



COMMISSIONER FOR HUMAN RIGHTS  
COMMISSAIRE AUX DROITS DE L'HOMME



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## REPORT

**by Nils Muižnieks**  
**Commissioner for Human Rights of the Council of Europe**

**Following his visit to Portugal**  
**from 7 to 9 May 2012**

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## Summary

Commissioner Muižnieks and his delegation visited Portugal from 7 to 9 May 2012. In the course of his visit the Commissioner held discussions with national authorities, civil society organisations and trade unions concerning the impact of the financial crisis and fiscal austerity measures on the enjoyment of human rights, and more specifically social and economic rights. He paid particular attention to the situation of children, the elderly, the Roma, and the work of domestic organisations involved in the promotion and protection of human rights, and the present report focuses on these issues.

### 1. Impact of fiscal austerity measures on children's rights

The Commissioner notes with concern reports indicating that child poverty is on the rise in Portugal, as a result of increasing unemployment and following the adoption of austerity measures in 2010 and 2011. Cuts in child care benefits in 2010 and 2012 were particularly severe and had a significant impact on the income of many families with children and consequently, on a range of children's rights. The Commissioner shares the concerns expressed by the Portuguese Ombudsman that the new, restrictive eligibility criteria for social benefits can lead to some beneficiaries being unduly deprived of access to social welfare which can also constitute an important reduction in their incomes. The increasing prices of health care and public transportation as well as the increasing number of evictions as a result of non-payment of mortgages have also had a particularly negative impact on children's rights. Budgetary stringency is also affecting education, including higher education. For instance, the reduction in the number of scholarships for university students reportedly led to a number of students giving up their studies. The Portuguese education system continues to be confronted with the challenge of a high share of pupils leaving school too early. Whilst welcoming the measures adopted by the government in August 2011 as part of the programme of social emergency, the Commissioner is concerned that the fiscal austerity measures of the last two years pose a serious threat to the achievements made in the last decade, particularly through the National Inclusion Plans that aimed at combating poverty and social exclusion. The Commissioner calls on the Portuguese authorities to pay particular attention to the potential impact of the crisis on domestic violence against children, as well as on child labour which has substantially diminished in Portugal following the adoption of measures in order to comply fully with the standards contained in the European Social Charter.

### 2. Impact of fiscal austerity measures on the human rights of the elderly

The population of Portugal is ageing, with 18% aged 65 and above. The elderly are vulnerable to poverty and are adversely affected by the fiscal austerity measures which have resulted in the lowering of incomes due to the freezing of pensions and cuts in social benefits. Other elements, such as the hike in prices of health care, public transportation, gas and electricity and food products have had a substantial impact on the living conditions of elderly persons with low incomes, especially those residing in isolated rural areas. Moreover, the Commissioner finds it worrisome that many families are reportedly withdrawing older persons from residential care centres and taking them home in order to benefit from additional income in the form of their pensions. While de-institutionalisation is a welcome process, if carried out as part of comprehensive policies and with additional support for the elderly persons and families concerned, it may result in higher levels of abuse, including violence and neglect, when it takes place without sufficient control and adequate support from the state. The Commissioner is concerned at reports indicating that violations of the human rights of the elderly are on the increase in Portugal. Whilst noting that measures have been taken by the authorities to mitigate the impact of austerity measures on older persons, he underlines that more should be done to protect older persons and to provide them with adequate opportunities to lead a decent life and play an active role in society, in line with the European Social Charter, by which Portugal is bound.

### 3. Protection of the human rights of Roma

The Commissioner is particularly concerned at the plight of the majority of Roma in Portugal who continue to face anti-Gypsyism and other forms of racial discrimination in all social sectors. He welcomes the adoption in January 2012 of the National Strategy for the Integration of the Roma Communities and urges the government to proceed to its formal approval, so that implementation can begin with no further delay. It is stressed that adequate human and financial resources should be allocated for its implementation. In this context, the Commissioner underlines the need to place the fight against anti-Gypsyism and other forms of racism and discrimination high on the authorities' agenda. Moreover, he notes that Roma representatives and organisations should be directly involved in the implementation and follow up to the

strategy and any other measures that concern their lives. The Commissioner is deeply concerned by the persistence of substandard living conditions affecting a large part of the Roma and calls on the authorities to fully remedy the violations found by the European Committee of Social Rights in its 2011 decision in the case of [ERRC v. Portugal](#). Despite some resettlement programmes, many Roma continue to live in informal settlements, many of them in isolated areas, far away from city centres and the majority population and without access to basic services. The Commissioner notes with concern that action taken by some local authorities, such as depriving Roma settlements of access to water, has been in breach of fundamental European human rights standards. The fact that many Roma pupils are taught in separate classes also remains of particular concern to the Commissioner who firmly believes that integration into mainstream education should be favoured so as to ensure that all Roma pupils have equal access to quality education.

#### **4. Impact of fiscal austerity measures on domestic organisations working for the protection and promotion of human rights**

The Commissioner welcomes the fact that the budgets of National Human Rights Structures, such as the Ombudsman, have not been disproportionately affected by austerity measures and that such institutions continue to effectively fulfil their mandates. However, he is aware that non-governmental organisations and charities involved in human rights work and in the provision of services to vulnerable social groups face growing difficulties, even though an ever-increasing number of persons turn to them for support as a result of the financial crisis. The Commissioner notes that a substantial share of the programme of social emergency is to be implemented by civil society organisations that are exempted from taxes as from 2012. Nonetheless, the Commissioner is concerned that this measure may not be sufficient to ensure that these organisations continue to deliver quality services to persons in need. The authorities are also called upon to establish systematic co-operation and dialogue with civil society organisations as the poverty-alleviation policy and practice of the state is largely dependent on their action.

The report ends with the Commissioner's conclusions and recommendations to the authorities.

## Introduction

1. The present report follows a visit to Lisbon, Portugal, by the Council of Europe Commissioner for Human Rights (hereinafter ‘the Commissioner’) from 7 to 9 May 2012.<sup>1</sup> The visit focused on the impact of fiscal austerity measures on the enjoyment of human rights, paying particular attention to three especially vulnerable social groups: children, the elderly and Roma.
2. During his visit to Portugal, the Commissioner held discussions with the authorities, including the Minister of Solidarity and Social Security, Mr Pedro Mota Soares, the Minister of Justice, Mrs Paula Teixeira da Cruz and the Secretary of State and Assistant Minister for European Affairs, Mr Miguel Morais Leitão. He also met with the Portuguese Ombudsman, Mr Alfredo José de Sousa, and his team, with the President of the National Commission for the Protection of Children and Young People at Risk, Mr Armando Leandro, and the Executive Secretary of this Commission, Mr Ricardo Carvalho, and with the High Commissioner for Immigration and Intercultural Dialogue, Mrs Rosário Farmhouse. Additionally, he held meetings with representatives of non-governmental organisations active in the field of human rights and of trade unions. The Commissioner also visited the premises of the NGO “Support to Childhood” (IAC) in Lisbon, used to carry out a programme for the protection of street children.
3. The Commissioner wishes to sincerely thank the Portuguese authorities in Strasbourg and in Lisbon for their assistance in organising the visit and facilitating its independent and smooth execution. He also extends his thanks to all his interlocutors for their willingness to share with him their knowledge and views.
4. The Commissioner is concerned by the impact on the enjoyment of human rights of the current global financial crisis and subsequent fiscal austerity programmes adopted by various European governments. He shares the serious concern expressed by the Parliamentary Assembly of the Council of Europe<sup>2</sup> that the impact of the financial crisis on the living conditions of citizens in Europe undermines fundamental social rights standards, especially those concerning protection against poverty and social exclusion (Article 30 of the [European Social Charter](#) (revised)).
5. The Commissioner believes that in this socio-political context, it is crucial to pay particular attention to the human rights of the most vulnerable groups of society, such as children, the elderly, and Roma, whose lives are disproportionately affected by budgetary restrictions.
6. The overall economic situation in Portugal has deteriorated rapidly in the last two years, with unemployment reaching 15,2% in April 2012<sup>3</sup>, while youth unemployment reached 36,2%.<sup>4</sup> Moreover, inequalities seem to have grown following the adoption of a series of severe austerity measures since March 2011, as part of the plan elaborated following the granting of a € 78 billion international loan. A recent study by the European Commission indicated that these measures have had a disproportionately negative impact on the poorest 10% of the country’s population.<sup>5</sup>
7. The present report focuses on the impact of the financial crisis and fiscal austerity measures on the enjoyment of human rights by children (section I), the elderly (section II) and on the protection of the human rights of Roma<sup>6</sup> (section III). The report also tackles the impact of the crisis on the work of domestic institutions and organisations involved in the protection and promotion of human rights

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<sup>1</sup> During his visit the Commissioner was accompanied by the Deputy to the Director of his Office, Mr Nikolaos Sitaropoulos and his Adviser, Ms Françoise Kempf.

<sup>2</sup> See [Resolution 1651\(2009\)](#) of the Parliamentary Assembly of the Council of Europe (PACE) on consequences of the global financial crisis. See also PACE Committee on Social Affairs, Health and Sustainable Development, [Austerity measures – a danger for democracy and social rights](#), revised draft report, 22 May 2012.

<sup>3</sup> Eurostat, News Release, [Euro indicators 81/2012](#), 1 June 2012.

<sup>4</sup> National Institute for Statistics (INE), Newsletter of 16 May 2012, Statistics on unemployment.

<sup>5</sup> European Commission, Employment, Social Affairs and Inclusion, Social Situation Observatory: The distributional effect of austerity measures: a comparison of six EU countries, Research Note 2/2011, November 2011, available at : [http://www.socialsituation.eu/research-notes/SSO2011%20RN2%20Austerity%20measures\\_final.pdf](http://www.socialsituation.eu/research-notes/SSO2011%20RN2%20Austerity%20measures_final.pdf)

<sup>6</sup> In this report “Roma” refers to persons identifying themselves as “Ciganhos” in Portuguese.

(section IV). It ends with the Commissioner's conclusions and recommendations addressed to the authorities (section V).

## I. Effect of fiscal austerity measures on the human rights of children

### 1. Impact of fiscal austerity measures on child poverty

8. Increased child poverty has a potentially devastating long-term effect as it is known to be one of the root causes of poverty and social exclusion in adulthood. Additionally, child poverty usually leads to a number of infringements of the human rights enshrined in the UN Convention on the Rights of the Child, such as the right to adequate living standards, education and enjoyment of the highest attainable standard of health. Therefore, the Commissioner paid specific attention to the impact of fiscal austerity measures on the enjoyment of children's rights, in an attempt to evaluate the risks associated with increased child poverty in terms of specific problems such as, *inter alia*, child labour and domestic violence.
9. In early 2010 it was estimated that 23% of children in Portugal were at risk of poverty (against 18% for the population as a whole).<sup>7</sup> Additionally, on the basis of 2009 data, Portugal featured among countries with very high rates of child deprivation in Europe, according to a UNICEF study published in 2012.<sup>8</sup> The Commissioner notes that, while there has been an overall decrease in the risk of poverty during the last decade (in 2003 it was 24,6%), it has been on the rise since 2007.<sup>9</sup> All the interlocutors he met during his visit confirmed the trend of increasing child poverty, associated with increased poverty among families, even though few data covering the period 2010-2012 are currently available. Moreover, the poverty risk for families with children is higher than for the population as a whole (20.6%) and it increases with each additional child.<sup>10</sup>
10. The packages of austerity measures in Portugal in 2010 and 2011 have significantly increased the risk of children being exposed to poverty, even though the real impact has not yet been fully measured. The combination of growing unemployment and cuts in salaries, increased taxes and reduced social and unemployment benefits have resulted in many Portuguese families having less income and being subject to poverty. The 24-hour phone line of the NGO "Support for Childhood" reported an increasing number of calls in 2011 related to situations of family poverty. Also, children represent approximately a third of the persons using food banks.<sup>11</sup>
11. Two series of major cuts in child care benefits were implemented, in November 2010 and January 2012. Between December 2011 and January 2012, the families of 67 000 children lost access to child benefits.<sup>12</sup> In total, the state reduced by 30% its expenses for the support of families with children between 2010 and 2011.<sup>13</sup>
12. The Commissioner noted that the Ombudsman's Office received an increasing number of complaints related to social protection issues in 2011 and 2012, with a rise of 47% for the first quarter of 2012 in comparison with the first quarter of 2011. Many of these complaints concern the introduction of stricter accessibility conditions (means-tests) for a number of social benefits, including child benefits, with families having to provide evidence of income over a two year period, irrespective of a change in their situation in the meantime (unemployment for instance). The maximum income threshold for accessing such benefits was also substantially lowered.<sup>14</sup> Against this background, in December 2011 the Ombudsman called on the authorities to simplify as a matter of urgency the rules for accessing child benefits, as it appears that the new rules have unduly deprived a number of persons of access to the above benefits.

<sup>7</sup> See Jornal de Notícias, 2 December 2010.

<sup>8</sup> UNICEF, Innocenti Research Centre, [Child deprivation, multidimensional poverty and monetary poverty in Europe](#), March 2012.

<sup>9</sup> National Institute for Statistics (INE), About Poverty, Inequality and Material Deprivation in Portugal, 2010.

<sup>10</sup> National Institute for Statistics (INE), Statistical Yearbook of Portugal, 2011, p. 278.

<sup>11</sup> See Jornal de Notícias, [Falta de comida já afecta 95 mil crianças por dia](#), 7 June 2010.

<sup>12</sup> See Correio da Manhã, [Apoios com corte de 1,3 mil milhões - Economia - Correio da Manhã](#), 6 October 2011.

<sup>13</sup> See for instance Económico, [Quem perde direito ao abono de família? | Económico](#), 24 October 2010.

<sup>14</sup> To a monthly income of € 628 per person.

13. The Commissioner is concerned that other factors have had a particularly negative impact on children's lives, such as the hike in prices of health care and of public transportation, as well as the reportedly increasingly frequent evictions of families due to the non-payment of mortgages.
14. The Commissioner shares the concern expressed by representatives of civil society with whom he met that the austerity measures implemented in 2010-2011 may weaken the achievements made following the ten-year implementation of National Inclusion Plans (between 2001 and 2010). Indeed, these plans had among their priorities combating child poverty. The National Inclusion Plan for 2008-2010 in particular aimed at consolidating social protection by increasing benefits, implementing positive measures with regard to families with lower incomes, and taking measures to improve direct social support for families (for example through increasing the number of places in crèches) as well as measures to combat inequalities in the field of education (notably through the programme "Escolhas"/"Choices"). While some of these measures continue to be implemented, for instance through the Programme "Escolhas" whose main objective is to promote the social inclusion of disadvantaged youth,<sup>15</sup> the fiscal austerity measures have adversely affected previous policies aimed at supporting the income of families.
15. In this context, the Commissioner welcomes the adoption by the Portuguese government in August 2011 of the programme of social emergency. He notes that some of the measures contained in this programme act as social safety nets aiming to mitigate the impact of the austerity measures on children. For instance, as from April 2012, around 7 500 families with children in which both parents are unemployed can benefit from a 10% increase in their unemployment benefit. Nonetheless, during his visit, the Commissioner was informed that since the entry into force of this measure, only a limited number of families had requested such assistance, due to allegedly cumbersome procedures.

## **2. Impact of the fiscal austerity measures on children's right to education**

16. The Commissioner noted that public education has also been affected by austerity measures.<sup>16</sup> In April 2012 the government announced that the number of pupils per class would increase (from 28 to 30). A limitation to family tax exemptions based on education expenses was also introduced. Additionally, the cuts in child benefits appear to have a particularly negative impact on education as many parents have publicly indicated that these subsidies were usually used for buying school books or covering meal costs and transportation to school. In addition, it has been reported to the Commissioner that the tightening of the budgets of local authorities has impacted on education as it results in less funds being available locally to support public schools.
17. Moreover, the amounts of scholarships for higher education students were decreased and the conditions for accessing scholarships were tightened.<sup>17</sup> The Commissioner was informed that, consequently, a growing number of students are compelled to give up their studies due to serious economic constraints.
18. The Commissioner notes with interest the measures foreseen by the authorities as part of the programme of social emergency regarding access to education, including those aimed at improving the employability of young people. In the context of this programme special support is also to be provided to schools in the most disadvantaged areas, already targeted as "areas of priority intervention". However, the Commissioner remains concerned by the potential impact of the budgetary restrictions on education, in an overall context which has for years been characterised by a high share of students leaving the education system too early and with

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<sup>15</sup> A new, two-year long round of this project has been under way as from 2010 corresponding to a budget of approximately € 38 million.

<sup>16</sup> While public spending on education reached 5% of GDP in 2010, it is estimated that it decreased to 4.7% in 2011, and the 2012 state budget provides for a further reduction to 3.8% of GDP, see OECD, Reviews of Evaluation and Assessment in Education, [Portugal 2012](#).

<sup>17</sup> See Associação das Universidades de Língua Portuguesa: [Bolsas de estudo recusadas a mais de 40 mil estudantes](#), 3 February 2012.

insufficient skills.<sup>18</sup> Early school drop-outs can, in turn, lead to a resurgence of child labour (see below).

### 3. Potential impact of fiscal austerity measures on child labour and on violence against children

19. The Commissioner is concerned by the potential impact of the austerity measures and increased poverty among families on two particular forms of violations of children's rights: child labour and domestic violence.
20. As regards child labour, the Commissioner notes with satisfaction that since 1999 and the collective complaint brought against Portugal before the European Committee of Social Rights, the authorities have taken substantial measures to combat this problem.<sup>19</sup> In particular, in 2004 they adopted a programme for the elimination of child labour. Since 2009, a new body under the Ministry of Labour and Social Solidarity was set up (the Inspectorate for Labour Conditions, ACT) with a view to preventing, monitoring and combating child labour. Another programme which is used to prevent child labour is the Integrated Programme of Education and Training (PIEF), although the Commissioner learnt during his visit that this programme might be discontinued. The number of compulsory school years was also increased from eight to nine years, as an additional means of reducing early entry in the labour market. As a result of these measures, reported cases of child labour have drastically decreased, even though the European Committee of Social Rights reported, in its Conclusions for 2011, a few remaining problems concerning child labour in Portugal.<sup>20</sup>
21. Nonetheless, experts,<sup>21</sup> civil society organisations and trade unions have expressed their concern at the fact that the financial crisis, growing unemployment and the shrinking sources of family incomes due to the austerity measures have led families to make use of child labour once again, notably in the informal economic sector and agriculture. During his visit the Commissioner was, in particular, informed that since the beginning of the crisis, there have been cases of children migrating for work purposes to other EU member states. In a context already marked by high rates of early drop-out from school (see above), the Commissioner believes that particular vigilance is required from the authorities to monitor possible developments in this field and that programmes aiming at preventing child labour should not be discontinued.
22. Regarding domestic violence against children, the Commissioner is pleased to note that the number of complaints to the Ombudsman has not increased in 2011 and 2012. However, he is concerned that increasingly difficult socio-economic situations for families and high levels of stress and pressure can result in serious risks of domestic violence towards children. The Commissioner notes that the national and local Commissions for the Protection of Children and Young People at Risk, operating since 1999,<sup>22</sup> are requested, as part of the programme of social emergency, to monitor with particular attention situations that can present risks for children as a consequence of the financial crisis.

<sup>18</sup> See OECD, Reviews of Evaluation and Assessment in Education, [Portugal 2012](#).

<sup>19</sup> In 1998, the International Commission of Jurists lodged a collective complaint (*International Commission of Jurists v. Portugal*, No. 1/1998) claiming that Portugal was in breach of the European Social Charter by failing to properly supervise child labour. In 1999 the European Committee of Social Rights found that the situation was not in conformity with the Charter. While the Committee welcomed Portugal's strict legislation - all work by children under 15 has been illegal - the Committee also observed from governmental statistics that: (i) several thousand children performed work in breach of the Charter and Portuguese law (ii) a significant number did unpaid work in some sectors such as agriculture.

<sup>20</sup> European Committee of Social Rights, Conclusions 2011 (Portugal), available at: [http://www.coe.int/t/dghl/monitoring/socialcharter/Conclusions/State/Portugal2011\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Conclusions/State/Portugal2011_en.pdf)

<sup>21</sup> See for instance Público, Trabalho infantil volta a ser um problema com a pressão da crise sobre as famílias, 14 January 2012, available at: <http://cics.uminho.pt/wp-content/uploads/2011/06/Trabalho-Infantil-Manuel-Sarmiento.pdf>

<sup>22</sup> The National Commission was established by law in 1999. Local commissions have been established in 308 municipalities since 1999, with the aim of combating violence against children and ensuring protection of children at risk, through local partnerships gathering different social actors.



23. The Commissioner welcomes the important work carried out by this institution since its inception, and the multiplication of commissions at local level (308 at the time of the Commissioner's visit).<sup>23</sup> However, he is concerned that the financial difficulties encountered by a number of local authorities and institutions and organisations providing social support at their level may adversely affect its efficiency and effectiveness, given that local commissions consist of partnerships between local authorities and various other public and private stakeholders.

### **III. Effect of fiscal austerity measures on the human rights of the elderly**

#### **1. Impact of fiscal austerity measures on poverty among older persons**

24. In 2010, 18% of the Portuguese population was aged 65 and above. This segment of the population is steadily increasing (it represented 16.7% of the population in 2003). 21% of them were at risk of poverty in 2009, an increase of one per cent with regard to 2008.<sup>24</sup>
25. In March 2012, official statistics revealed that the mortality rate among the elderly had grown disproportionately during the winter 2011-2012, in comparison with previous years (increase of 10% compared to 2011).<sup>25</sup> Health professionals have stated that this mortality rate cannot be explained by seasonal factors alone. They consider that the fiscal austerity measures have had an impact on the situation of the elderly, especially those living on small pensions.<sup>26</sup>
26. Pensions were frozen in 2010-2011, as part of the first fiscal austerity measures. Additionally, according to information received by the Commissioner, access to health care has become more difficult as hospital fees, co-payments by patients, the price of medicines and the costs of public transportation have risen.<sup>27</sup> In parallel, state subsidies for access to free transportation of sick persons have decreased and stricter means-tests have been applied, as a result of which a number of older persons living in isolated rural areas have been deprived of access to health care. Moreover, the prices of gas and electricity increased sharply in 2012; consequently many persons living on low pensions have been unable to adequately heat their houses.<sup>28</sup> The increase in food prices has reportedly also had a negative impact on the diet of many older persons.
27. The Commissioner is worried that the cut of € 4 million in the budget allocated for 2012 for the purchase of technical equipment for disabled persons (amounting to more than 30% of the previous budgets) will also negatively affect elderly persons with disabilities.
28. It appears that, as in the case of policies for children, the recent austerity measures could weaken the achievements made the last ten years in the context of the National Inclusion Plans. Indeed the last National Inclusion Plan for 2008-2010 counted combating poverty among the elderly and the promotion of their social inclusion as one of its priorities, particularly by means of improvement of their income through pensions and social benefits as well as support to families living with older persons. The Commissioner is concerned that the austerity measures in place could increase the vulnerability of this social group, which is growing along with life expectancy in the country.
29. Against this background, the Commissioner notes with satisfaction that the 2011 programme of social emergency includes a number of measures aimed at cushioning the effects of the austerity measures on the elderly. It foresees, among other things, the creation of night-care centres for the elderly who wish to stay at home during the day, of a 24-hour support phone line ("Solidarity Line") and of a service for locating those living in isolated areas. Older people on low incomes will be

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<sup>23</sup> The authorities indicated to the Commissioner their intention to create 17 additional local commissions in the near future.

<sup>24</sup> After a sharp decrease between 2005 and 2008. See National Statistical Office, Newsletter of 11 July 2011, *Rendimento e Condições de Vida 2010*.

<sup>25</sup> See Público, [Especialistas em saúde pública associam excesso de mortalidade à crise económica - Sociedade - PÚBLICO.PT](#), 3 March 2012.

<sup>26</sup> The lowest pensions range from € 189 to € 245 per month.

<sup>27</sup> The price of an emergency visit in hospital increased substantially in January 2012, from € 9 to € 20.

<sup>28</sup> The VAT on gas and electricity increased in 2011 from 6% to 23%.



given priority in access to soup-kitchens and might benefit from the planned extension to more families in need of the social fees on gas and electricity as well on public transportation. In January 2012, the government also ended the freezing of the lowest pensions that had been in force since 2010.

30. Nonetheless, the Commissioner is of the view that these measures alone may not be sufficient to respond in a comprehensive manner to the growing difficulties encountered by many older persons. He wishes to highlight that, in a human rights based society, older persons should be provided for by the authorities in a systematic manner with opportunities enabling them to lead a decent life and play an active part in society, as well as to be adequately protected, as provided for notably by Article 23 of the [European Social Charter](#) (revised), by which Portugal is bound.

## **2. Violence against the elderly**

31. The Commissioner is deeply concerned by the reported rapid increase in domestic violence and other forms of violence towards the elderly. He was informed that the number of cases of violence against these persons reported to the 24 hour phone line operated by the Association for the Support of Victims (APAV) rose by 158% between 2000 and 2011.<sup>29</sup> The Ombudsman also reported a high number of calls in 2011 and 2012 on his phone line for the elderly, even though it seems that not all alleged victims formally complain to the Ombudsman.<sup>30</sup> A report by the World Health Organisation (WHO) in 2011<sup>31</sup> confirmed this trend and revealed that 39,4% of the elderly population in Portugal were victims of abuse within the family (such as psychological abuse, extortion, rights violations, neglect).
32. Numerous reports indicate that there is a perception among those inflicting mistreatment that persons lose their rights as they age. Additionally, ill-treatment in institutions has been reported and a number of care centres that were not duly authorised by the authorities had to be closed down by the latter.
33. Furthermore, the Commissioner learned with concern that an increasing number of cases of abuse and other forms of human rights violations, including sometimes violence, result from families who withdraw older persons from institutionalised care and take them home in order to be able to benefit from their pensions. Interlocutors of the Commissioner working with the elderly reported an increase in cases of extortion, mistreatment, and sometimes lack of proper care following the withdrawal from institutions of older persons suffering from bad health. At the same time, an increasing number of cases of neglect of older persons has been reported.
34. In the last decade, the authorities have undertaken a welcome process of de-institutionalisation of the elderly, by promoting individual autonomy and strengthening family capacities to care for their elders. The Commissioner notes that under the programme of social emergency this process is due to continue. He wishes to underline that it is essential to ensure that families are adequately supported as part of this process, so as to avoid further domestic violence and other forms of abuse of older persons.
35. Additionally, the Commissioner notes that the programme of social emergency plans to modify the legislation on residential care so as to increase the capacity of existing institutions. Such a measure might have a negative impact on the right of the elderly to adequate living standards, and possibly on their right to health and safety. Indeed, an increase in the number of residents in centres for the elderly may well lead to more frequent cases of mistreatment, if these increases are not matched by a strengthening of the human and financial resources of these centres.
36. Lastly, the Commissioner finds it important to ensure that specific attention is paid to the rights of the elderly in public policies to fight domestic violence. Current policies mainly focus on gender-

<sup>29</sup> In 2011, APAV registered 749 elders victims of violence (compared to 6 937 women and 795 children). See Relatório annual 2011, [www.apav.pt/estatisticas](http://www.apav.pt/estatisticas).

<sup>30</sup> 2 685 complaints were received in 2011 (against 749 concerning children's rights). See Relatório annual do Provedor de Justiça 2011.

<sup>31</sup> World Health Organisation, European Report on preventing elder maltreatment, 2011.

based violence and violence against children. More emphasis should be put on the situation of the elderly, including through systematic awareness-raising campaigns on the human rights of the elderly. In this regard, he strongly supports the intention expressed by the Ombudsman to set up an observatory of the rights of children and the elderly.

### III. Protection of the human rights of Roma

#### 3.1. Policies and practice regarding the human rights of Roma

37. The number of Roma in Portugal is estimated to be between 40 000 and 60 000. It has been widely reported that Roma face various forms of discrimination in all spheres of life. They are confronted with particularly serious difficulties in the areas of housing, education and access to employment, resulting in the persistence of their social exclusion and poverty. The Commissioner focuses on the issues of housing and education, which he believes should be addressed by the authorities as a matter of priority (see below). In the present sub-section, he wishes to address certain issues related to general public policies and practice regarding the protection and promotion of the human rights of Roma.
38. The Commissioner welcomes the adoption by the Portuguese authorities, in January 2012, of the [National Strategy](#) for the Integration of the Roma Communities for the period 2012-2020, as part of the [EU Framework for National Roma Integration Strategies](#) up to 2020. He notes that this is the first ever national strategy for Roma in Portugal aiming to comprehensively cover all areas of life in which Roma face difficulties.
39. Nonetheless, during his visit the Commissioner was informed that this strategy had not yet been formally approved by the government. He finds it essential that it be approved as a matter of priority, so that the effective implementation of the measures included in the strategy may begin as soon as possible. It is also of utmost importance to ensure that adequate resources are available to implement the measures foreseen in the strategy, despite the current context of budgetary stringency, so that the situation in which a number of Roma find themselves can be substantially improved in accordance with Council of Europe human rights standards.
40. The authorities acknowledge in the strategy the lack of data on the situation of Roma as a main obstacle to effective policy-making. This is an important gap to be bridged. The Commissioner encourages the authorities to promptly carry out the study on the socio-economic situation of Roma which is foreseen in the strategy.
41. The Commissioner finds it positive that consultations were held on the draft strategy in the autumn of 2011. However, NGO and Roma representatives expressed the view that the consultation process did not involve systematic, effective dialogue and that their positions were not always adequately taken into account in the final version of the strategy.
42. The Commissioner notes that the High Commission for Immigration and Intercultural Dialogue (ACIDI), the institution in charge of following up policies and programmes for the Roma, comprises, since 2007, an Office for the support of the Roma communities (known as GACI). Nonetheless, it is regrettable that this Office does not include to date any member of the Roma community, nor is there any effective consultative body in place allowing for direct and regular dialogue between Roma and the authorities. The Commissioner hopes that the authorities will set up as a matter of priority the mixed consultative body foreseen in the national strategy in order to make the effective involvement of the Roma at all stages of the policies of relevance for them a reality.
43. The Commissioner underlines that focusing on combating anti-Gypsyism is another essential precondition for a successful and sustainable implementation of the Roma strategy, as this is a major root cause of the plight in which Roma find themselves in many Council of Europe member

states.<sup>32</sup> In fact, he notes with concern that prejudices and stereotypes against the Roma seem to be widespread in the everyday behaviour of members of Portuguese society and in the media that often portray the Roma as abusing social benefits at the expense of other categories of the population. Yet, during his visit, interlocutors of the Commissioner noted that Roma, due to high levels of unemployment, have been particularly affected by the cuts in child and unemployment benefits, as well as the social integration benefit (RSI).<sup>33</sup>

44. The Commissioner is deeply concerned by reports concerning hate speech against Roma expressed by police officers, as well as reported instances of ethnic profiling of Roma by the police. He is therefore of the view that the need to tackle racially-motivated discrimination against Roma should be made central in the implementation of the Roma strategy, and be coupled with systematic action to combat stereotypes and raise awareness in society of Roma culture and history.
45. As regards the Ombudsman's work in this field, the Commissioner has been informed that to date only few complaints concerning Roma have been lodged with the former. This is linked to the Roma population's social exclusion and the difficulty faced by Roma to access national institutions, such as the Ombudsman. The Commissioner encourages the Ombudsman's Office to enhance its outreach and accessibility to Roma in Portugal.
46. Various interlocutors of the Commissioner have stressed the importance of the programme of local Roma mediators developed in 18 municipalities. The mediators contribute to bridging the communication gap that seems to exist between Roma communities and local and other authorities. Through the information provided by the mediators, the programme also contributes to widening the knowledge about the difficulties experienced by the Roma in Portugal. The Commissioner, therefore, welcomes the fact that it is foreseen, as part of the national strategy, to continue and expand the programme in about 30 more municipalities (including as part of the Council of Europe programme of training of Roma mediators, [ROMED](#)). He also believes that it is important to work towards the institutionalisation of the mediators' posts in order to ensure their continuity and sustainability.

## 2. Access to adequate housing by Roma

47. Two particularly difficult types of situations regarding housing were highlighted in the Commissioner's letter to the Portuguese authorities in 2009<sup>34</sup>: Roma settlements which had been fenced and in one case (in Beja, south of Portugal) walled, with only one entrance and exit route; and the refusal to provide access to water in certain Roma settlements. During his visit in May 2012, the Commissioner received information indicating that Roma continue to live in substandard conditions in various parts of the country.

### 2.1 Substandard living conditions

48. On 1 July 2011, the European Committee of Social Rights (ECSR) found that Portugal was in breach of Article E (non-discrimination) of the European Social Charter (revised) in combination with Articles 31, paragraph 1 (right to access to adequate housing), 16 (right of families to social, legal and economic protection) and 30 (right to protection against poverty and social exclusion).<sup>35</sup> This decision relates to a collective complaint against Portugal lodged in 2010 by the European Roma Rights Centre (ERRC). The ECSR found that the sum of housing-related problems facing

<sup>32</sup> Anti-Gypsyism refers to the expression of deeply rooted biases, prejudices and stereotypes that motivate the everyday behaviour of many members of majority groups towards Roma and Travellers in Europe, see Commissioner for Human Rights, [Human Rights of Roma and Travellers in Europe](#), 2012, p. 39 ff.

<sup>33</sup> The social integration benefit (*Rendimento Social de Inserção*) consists in a minimum income (a maximum of € 189 per month) allocated to persons living in poverty in order to enable them to cope with basic needs and with a view to promoting their social integration and integration in the labour market.

<sup>34</sup> [Commissioner for Human Rights - Letter from the Council of Europe Commissioner for Human Rights to Mr José Magalhães, Secretary of State for Justice and Modernization of the Judiciary of Portugal](#), CommHR (2010)10.

<sup>35</sup> Complaint N° 61/2010, *European Roma Rights Centre (ERRC) v. Portugal*, 23 April 2010, available at: [http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC61Merits\\_en.pdf](http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC61Merits_en.pdf).

Roma in Portugal (including problems of access to social housing, substandard quality of housing, lack of access to basic utilities, residential segregation and other systemic violations of the right to housing) violated the European Social Charter (revised).

49. According to the 2009 RAXEN Thematic Study on the housing conditions of Roma and Travellers, 16 to 30% of Roma in Portugal live in substandard conditions.<sup>36</sup> This applies both to social housing and informal settlements.
50. During his visit, the Commissioner was informed that the living conditions of Roma in social housing are often inadequate, as houses are built with low quality materials, in areas with no proper drainage systems, and without effective prior consultation of the families concerned. Moreover, the number of Roma families on waiting lists for social housing is disproportionately high and many of them do not meet the requirements for access to social housing through the Special Re-housing Programme<sup>37</sup> as the persons eligible under this programme were identified through a census of informal Roma settlements carried out in 1993, which no longer reflects the current situation. Against this background, recent cuts in public funding for social housing have reportedly resulted in many approved social housing projects not being implemented and new housing investments not being considered by local authorities. Interlocutors of the Commissioner expressed fears that this situation might result in even worse living conditions and further social exclusion for many Roma.
51. The Commissioner learnt with deep concern that, due to the lack of adequate social housing, a number of Roma families continue to live in informal settlements consisting mostly of tents, makeshift shacks, huts or dilapidated concrete housing blocks. They usually lack access to basic services such as running water, electricity and sewage systems. Additionally, a number of these settlements are located in hazardous areas, including former rubbish dumps (e.g. in Serpa, in the south of Portugal).
52. As already mentioned by the Commissioner in his letter to the authorities in 2009,<sup>38</sup> cases of denial of access to water have been reported. In the city of Vidigueira for example, in 2011 the local authorities destroyed the existing taps in an informal Roma settlement, thus depriving the inhabitants of access to any source of drinking water. The Commissioner notes that such actions by local authorities are in breach of international social rights standards<sup>39</sup>, in particular those enshrined in the European Social Charter.

## *2.2 Fencing of Roma settlements and other forms of spatial segregation*

53. In his letter of November 2009 to the Portuguese authorities, the Commissioner expressed particular concern at the fencing or walling of certain Roma settlements, resulting sometimes in the latter having only one entry and exit route. The above-mentioned 2011 decision of the ECSR confirmed the seriousness of the situation regarding the spatial separation of Roma settlements, even though a limited number of resettlements have been carried out since 2009.
54. During his visit, the Commissioner was informed that the state authorities have instructed the authorities of the city of Beja to dismantle the wall surrounding the Roma settlement of Pedreiras. However, at the time of the Commissioner's visit to Portugal, the demolition work was reported to be incomplete.

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<sup>36</sup> RAXEN National Focal Point, Thematic Study on the Housing Conditions of Roma and Travellers, Portugal, March 2009.

<sup>37</sup> The Special Re-housing Programme was first launched in 1993 (and subsequently renewed) with a view to eradicating the slums existing in Lisbon and Porto. The programme was not focusing on Roma or other ethnic groups in particular but on slum-dwellers.

<sup>38</sup> [Commissioner for Human Rights - Letter from the Council of Europe Commissioner for Human Rights to Mr José Magalhães, Secretary of State for Justice and Modernization of the Judiciary of Portugal](#), CommHR (2010)10.

<sup>39</sup> See also [Resolution n° 64/2092](#) of the General Assembly of the United Nations on the human right to water and sanitation, adopted on 28 July 2010.

55. Many Roma settlements continue to be located a few kilometres away from city centres with little or no public transportation, including school buses, and no public services and shops available nearby. Isolation applies to settlements that have been in use for a long time, but also to more recent settlements resulting from resettlement programmes carried out in the last 10-15 years and which opted for the spatial separation of Roma families (for instance in Braga).<sup>40</sup>
56. The Commissioner is concerned that the public housing policies implemented so far have not managed to end the spatial segregation affecting many Roma. This is notably due to a lack of targeted and adapted measures to promote their access to mainstream social housing, but also to actions by the local authorities that are not in line with international and European standards relating to the right to adequate housing.<sup>41</sup>
57. Therefore, the Commissioner finds it positive that, in the national strategy for the integration of the Roma, the authorities acknowledge the need to tackle the poor housing conditions and resulting social exclusion of many Roma, notably by using available EU funds. He also welcomes the stated intention of the authorities to gather more information and data on the socio-economic situation of Roma. In this context, he stresses the importance of designing and implementing housing policies and projects that aim not only at improving the living conditions of Roma, but also at putting an end to their spatial segregation.

### 3. Access to quality education by Roma

58. A 2009 study on the situation of Portuguese Roma in the field of education revealed that 52,3% of the Roma population in Portugal had no education at all, 36,9% of them were functionally illiterate and 9% illiterate.<sup>42</sup>
59. Measures to provide additional support to Roma pupils in the education system have been taken by the authorities, notably through the Programme for Social Inclusion and Citizenship (PIEC), under the aegis of the Ministry of Solidarity and Social Security, and the Integrated Programme of Education and Training (PIEF), which aim at providing support to children in difficult situations and at facilitating their completion of compulsory education. Other measures have been implemented as part of the above-mentioned programme “Escolhas”.<sup>43</sup>
60. However, despite the existence of such programmes, the Commissioner was informed during his visit that a prosecutor had decided not to follow up on a request by the local Commission for the Protection of Children and Young People at Risk to provide specific support to a 13 year-old pregnant Roma pupil living in an informal settlement in order to enable her to continue to attend school on the ground that “no promotion or protection measure is adequate in view of the cultural environment of the girl concerned”.<sup>44</sup> The Commissioner notes that such overtly discriminatory public statements by authorities lead to the barring of access to school by Roma pupils.
61. Moreover, the Commissioner was informed that in a number of municipalities, Roma pupils have been grouped together in classes for Roma only, sometimes as part of the implementation of the PIEF programme mentioned above. The stated objective of the school authorities is to enable these pupils, who have lower achievements, low school attendance rates and high drop-out rates, to receive some form of education, as they would simply not attend school should they have to go to mainstream schools. In particular, such a form of schooling facilitates, according to the educational authorities, attendance by Roma girls.

<sup>40</sup> See also Decision of the European Committee of Social Rights, *ibid.*

<sup>41</sup> Including the Revised European Social Charter, the European Convention on Human Rights, the United Nations International Covenant on Economic, Social and Cultural Rights and the International Convention on the Rights of the Child.

<sup>42</sup> European Network against Poverty/Portugal (REAPN), *As comunidades ciganas e a saude: um primeiro retrato nacional* (Roma communities and health: a first national overview), Madrid, 2009.

<sup>43</sup> The implementation of this programme is supervised by ACIDI. The current programme for 2010-2012 includes 66 projects targeting the Roma.

<sup>44</sup> See Público, [Gracinda, 13 anos, grávida. O Ministério Público disse-lhe que não tem de ir a escola](#), 8 May 2012.



62. While acknowledging that in the field of education, flexibility and adaptability to different situations are important, the Commissioner is concerned that the practice of separating Roma children at school leads not only to the perpetuation of segregation but also to the persistence of low educational achievements in general, as most of the pupils concerned reportedly do not reintegrate into mainstream education after having been enrolled in separate classes. This negative trend is evidenced by similar policies carried out in a number of member states of the Council of Europe.
63. Therefore, while the Commissioner welcomes some of the measures envisaged in the national strategy for the Roma with regard to education, in particular the objective to promote the participation of Roma pupils in pre-school education, he finds that the main priority of public policies in the field of education should be the promotion of access to mainstream and quality education for all Roma pupils. He also believes that far more resolute measures should be taken to ensure equal opportunities for Roma pupils in the education system and to combat all forms of discrimination therein.

#### **IV. Impact of the financial crisis on domestic organisations working for the protection and promotion of human rights**

64. Both independent National Human Rights Structures and non-governmental organisations involved in human rights work play a crucial role in times of crisis.<sup>45</sup> They are watchdogs for the human rights situation and they provide direct support to persons in need, in particular among the most vulnerable groups of the population. However, budgetary stringency frequently leads public authorities to cut financial support for these organisations as human rights issues are often ignored during budgetary decision-making.
65. The Commissioner therefore welcomes the fact that the budgets of independent National Human Rights Structures, such as the Ombudsman, the High Commission for Immigration and Intercultural Dialogue (ACIDI) and the Commission for the Protection of Children and Young People at Risk, have not been disproportionately impacted by fiscal austerity measures. Moreover, he notes with satisfaction that these institutions did not face restructuring or mergers, which could have affected their efficiency, in order to reduce costs as has been the case in a number of other member states.
66. However, he is informed that budgetary austerity has had an important impact on the work of non-governmental organisations and charities (known as IPSS in Portugal, *Instituições Particulares de Solidariedade Social*) which provide a large number of services to vulnerable social groups such as children, the elderly, Roma, migrants and disabled persons. Representatives of non-governmental organisations with whom the Commissioner met reported that public subsidies have sharply decreased and payment of the latter is often delayed, which leads to important budgetary problems.
67. Additionally, many of these organisations face an unprecedented increase in claims for support and assistance, which has led some of them to interrupt projects and has put the existence of others at risk. The Commissioner was, for instance, informed that in early 2012 the Portuguese Refugee Council was compelled to make a call for donations in order to be able to continue to provide support to persons having obtained international protection in Portugal and that they lack the necessary funds to operate the reception centre for unaccompanied migrant minors that was inaugurated on 15 May 2012.
68. The Commissioner also notes that a substantial part of the implementation of the programme of social emergency is to be carried out by the non-governmental sector, which is according to the authorities more able to respond adequately to the needs of the persons concerned and has the relevant experience. Since January 2012, these organisations are exempted from tax payment.

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<sup>45</sup> See Commissioner for Human Rights, [Human Rights Comment: National Human Rights Structures can help mitigate the effects of austerity measures](#), 31 May 2012.

Despite this initiative, representatives of NGOs voiced concerns that the resources allocated to non-governmental organisations by the state might not be sufficient for them to be able to carry out adequately the tasks foreseen in the programme of social emergency and to respond to other challenges resulting from the financial crisis since many of them are reaching the limits of their working capacity.

69. Additionally, the programme of social emergency comprises measures such as increasing the capacities of crèches and residential care institutions for the elderly, without however accompanying this with an increase in funding. The Commissioner is concerned that, in the absence of additional support to the organisations running such institutions, the new burden placed on them could have a detrimental impact on the quality of the support provided (see relevant sections above).
70. Lastly, representatives of non-governmental organisations noted their regret that the programme of social emergency was elaborated without their involvement. The Commissioner believes that enhanced co-operation and dialogue between the authorities and the relevant non-governmental organisations in the conception, implementation and monitoring of policies and programmes to prevent or alleviate poverty and social exclusion would make these measures more efficient and sustainable.

## V. Conclusions and recommendations

71. Through its [Resolution 1651 \(2009\)](#) on consequences of the global financial crisis, the Council of Europe Parliamentary Assembly expressed its extreme concern about “the disastrous impact that this financial crisis and its economic consequences are having on the living conditions of citizens of Europe and of the world, which could possibly threaten to undermine the very foundations of democracy”.
72. The Commissioner is concerned at this real threat that will continue to linger in Europe as long as states do not manage to effectively safeguard human rights standards, especially those deriving from social and economic rights, on their territory.
73. The economic crisis that has hit many European states including Portugal has adversely affected vulnerable social groups such as children, the elderly and Roma - those who need help the most.
74. The Commissioner agrees with the Council of Europe Parliamentary Assembly’s position that all states should “invest in people in order to face economic and social challenges resulting from the financial crisis”.
75. He acknowledges that the Portuguese authorities have taken social safety net measures aiming to mitigate certain consequences of the fiscal austerity measures, particularly on some of the vulnerable social groups most affected by these measures.
76. Nevertheless, the Commissioner is of the view that more systematic work of “investment in people” could be carried out. He notes in particular that Portugal is a state party to the European Social Charter under which it has undertaken to effectively protect all persons who live or risk living in a situation of social exclusion or poverty. Employment, housing, education and social and medical assistance are vital social rights that must not be ignored even in times of financial crisis.
77. Periods of financial dire straits, such as the one currently affecting Portugal and other European states, should not be seen as emergency situations that automatically entail the curtailment of social and economic rights and the deterioration of the situation of vulnerable social groups. On the contrary, such periods of time should be viewed by states as windows of opportunity to overhaul their national human rights protection systems and reorganise their administration in order to build or reinforce the efficiency of national social security systems, including social safety nets that should be operational when necessary. The following recommendations aim to concretise possible action in this domain.



*Impact of austerity on social rights - screening and monitoring of state policy and practice*

78. The Commissioner draws the attention of the Portuguese authorities to the need to ensure that members of social groups that are particularly vulnerable to and affected by fiscal austerity measures, such as children, the elderly and Roma, are identified and effectively protected by the state on the basis of impact assessments. To this end, Portugal should establish clear criteria for prioritising the social protection of these groups and set up a relevant comprehensive data-collection system in accordance with internationally accepted standards.<sup>46</sup>
79. The Commissioner believes that that it would be particularly important to conduct a human rights-based impact assessment of the programme of social emergency and other poverty alleviation and recovery plans in Portugal, possibly through existing National Human Rights Structures.
80. Such evaluations and assessments should be carried out in close consultation with civil society organisations and representatives of the groups concerned. The results should be made public and widely disseminated to ensure transparency and accountability. In general, policy-making on poverty prevention and alleviation should closely involve the civil society organisations concerned.
81. The Commissioner stresses that in times of economic crises states, including Portugal, should ensure a social protection minimum for all through a solid legal and institutional framework for social protection in accordance with international and Council of Europe standards, such as those contained in the [European Code of Social Security](#).
82. In this context, the Commissioner encourages in particular the creation and enhancement by states of social safety nets for the most socially vulnerable groups of the population. Social safety nets should be part of national social protection systems and readily and systematically available in the form of cash transfers, transfers in kind, income support or fee waivers for essential services such as health, education or heating.<sup>47</sup>

*Children's rights*

83. The Commissioner urges the authorities to ensure that both austerity measures and anti-poverty policies and programmes pay specific attention to the rights of the child since children form a group that is particularly vulnerable to poverty. In particular it is important to ensure that austerity measures do not put the results of the work achieved through the National Inclusion Plans and other progress made during the last decade at risk.
84. The Commissioner draws the attention of the authorities to the importance of carefully monitoring the evolution of the situation with regard to domestic violence against children as well as with regard to child labour in order to detect in time and effectively tackle a possible resurgence of the problem. Programmes to prevent and combat child labour should not be discontinued but reinforced.

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<sup>46</sup> See, *inter alia*, Report of the UN independent expert on the question of human rights and extreme poverty on the draft guiding principles on extreme poverty and human rights, UN GA A/HRC/15/41, 6 August 2010, pp. 13-14; see also [letter](#) addressed to all states parties by the Chairperson of the UN Committee on Economic, Social and Cultural Rights, 16 May 2012.

<sup>47</sup> See World Bank Group, Development Committee, Safety Nets Work: During Crisis and Prosperity, DC2012-0003, April 11, 2012, available at: <http://web.worldbank.org/WBSITE/EXTERNAL/DEVCOMMEXT/0,,pagePK:64000837~piPK:64001152~theSitePK:277473~contentMDK:23166979,00.html>

*Human rights of older people*

85. The Commissioner points out that, in implementing further measures towards the de-institutionalisation of the elderly, it is essential to take specific measures to avoid increasing the vulnerability of this category of persons, particularly of those older persons living alone and in isolated areas.
86. The Commissioner invites the authorities to pay particular attention to the needs of families who take care of older persons in order to limit the risk of abuse and mistreatment on the one hand, and increased poverty among families on the other hand. In general, they should ensure adequate and regular monitoring of the problem of violence and abuse against older people, including in care institutions.
87. The Commissioner points out that it is essential to continue to take and systematise measures to raise awareness in society of the human rights of the elderly.

*Human rights of Roma*

88. The Commissioner calls on the Portuguese government to formally approve the National Strategy for the Integration of Roma Communities in order to ensure that its implementation can begin with no further delay. It is essential to identify adequate human and financial resources that can be allocated for the implementation of the strategy.
89. The Commissioner shares the view of other international bodies<sup>48</sup> that the authorities should collect accurate and updated information on the situation of Roma, particularly in the areas of housing, education, employment and health care, with a view to increasing the effectiveness of existing and future policies.
90. The Commissioner calls on the authorities to vigorously combat anti-Gypsyism, including in the media. He draws their attention in particular to [ECRI's General Policy Recommendation N°14](#) on Combating anti-Gypsyism and discrimination against Roma.
91. The Commissioner urges the authorities to fully remedy the violations identified in 2011 by the European Committee of Social Rights in the case of *ERRC v. Portugal*. In this context, the government is called upon to take effective measures to eliminate actions by local authorities, such as those that deprive Roma of access to water, in breach of fundamental human rights standards. It is also important to put an end to the practice of separating Roma settlements from urban centres and from areas inhabited by the majority population, in line with the [Council of Europe Committee of Ministers' Recommendation \(2005\)4 on improving the housing conditions of Roma and Travellers in Europe](#).
92. Recalling the Council of Europe [Committee of Ministers' Recommendation \(2009\)4 on the education of Roma and Travellers in Europe](#), the Commissioner finds it essential that the authorities put an end to the practice of separating Roma pupils at school and take resolute measures to promote their integration into mainstream education.
93. The Commissioner strongly encourages the authorities to set up mechanisms for the regular and effective participation of Roma in decision-making on issues of relevance for them, in line with the [Commentary of the Advisory Committee on the Framework Convention for the Protection of National Minorities on the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs](#).<sup>49</sup>

<sup>48</sup> See United Nations Committee for the Elimination of Racial Discrimination (CERD), Concluding Observations on Portugal, 9 March 2012; Advisory Committee on the Framework Convention for the Protection of National Minorities, Second Opinion on Portugal, 5 November 2009.

<sup>49</sup> Commentary of the Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe, The effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, 27 February 2008.

94. All allegations of racism against Roma, including racist behaviour by the police, should be effectively investigated and prosecuted.
95. The Commissioner encourages the authorities to continue to support the programme of Roma mediators and ensure that mediators enjoy an adequate status so that they can carry out their work in a sustainable manner.

*Domestic organisations working for the protection and promotion of human rights*

96. The Commissioner underlines the importance of ensuring that non-governmental organisations involved in human rights work and those providing support to vulnerable social groups receive sufficient support, including financial resources, to enable them to deliver quality services to those in need, especially when they implement tasks allocated to them by the authorities.
97. He also invites the Portuguese authorities to continue to provide adequate support to independent National Human Rights Structures, such as the Ombudsman, given that such institutions play a crucial role for the protection of human rights and of the rule of law in times of crisis.