discriminatory ones;
- Explains the penalties established by the law;
- Identifies how and where complaints should be presented;
- Identifies the institutions which have responsibility on these issues;
- Explains how the CEARD works;
- Presents the required complaint forms;
- Provides useful contacts.

The widespread divulgation of these fliers is an example of very good practice.

## THE FIGHT AGAINST RACISM AND THE LEGAL SYSTEM

On the 13<sup>th</sup> of October 2003, the ACIME issued a publication on the Portuguese legal framework applicable to the fight against racism (*Combate ao Racismo – Sistema Jurídico*). The aim of this book is to adapt a previously published one to the new realities faced by immigrants. An introductory note reads: 'Racism, which is rooted in prejudice, ignorance and fear can be fought with more than conventions, laws and legal means; it can be fought by sharing knowledge on individual rights. This small "legal guide" can be extremely useful to those who want to fight all forms of racism.'

## PROMOTION OF WORKSHOPS ON ROMA-RELATED ISSUES

Two workshops on Roma populations were promoted by the ACIME in 2002 and 2003. The first one focused on integration (*'Ciganos Romanos — sua integração'*) and the second on itinerant economic activities (*'Venda ambulante'*).

## TEMPORARY SHELTER FOR IMMIGRANTS AND HOMELESS PEOPLE IN EMERGENCY SITUATIONS

In July 2003 the Minister for Social Security and Labour inaugurated the first Temporary Shelter for Immigrants in Emergency Situations. The main aim of this shelter is to prevent the exploitation of immigrants by so-called parallel economies. It expects to receive immigrants facing situations of acute poverty and social exclusion. This shelter, which may house up to 50 individuals, is jointly run by a catholic institution (*Irmãos de S. João de Deus*) and by the ACIME, and aims to promote work habits and offer professional training courses.

## LEGAL ADVICE BUREAU ON IMMIGRATION ISSUES

Immigrants living in Portugal have had access to legal counsel and protection by the ACIME since September 2003. The creation of a Legal Advice Bureau was made possible by a protocol signed between the ACIME and the National Lawyers Association. We again consider this to be an example of good practice, because victims of racism (violence) and discrimination are thus given the chance to gain access to legal advice.

## FIRST PORTUGUESE CONGRESS ON IMMIGRATION

On the 18<sup>th</sup> and 19<sup>th</sup> of December, the First Portuguese Congress on Immigration ('*Imigração em Portugal: Diversidade, Cidadania e Integração*') was held in Lisbon. A myriad of themes was addressed during the two days, namely: 'The realities of immigration in Portugal' (Maria Beatriz Rocha Trindade); 'Population diversity' (Jorge Vala); 'Immigration and development' (João César das Neves); 'Integration strategies' (Maria Lucinda Fonseca); 'Immigration Policies' (António Vitorino); and 'The legal framework of immigration' (José Gomes Canotilho). This congress was the subject of significant media coverage. The tone of the published reports related exclusively to the presence and positive integration of immigrants in Portugal.

## ACIME'S NEW WEBSITE

An improved version of ACIME's website ([www.acime.gov.pt](http://www.acime.gov.pt)) was launched by the High Commissioner in October 2003. We make mention of this fact because all information about the ACIME that we have used so far is available from this website. In addition to the normal information that one would expect from the ACIME, the website also has a considerable number of links to other pages, so that every person who wishes to know more about the fight against racism can have access to several sources of information. This is another consummate example of good practice.

## THE ATTENTION PAID TO ETHNIC MINORITIES AND IMMIGRANT POPULATIONS BY PRISON AUTHORITIES

Although some reports refer to the lack of training of police officers and prison staff, especially when it comes to dealing with foreign nationals, some new information

suggests that these days may be numbered. The ACIME commissioned a report from the Board for Services of Education, Learning, Training and Support to the Social Reintegration of Inmates, which demonstrates that several training actions are being held in several prisons committed to the integration of immigrants and ethnic minorities. The Director of the Board told the media that other activities aimed at immigrant populations were being prepared, such as concerts featuring ethnic music and art exhibitions.<sup>68</sup>

#### INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION

The international media association Voices Without Frontiers Radio marked the International Day for the Elimination of Racial Discrimination (21<sup>st</sup> of March) with a non-stop 24 hour-long transmission involving more than 600 radio stations worldwide.

The Portuguese member of this association is an amateur university radio station — called *University FM* — from Vila Real (a city in the Northeast).

This particular broadcast addressed several other issues, yet the main themes under discussion were racial discrimination and xenophobia. For about two hours radio talk shows were broadcasted by radio stations based in Portuguese-speaking countries. These shows consisted mainly of people discussing racism and xenophobia in the studio, according to their own experience and on behalf of associations for the prevention of racism.<sup>69</sup> The newborn municipality of Odivelas also organised two initiatives to mark the day, wanting to start a debate on — and with — the foreign and ethnic communities living in Odivelas. The first initiative was a seminar on these issues and the second was a concert that joined representatives of the several communities living in the area. The aim of the seminar was to debate several examples of good practice in the fields of immigration and integration of ethnic minorities which have been put into practice by municipalities in the Metropolitan Area of Lisbon. The concert, in its turn, was a huge success, as the space where the concert was held ended up being small for all the people who wanted to attend.<sup>70</sup>

#### ‘POLICE AND MINORITIES’ SEMINAR

Another important event was the seminar held by the Institute for Criminal Sciences and Internal Security on the theme of police and minorities. Though this event did not zoom in on policy-making, it had at the very least the merit of addressing a rather sensitive issue for Police authorities. The Inspector-General of Home Affairs, recognised in his communication that Portuguese police forces are not prepared to deal with non-Portuguese-speaking immigrant populations. The solution, he defended, was the contribution of cultural mediators from different immigrant groups to police work.<sup>71</sup>

The very fact that this seminar was organised is in itself worthy of applause, but it has also reinforced the need to take the necessary steps in the right direction.

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<sup>68</sup> ‘Prison services promote intercultural activities’, in *Público* (21.02.03).

<sup>69</sup> Template ACT/PT/0138

<sup>70</sup> Template ACT/PT/0067

<sup>71</sup> Template ACT/PT/0136

### 6.3. INTERNATIONAL INITIATIVES

The organisation Football Against Racism in Europe (FARE) promoted a European Action Week Against Racism in Football. This initiative, which took place between the 16<sup>th</sup> and the 28<sup>th</sup> of October, enjoyed the support of the Portuguese FA.<sup>72</sup> This is all the more important as organised groups of supporters have for long been linked to extreme right-wing organisations and it can be frequently seen displaying Nazi and related symbols. This is all the more important as Portugal will host the European Football Championships in 2004.

In a initiative of the Professional Players Union,<sup>73</sup> which took place on the 25<sup>th</sup> and 26<sup>th</sup> of October 2003, several Superliga teams carried anti-racism banners with the union's and FARE's logo into the pitch and players wore T-shirts with the inscription 'Racism — No'. All Superliga teams took part in this Action Week in some form, and some of the matches in which they were involved in were televised. Fans also displayed posters saying 'Black and White are United in Football'. In addition, the front page of three national sport newspapers and magazines showed ads involving well-known players.

The Government of Portugal gave its support to this the action with the release of an official anti-racism statement.

### 6.4. INITIATIVES BY NON-GOVERNMENTAL ORGANISATIONS

#### SOLIDARIEDADE IMIGRANTE

This association has more than 6200 associates from 72 different countries, and promotes year-round debates on several issues, among them racism and xenophobia.<sup>74</sup>

#### SOS RACISMO

*SOS Racismo* has been raising awareness of racism-related issues in schools, universities, problematic neighbourhoods, and also by sponsoring debates, issuing press releases, etc. since 1990. In 2002, more precisely, and among several other publications, *SOS Racismo* has published a volume on immigration addressing the themes of racism and xenophobia in Portugal.

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<sup>72</sup> <http://www.fpf.pt/racismo/index.html>

<sup>73</sup> The homepage of the association (Sindicato dos Jogadores Profissionais de Futebol) can be found at <http://www.sjpf.pt/sjpf.html> (E-mail: [sjpf@sjpf.pt](mailto:sjpf@sjpf.pt)). Their address is: Rua Nova do Almada, 11, 3 Dto., 1200-288 Lisbon.

<sup>74</sup> "Keep on fighting", in *O Primeiro de Janeiro* (05.07.2003).

## REDE ANTI-RACISTA

The *Rede Anti-Racista* (Anti-Racism Network) is an association which includes of a number of Portuguese NGO's acting on the field of immigration and racism, including *SOS Racismo* and *Solidariedade Imigrante*. In June 2003 this association organised the 'Festa da Diversidade' (Diversity Festival). Promoted by the *Rede Anti-Racista*, this festival included debates and parties, and aimed at sharing the different cultural backgrounds of immigrant populations.

## 7. SUMMARY AND CONCLUSIONS

When it comes to the discussion of racism and xenophobia, Portugal's political climate may be characterised as being somewhat bipolar. On one side is the Government — represented mainly by the ACIME —, which tries to convey an affirmative image of immigrant communities by focusing primarily on the positive economic, demographic, even cultural contributions they make to Portuguese society. On the other side are some signs of negative reactions towards immigrant populations, promoted by the PNR (the only extreme right party in Portugal) and confirmed by a number of opinion polls.

Portugal has also been ratifying all relevant legal international instruments related to racism and xenophobia. The Government approved a new immigration law in 2003, imposing a specific system of quotas. Several laws regulating the fight against racism and xenophobia can now also be found in the Portuguese legal framework.

Official statistical data on crimes involving racial violence, is, again, very poor. There is evidence of pending cases in the Commission for Equality and Against Racial Discrimination, yet the analysis of official data shows that — officially, at least — there have been very few recorded instances of crimes involving racial violence in Portugal. NGO's and newspapers, as seen, put across a different message. The examination of these sources allows us to realise that there is a disparity between the official numbers and those transmitted by the media and NGO's. Scientific research on incidents which involve racial violence is almost non-existent in Portuguese academia. The only related subjected which has been researched thus far are skinhead organisations. The victims of physical or verbal racial violence in Portugal are usually Blacks and Roma individuals, yet there has been a rise in the number of complaints filed by Brazilians in recent times.

According to official registers (mainly data from CEARD) the figures point as the main perpetrators of racial violence police officers and skinheads. Nevertheless, one have to bear in mind that this data falls short from an objective and reliable depiction of the actual state of affairs in Portugal.

What bring us, once more, to the problem of the scarcity of data. Having analysed all available data on racial violence and racial discrimination, we find it urgent the implementation of better instruments of measurement and classification. Only by obtaining accurate information can the right prevention policies be put into practice.

The gathering of statistical data related to racism according to well-defined ethnic and cultural variables would be a vital step in uncovering incidents of racial violence and improving our understanding of them. Matters with regard to the social mobility of second-generation and illegal immigrants should also be the subject of special consideration and research, for they would allow a more straightforward identification and quantification of these situations.

The Portuguese Government has implemented several good practices during 2002 and 2003. These practices mainly concern the fight against racism and xenophobia but address also the general situation of the immigrant population. So, in conclusion, we can say that although racially-motivated violence seems to be a non-issue in everyday life, the current climate of economic turbulence has led to some signs of possible growth in racist

and xenophobic activities, namely the emergence of extreme-right sectors in the political setting.

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