



European Network Against Racism

***ENAR SHADOW REPORT  
2002  
IN PORTUGAL***

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## Table of content

Table of content .....	2
1. Insight into police violence in 2002.....	3
2. The Roma Community in 2002.....	6
Ciganos .....	8
3. Official immigration figures .....	10
Residence permits .....	10
Table 2 Foreigners resident in Portugal” .....	10
1) Figure 1 .....	11
Geographical distribution of foreign residents, 2001 .....	11
2) Permanent permits .....	13
Graph 2 (report pie chart) .....	13
Table 3 (report) .....	13
3) National totals .....	13
Immigrants’ reception service.....	16
Back to the fees .....	17
The Gold Mine.....	18
What about the NGOs? .....	18
And what do the Portuguese pay?.....	19
1. SOS Racismo report.....	20
Far Right political parties.....	20
2. The Law Against Discrimination.....	23
3. A propos du fonctionnement des commissions .....	26
Les agissements du Haut Commissaire à l’Immigration et aux Minorités Ethniques .....	26
Le nouveau COCAI .....	26
La Commission pour l’Egalité .....	28
Les menaces du Père Vaz Pinto .....	30

## **1. Insight into police violence in 2002**

Police violence is a recurrent phenomenon in Portugal. Every year, hundreds of cases are registered but the great majority do not even get to the courts. Instead they are treated complacently and lightly by the media and government officials. There are many cases which do not even come to be known by society, as many of the complaints received by SOS Racismo are not legally processed. The impunity of the police towards cases of police violence, followed by successive governments, encourages a culture of arbitrariness in the actions of the police forces. For a long time governors and institutions have displayed a casual attitude concerning aggression, the abuse of power, despotism, and fatalities by police officers prevails, reinforced by the media's increasingly populist attitude. You do not have to search deep in your memory to remember that Portugal was the leading actor the International Amnesty reports, concerning police abuse during Cavaco Silva's years in government.

2002 saw renewed calls for greater and better police authority, with the advent of a majority right government. The real or constructed scenario was of world-wide economic crisis with national consequences and, after September 11, of collective paranoid security, with consent for greater authority and police presence in several domains of public and private life. This scenario allowed the implementation, in a period of less than one year, of several measures leading to social antagonism and, creating a general feeling of insecurity, along with ideological talk of individual responsibility and the culpability of certain socially less robust groups. Along with this difficult social climate, the government reinforced the role of the police forces, pursuing a policy of permission and legitimacy in terms of their abuses of power. Police control and the patrolling of public spaces is a more and more visible reality, and cases of police violence have become even more frequent. Certain social groups, such as the Roma and the immigrant communities, which are more vulnerable in terms of rights and the image which the majority society has of them, are permanent targets of arbitrary abuse by the police. Round-ups and police sieges in wards chiefly inhabited by ethnic minorities, (degraded areas of social exclusion, real ghettos, created by the irresponsibility or absence of urban and social policies) are common.

The case which occurred on 20 June 2002, in Bela Vista district, in Setúbal, is representative. This is one of the districts forgotten by public policy, where there are a high number of cases of abuse by the police. That day, a young man was killed at close range and another one suffered shot-gun wounds at the hands of police agents, after hundreds of officers surrounded and invaded the district with dogs, shooting rubber and real bullets, pushing youngsters and old people inside the houses, insulting whoever they found, in order to disperse the residents who, in the meantime, came out on to the street to express their revolt. It was as like a territory being recaptured during a war, solving conflicts and tensions by means of bullets, an example of the most disproportionate and brutal police tyranny. The agent responsible for the death of the youngster remained in office and was convicted by the Public Prosecutor of murder through negligence or excessive use of legitimate defence.

Another clear case of police occurred in Costa de Caparica, Almada, on 20 June where dozens of Brazilians were celebrating their victory in the football World Cup. The party was brutally interrupted by the police, using physical aggression indiscriminately and injuring six people who had to be hospitalised. From the very beginning, the Internal Affairs Minister defended the action of the police in both situations and warned the deputies in a parliamentary commission that he would never "reduce the authority of security forces in conflict situations". These cases reveal the government policy of reinforcing authority (or more, precisely, despotism), with subsequent political and institutional laxity in the event of abuses committed by these "security forces" (even where a fatality is involved).

In addition to police violence cases, the impunity of the police force provoked a great number of cases of corruption, extortion and the abuse of power, along with other cases of illegality connected with police activity in 2002.

Of the illegal acts committed by police officers, only a small minority come to trial, and many of these cases take the form of less serious charges or are not pursued, as a result of the culture of protectionism and self-preservation within the police force and the laxity of the institutions. This situation becomes evident if we consider that during 2002 only one in six disciplinary cases involving civilian deaths caused by police agents was pursued. This sole case resulted in a suspended sentence for one year, with the possibility of suspension for 75 days in the event of future irregularity, for an agent who shot a young man in Cova da Moura district, Amadora (this being one of the neighbourhoods where police violence is most intense). The strong sense of institutional self-protection exhibited by the police force can be seen in the example of a case which occurred in August 2002, in Oporto, where an individual alleged to have committed an assault was killed at short range as he was arrested by a police agent, according to the autopsy. The Association of Police Professionals (ASPP/PSP), attempting to justify what happened, stated, “In the same way as masons fall of scaffolding or an exemplary driver may one day run someone over, this could happen to any policeman. We work with arms and criminals and unfortunately this happens now and then”.

Another fact which often exacerbates the disproportionate and violent nature of police action is associated with poor working conditions, not enough training and absence of regulations for the use of guns, for instance, by the police force. Wages are low, there is no risk subsidy, police stations are degraded, resources are short, arms are obsolete, etc. All of this makes police agents susceptible to nervousness and violence in risky situations and to despotic, uncontrolled and discriminatory attitudes. This factor, added to all that has previously been exposed – the policy of the Government and institutions of allowing and justifying police violence, a feeling of impunity and the institutional self-protection of the police force – turns many elements of policing into “bomb-shells”, leading many civilians, namely those belonging to the social groups already referred, to a feeling of insecurity in the presence of the police. As one person working in the district of Bela Vista when the above-mentioned event took place said, “If there is someone here who is scaring anybody, it is the police and not the people from the neighbourhood”.

2002

DATE	PLACE	SUBJECT
January 16	Bairro Cova da Moura, Amadora	Youngster shot twice
March 5		Police agents acquitted of charge of co-responsibility for qualified murder
April 9		Police waived fines for deputies, municipal authorities and judges
April 16		Inspection reveals poor conditions in police stations
April 17		Police inspector detained for suspicion of corruption
May 8		Sentence of a police agent from Coima charged with offering to waive fines in exchange for money and sexual favours
June 20	Bairro Bela Vista,	Youngster killed at close range and siege of

	Setúbal	neighbourhood
June 24	Bairro Branco, Almada	Police patrols use physical force to disperse youngsters
June 30	Costa da Caparica, Almada	Police use physical force at Brazilian party. Some participants have to go to hospital
July 3	Paredes	Police expel Roma families and make a round-up
July 11	Ourique	Mayor demands transfer of police captain due to despotic behaviour
July 18		Ex-police agent accuses colleagues of illegal conduct in actions against drug trafficking
August 9	Oporto	Man killed at close range at the point of arrest
August 9	Martim Moniz, Lisbon	Aggression against two Chinese merchants
August 21	Cascais	Two women suffer aggression at the police station
September 24	Aldoar, Oporto	Two agents accused of killing a Roma individual see their case dropped
October 10	Amadora	Physical and verbal aggression against 15-year-old boy at police station
October 10	Santarém	Municipal council reinforces the idea of more police action near Roma camps
October 11		Police agent from Albufeira under suspicion of corruption, extortion and abuse of power
October 13	Vila Real de Santo António	Police patrols carry out round-ups in neighbourhoods inhabited by Roma community
October 22		Police presents reports on social agitation (including demonstrations, strikes, etc.) and criminality, discriminating group criminality by the colour of the skin and ethnic origin
October 22		Proposal to try police aggressors within summary processes
October 25	Valpaços	Youngster killed at the point of arrest
October 30	Bairro Cova da Moura, Amadora	Youngster killed by a machine-gun blast during police chase
December 5		First concluded disciplinary case involving the death of civilians of those which occurred in 2002
December 11		Police agents in Lisbon, Setúbal, Leiria and Coimbra under suspicion of corruption, extortion and abuse of power

## **2. The Roma Community in 2002**

Making a report about the Roma community, whatever the year, is remembering its situation during the last 500 years. The Roma community is the most ancient ethnic minority in Portugal and it is also the most excluded. Poverty, uncertainty, illiteracy, academic failure, lack of professional opportunities and uncertainties about housing are constant problems in this community which are far from being solved.

There is no community which is stigmatised as the Roma community. One can try to explain this deep ignorance, revealed by the general population and institutions, as being due to the Roma nomadic tradition. But actually most Roma communities in Portugal have opted for a sedentary life and live in the same place for decades. In spite of long years of living side by side, this people remains unknown, due essentially to a lack of interest in finding out about new cultures and ways of life.

Because of this absence of interest and complete lack of knowledge, the Roma community has only been seen and portrayed through the media. The media only reports the negative aspects, namely drug cases, burglaries and violence. Unfortunately, when one reads “a gypsy did this...”, the sentence swiftly turns into “the gypsies do this”, by means of the generalisation phenomenon.

A study carried out by SOS Racismo within the municipalities reveals that the notion of integration is based on the predominant view according to which there is one sole correct culture, their culture, the culture of the majority, considered to be the current developed culture. Other cultures, as one of the municipalities reports, are no more than “social deviations”. Implicit in these responses is the idea that the Roma are a community which will only be accepted when they change their own way of life and their culture. This means becoming like the majority and therefore being assimilated by it.

By analysing the events of 2002, we can observe a recent phenomenon related to the Roma community from Romania. The arrival of a Roma community of a different nationality from the already resident community was immediately seen as a problem “which needed to be solved” by the authorities through expulsion or permanent supervision. Mendacity was the noun most used by the media to qualify this community and nobody seemed to consider it strange that the Foreign and Frontier Service had expelled 100 people collectively, thus disregarding the international agreements which do not allow collective expulsions. The Service even invaded a camp and arrested 200 people.

Other events which we cannot forget are, for instance, the round-up by police forces (GNR) on February, in Coruche, which was covered by a private TV network (TVI). The police invaded the people’s homes at dawn, apprehended their belongings, namely money and jewellery, claiming these assets to be the product of arms dealing. Nevertheless, the police had to return everything, for there was no proof to support this accusation. This incident was condemned by every Roma association in Portugal. According to them, this was one more case of poor treatment and lack of respect for the most fundamental constitutional rights by official institutions and taken advantage of by the media.

The processes of re-housing followed by the local population’s protests against Roma communities are still common, as was seen in Barreiro, Damaia, Santarém and even by the president of Ponte de Lima, a municipal council. Common also are the reports of precarious conditions experienced for many years now in camps such as in Vale de Fornos (population re-housed close to sewage works in order that Expo 98 could be built), Castelo Branco and Pedroso. Expulsion cases, as in Paredes, and unjustified round-ups, as in Algarve and Coruche, are also taking place.

One re-housing process on a larger scale took place in Rio Maior. The municipality opted to move the community to a piece of land 3km from the town, thereby pushing them far away from the other citizens. This case was received substantial coverage in the press, because of the protests by some associations.

2000 was marked by the Álvaro Cardoso murder case inside a police station in Aldoar. He was a member of the Roma community. Notwithstanding the testimonies of violence and the Forensic Institute report, proving he died from being struck, the process was dropped on 21 September 2002, in spite of family and several associations protests. With the argument of “lack of proof”, the court left once more unpunished the crime of murder committed by the police.

These cases are just some of the more important ones covered in the national press, but let us not forget that we are talking about a community with little power of intervention with the media. Therefore, the reports published represent just a part of the reality.

## Ciganos

Relatório de 2002

DATAS	LOCAL	ASSUNTO
11 de Dezembro	Beja	Polícias fazem serviço cívico em bairro difícil
13 de Outubro	Algarve	Cem polícias invadem bairros de ciganos à procura de agressores
25 de Setembro	Rio Maior	Ciganos não aceitam local de realojamento
25 de Setembro	Rio Maior	Câmara acusada de atitude xenófoba
25 de Setembro	Rio Maior	SOS Racismo contra câmara de Rio Maior
24 de Setembro	Ponte de Lima	Rixa provoca um morto e dois feridos
24 de Setembro	Porto	Rede contra arquivamento do caso aldoar
23 de Setembro	Porto	<b>Comunicado</b> do Rede pelo resultado do caso de Aldoar
22 de Setembro		União Romani quer mais atenção do Estado aos ciganos
22 de Setembro	Rio Maior	<b>Comunicado</b> do Rede sobre a actuação camararia
21 de Setembro	Porto	Relação arquiva caso Aldoar – morte de cigano fica impune
10 de Setembro	Santarém	Acampamentos ciganos discutidos em Conselho Municipal
6 de Setembro	São João da Maneira	Relojamento de comunidade cigana
5 de Setembro	Santarém	Ciganos dão muito trabalho à polícia e vizinhança
14 de Agosto	Beja	Câmara demoliu barracas de ciganos
12 de Agosto	Moita	Rapaz ferido depois de rixa entre grupo de jovens e feirante
29 de julho	Roménia	Governo romeno preocupado com imagem de imigrantes
27 de Julho	Ponte de Lima	Presidente de junta contra alojamento de famílias ciganas
22 de Julho		Mafias ciganas romenas exploram mendicidade em França
12 de Julho	Lisboa/odivelas	Santana Lopes promete casa para ciganos de Vale do Forno
5 de Julho	Porto	Ciganos vivem em acampamento deles sem condições em Pedroso e câmara não intervém.
3 de Julho	Paredes	Famílias ciganas expulsas de acampamento pela GNR onde vivem há 11 anos por alegado mau comportamento
3 de Julho	Damaia	Moradores contra realojamento de ciganos
29 de Junho	Barreiro	Moradores contra realojamento de ciganos
29 de Junho		Insucesso escolar
10 de Junho	Matosinhos	Narciso Miranda participou em festival de musica cigana
8 de Junho	Coimbra	Não há mais licenças ambulantes
4 de Junho	Vila Verde	Prescrição do caso do autarca de vila verde
31 de Maio	Sacavém	Rixa provoca ferimentos em 2 mulheres
11 de Maio		Ciganos têm baixa esperança de vida - inquérito
10 de Maio	Montalegre	Ciganos romenos detidos por engano
8 de Maio	Barreiro	Moradores contra realojamento de ciganos

27 de Abril		Impacto do RMG
18 de Abril	Barreiro	Ciganos em tendas à espera de realojamento
11 de Abril		Comunidade cigana romena alvo de fiscalização
11 de Abril		Portugal identifica 1500 romenos e expulsa 100 Nos últimos 2 meses, 90% das acções do SEF visavam esta comunidade
10 de Abril		Rusga acaba em detenção de 200 romenos – acampamento da Musgueira
3 de Abril		Romenos “ilegais” entram em força em Portugal
2 de Abril	Miranda do Douro	Jovem morto á facada em desacatos entre 2 jovens
1 de Abril	Caldas da Rainha	Cigana vive c/filhos numa tenda no centro de Caldas
31 de Março	Lisboa/Odivelas	Reportagem sobre Vale do Forno
29 de Março		Reportagem sobre os ciganos romanos
3 de Março		Anabela, 1ª mulher cigana a presidir uma associação mista
25 de Fevereiro	Carcavelos X3	Tiroteio entre famílias faz um morto
24 de Fevereiro	Castelo Branco	Ciganos revoltados com más condições e com medo de serem expulsos da cidade
14 de Fevereiro	Coruche	Associações ciganas contra rusga de GNR em Coruche
8 de fevereiro	Braga	João Garcia condenado por tráfico de droga
1 de Fevereiro	Coruche	Armas ilegais encontradas no bairro de desgraça
1 de Fevereiro	Coruche	Foram libertados ciganos detidos em rusga em Coruche
30 de Janeiro		<b>Comunicado</b> de 5 associações contra a rusga de Coruche
29 de Janeiro	Braga	João Gracia acusado de tráfico de droga
7 de Janeiro		Artigo de opinião – Estrela Serrano (professora)
4 de Janeiro	Guarda	Tiroteio resulta num morto
3 de Janeiro	Guarda	Tiroteio causa dois feridos

### **3. Official immigration figures**

#### **Residence permits**

Official statistics covering the last two decades (Table 1) reveal that the number of foreigners legally living in Portugal has steadily increased. On 31 December 2002, the number of legal immigrants, according to data from the Immigration Service (SEF – Serviço de Estrangeiros e Fronteiras), was 223,602, corresponding to a growth of 285% compared to the figures registered in 1980.

The most recent data from SEF, covering the period to 30 November 2002 record the existence of 235,627 immigrants with a residence permit.

**Table 1**

Source: INE, Estatísticas Demográficas, 1997 and SEF, Relatórios Estatísticos, 2001

The most intense rates of growth observed in 1993 (10.7%) and 1994 (14.7%) (Table1) are mostly a result of the fact that within those years data relating to the Extraordinary Regularisation Process, which occurred from October 1992 to March 1993, have been included.

The data relating to the Extraordinary Regularisation Process, which occurred between June and December 1996, have been progressively included in the overall statistics since 1999, which explains the higher growth rates during the last three years: 1999 (7.4%), 2000 (9.1%) and 2001 (7.7%).

Notice that along the current year just a few thousands manage to get the RA, once the “legalisation” process passed by obtaining the Permanence Authorisation.

#### **Table 2 Foreigners resident in Portugal”**

Source: Serviço de Estrangeiros e Fronteiras (SEF)

Since 1981, the lower growth rates were in 1996: (2.7%), 1997 (1.3%) and 1998 (1.4%).

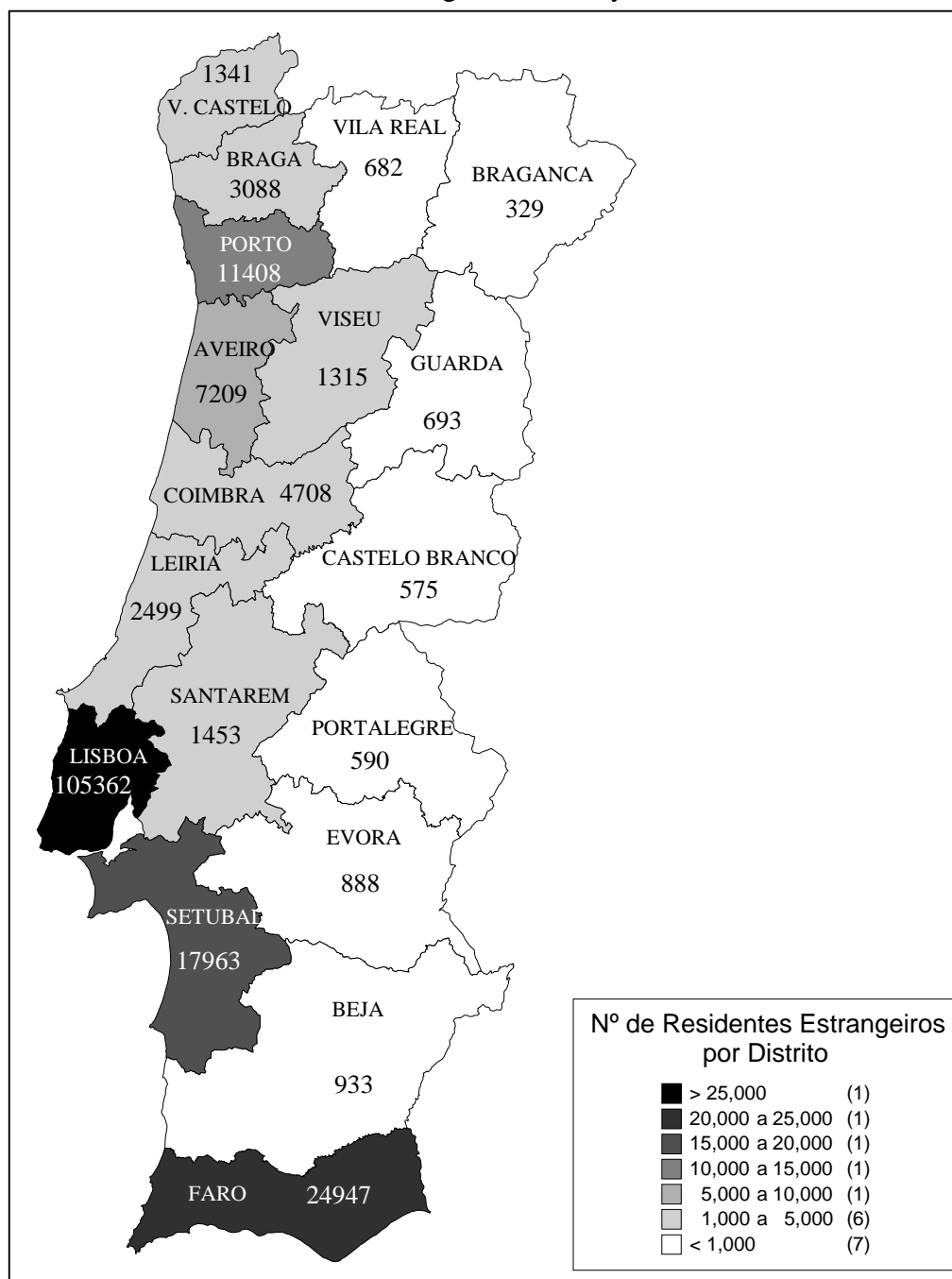
Concerning the distribution by nationality, Africa is the continent which accounts for the majority of residents, representing, in 2001, 47.8% of all foreigners, followed by the European Union (12.9%), Latin America (12.9%), North America (4.9%) and Asia (4.3%).

In 2001, the most highly represented nationality was Capeverdean, accounting for 22.3% of immigrant residents and 48% of the immigrants from Africa. Also, it can be seen that the PALOPs (African Countries with Portuguese as their Official Language) account for 95% of African residents.

**1) Figure 1**  
**Geographical distribution of foreign residents, 2001**

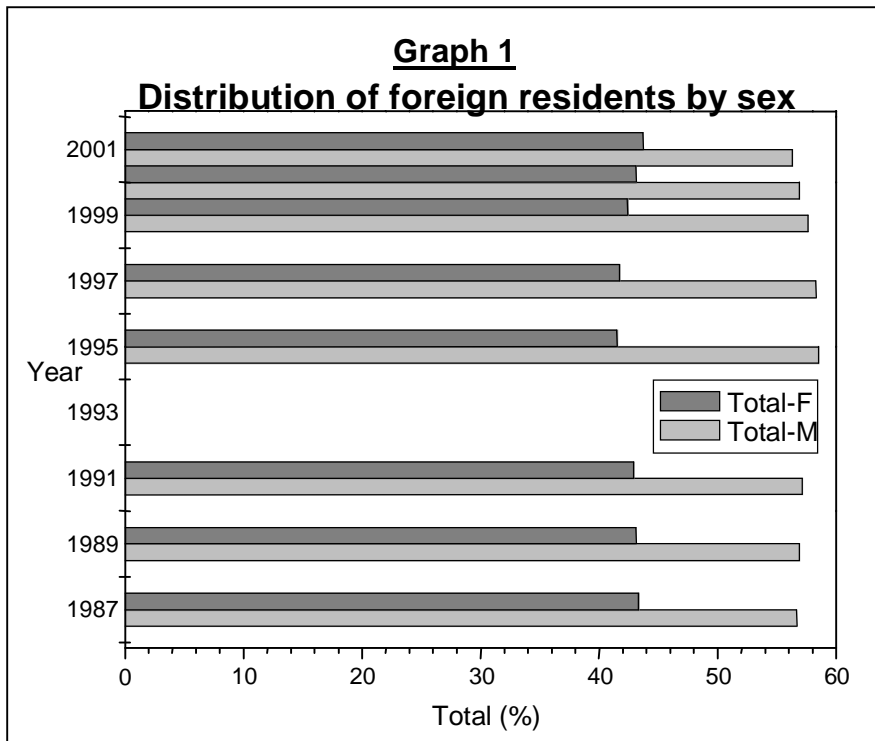
**Source: SEF, 30/11/2001**

No. of foreign residents by district



A brief analysis of the geographical distribution of foreign populations in 2001 (Figure 1) shows that 54% of the residents were concentrated in the Lisbon district, followed by Faro (13%) and Setúbal (10.3%), corresponding to 77.3% of the national total. Bragança, with only 420 foreign residents, was the district with the fewest immigrants. The presence of immigrants in Azores (2,605) and Madeira (2,836) is of some significance.

The distribution of foreign populations by sex (Graph 1) shows a predominance of male foreigners over the years, according to data from the National Institute of Statistics (INE – Instituto Nacional de Estadística).



Source: INE

## **2) Permanent permits**

In 2001, a new legal device – the permanent permit, given to foreign workers with a work contract – was created. The Permanent Permit Law gave visibility to the migration flows arriving from Eastern Europe, which had till then been absent from the official statistics.

### **Graph 2 (report pie chart)**

Source: SEF, 31/05/2002

According to SEF data, by the end of 2002 174,558 permanent permits had been granted, 62,149 of which were granted to Ukrainian citizens, representing 35.6% of the total permits issued, and 35,272 were granted to Brazilian citizens (20.2%) This means these two nationalities account for 55.8% of the total number of permits granted.

### **Table 3 (report)**

Source: SEF, 30/11/2002

## **3) National totals (30/11/02)**

According to SEF data, the total number of legal immigrants (residence permits + permanent permits + other kinds of visa – 18,000) is now 428,185 individuals, representing a growth of 104% in relation to the end of 2000. The number of legal immigrants currently corresponds to about 4% of the Portuguese population and 8% of the economically active population.

Ukrainian citizens now represent 14.5% of the immigrants with legal status; Capoverdean and Brazilian each account for 13.9%”.

Press cuttings:

29 January 2002

National Republican Guard enters district of Roma ethnic families in Coruche violating the most fundamental principles of the Portuguese Constitution.

With the aim of searching for drugs (which, as announced by the TV channel TVI, were not found), they apprehended “goods”, entering houses with the help of dogs, breaking various objects, scaring children and old people and handcuffing young people to beds.

30 January 2002

SEF denies accusations by SOS Racismo, that the Angolan, Santos David Ventura, did not require the renewal of his residence permit on 12 July 2001 (as proved by the same with receipt stamped on this date) but on 9 November 2001 (five months after its expiry date). Santos David Ventura is in despair with his son about to die in Angola and needing to travel to South Africa to try and save him.

25 February 2002

New immigration law discriminates and makes immigrant workers even more precarious. The Portuguese government promulgates a new law restricting and making it more difficult for immigrants to enter and stay in the country as well as legalisation of all those already in the country.

20 March 2002

Bus driver in Lisbon accused of murder. Alex Pires Ferreira, a law student aged 25, was killed by a bus after trying to get the identification of the bus driver who had closed the door on his brother when he still had his arm outside, driven on and laughed at him.

After a row the bus driver ran over Alex and tried to escape. According to one version of the case, “a group of blacks tried to rob the bus driver”.

20 June 2002

In the Bela Vista district of Setúbal a young man, António Tavares Pereira (“Tony”) was shot dead by a public security police officer when trying to intervene in a row between two of his acquaintances.

20 July 2002

Following a row between drunken customers in a bar in Amiais de Baixo, Santarém, a 22-year-old boy was stabbed and died. One of the groups involved was composed of Ukrainians who were chased and hunted by locals with stones and sticks, leaving one of them to die on the road and stopping the ambulance from taking him to hospital.

1998-2002

Teaching Carrier norm is xenophobic and unconstitutional. For admission it is necessary to have Portuguese or other EU country nationality with proof of perfect knowledge of Portuguese. Only teachers who are Portuguese nationals may apply for administration boards. In 2002 the Constitutional Court declared the law unconstitutional but the conditions offered are not attractive.

5 August 2002

Demolitions in Portela, Loures, leave an Indian family sleeping out of doors. Some of the families were relocated by the local authority but Narendra Deuji, who has three children and has lived in Portugal for 18 years, is not on this list because she travelled to Mozambique with her husband to visit family members with health problems. In total, six families have been moved out, considered illegal.

25 September 2002

Rio Maior town council relocates the local Roma community to a type of “concentration camp” in the middle of a pinewood, many kilometres away from the town centre, in order to proceed with construction works in the area where they previously lived.

1 October 2002

Carlos Moreira is trying to separate a row between two girlfriends in front of the Miguel Torga school, Amadora. Two police officers in plain clothes approach them, pushing everybody and taking all three to the police station. Once in the station, Carlos is taken to a private room and brutally beaten up by every police officer who approaches him and insulted for being black. Also his mother then becomes a victim of their physical and verbal abuse. No police officers have come forward and identified themselves.

11 October 2002

Totta & Açores Bank refused until this date to pay foreigners the Social Security cheques issued under their names without showing a permanent residence permit.

2002

Fees, lies and...

On 3 August 2001, the newspaper “Diário Económico”, and the news agency Lusa reported that immigrants wishing to obtain an AP (residence permit) would now have to pay a fee.

Contacted by the newspaper “Público”, MAI (Home Office Director) nevertheless, explained that the price had not yet been set and refused to confirm the report of the above-mentioned publication that spoke of a total of 15,000 Portuguese Escudos (75 euro). (“Público”, 04/08/2001)

The newspaper proceeds: “(...) the fee will be approved until the end of the year, advanced Jorge Lapa, MAI’s Legal Advisor”.

Also in the same report: “(...) the government justifies the fee, alleging that the price was intended to cover the expenses for the services provided; the investment made in material required to keep up with the rise in work at the SEF (Immigration Service) offices for the control of immigrants”.

In fact, through this Decree we understand that the MAI is forcing immigrants not just to pay for the means of their own repression but also the police surveillance they are put under.

### **Immigrants’ reception service**

It has been ten years since the SEF offices in Lisbon, at Av. António Augusto de Aguiar, became well known for the long queues, which in fact became the trademark of the place.

During all these years, promises concerning the improvement of reception conditions, which would include larger offices, were constantly heard from the mouths of directors, assistants, secretaries of state and even ministers. Nevertheless, as we can still see, as in the past, following another office opening, users of these services still have to wait for hours and to return again and again without being told why. Sometimes they wait for months, sometimes more than a year, for this or that document.

For a long time now immigrants have been treated from the start as potential criminals (if not, how do we explain the fact that it is a police office that deals with their affairs?). They had and still have to face despair, long waiting periods, humiliation, racism, xenophobia and despotic behaviour to add to the other difficulties. This is the torment they are forced to go through.

SEF has served and still serves as the old civil servants’ “retraining”.

Immigrants suffered the corruption affecting the offices in the cities of Faro, Porto and Cascais and more recently in Lisbon.

For more than one year (1997/98), SEF’s façade was protected by iron bars, as if they were dealing with animals. Whenever an association condemned this situation or called the press to the place (which was done by UGT, SOS Racismo and Olho Vivo), the bars would immediately disappear, as if by magic, to return again as soon as the “spotlights” were gone.

Later, for a period of many months, anyone who was not a white, EU immigrant (who could still use the front entrance), were forced to enter through a back entrance. SEF could then hide from the population’s eyes the shameful forms of address those people were faced with.

If such services as the Identity Card, serving a population of millions of users, has managed to substantially improve its reception service, how can that not have been possible with SEF which, at the end of the day is only dealing with a constituency of 300,000 to 400,000 people? If they have the capacity to respond at a statistical level with the quality and efficiency we have recently and on other occasions testified (through the data provided for the preparation of this report), why can the same thing not happen for the reception service.

The answer is clear: **SIMPLY BECAUSE THEY DON'T WANT TO!**

It is a similar case at the airport, where SEF does whatever it wants, unsupervised by anyone; the reception service is a way of showing immigrants the role the Portuguese State has in store for them.

### **Back to the fees**

It was at the peak of the holiday period and maybe it was for this reason that the press took up both SOS Racismo's and CGTP's criticisms on this matter.

On 4 August 2001 the editor of the newspaper, "A Capital", even commented, quoting us: "A leader of SOS Racismo calls attention to a curious fact, that 'when the Government approved the AP (Permanent residence permit) Law it stated the diploma would serve to end the mafia's exploitation of immigrants, but today we understand that what it really wanted was a monopoly (of the "business") and that is why it is so worried about the so-called mafia' (the competition). These are the words of José Falcão to the Lusa Agency. And in fact it doesn't look good for the Government to give with one hand and take away with both, since besides the mentioned fee, immigrants now also have to pay taxes."

Even faced with these facts in the press in August, no MAI/SEF official risked making clear what had already been secretly agreed.

Similarly, the following month at an Advisory Board meeting (COCAI – meeting draft 10/09/2001) Mr. José Leitão, ACIME (Senior Officer for Immigration and Ethnic Minorities), after the SOS representative had proposed a discussion of the fees, claimed "not to know of any action of that kind" (!?)

While almost the entire country learnt about it through the daily press with major headlines and full pages ("Comércio do Porto", "Público", "Lusa", "A Capital", "Correio da Manhã", "Jornal de Notícias", "Diário de Notícias" and "Diário Económico"), as well as news on the radio stations (TSF and RR), how was it possible that His Excellency still knew nothing about it a month later? That José Leitão, ever since he was appointed to ACIME had been "very distracted" about the immigrant's problems, is something we had all already noticed... but is it possible that none of the many assessors or officers called his attention to the subject?

Curiously, while in September he knew nothing about it, in January 2002 he was already hosting another ministerial propaganda session so that SEF's senior officials (director and assistant) could promote the fees decree to NGO representatives. It was also strangely coincident with the values advanced by the press in August. Of course this meeting was of little use but to convince the municipality since, even if they all disagreed, they could not change anything: that is, our opinion meant ZERO!

Already in the preview meeting, when we were asked to approve a report of many dozens of pages that the press had already known about since July, the enormous disrespect for a structure derived from a

law approved by the Government itself was clear. To aggravate this situation, none of the report's authors were present to listen to our opinions.

### **The Gold Mine**

This is how a process (the APs), promoted as being completely free, suddenly becomes, through the influence of a simple decree, a gold mine for the Portuguese government: just with the money collected through the AP' mechanism, the government collects 2.71 billion Portuguese Escudos and 3.6 billion in the following years, no less than 8,106,000 euro in total! If we add the proceeds from visas, residence permits (some can reach a total of 200 euro), we can understand what a gold mine the "reception" of immigrants has become.

It is not surprising, therefore, that Dias Loureiro (former Home Office Minister), dedicated himself to banking, employing [??] other former SEF and SIS members. We even suggest he contracts the former secretary of State, Fernando Vara, who also proved himself to be good at it...

Even photocopies (0.80 euro) form part of this robbery: a certificate costs 25 euro; the form and stamp cost no less than 7.50 euro; the residence permit form is 3.50 euro.

It is important to explain that, when speaking of AP, it involves nothing but stamping a passport.

The Decree's first reason was the adaptation to the euro currency. This "adaptation" represents in "simple" round numbers, a payment of 32,590 euro.

### **What about the NGOs?**

Apart from what has been mentioned above, the immigrants' organisations that protested only did so because of the values, never questioning the principle. The General Union of Workers (UGT – União Geral de Trabalhadores) even stated that they did "not find anything wrong in charging for a service also paid by Portuguese citizens" (Lusa, 03/08/2001).

Disagreeing voices came from CGTP, who clearly rejected the proposals, and from religious representatives.

Following the continuous criticisms by the Portuguese Catholic Work on Migration (OCPM), Padre Alves Correia Centre (CEPAC) has delivered a very caustic document on this government's behaviour, through which it called for the rejection of the Decree.

"If the government wishes there to be social integration of immigrants, as it says, it must use all means available to create barriers to clandestine routes instead of putting barriers in the way of the legal routes. If it wants to charge for its services, then there could be a charge for the administrative process, which should be about 7 or 8 euro. Whatever goes beyond this is pure extortion, it reveals the Decree's economic tendency and undermines all that sounds like good intentions of the Decree-Law 4/2001.

It continues: "When it comes to charging, the decree assigns all foreigners to the top bracket (...) when it predicts the same tax for owners of working permits type I, II, III and IV. It is incomprehensible why these distinctions between the various permit types are made for the legalisation process but when it comes to taxes, they are all the same. Or is it fair to charge a foreigner, a subordinate worker who collects the city's refuse during the night, or sleeps in a container at a major civil construction site the same rate as is charged a football player, earning millions per football season?"

If the charges for the first residence permit extension are, in our opinion, already exaggerated, the second and following residence permit extensions are still more unfair. This is all the more so, because these are low security documents which do not relieve workers from their dependence on the employers' good will. If the immigrant worker has to pay 100 euro for himself, 100 euro for his spouse plus 100 euro for each younger son, what happens to the much-trumpeted family reunion?"

This CEPAC document shows the lucidity which the immigrants' associations ought to have had.

### **And what do the Portuguese pay?**

The argument also used by the UGT representatives that "the Portuguese also pay for the services" is of huge impudence. The Portuguese do not have to wait hours and days for their ID cards and they are not issued when they are already about to expire.

Let's take a look at what happens with the documents of Portuguese nationals:

An Identity Card, including application, taxes and forms, costs a total of 6.05 euro and the waiting period is not even one week. Young people under 18 are exempt from paying fees. The Social Security card is free and sent to the individual's home address. The Birth Certificate (for ID, Child Benefit or Social Security issues) costs 10 euro, including stamp, to have it sent immediately to the individual's home address. The Taxpayer Card is also free and is issued immediately. Even a simple bus pass is issued immediately and costs less than 2 euro. Only the Passport (but it is also clear why), takes a little longer (15 days non-urgent) and we must pay 33.42 euro.

This means an immigrant, just with the money they must pay for an AP, could obtain every, EVERY document a resident citizen needs and could still invite a friend for lunch and pay for both.

The Director of SEF also claimed, in response to critics, that the majority of people were exempt concerning the changes introduced by the Assembly of the Republic (AR), namely EU citizens... Not only are the less needy exempt, it is not true that the "large majority" do not pay. Today, immigrants with APs constitute almost half the immigrant population (181,060). In addition, there are over 40,000 Africans, 10,000 Asians, 40,000 Latin Americans, etc. (this can be confirmed in the tables presented on the immigrant population). Even these responsible people are forced to turn to false information when the arguments are not convincing.

And it is not even worth mentioning precarious character of these documents, as can be seen in the constant changes to the laws that regulate them.

## 1. SOS RACISMO REPORT

### THE FAR RIGHT IN PORTUGAL IN 2002

#### **Far Right political parties**

2002 was marked by the participation – unseen since the advent of the democratic system in Portugal – of a fascist party in the general elections. In November 1999, a group of about thirty members of the National Alliance (“Aliança Nacional” – a far right association created in 1995 bringing together old salazarists and young cadres from the MAN<sup>1</sup>) conquered the PRD (“Partido Renovador Democrático”), paying the debts of the party and electing a new leadership constituted exclusively of “nationalists”. This group thus bypassed the legal requirement of 5,000 signatures for the creation of a new political party (having tried it before, it had not even managed to collect half of the necessary signatures). After the change of the party’s name and symbol, the PNR (“Partido Nacional Renovador” – National Renewal Party) fielded candidates for the first time in the local elections of December 2001, albeit only in the cities of Lisbon and Mafra. In the general elections of 17 March 2002 – a mere three months later – the PNR managed to field 140 candidates in 8 constituencies: Lisbon, Oporto, Setúbal, Coimbra, Castelo Branco, Évora, Europe and Rest of the World (there are separate constituencies for Portuguese living in Europe and in the rest of the world). The party got 3,962 votes (0.07% of the votes at the national level and between 0.09% and 0.22% in the constituencies where it fielded candidates) and boasted on its website that, had the elections occurred only one week later, it would have been present in a greater number of constituencies. This party can thus be close to achieving its aim of expanding by gathering the various small groups and dispersed elements of the far right.

Ideologically, the PNR has become radicalised, to the extent that its first leader (Cruz Rodrigues, who was part of the most far right wing of the salazarist New State) abandoned the leadership in 2002 – opening the way to younger cadres (the current president is Paulo Rodrigues and the general secretary João Franco). The soft break-away from salazarism and the assumption of the inspiration of Le Pen’s “Front National” was clear in an interview<sup>2</sup> with its leader José Pinto Coelho where – even though he still highlighted that “had [he] lived in the 1950s [he] would be an unconditional supporter of the New State” – he remarked that (today) “we are not salazarists”. The leaders of the PNR place the party on the “nationalistic right” and adopted the motto “the Portuguese first”. The recurrent themes of the PNR’s propaganda are the “fight against immigration”, the defence of the “security of the Portuguese” and “national identity” and the rejection of the European Union and globalisation.

Fully exploiting the Portuguese electoral laws, the PNR had the right to broadcast – in equality with the other parties – on television and radio, in what constituted the most visible face of its propaganda, which otherwise would have consisted only of street political posters and murals. In its broadcasts, references abounded to “the threats of ethnic gangs of delinquents who intend to challenge our identity and authority and our right to be the masters of our own territory”; the display of images of blacks every time issues such as the “chronic insecurity of the cities” or “unemployment, drug trafficking and crime” were approached; attacks on the “political class which is only concerned about the rights of minorities, of immigrants, while nobody cares about the Portuguese”; statements by individuals who boasted of “not having voted since 25 April”<sup>3</sup> and the choice of New State monuments as backdrops for political

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<sup>1</sup> Formed in 1985, MAN (“Movimento de Acção Nacional” – Movement for National Action) was the most active far right movement at the end of the 1980s and the beginning of the 1990s. In 1993, in the wake of several attacks and murders committed by skinheads linked to MAN, the Constitutional Court judged its leaders, not having commanded the dissolution of the organization because it had extinguished itself.

<sup>2</sup> «24 Horas», 14/5/02.

<sup>3</sup> Date of the Carnation Revolution, which ended the New State and instituted democracy.

statements. In some radio broadcasts, the PNR came to uphold the organisation of “people’s militias”. The PNR enjoys some support in certain far right periodicals such as “O Diabo” and, particularly, “O Jornal d’O Dia” – which frequently reproduces the PNR’s press releases. The electoral growth of the PNR may have been slowed by the hardening of the anti-immigration and security tones in the speeches of Paulo Portas, leader of the CDS/PP and currently a State Minister in the coalition government PSD/CDS.

### **On acts of violence linked to the far right**

During the general election campaign, there was an outbreak of acts of violence perpetrated by skinheads. Thus, on 5 January a group of skinheads was involved in a brawl in the pub “Salioio” (Avenida 24 de Julho, Lisbon)<sup>4</sup>; on 19 January, seven or eight skinheads from the area of Bairro 2 de Maio (Ajuda, Lisbon) provoked what was almost a riot in the night club “Jamaica” (Cais do Sodré, Lisbon) leaving three people injured<sup>5</sup>; on 2 February, three homeless people (two Ukrainians and an Estonian) were attacked with baseball bats – during the day time – near a shopping centre in Xabregas (Lisbon), by four men who escaped before the arrival of the police<sup>6</sup>; on 16 February, a group of ten skinheads intimidated and attacked several individuals in the Bairro Alto (Lisbon)<sup>7</sup>; on February 18th, they again attacked customers of the pub “Jamaica”, and disturbances in the pub, “Gringo’s” (Avenida 24 de Julho, Lisbon)<sup>8</sup>, were recorded the same night; on 23 February, in Portela (Lisbon), some youngsters were attacked by skinheads from the Olivais and Portela area; on 9 March, two general election candidates from the Left Wing Block were attacked – one of them was stabbed – by eight skinheads while they were sticking up political posters in Calçada da Tapada (Alcântara, Lisbon).

### **Websites and rock bands**

Several Portuguese neo-Nazi and far right groups have websites, the most well-known being the Azorean Atlantic National Socialist Movement<sup>9</sup> (containing an enormous number of articles and promising soon to produce a magazine, “Alerta!”), the “Ordem Lusa”<sup>10</sup>, the Portuguese National Front<sup>11</sup> (which distributes the neo-Nazi magazine “Final Conflict” in Portugal and promises soon to become a legal association), the National Socialist Youth (PTNS)<sup>12</sup>, the “Lususnatura” (where there is a manual on how to deal with the police in the event of being arrested)<sup>13</sup>, the “Tempo Nacional”<sup>14</sup> (“for a pro-European nationalism”) and “Margem Sul 88”<sup>15</sup> (which reproduces pamphlets distributed in the south bank of Lisbon). The Lusa Order (a movement that claims itself to be from the “skinhead culture”) organised on a concert on 13 March to commemorate its third anniversary where two Portuguese bands – Endovélico (in which two “Ordem Lusa” activists play) and Lusitanoi – and other foreign bands participated, and where apparently confrontations with elements of the Aryan Brotherhood (“Irmandade Ariana”) occurred.

In their songs and in the interviews available on neo-Nazi sites on the internet, these rock bands (as well as “Combate”, “Guarda de Ferro” and “SHS”) claim that 25 April was an “act of treason” and call openly for violence against immigrants, ethnic minorities, and homosexuals. The President of the PNR

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4 “Público”, 7/1/02.

5 “24 Horas”, 20/1/02.

6 “Público”, 4/2/02.

7 Information gathered by SOS Racismo.

8 “24 Horas”, 11/3/02.

9 “Movimento Nacional Socialista Atlântico”, [www.mnsa-portugal.com](http://www.mnsa-portugal.com)

10 [www.libreopinion.com/members/ordemlusa/](http://www.libreopinion.com/members/ordemlusa/)

11 “Frente Nacional Portuguesa”, [www.geocities.com/fnp\\_xxi/](http://www.geocities.com/fnp_xxi/)

12 “Juventude Nacional Socialista”, [www.libreopinion.com/ptns/](http://www.libreopinion.com/ptns/)

13 [members.odinsrage.com/lususnatura/](http://members.odinsrage.com/lususnatura/)

14 [www.libreopinion.com/members/temponacional/](http://www.libreopinion.com/members/temponacional/)

15 [www.libreopinion.com/members/ms88/](http://www.libreopinion.com/members/ms88/)

(Paulo Rodrigues) “identifies [himself] clearly” with the lyrics of the Lusitano, specifically “when they speak of the hypocrisy of the [political] system and of defending the Portuguese traditional values” and he does not deny that there are skinheads in the PNR<sup>16</sup>.

On 10 June (“Day of the Race” during the fascist regime and the occasion when a football match between Portugal and Poland took place) the press<sup>17</sup> and the television – following a warning from SOS Racismo – reported that a press release calling for “a great demonstration of skinheads and of the true nationalists [...] in a location to be announced, as usual, in restricted circles”, and for “a march through some places that have long ago been ours but that lately look much more like the centre of Asian or African capitals” had been posted on the websites of National Socialist Youth and “Ordem Lusa”. Such a demonstration did not take place. Some media also conferred great importance<sup>18</sup> on a website called Nzingalis<sup>19</sup>, where the creation of a “black State” in Greater Lisbon is upheld. Although this was an obvious provocation by the far right, the sensationalist tabloid press took the site as genuine. The site “imigport” – which is being investigated by the Judiciary Police and which concentrates specifically on immigration, from an openly racist point of view – published a report in 2002 ridiculing the Senior Office for the Media (“Alta Autoridade para a Comunicação Social”)<sup>20</sup>.

Finally, on 29/12/2002, the newspaper “O Público” published an report calling for the foundation of a National Socialist Party of the Portuguese Workers (“Partido Nacional Socialista dos Trabalhadores Portugueses”). This was the initiative of António de Paiva, a retired doctor from Tomar who appears to have left the PNR, and who did not hide from the press his admiration for the figures and regimes of Oliveira de Salazar and Adolf Hitler.

Ricardo Alves  
July 2003

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16 “Jornal de Notícias”, 12/5/02.

17 “A Capital”, 10/6/02.

18 For example, “O Crime”, 3/1/02.

19 Currently unavailable on the internet.

20 [www.libreopinion.com/members/imigport/](http://www.libreopinion.com/members/imigport/)

## 2. THE LAW AGAINST DISCRIMINATION

The issue of human rights has a long history. There is a wide debate on the issue but this debate ought to generate a consensus (as Habermas said) and one needs to act according to that consensus. It is a world-wide consensus that the rights of life, freedom and dignity are undeniable to all human beings and not just a generous gift from modern societies to the individuals, because they are an essential part of being a human being. This is what many states have proclaimed when they signed and ratified a long list of international conventions, charters and treaties on human rights.

The European Union has committed itself to build the concept of a European citizenship compatible with the promotion of common values and principles that ought to be just and fair to all nationals.

The current political and economic context puts the issue of human rights back on the table. As one recognises the mingling of peoples, regions, cultures and borders, it is crucial to find a balance between internal and external human rights policies.

The rise to power of the conservative right in a significant proportion of the EU member states, as well as the economic crisis and the sublimation of the concept of Fortress Europe, has promoted new policies that blame immigrants, refugees, ethnic and religious minorities for a wide range of social problems. Many European citizens feel that these minority communities are threatening their cultural identity and their security.

This state of affairs requires an immediate and continuous educational intervention, in order to prevent the racist and xenophobic reactions towards the ‘others’. In the recent past, racism, xenophobia, anti-Semitism and nationalism have grown dangerously throughout the EU: there is an increasing number of cases of racist violence, perpetrated by far-right extremist organisations or police forces.

The governments in the EU have adopted immigration laws which are very restrictive to the entrance and mobility of third-country nationals. These laws are the direct result of the pressure from public opinion which blames the immigrants for the deterioration of the economic environment.

Portugal is no exception and the policies toward immigrants confirm this gloomy diagnosis. Racist and xenophobic abuses have been perpetrated against immigrants and these situations have been condemned by human rights and immigrants’ organisations, but to no avail, perhaps due to a lack of legal instruments.

In fact, the Portuguese Constitution does protect citizens against all forms of discrimination (Article 26) and explicitly forbids fascist organisations (Article 46). However, there is a lack of mechanisms to implement these constitutional rights.

The only paragraphs on this issue included in the Portuguese legislation were the description of the crime of racial or religious discrimination in the Penal Code (Title III, Chapter II, Art 240) and the right for human rights associations to provide assistance in cases of racist or xenophobic crimes.

In order to change this situation, in June 1996, SOS RACISMO delivered a petition to the Parliament, together with the Portuguese Association of Civil Rights, entitled “Proposal for a Law Against Racial Discrimination”. The document was also given to the High Commissioner for Ethnic Minorities, the Minister of Justice, and several dozen organisations representing civil society, including judges, lawyers, human rights activists and immigrants.

The petition proposed a sanction for discrimination in employment, access to housing, education and health. It also proposed the creation of the Commission Against Racial Discrimination with the stated

goals of analysing possible instruments to fight racial discrimination and to facilitate the social integration of ethnic minorities in Portugal.

The petition was discussed in the Parliament in November 1997 (over a year later) and there was a considerable consensus in the chamber. The law was approved after a long process in 1999 (published as Law 134/99) and modified in 2000 (Law 111/2000).

The main objectives of the Law Against Discrimination are to “prevent and prohibit racial discrimination in all its forms and to punish any actions of violation of any fundamental rights or the refusal or limitation of economic, social or cultural rights, due to race, colour, nationality or ethnic origin” (Article 1).

It defines racial discrimination (Article 3) and the concept of discriminatory practice (Article 4) and binds all public and private entities to this norm (Article 2). It defines the sanction regime (Articles 9 to 15) for discriminatory conduct in particularly sensitive issues, namely employment, access to goods and services, access to economic activities, access to public places, health, housing, education, etc.

This sanction regime includes fines, from one to five times the monthly national minimum income for individuals and two to ten times the national minimum income for companies. In the event of a second offence the fine is doubled (Article 9). Accessory penalties, such as public caveat, are also included (Article 10).

The Law Against Discrimination creates the Commission for Equality and Against Racial Discrimination (Article 5 to 8) with the stated goal of pursuing the application of the Law. This Commission, presided over by the High Commissioner for Immigration and Ethnic Minorities, has 18 members elected by their peers (Article 16) representing the full range of civil society. There are members representing the government (2), the Parliament (2), immigrant associations (2), anti-racist associations (2), human rights associations (2), trade unions (2), employers’ associations (2) and individuals, nominated by all other members (Pedro Bacelar de Vasconcelos, Teresa Pizarro Beleza and Rui Pena Pires.)

The Commission is charged with (Article 5) collecting all the information concerning the practice of discriminatory actions and the application of the corresponding sanctions, as well as recommending the adoption of any other legal instruments to prevent discrimination based on race, colour, nationality or ethnic origin. The Commission should also publish an annual report on equality and racial discrimination and promote the production of scientific reports on the issue.

There is a permanent sub-commission (the President and two other members) which must be heard before the enforcement of any sanctions.

The Commission took office in August 2001 but since then it has only met four times. The last meeting took place in January 2002, when the members of the permanent sub-commission were elected. Since then, the Commission for Equality and Against Racial Discrimination has never met...

According to data from the High Commission for Immigration and Ethnic Minorities, the Commission has analysed 12 cases (including refusal to rent a flat, denial of access to employment and police aggression). On the other hand, the Public Prosecutor (“Ministério Público”) has proceeded with 8 investigations in 2000 and 2001. Three cases have been concluded, the other five are still under investigation.

There is a huge discrepancy between the real world and the number of cases under investigation. In this period SOS RACISMO has publicly condemned far more cases, immediately dropped for lack of evidence. One should also take into consideration that there are even more cases that never come to public knowledge, for reasons of fear or feelings of helplessness and lack of belief in legal instruments to protect the citizens.

Since the Law came into force, there has only been one conviction for racial discrimination. The accused was the former president of the city council of Granda, Paredes, who was found guilty of abusive language in a council meeting in February 1997. He was convicted in February 2002. It was the first conviction in Portugal for racial discrimination. Hopefully, it will be a precedent for the future.

### 3. A propos du fonctionnement des commissions

#### **Les agissements du Haut Commissaire à l'Immigration et aux Minorités Ethniques**

Le 23 janvier 2003, devait se réunir le COCAI (Conseil Consultatif pour l'Immigration). Le processus électoral qui conduira au nouveau COCAI va se réaliser finalement, seulement après huit mois que le Père Vaz Pinto ait été désigné dans ses nouvelles fonctions.

Tout au long de ces huit mois, les associations, et d'autres entités (journalistes y compris) ont essayé de savoir ce qui se passait autour des commissions sous tutelle du Haut Commissaire (au-delà du Conseil Consultatif, il y'avait aussi la Commission pour l'Egalité à propos de laquelle on ne savait absolument rien...sinon que toutes les deux ne fonctionnaient pas).

Et pendant que les associations étaient au désespoir à cause de l'absence de dialogue, - le Père Vaz Pinto inondait l'extérieur - lisez la presse - les journaux lui ont accordé des interviews, où il parlait de ses plans mégalomanes, des pactes sociaux fantasmagoriques et, plus grave encore, commandait des enquêtes et sondages au récent nouveau-né «Observatoire de l'Immigration» dirigé par Roberto Carneiro, responsable des fameux Rapports (entendez étude arithmétique) sur les Nécessités de Main d'œuvre, très ridicules aux yeux de tous ceux qui travaillent sur cette problématique.

#### **Le nouveau COCAI**

SOS RACISME n'a pas été invité à l'investiture du Père Vaz Pinto au mois de juin. Interrogés sur cette «faille», ils inventèrent successivement des excuses que nous démontions au fur et à mesure qu'ils en inventaient de nouvelles: qu'ils «ne connaissaient pas notre adresse» (le Palais Foz, siège du Haut Commissariat se situe à 50 m de notre siège.); qu'ils ont eu beaucoup de difficultés avec la passation de pouvoir, accusant le précédent Haut Commissaire de leur rendre la tâche difficile, qu'ils n'ont convié que quelques associations d'immigrants; mais que cela n'avait rien à voir avec le fait que l'on soit et continuons à être inconfortables. Rien de tout cela! Et que telle situation n'allait plus se répéter, car qu'ils comptaient avoir de bonnes relations avec nous, etc... Mais chemin faisant, il avait déjà annoncé que le mandat des membres du COCAI avait expiré et que donc, ces derniers n'avaient pas trop d'autorité pour parler.

Quelques mois plus tard, plus précisément au mois de septembre, SOS RACISME n'est de nouveau pas invité à la présentation du Plan d'Activités du ACIME. Et, évidemment, l'excuse fut toujours la même: «cela a dû être un oubli»!

SOS RACISME n'a pas été invité non plus à la présentation du Pacte Social dont nous faisons référence plus haut.

Face à ce double discours: un vaste dialogue (qui n'a jamais existé en pratique), des «plans d'activité», l'absence totale d'activités et des tentatives de passer outre les associations les plus critiques vis à vis des politiques d'immigration de ce gouvernement comme celles du précédent, et à propos d'un grave problème avec la communauté gitane de Rio Maior, SOS RACISME sollicita une réunion avec l'ACIME. Cette réunion ne se tiendra qu'à mi-octobre.

Lors de cette réunion, on nous a informé que l'ACIME se rendrait immédiatement à Rio Maior pour s'enquérir de la situation sur tous ces aspects et qu'il donnerait suite aux rapports et aux autres dossiers que nous avons soumis: agressions policières effectuées par des agents de Escola Segura à Amadora et, plus tard au commissariat de police à des citoyens africains, le cas de la Banque Totta & Açores qui refusait de payer aux immigrés des chèques de la sécurité sociale. Mais la grande préoccupation du

moment étaien les commissions, autrement dit, ils aient d'abord faire fonctionner le COCAI et la Commission pour l'Egalité.

Par ailleurs, nous venions d'être convoqués à une réunion de le COCAI (laquelle avait été dissoute). s ne fûmes pas trop étonnés par ce geste d'autant plus que nous commencions à voir l'opportunisme qui transparaissait dans la presque inactivité de cet organisme.

Il fallait nous réunir car pour que la loi sur l'immigration puisse être votée au Conseil des ministres, le COCAI devait être entendu ou consulté! Etant donné qu'il n'y pas eu d'élections pour le nouveau COCAI, l'ACIME s'est vu obligé de ressusciter ceux qu'il avait déjà tués et dont il ne voulait plus....

Cela s'appelle de l'opportunisme!

Mais le pire était encore à venir.

Par rapport à toutes les questions relatives à ce qui allait se passer, monseigneur et ses assesseurs se limitaient à dire qu'il y avait une étude en cours pour un nouveau COCAI... Lors des rencontres, conférences, séminaires et débats durant tous ces longs mois qui passaient, la réponse était toujours la même.

Mais maintenant nous savons que, grâce à la convocation de cette réunion du 23 janvier, que depuis le 22 août, oui le 22 août, la nouvelle loi sur l'ACIME a été approuvée au Conseil des ministres!!!

### **Depuis lors, jusqu'à la fin de l'année 2002, monseigneur et ses assesseurs ont menti.**

En même temps que l'on parlait de la nécessité de collaborer avec les associations et de la nécessité du fameux pacte social (grand échec des manœuvres du prêtre, car personne n'a signé ni souscrit, même l'Eglise- ce qui donna origine à une attitude arrogante et impolie de monseigneur Vaz Pinto envers monseigneur Dom Januário Torgal Ferreira) avec toute la société civile, cachait l'existence d'une loi qui avait à voir avec le mouvement associatif immigrant!

Que cache-t-il? Pourquoi en cache-t-il?

Parce que le COCAI venait de souffrir des altérations qui diluent les associations anti-racistes, immigrées et de droits de l'homme en une quantité de représentants institutionnels qui va transformer le COCAI en une structure peu opérationnelle, peu tournée vers la discussion des problèmes sous l'angle des minorités ethniques.

Au-delà de cela, cette situation empêche de façon complètement arbitraire et illégale aux associations anti-racistes de participer aux élections.

Ces associations devraient participer dans un processus électoral et il n'était pas obligatoire qu'elles soient élues, l'essentiel était de jouer le plus sûr possible.

Cette attitude démontre la totale lâcheté politique du haut commissaire incapable de tisser et d'entretenir un débat avec la société civile, ses associations, les immigrés.

Cette lâcheté s'est aussi vue lors de la présentation de l'étude sur l'impact des étrangers dans les comptes publics au Portugal, ces associations n'ont pas encore une fois été invitées à cette présentation pour avoir affiché une attitude critique et de dénonciation lors d'antérieures présentations d'études, de rapports et sondages commandés pour justifier la politique restrictive et contraignante de ce Gouvernement.

## La Commission pour l'Egalité

Ici l'irrespect et l'incompétence sont plus évidents.

En même temps qu'il était entrain d'ourdir l'éloignement politique des associations anti-racistes, notamment SOS Racisme, au mois de décembre, le Haut Commissariat ne se lassait pas de téléphoner au siège de SOS Racisme pour solliciter de manière éhontée les adresses et contacts des associations anti-racistes!

Six mois depuis leur entrée en fonction, personne parmi les nombreux fonctionnaires et responsables de cet organe ne sait quels sont et où sont les associations anti-racistes, malgré que ces dernières fassent partie des commissions mentionnées ci-dessus. L'ignorance et l'incompétence sont choquantes!

Nous supportons un budget qui a augmenté de 331%, comme le chantonne à tort et à travers le Secrétaire d'Etat Adjoint au Ministre de la Présidence, pour payer des incompetents et des incapables de savoir quelles sont les associations avec lesquelles ils sont censés travailler....

Le plus caricatural c'est que ce nouveau Haut Commissariat est encore incapable de faire payer une amende qui a été décrétée il y a un an dans le cadre de la Loi Contre la Discrimination Racial. Incroyable, mais vrai !

Juste avant de cesser ses fonctions, le précédent Haut Commissaire et la Commission Permanente qu'il présidait (composée aussi par Dr. Pedro Bacelar Vasconcelos et par le dirigeant de la centrale syndicale, CGTP, Carlos Trindade), lors de la dernière réunion avant l'entrée en fonction du nouveau gouvernement, en février 2002, a décidé de sanctionner l'entreprise PROCARRO-AMA pour des pratiques discriminatoires avec une amende de trois salaires minimum.

**Jusqu'à mi-janvier de cette année, que ce soit un simple fonctionnaire, ou un assesseur, le Haut commissaire Adjoint ou le Commissaire lui-même, personne n'a été capable de faire payer de facto une simple amende.**

Sans dire qu'ils sont incapables de fournir une seule justification aux membres de la Commission Permanente sur la marche et le fonctionnement du processus qui vise à mettre en pratique le fonctionnement de cette dite commission, laquelle, après plusieurs insistances de SOS Racisme, pourrait peut-être commencer à fonctionner vers le mois de mars....

Désormais l'on sait que la bonne éducation n'est pas une vertu de monseigneur du Haut Commissariat. On se demande pourquoi un tel irrespect à l'égard de plus d'une dizaine d'éléments élus par plusieurs autres structures et à travers une loi, votée à l'unanimité et qui émane de l'Assemblée Nationale?

Incapable de couvrir et de faire recevoir les amendes, de savoir quelles sont et où sont les associations membres des organes qu'il dirige, de faire fonctionner les commissions, de donner suite aux procès de discrimination raciale, de défendre une politique de défense des immigrés, une politique respectueuse des droits de l'homme et qui ne les voit pas seulement comme sources de bénéfices pour le patronat sans scrupules et pour l'Etat reléguant la communauté gitane dans un authentique ostracisme, monseigneur Vaz Pinto s'est cependant, fait une triste notoriété par son attitude arrogante vis à vis de l'Eglise et de ses supérieurs, vis-à-vis des associations et de leurs représentants, démontrant encore une fois une attitude hypocrite à l'endroit des immigrés (personne ne sera expulsé, mais personne ne sera non plus régularisé, ainsi l'épée de Damoclès sur la tête de dizaines de milliers d'immigrés est toujours là, sous le chantage et la peur d'être expulsés.)

La désorientation d'un organe qui ne sait pas ce qu'il fait mais sait très bien ce qu'il doit inventer pour que les politiques répressives cédant aux pressions du partenaire à la saveur d'une coalition politique, expert en démagogie au niveau du discours sécuritaire et culpabilisant de l'immigré, puissent être acceptées.

Il est extraordinairement étonnant que des chercheurs, spécialistes en sciences sociales acceptent de se prêter à un tel service. Il y'a deux cents ans, d'autres hommes de sciences inventèrent l'existence des races pour justifier une pseudo supériorité...., bref, comment de nos jours, peut-on assister à une telle malhonnêteté intellectuelle?

Notes: après que toutes ces informations aient circulé et qu'elles aient été publiées dans la presse (A Capital; Agência Lusa; TVI, RDPÁfrica; Público; 1° Janeiro), les justifications qui ont été fournies par le haut commissaire adjoint prouvent tout ce que l'on a dit jusqu'à présent.

Monsieur Rui Marques, de son nom, affirme: «SOS ne peut pas prétendre être éternellement représenté au COCAI et encore s'octroyer le droit d'être présent partout. Nous nous sommes efforcés de faire un choix objectif et nous avons décidé que les organisations, l'Obra Catolica (...) et le Serviço Jesuita (...) sont les meilleurs représentants.»

Plus tard, monseigneur Vaz Pinto, dans un communiqué, continuait toujours à démontrer son ignorance et celle de son staff en déclarant: «le critère de choix utilisé n'est certainement pas celui de savoir si politiquement on est commode ou incommode, mais si (...) celui d'un esprit de rénovation, celui de donner la voix à d'autres institutions dans le nouveau COCAI.»

1°-il ne revient pas au Haut Commissariat de «choisir» les institutions qui doivent être ou non représentées au sein du COCAI. Même «son» propre décret de loi est assez clair et explicite là-dessous: article 5, point 3, «les institutions, associations et communautés représentées au conseil consultatif désignent un membre effectif et un suppléant.»

**Ce sont les associations et seulement elles qui désignent et non monseigneur qui choisit!**

**SOS ne doit pas être forcément élu. Mais il a le droit et le devoir de participer au processus électoral.**

Ainsi sur le plan légal, le nouveau COCAI souffre d'illégalités

2°- il revient aux institutions et aux associations de décider s'ils doivent ou non «rénover». Ce n'est pas à monseigneur de le faire car les associations ne l'ont pas mandaté.

C'est donc une attitude d'apprenti dictateur que de penser qu'il a le droit de décider pour les autres et surtout de penser savoir ce que les autres doivent décider.

3° Par ailleurs, monseigneur et son staff démontrent une ignorance complète du processus: l'Obra Catolica faisait déjà partie de l'antérieur COCAI, à travers la personne du prêtre, Père Manuel Soares. Comme il est évident, rien ne mue contre les organisations que monseigneur a «choisi», nous en avons d'ailleurs informé l'Obra Catolica.

La question essentielle est plutôt liée aux manœuvres d'éloignement ourdi par Vaz Pinto.

4°-néanmoins, il subsiste encore plusieurs équivoques: dans la composition du nouveau COCAI, l'alinéa *d* stipule: «un représentant de chacune des trois communautés les plus nombreuses» non incluses dans l'alinéa antérieur (relatif aux communautés des pays d'expression officielle portugaise) (...). A notre connaissance, une communauté chinoise n'en fait pas partie.

5° mais ce qui préoccupe le plus ces messieurs, comme l'a si bien dit Rui Marques au journal Público, c'est le fait que «**SOS soit partout.**»

Pour cela tous les moyens sont bons pour l'en empêcher, même avec l'aide de subterfuges et d'attitudes illégales.

Encore une fois ils démontrent qu'ils n'ont rien compris. Ce ne sont pas des attitudes anti-démocratiques et encore moins, illégales qui vont empêcher SOS d'être là où il a toujours été: lutter contre toutes les mesures arbitraires des gouvernements, en ce qui concerne le respect des minorités ethniques et la lutte contre le racisme et la xénophobie.

## Les menaces du Père Vaz Pinto

Nous étions sur le point de finir la rédaction de ces lignes, quand nous nous sommes vus confrontés à de nouvelles excuses et à une menace.

L'excuse selon laquelle il n'a pas réalisé l'élection mentionnée ci-dessus est qu'il «n'existe pas de liste des associations qui travaillent avec les immigrés»... Quelle preuve (encore une de plus) d'incompétence.... Il y'a trois ans que cette liste existe. Comment est-ce qu'il n'existe pas maintenant? SOS et Olho Vivo ont été élus sur base de cette liste. Il est évidemment vrai qu'il y a actuellement beaucoup plus d'associations qu'auparavant. Ce que le Haut Commissaire et son staff devraient faire c'est de travailler pour mettre en pratique la Loi qui régule cette élection. C'est à ce titre que vous êtes au Haut Commissariat.

La menace d'instaurer un procès pour diffamation contre José Falcão est le sommet d'une attitude de persécution et d'intimidation sans précédent dans ce champ d'action et d'intervention (celui des associations liées à l'immigration et aux droits de l'homme), à laquelle on avait jusqu'à présent jamais assisté.

Ce que tente le Père Vaz Pinto, devant l'absence d'arguments, c'est de faire taire les associations qui se sont opposées aux mesures et politiques qui portent atteinte aux droits de l'homme, surtout aux droits concernant la communauté gitane et les immigrés.