

Portugal

‘Civilising’ the Roma/Gypsies. Public policies, ‘employability’ and the depoliticisation of (anti-) racism in Portugal

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Summary

This working paper analyses the naturalisation of racism in Portuguese society through a paradigmatic case study of the Roma/Gypsies and employment. It also addresses the ways in which anti-racism is a marginalised practice in policy development/implementation, since the problem of racism is not acknowledged in Portuguese society in the first place. There are four areas in which racism is reproduced and/or misrecognised in its complex contemporary configurations:

- the Portuguese state and the Framework Convention for the Protection of National Minorities (FCNM);
- Portuguese academia;
- European/National policy developments and local implementations aimed at the social inclusion and employability of the Roma/Gypsies;
- Portuguese public bodies and institutions working with denunciations of racism.

Key findings

The EU Framework Convention for the Protection of National Minorities remains a weak instrument for combating racism and promoting a comprehensive anti-racist strategy. Analysis of the Advisory Committee’s opinions on Portugal leads to the following conclusions:

- (i) racism is not a central concern in terms of the situation of minorities, thereby contributing towards a misplaced understanding of racism as something exceptional and individual;
- (ii) racism is instead identified as a concern in terms of the presence and increased activity of extremist movements and political parties;
- (iii) structural conditions are inaccurately framed in terms of (individual) 'attitudes';

The case study on the Roma/Gypsies allowed the complex modus operandi of contemporary racism in Portugal to be unravelled. The following three mechanisms can be highlighted:

- (a) The law is blind: The state of Portugal acts on the basis of an imaginary of a presumed original homogeneous nation. Significantly, this idea of a homogeneous nation, together with that of formal equality before the law for all Portuguese citizens, precludes any monitoring of the problem of racism.
- (b) The prejudice paradigm is dominant in academia and in policy developments at national and local level, namely the idea that racism, rather than being a structural and historically rooted problem which cannot be understood in isolation from unequal power relations between groups, is instead a problem connected to individuals' 'wrong' ideas about others. This notion shapes flawed attempts to address racism, partly because it operates on the basis of a badly framed notion of the problem, and partly because it reduces the solution to a matter of particular individuals needing to learn how to accept other cultures.
- (c) The activation of people's positive side is a mechanism that comes to the fore in relation to ideas of 'inclusion' and 'employability'. At its base lies a racist idea that those who are to be 'included' (in this case the Roma/Gypsies) need to be 'corrected' in order to 'fit' into society. Thus, the problem is again incorrectly identified and addressed: it presupposes that the Roma are a problem that need correction (a pathology within the body of the nation) instead of acknowledging that, in order to guarantee real and substantial inclusion, racism in its structural, political, legal and historical dimensions, need to be addressed.

The degrading conditions under which some Roma people live in Portugal have been the basis of a complaint by the Council of Europe. The country is accused of segregating and discriminating against this community. We have visited the neighbourhoods with the worst conditions that gave rise to the complaint. We wanted to understand why they live in peripheral areas of cities and villages, in industrial zones with difficult access, cornered, sometimes with dividing walls and animals. We talked to the Roma and the case officers

who work with them. They gave us an impression of a community with customs, habits and defects, that is, a community with its own culture. Those who live in rural areas are the most reluctant to change. They also referred to the negative perceptions of the population in general, which view them as the guilty party. And the measures instigated to help the Roma community are not electorally beneficial. Far from it! ('Grande Reportagem - Porque é que os ciganos...' in *Diário de Notícias*, 27 November 2010, italics added)

The approach of the Portuguese government to the housing situation of Roma points to, at a minimum, indirect, discriminatory policies, which keep Roma excluded, marginalised and oppressed through residential and racial segregation and substandard quality housing. As a result, Romani families are often denied the most basic public services and benefits on the grounds of race and/or ethnicity, contrary to a range of international commitments undertaken by Portugal towards the elimination and prosecution of all forms of discrimination. The implementation of policies and programmes that impact the housing situation of Roma also appears to be biased by the racist and discriminatory attitudes prevalent among some public authorities. (Council of Europe - European Committee of Social Rights. *European Roma Rights Centre (ERRC) v. Portugal: Complaint n° 61/2010*, p. 25 - paragraph 116)

Introduction

This paper is the result of the CES team's research as reported in WP2, 'The geography of (anti-)racism and tolerance: local policy responses, discrimination and employment', focussing on specific anti-racist measures – or their absence – in the sphere of employment and the ways in which they are shaping our understanding of racism and related discriminations¹. In this respect, it is important to stress that the main aim of the TOLERACE project is not to detect racism and particular racist 'incidents' taking place in specific locations. We consider racism as a **political phenomenon** embedded in the history of the modern European nation states. Accordingly, we define racism as the interrelation of **processes, structures and ideologies** that activate and reproduce **unequal power relations**, thus **conditioning access to** (socio-economic, cultural, political), **resources** by populations defined as **inferior**. As a result, we focus instead on the interpretations of racism and on anti-racist measures/policies that have produced **the denial of racism** as a crucial issue in addressing processes and situations involving political and socio-economic exclusion and marginalisation.

We have explored the public policies and specific initiatives carried out in Portugal concerning the situation of the **Roma/Gypsies**² and their *inclusion* in the labour market and also examined the specific legal frameworks ratified by the country regarding the situation of ethnic/national minorities and the implementation of anti-discrimination and anti-racist measures. For the last two decades the EU has shown an increasing

¹ For details on fieldwork see the 'Methodological Annex'.

² Recognising the many different terms used by the Council of Europe, in 2006 a glossary was published in order to standardise the terminology in English and French (CoE, 2006). Most of the current official texts, such as treaties, recommendations and resolutions, have adopted the use of the term Roma. However, in Portugal the official designation is "Portugueses de etnia cigana" or "Portuguese ciganos" (Portuguese of Gypsy ethnicity; Portuguese Gypsies). We therefore use the term Roma when referring in general terms to the European context, and Roma/Gypsies when referring to the Portuguese context.

concern for the situation of the Roma in the different member states and, in broad terms, for the situation of ethnic/national minorities. The signing of the **Framework Convention for the Protection of National Minorities** (FCNM) in 1995³ (effective since 1998) established a turning point in the legal and political approach to combating discrimination and monitoring the situation of the Roma in the different European states. However, as we will analyse in more detail, racism has not featured highly in these treaties, conventions and recommendations, in terms of providing an understanding of the historical marginalisation, racial segregation and repression experienced by the Roma in Europe. This does not mean that racism and ethnic discrimination against Roma communities have not been denounced. On the contrary, in the last decade most of the reports published by the European monitoring agencies have highlighted the lingering problems of discrimination, exclusion and segregation faced by the Roma in key social sectors (housing, employment, education and healthcare), and the inadequate institutional response by the different member states (see Box 1).

Box 1

Neither employer organisations nor trade unions displayed a comprehensive understanding of racial discrimination as it affects the Roma population, for instance. In some countries, Roma were referred to, but their discriminatory treatment was often not conceptualised as racism. With few exceptions, the Roma were generally not acknowledged as coming under the protection of the directive [the Racial Equality directive] (FRA, 2010: 12)

The Roma, Sub-Saharan Africans and North Africans face very high levels of discrimination in their everyday lives in comparison with some of the other large groups covered in the survey, with problems of discrimination and racist victimisation being acute in certain Member States. (EU-MIDIS/FRA, 2009: 6)

In addition to the general measures of attitudes towards ethnic groups in society, a more detailed question was asked to ascertain attitudes towards Roma, who collectively form the largest ethnic minority in the enlarged EU. It can be recalled here that in the 2006 survey, 77% of Europeans were of the opinion that being a Roma was a disadvantage in society. Here we examine how Europeans feel about having a Roma person as a neighbour. ***Around a quarter of Europeans would feel uncomfortable having a Roma neighbour: a striking difference to the level of comfort with a person from a different ethnic origin in general.*** (European Commission Directorate-General for Employment, Social Affairs and Equal Opportunities; *Special Eurobarometer 296*, 2008: 43, emphasis in the original)

This report refers in various places to high levels of anti-Romani sentiment in Europe. Hostility towards Roma has been repeatedly noted as an obstacle to sustaining government policies on Roma. EU instruments should be used to raise awareness of the situation of Roma in society and to build a pan-European pro-Roma coalition. At the EU's disposal are the anti-discrimination and social inclusion action programmes. Beyond this, the EU should consider focused awareness-raising campaigns along the lines of European Days and European Years specifically on the problems of anti-Romani racism and the current social exclusion crisis facing Roma in Europe, as well as on other relevant themes. (European Commission Directorate-General for Employment and Social Affairs, 2004: 47)

³ The following recommendations adopted by the Parliamentary Assembly predate the FCNM: Recommendation 563 (1969) on the situation of Gypsies and other travellers in Europe; Resolution (75)13 Containing Recommendations on the Social Situation of Nomads In Europe; Recommendation R(83)1 of The Committee of Ministers to Member States on Stateless Nomads and Nomads of Undetermined Nationality; Recommendation 1134 (1990) on the rights of minorities; Recommendation 1203 (1993) on Gypsies in Europe.

We argue that what is at stake here is understanding the absence of a comprehensive anti-racist policy that would, on the one hand, enable racism to be acknowledged as a historical legacy that permeates the everyday functioning of public bodies and civil society organisations working for the ‘inclusion’ of Roma communities, rendering public policies and initiatives ineffective. In addition, this would enable the dominant understanding of racism as an individual *disposition* towards *difference* (i.e. the prejudice paradigm), and thus anti-racism as a strategy aimed at *learning* how to *accept* other cultures, to be challenged. This framework – common to most academic production on racism and on Roma/Gypsies in Portugal – depoliticises/evaporates racism as it constantly shifts the focus to the ‘characteristics’ of the ‘other’. Thus, we witness the re-drawing of an (abyssal) line (Santos, 2007) between the so-called *majority* population and the ‘other’, which significantly leaves the former unquestioned and un-marked. This situation is common in the discourse of our interviewees and in the Media, as the extract at the beginning of this paper shows. A Portuguese newspaper published an article on the living conditions of the Roma/Gypsies in the country, addressing the collective complaint against Portugal raised by the European Roma Rights Centre (ERRC) concerning their housing rights (ERRC, 2010). Yet the article contains no analysis of the specific contents of this complaint or the specific public policies and institutional responses deployed. It focuses instead on the Roma/Gypsy way of life and traditions (i.e. why the Roma/Gypsies do certain things, or retain a certain lifestyle or beliefs) and it quotes some Roma leaders in order to explore several of the most common stereotypes (e.g. the idea that the Roma do not want their children to attend school).

It is usually stated that the Roma/Gypsies, like the Jews, are ‘Europe’s other’ (Goldberg, 2009: 155). Nevertheless, **it is crucial to locate the analysis of their marginalisation and segregation in the historicity of the modern nation states and colonialism and the idea of Europe/Europeanness, i.e. in the interrelation between ‘race’, racism and modern configurations of political belonging.** The Roma/Gypsies are European *citizens* but they have been historically produced as *not belonging* to Europe/Europeanness. They have been governed by a colonial regime *in* Europe, regulated by ‘systems of state governance of populations’ (Amin, 2010: 3) specific to ruling *uncivilised, dangerous* and *deviant subjects*. This is central in order to avoid decoupling the history of colonial administration from the history of nation-formation; both processes have shaped the marginalisation of Roma/Gypsy communities and their construction as the *unfit* ‘other’. For instance, **in the Iberian Peninsula, it was precisely in the 15th and 16th centuries that a growing body of legislation was produced for the administration of Roma/Gypsy communities**

(including their expulsion and deportation to colonial territories such as Brazil and Angola by the Portuguese authorities) as part of the process of the formation of the nation state and therefore of controlling territories, populations, frontiers and political belonging (Bastos, 2007; Bastos et al., 2007; Motomoura, 2003; Bastos & Bastos, 1999; Costa 1996; Donovan, 1992; Fraser, 1992). The configuration of the idea of 'race' (Goldberg, 2002) and of racist governmentalities (Hesse, 2004) is embedded in this process, and the enduring location of the Roma/Gypsies as the uncivilised and dangerous 'Europe's other' (but not *properly* European) is a fundamental part of that history.

Current discourses, public policies and initiatives in European member states concerning the 'inclusion' of the Roma are thus rooted in the legacies of 'race' and racism reconfigured through the deployment of ideas of 'employability', 'empowerment', 'activation of competences' and 'cultural difference'. However, as racism is located by these systems of state (disciplinary) governance and by mainstream academic discourse as a problem related to the latter – difficulties in *accepting difference* –, anti-racist initiatives end up becoming a trivial celebration of the exotic 'other'. Within this framework, racism is naturalised as an anthropological universal concerned with relations between the 'same' and the 'other'. Most importantly, racism is depoliticised, as power relations and history are effectively eschewed from the analysis (Brown, 2006). (Anti-)racism is conceived of as belonging to a well-bounded *cultural* realm of interactions between the majority/minorities in which *prejudices* and *stereotypes* are reciprocally exchanged.

The paper is divided into five sections. The first is devoted to the way in which Portuguese governments have interpreted the FCNM and have faced accusations of ineffectiveness in their measures to address the 'inclusion' and non-discrimination of Roma communities. We analyse the exchange between Portugal and the Advisory Committee on the FCNM (AC-FCNM) throughout the two reporting cycles since the FCNM came into force in the country in 2002. The second section offers a brief overview of the main approaches of Portuguese academia to the situation of the Roma/Gypsies, focusing in particular on the way in which racism is addressed. The third section analyses the Portuguese state's specific approaches to 'inclusion', anti-racism/anti-discrimination and access to the labour market for the Roma/Gypsies; in particular we examine two projects carried out in the central region of Portugal, funded by national and European schemes. We analyse how these initiatives – framed within the idea of 'employability' and 'activation of competences' – render racism a marginal process that is, making it appear *as if* racism does not affect the *effective* implementation of those measures. Fourthly we consider the ways in which different

Portuguese public bodies and institutions dealing with denunciations of racism and related forms of discrimination act with regard to the situation of the Roma/Gypsies. We conclude with some key ideas concerning *regimes of denial* of racism in the Portuguese context.

1. Portugal and the Framework Convention for the Protection of National Minorities (FCNM): enacting the *homogeneous* nation, denying racism

The FCNM entered into force on 1 February 1998, conceived of as an instrument for providing a coherent and comprehensive approach to monitoring the (anti-)discriminatory practices of EU member states regarding ethnic/national minorities. However, as a 2008 report asserts, the Eastern/Western political imaginary has played a significant role in the application of the FCNM in certain *Western* states, such as Portugal, that do not feel affected by it (Akermark, 2008: 2)⁴. The series of reports exchanged between Portugal and the AC-FCNM (see Table 1) show the discomfort of the Portuguese authorities with regard to the implementation of the FCNM and, more specifically, regarding Roma/Gypsy communities. As our analysis will illustrate, the strategy of the Portuguese governments has been one of *reluctance* to give specific information on the situation of Roma communities in the country and to acknowledge the scope of racist and discriminatory practices within Portuguese institutions such as city councils and education authorities⁵.

Table 1. Portugal and the Framework Convention for the Protection of National Minorities (FCNM): Cycles of Reporting (1995-2011)	
1995	Council of Europe: Framework Convention for the Protection of National Minorities [European Treaty Series – No 157]
2002	The FCNM enters into force in Portugal
2004	1st Report submitted by Portugal (received on 23 December) [ACFC/SR(2004)002]
2006	Advisory Committee on the FCNM: First Opinion on Portugal (adopted on 6 October) [ACFC/OP(2006)002]
2007	Comments of the Government of Portugal on the 1 st Opinion of the AC on the implementation of the FCNM by Portugal (received on 1 March) [GVT/COM/I(2007)001]
2007	Council of Europe – Committee of Ministers. Resolution on the Implementation of the FCNM by Portugal (adopted on 5 September) [CM/ResCMN(2007)12]
2009	2nd Report submitted by Portugal (received on 14 January) [ACFC/SR/II(2009)001]

⁴ Previous CoE recommendations in 1990 (Rec 1134, 'on the rights of minorities') and in 1993 (Rec 1203, 'on Gypsies in Europe'), that can be considered antecedents to the FCNM, emphasise the concern with the post-1989 era in Europe and the impact of the future incorporation of central and eastern European states within the EU on monitoring the situation of minorities, and in particular, the Roma.

⁵ The analysis of the education sphere is presented in detail in WP3.

2010	Advisory Committee on the FCNM: Second Opinion on Portugal (adopted on 5 November 2009) [ACFC/OP/II(2009)003]
2010	Comments of the Government of Portugal on the 2 nd Opinion of the AC on the implementation of the FCNM by Portugal (received on 26 April)
2011	Council of Europe – Committee of Ministers. Resolution on the Implementation of the FCNM by Portugal [CM/ResCMN(2011)11]

Throughout the reports and comments on the implementation of the FCNM, the government of Portugal has invested in enacting the *unity* and *homogeneity* of the Portuguese nation as a historical characteristic, whilst defending its commitment to the *civic* principles of universal equal treatment. In other words, we are faced with the discursive re-enactment of a primordial (ethnic) homogeneity sustained by centuries-old fixed borders that makes Portugal an example of the longstanding unity between state and nation, whilst emphatically denying any attachment to *ethnic* arguments and perspectives in Portuguese politics/policies. The Portuguese government then confirms that as the state and nation have been the same for centuries, universal citizenship is the *civic* solution for – we may assume following the reports – non-ethnic Portuguese, such as the Roma/Gypsies. Significantly, the reports by the Portuguese authorities over-emphasise the issue of immigration and the country's *new condition* as a 'destination country'; this rhetoric reinforces the idea of Portugal as a country that welcomes *diversity* (see Box 2).

Box 2

1st Report submitted by Portugal [ACFC/SR(2004)002]

The Framework Convention for the Protection of National Minorities [...] was drawn up in pursuance of a decision taken at the first Summit of Heads of State and Government of the Council of Europe in Vienna in October 1993. At the time, in the light of the recent far-reaching political, economic and social changes in central and **east European countries**, the representatives of the Council of Europe member States had decided to introduce a convention-type legal instrument geared to protecting national minorities settled in central and eastern Europe because of the "historical upheavals", thus helping to secure peace and stability continent-wide. Portugal shares the concern to respect the rights, fundamental safeguards and freedoms of individuals belonging to such national minorities, as well as the general aims of peace and security in Europe. This is why, **even though Portugal is geographically quite remote from the countries for which the Convention is intended and has a very different historical, social, cultural and legal background, the Portuguese Republic has, in an act of political solidarity, signed and ratified the Framework Convention**, which came into force in respect of Portugal on 1 September 2002. (p. 2)

The Portuguese Republic has no policy on "national minorities" because the concept of such minorities is unknown in its legal system. [...] Portugal, for its part, has historically adopted a civic conception of the term "nation", thus precluding recognition of "national minorities" within its territory. **The Portuguese constitutional system draws no distinction between nationality and citizenship:** the "nation" consists of the community of citizens, and the Constitution provides that "All persons are Portuguese citizens who are regarded as such by law or under international convention". (p.2)

Comments of the Government of Portugal on the 2nd Opinion of the AC on the implementation of the FCNM by Portugal [GVT/COM/II(2010)001]

As stated before, **Portugal has no national minorities** and has ratified the Framework Convention for the Protection of National Minorities in an act of political solidarity, having in mind the historic question of the "nationalities", in the **Central and Eastern part of Europe**, and aiming at reinforcing peace and stability in the European continent. The FCPNM does not define what National Minority is⁶ [...] and it does not exist in the Portuguese legal system either a legal definition of this concept or the

⁶ Recommendation 1134(1990) on the rights of minorities defined national minorities as follows: 'separate or distinct groups, well defined and established in the territory of a state, the members of which are nationals of that state and have certain religious, linguistic, cultural or other characteristics which distinguish them from the majority of the population' (paragraph 11).

acknowledgement of its existence. **In fact, Portugal is, perhaps, the only country of Europe whose frontiers as State and as Nation have been perfectly and secularly coincident in the last 800 years. This fact does not collide with the phenomenon of immigration in our country** - that is also not recognized as a national minority by other European countries - **as well as the existence of one ethnic minority, the Roma community.** (pp. 2-3)
In general, all Roma communities have had Portuguese citizenship for centuries, and they are covered by the measures and have full access to the rights that are accessible to the general population (i.e. in the same conditions as the non Roma Citizens). Consequently, **when they are in social situations of poverty and exclusion**, they can have access to an important set of public programmes and measures. (p. 4)

Thus we can see that although the government of Portugal has defended the idea that an ethnic/race-blind regime of citizenship rules in the country, this does not mean that ethnicity/'race' do not shape the 'official' idea of the nation and national belonging. In fact, the reports transmit the image of an **ancient Portuguese nationhood** that it is not shared by all **citizens**. Moreover, this principle of equality (ethnic/race-blind) as it appears formulated in Article 13 of the Constitution (see Table 3) and the transposition of Directive 95/46/EC on the collection of sensitive data, are interpreted by the Portuguese authorities as providing a legitimate justification for the absence of reliable data on the situation of the Roma/Gypsies⁷, the only ethnic minority officially recognized by the Portuguese authorities (see Box 3).

Box 3

AC-FCNM First Opinion on Portugal [ACFC/OP(2006)002]

While it is aware of the reluctance regarding ethnic data collection in Portugal, the Advisory Committee stresses that the absence of reliable data on the situation of minorities complicates the development of suitable policies to advance equal opportunities of persons belonging to minorities, as well as the prevention of racial discrimination. Very little information is available on the position of ethnic minorities in areas such as housing, education and employment because Law 67/98 of 1998 regarding the collection, processing and communication of sensitive personal data is interpreted by the authorities as impeding the collection of any ethnic data. The Advisory Committee is also informed that, in view of the lack of data based on ethnic origin, providing statistical evidence of discrimination before a court remains a challenge. (p. 10)

2nd Report submitted by Portugal [ACFC/SR/II(2009)001]

The only figures we have on the Roma Community are based on estimates (it is thought that they number approximately 40-50,000 people in Portugal), and we are therefore unable to provide statistics on the actual number because of the provisions of Directive 95/46/EC of the European Parliament and the Council, transposed into the national legislation by Law No. 67/98, of 26 October which, in general terms, prohibits the processing of personal data revealing ethnic or racial origin and political or philosophical beliefs. (p. 3)

AC-FCNM Second Opinion on Portugal [ACFC/OP/II(2009)003]

The Advisory Committee deplores the persisting lack of reliable data on the situation of persons belonging to minorities, and in particular Roma, in areas such as employment, housing or education, despite the existence of a few sociological studies providing some data on persons belonging to the Roma minority. [...] [the AC] understands that others in Portugal are advocating for comprehensive data collection on the situation of persons belonging to ethnic minorities, and in particular to the Roma community. It underlines that the current lack of data constitutes a serious obstacle to the elaboration and implementation of more effective positive measures and specific policies to promote equal opportunities. Furthermore, it makes it more difficult to demonstrate and combat existing racial discrimination. (p. 11)

⁷ However, it is not the case that the Portuguese authorities do not use and gather data on the Roma/Gypsies. Although the Census does not collect any data on the basis of ethnic/racial categories, Portuguese public bodies have used data collected by church-based organisations (e.g. Cáritas), municipalities and research centres (for instance: Grupo de Trabalho, 1998: 21-23; National Plan for Inclusion – PNAI, 2008-2010: 120-121). Moreover, the ESCOLHAS Programme, one of the state's flagship programmes aimed at developing insertion strategies for young people living in vulnerable areas, asks project promoters to provide socio-demographic data for their potential beneficiaries and target-population, including the Roma/Gypsies.

In terms of the precise focus of the TOLERACE project and this paper, we consider it crucial to emphasise that the FCNM does not address racism as a concern in terms of the situation of minorities; it is the more sanitised grammar of tolerance, anti-discrimination and intercultural dialogue that can be found throughout the text:

The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living in their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the Media. (Article 6: 1)
The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity. (Article 6: 2)

The AC-FCNM's opinions and recommendations for Portugal identify racism as a concern in relation to the presence and increased activity of extremist movements and political parties. When referring to the structural conditions under which the Roma live in the country, and to racist acts against them, terms such as 'attitudes of rejection and hostility' or 'cases of discrimination' are used. The Portuguese authorities have usually denied all of these issues and 'cases', describing them as 'inaccurate' or deploying a legalist rhetoric in order to justify the fact that that any discriminatory act 'would be a violation of Portuguese law' (see Box 4).

Box 4

AC-FCNM First Opinion on Portugal [ACFC/OP(2006)002]

The Advisory Committee *finds* that attitudes of rejection and hostility towards minorities are present in the Portuguese society, especially based on the colour of the skin and towards Roma; it further *finds* that racist movements are increasingly active, although reported racially-motivated violence and crime remain rare. The Advisory Committee also *finds* that lack of data on racially motivated crime hinders proper monitoring of this problem. (p. 17)

Comments of the Government of Portugal on the 1st Opinion of the AC-FCNM 2007

As stated during this consultation process, Portugal does not recognize the existence of national minorities in its territory, recognizing only one ethnic minority, the Roma community. [...] We would also have to disagree with paragraph 62, which states that attitudes of rejection and hostility towards minorities are present in the Portuguese society, for this does not accurately reflect the rule in the Portuguese society. (p. 2)

AC-FCNM Second Opinion on Portugal [ACFC/OP/II(2009)003]

It is of particular concern that, in some municipalities, Roma settlements are surrounded by walls⁸, often with only one entrance and exit route. Such practices are not compatible with the principles of the Framework Convention. Additionally, a number of Roma families are compelled to move from place to place because of lack of registration in a given municipality. They often live in tents, in substandard conditions and cannot access a number of social services. This situation is also incompatible with the principles of the Framework Convention. Cases of discrimination of persons belonging to the Roma minority, in the field of employment, housing or service provision, have also been reported to the Advisory Committee. (p. 6)

Comments of the Government of Portugal on the 2nd Opinion of the AC-FCNM, 2010

Regarding the allegation that some Roma families are compelled to move, from place to place, because of the alleged lack of registration in a given municipality, there is no requirement under Portuguese law that a citizen

⁸ One of the most controversial cases is the wall constructed in Beja, a small city in the Southern region of Alentejo, in 2010, surrounding a neighbourhood of Roma/Gypsy families. This case has been extensively covered by the Media; See: www.dn.pt/inicio/portugal/interior.aspx?content_id=1642075&seccao=Sul (accessed 31.08.2011); www.cmjornal.xl.pt/detalhe/noticias/nacional/portugal/muro-de-betao-isola-ciganos (accessed 31.08.2011); www.publico.pt/Local/bispo-critica-muro-de-betao-que-isolou-ciganos-em-beja_1448069 (accessed 31.08.2011).

has to be registered in any municipality, in order to stay or live there. If any municipality would have made such demand to citizens of the Roma community, it would be in violation of the Portuguese Law, namely, the Portuguese Constitution - Article 13^o [...]. (p. 7)

Although it promotes monitoring of member states and raises key questions regarding the structural conditions of the marginalisation of the Roma and the ineffectiveness/inadequacy of the policies and measures applied, we would argue that the FCNM is a weak instrument for combating racism and promoting a comprehensive anti-racist strategy. Rather than addressing racism as a central political phenomenon in understanding the current situation of the Roma in European states and the ways in which it permeates institutional responses, the FCNM stresses a reading of the problem as one related to the *misrecognition* of difference, that is, of minority ethnic, cultural, linguistic and religious *identities*:

The Parties undertake to promote the conditions necessary for persons belonging to national minorities to **maintain and develop their culture**, and to **preserve the essential elements of their identity**, namely their religion, language, traditions and cultural heritage. (Article 5: 1)

Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall **refrain from policies or practices aimed at assimilation** of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation. (Article 5: 2)

Even if we consider the question of pluralism regarding collective identities as relevant, it has proved inefficient in tackling racism and the case of the Roma is, as we will analyse in more detail, paramount in this regard. Racism is often reproduced in a regime of *denial* and anti-racism is trivialised through the sporadic celebration/consumption of cultural difference. Roma communities in Europe are – although usually ignored as such – part of what David Goldberg, following Partha Chatterjee, designates the ‘law of postcolonial distinction as constitutive of the ex-colonial metropole’:

The law of ex-colonial distinction [...] predicates itself on racial denial and the cosmetic masking – the making invisible – of the institutionalizing causes of racist violence and exclusion fronted by the reifying fabrication of the ever-threatening, panic-producing figure of postcolonial character: the revolutionary; the mugger; the gang member; the religious fanatic; the terrorist. (Goldberg, 20009: 191-192)

Roma communities would ‘belong’ to these uncivilised and dangerous ‘others’ formerly administered by colonial rule: they are trapped in cultural barbarianism and reluctant to change and enter into modernity. As Rosário Farmhouse, current High Commissioner for Immigration and Intercultural Dialogue stated, regarding their work with Roma communities:

Our proposals for work with Roma communities in different areas and the results obtained until now have been the driving force of this challenge. Above all, they confirm that the Roma, even though slowly, are opening up to change and that they are also capable of taking new paths in times of change. (B-i Magazine, June 2010:2)

Following this approach, the exclusion of the Roma/Gypsies in Portugal is usually read as self-exclusion and racism as *reciprocal hostility* between them and the ‘majority’ population. As we will show, the question of ‘difference’ has become, in the employment sphere, a discursive trap within the neo-liberal paradigm of ‘empowerment’ and ‘activation of competences’; ethnic difference is considered an *illegitimate* explanation for everyday/structural racism and *the* primary source of self-exclusion and incompetency:

I think that they [Roma/Gypsies] too often discriminate against themselves. This is my point of view. This happens all the time; their discourse is usually as follows: - ‘Ah, they did not want to offer me that job because I am Rom [*cigano*]. – ‘But did they say so, that they did not offer you the job because you are Roma?’ – No, they did not, but I know it is because I am Rom’. That is, they assume they are different, and they assume their differences in order to justify some of the difficulties they face in life and in getting a job, and dealing with their resistance to frustration, which is very low. (O., NGO representative; Project manager)

2. Academic narratives on the Portuguese Roma/Gypsies: between the prejudice paradigm and ethnographic fascination

In Portugal contemporary research on racism is relatively scarce and could only be considered a field of academic enquiry from the late 1990s onwards. From the outset, it was defined by studies within social psychology, migration studies, mostly deploying quantitative methodologies and, in particular, surveys on social attitudes. In these studies, the framing of racism within the *prejudice paradigm* is noticeable, as well as the embedding of an ‘immigrant imaginary’ in academic thought (Maeso & Araújo, 2010: 15). The prejudice paradigm⁹ within the framework of *social representations* and *inter-group/ethnic relations* is also dominant in most of the academic research on the Roma/Gypsies produced in Portugal, together with anthropological ethnographies (Bastos & Bastos, 1999; Bastos et al., 2007; Casa-Nova, 2006; 2009; Cortesão et al., 2005; Fonseca et al., 2005; Silva & Silva, 2001; Silva et al., 2008)¹⁰, in which the predominant disciplines are social psychology and cultural/social anthropology.

Within this framework, most of the academic work on the Roma/Gypsies paves the way for a depoliticising perspective that does not fully integrate the analysis of historical power relations that reproduce excluding ideas of *citizenship*, ‘*race*’ and *political belonging*. This is not to say that the literature does not consider the history of anti-Roma/Gypsy legislation in the country or in Europe; we argue that the issue here is not so much a question of the ‘absence’ of historical contextualisation but rather how this is incorporated within the broader frame of ethnicity and social representations. We

⁹ For a thorough critical account of the prejudice paradigm, see Henriques, 1984.

¹⁰ This is not a complete list: we have highlighted some of the most representative works relevant to the issues discussed in this paper. For a more complete overview of the literature on the Roma/Gypsies in Portugal, see Bastos et al., 2007: 23-32.

consider that as theoretical reflections on 'race' and racism are quite marginal and linked to the differentiation between biological and cultural racism, on the one hand, and lacking a thorough discussion of the close relationship between routine forms of racialised governance and nation-formation, on the other hand, **much academic work continues to focus on the opposing stereotypical representations of majority and minority groups.** The sociological and political question is framed as one that is related to the *acceptance, understanding and recognition* of the culturally different 'other.' **The state systems of bio-political administration are generally left out of the analysis or superficially mentioned as a problem concerning the gap between laws/policies and their effective application.**

We analyse these questions in greater detail by focusing on two works representative of academic research into the Roma/Gypsies in Portugal: *Etnografia e produção de conhecimento* by Maria José Casa-Nova (2009) and *Sintrensas Ciganos* by José Pereira Bastos, André Clarezza Correia and Elsa Rodrigues (2007).

2.1. Ethnography and the amplification/simplification of the cultural 'other'

Maria José Casa-Nova is one of the most important anthropologists involved in ethnographic research into Roma/Gypsy communities in Portugal since the 1990s. Her book, published in 2009¹¹, is based on the ethnography of a Roma/Gypsy community in Porto (between 2002 and 2006), the second largest city in Portugal, consisting of five extended families, taking the following as its main objective:

[...] to contribute to the comprehension of forms and processes of construction of scientific knowledge and to the knowledge, understanding and interpretation of the processes of cultural reproduction and production of a community belonging to the Gypsy socio-cultural group and of the meaning(s) attached to that reproduction by this group (p. 15)

More specifically, the author frames her main research question as follows:

[...] to understand and interpret the contexts and processes leading to the *low permeability to cultural assimilation* and some *certainty for action* present in those belonging to this socio-cultural group and [...] the underlying reasons for the social and cultural marginalisation that the Roma/Gypsies continue to be victims of in Portugal (visible in the legislation produced from 1538 to the 1980s), making evident a continuity of almost five centuries (p. 27, emphasis in the original)

Casa-Nova then centred part of the ethnographic inquiry on this 'ethnic group's' perceptions of and significance ascribed to two specific social dimensions, *education* and *labour*, and their intersection with gender¹² relations. This research results, in our

¹¹ This publication is part of the ACIDI-High-Commission for Immigration and Intercultural Dialogue *Olhares* collection; see: www.ciga-nos.pt/Default.aspx?tabindex=6&tabid=15 (accessed 2.09.2011)

¹² Regarding this, racist accounts then permeate the book though a narcissistic amplification of 'gender issues' as belonging to the 'Gypsy culture' via the location of the researcher as the target of (patriarchal) stereotypes deployed by the Roma/Gypsy men towards women from the majority society (pp. 81-83) –

view, in the amplification of cultural difference and particularly of the 'Gypsy culture', which acts as a kind of omnipresent *explanatory cause* for 'understanding' enduring processes of marginalisation. The 'Gypsy culture and processes of cultural reproduction and production' (the title of Part II of the book, p. 112) are not located in the broader power relations institutionalised by the state administration and particular public policies. In fact, public bodies and policies only merit a couple of pages in the book (pp. 22-24), mainly describing the different organisations devoted to the Roma/Gypsies' situation; the author refers to the state's lack of interest in this 'socio-cultural group' (p. 22) and, more specifically, to the report produced by the *Working Group for the Equality and Inclusion of Roma Communities* (ACIME, 1998), as follows:

However, for different reasons, the reflections/recommendations of this Working Group did not have effective repercussions regarding the social or education policy measures focussing on the improvement of living conditions and opportunities for the Gypsy socio-cultural group (p. 23).

Leaving the political administration unexplored, a depoliticised amplification of the 'cultural other' rules the explanatory narratives, therefore simplifying/subsuming structural and historical dimensions within the minority/majority dualism and naturalising racism *via* the subjectification of 'cultural contrasts':

During the ethnographic fieldwork, a subsequent hypothesis pertinently and insightfully emerged: the socio-cultural marginalisation that this group presents has an underlying *cultural difference perceived as strongly contrasting to that of the majority society*. (p. 29, emphasis in the original)

This explanatory omnipresence of an ontologised cultural difference functions *as if* power relations in academic discourse and the state administration were not fundamental to the production/interpretation of this 'difference'. Racism is not thoroughly discussed as a political phenomenon but instead either as a kind of anthropological universal born out of reciprocal prejudices and stereotypes, which is a constant in the researcher's continual testing of whether the Roma/Gypsies are aware of their own racism towards non-Gypsies:

Maria José – Tell me something, Susana, do you think that there is racism on the part of the Roma/Gypsies towards others regarding this issue [inter-ethnic marriage with non-Roma/Gypsies]

Susana – No

Maria José – No? Do you think that being unwilling to marry someone non-Gypsy is not related to racism?

Susana – No, it has nothing to do with racism but with family honour [*honra da casa*], maintaining family honour (pp. 105-106)

Maria José – Actually, about racism... Susana thinks that the Gypsies are not racist, but I, for instance, met several Gypsies that told me that the Gypsies were very racist towards others because they considered their culture was superior. Do you agree with this?

Susana – But... that... helping each other, I think it is nice. [...] (p. 108)

thus implying the superiority of Portuguese non-Gypsy women that do not 'tolerate' such patriarchal treatment.

or as an issue mainly related to the majority's ignorance of the Roma/Gypsies' cultural difference. This explanatory narrative is paramount when the author comments on two recurrent cases in Portugal. One concerns the 'attempt to construct classes for Gypsy children only':

This kind of process, although part of contemporary Portuguese society, means rejecting access to rights sanctioned by law (to citizenship granted by the state), excused by cultural differences that are difficult to reconcile with the culture associated with the majority society. [...] The attitude of the Portuguese belonging to the majority socio-cultural group towards the Gypsy socio-cultural group (also Portuguese), based on cultural ignorance, is rooted in negative stereotypes and social representations transmitted for generations and remains in the socio-cultural imaginary of the majority Portuguese population. (p. 117)

The other case is related to re-housing and the refusal of a municipal council to relocate Roma/Gypsy families to certain (better-off) neighbourhoods 'not stigmatised' as areas traditionally occupied by the Roma/Gypsies (pp. 119-123). The author disclaims/delegitimises racism as subjective, i.e. a 'perception' held by the Roma/Gypsies in the study (p. 120-121). Similarly, the state's denial of access to a right (i.e. housing), is considered to be 'related not so much (or merely) to the existence of "institutional racism" but to ignorance and/or misinterpretation of the Gypsy cultural codes' (p. 122). This ethnographic fascination with difference and the amplification of cultural 'otherness' pave the way for the deployment of a coherent well-bounded narrative that explains 'cultural reproduction' by actively locating racism within the aforementioned *regime of denial* and thus (un)explaining historical marginalisation, not as a political phenomenon (i.e. racist governmentalities) but as an issue of cultural translation, in which the researcher is self-positioned as the perfect 'mediator' (p. 123).

2.2. *The inter-ethnic relations framework and the understanding of racism*

José Pereira Bastos is a well-known anthropologist who has worked mainly in the fields of inter-ethnic relations, identity strategies and social representations, with an emphasis on ethnic minorities and on the construction of Portuguese identity. His book, *Sintrenses ciganos* (2007), is the result of research carried out jointly with other researchers at the CEMME (Centre for Migration and Ethnic Minorities Studies, New University of Lisbon)¹³, sponsored by the Municipal Council of Sintra¹⁴. The main objective was to offer a detailed socio-demographic analysis of the Roma/Gypsy living in this area. The authors grounded their research within the framework of inter-ethnic relations, integrating different aspects, namely a historical perspective on the legal, political and socio-economic marginalisation of the Roma/Gypsies in Portugal and in

¹³ Centro de Estudos de Migração e Minorias Étnicas, Faculdade de Ciências Sociais e Humanas – Universidade Nova de Lisboa.

¹⁴ A city on the south-western coast, near Lisbon; According to the 2001 census, it had a population of 363,740.

Europe, data collected on the situation of the Roma/Gypsies in different spheres (education, housing, labour), an analysis of the Gypsy culture/faith according to their own perspectives, and a study of discourses on the Roma/Gypsies used by local institutional representatives from different spheres (e.g. education, the public health services, the city council, police, and social services).

It can be seen that this research adopts a different interpretative path to most of the work on the Roma/Gypsies produced by Portuguese academics. Firstly, it includes a full historical perspective in order to understand the contemporary situation of the Roma/Gypsies in Portugal – contextualising as political phenomena certain aspects assumed to be ‘cultural’, such as ‘the myth of the Gypsies’ nomadic vocation’ (p. 199; see also p. 29-30). Secondly, although the authors also considered it relevant to focus on the interpretation of ‘Roma/Gypsy culture/law’ and how this relates to what are assumed to be *non-modern customs* (e.g. those concerning gender issues and sexuality, p. 153), they provide, to some extent, some nuances to the prevalent *culturalist narratives*, addressing specific Roma/Gypsy political proposals, for instance regarding the schooling of girls:

[...] any homogenising approach should be avoided, **creating and promoting differentiated modalities** [...]: ‘They could open a school only for girls. Even if the boys are Gypsy, we do not want our daughters with them, their fathers do not want it. My daughter was taught, since she was a kid, about sex, that school is not a place for dating but for studying. [...]’ [Roma/Gypsy woman; age 35-40, Casal de São José]. (p. 206, emphasis in the original).

Thirdly, and most importantly, it includes a thorough analysis of the discourses deployed by local institutional representatives from different spheres that constitute the network of local agents in charge of the everyday administration of populations and territories (p. 171-196). The interviews are analysed within the framework of social representations as contrasting perspectives/views on the ‘other’ (*‘os sintrenses cinganos’*) that reveal a clear picture of the enduring historical construction of the Roma/Gypsies as ‘uncivilised’ and morally deviant subjects and as a population irremediably affected by ‘pathologies of character’, a discourse the authors found most evident in the field of education and, as we will also see in greater detail, in the implementation of the Social Insertion Income scheme (SII/RSI)¹⁵ (p. 188). Although no specific public policy/initiative/project is examined, key discourses on ‘integration’, ‘cultural difference’ and the role of the state are made explicit:

The paradoxical nature of this situation is that the very same accusers that consider the Gypsies as ‘primitive’, ‘tribal’, culturally different, intrinsically nomadic, etc. [...] are those who state that *‘they should not have any special treatment. What the Sintra City Council must do for them is the same as they do for the whole community’*. [...] *‘If the Gypsies do not obey the same rules we do, they will never integrate!’*, calling upon the ‘iron hand’ of the ‘State’ in order to accomplish an undifferentiated integration that would lead to assimilation,

¹⁵ Rendimento de Inserção Social

just in case the other Portuguese – Gypsy-phobic – would be spontaneously ready to accept this, and the iron hand of the state would not be needed to buffer their explicit racism or, to be more precise, a racism coded as an interest in universal democratic citizenship [...]. (p. 195, emphasis in the original)

However, it is our view that, due to the centrality of the inter-ethnic relations framework, racism is treated inadequately in theoretical and analytical terms. For instance, the legacies of ‘race’ as ‘a mode of social categorization and evaluation’ (Amin, 2010: 6) for the construction of the Roma/Gypsies and of exclusionary ideas of ‘Portugueseness’ remain unexplored. Moreover, this question is explicitly dismissed by the simplistic and historicist differentiation between phenotypical and cultural/identity characteristics:

It is not an issue, as in the case of the Portuguese ‘black’ and the Portuguese African, of a ‘racial question’ based on phenotypical characteristics (skin colour, etc.) and the stereotypes associated with them but it is rather an identitarian and cultural question. Physically, **many ‘Gypsies’ are indistinguishable or scarcely distinguishable from significant numbers of the Portuguese population, resulting from the hybridisation of the many different peoples that came over here [...].** The **cultural organisation of the perception of identitarian distance**, in this case exacerbated, causes differentiation to be established within the field of social character [...], **attributing certain essential characteristics to the Gypsies that are opposed to the characteristics that define the social representation of the ‘true’ Portuguese** – the Gypsies (like the ‘Spanish’) are accused of being aggressive, arrogant, lazy, opportunistic, and tricky, while the ‘true’ Portuguese would be peaceful, modest, hard working, sensitive, loyal and reliable (p. 20, emphasis in the original)

This differentiation between biological/phenotypical and identity/cultural racisms has been the product of a political process enhanced by academia and international institutions such as UNESCO since the 1940s with the aim of discrediting scientific theories about the actual existence of ‘races’ and the innate inferiority/superiority attributed to them (Lentin, 2005; Brattain, 2007). However, this framing of the debate has reproduced a Eurocentric understanding of racism – personal dispositions, wrong ideas, excessive ‘race-thinking’ (Hesse, 2004) – that effectively avoids questioning racism as a political phenomenon naturalised via routine racist governmentalities displayed by states, civil society organisations and academia.

Finally, the authors’ understanding of (anti-)racism as a question related to ‘social representations’, ‘identity strategies’ and ‘exacerbated identitarian distances’ fails to interrogate the absence of a comprehensive anti-racist policy and its active institutional marginalisation in Portugal (Maeso, Araújo & Guiot, 2010). The arguments in favour of affirmative action and differentiated policies for employment and schooling (p. 206) – a very relevant debate in Portugal – ends up dissolved within the *recognition of identity* argument and the need for ‘re-education campaigns’, to be carried out by local authorities:

[...] a **re-education policy** of the Sintra population for **citizenship, inter-ethnic relations**, involving civil servants, schools, other institutions and the general populations, through Media campaigns and recreational activities, inter-ethnic social events and the **promotion of aspects of the Sintra Roma/Gypsy identity**, of the best they have to exhibit (p. 205, emphasis in the original).

As we have already argued, the subsuming of (anti-)racism within identity and difference framework has proved ineffective as it is easily marginalised into a trivial and ephemeral celebration of cultural difference, paving the way for an easy political split between the positive and the negative and therefore the depoliticisation of racism. Academic research needs to account for the ways in which cultural difference and identity politics regarding the Roma/Gypsies have become a conveniently easy way to explain 'exclusion' and naturalise racism:

To be successful, projects and measures aimed at integrating Roma into the labour market need to take into account the needs and the difficulties of the Roma population – **not only due to often long-term unemployment but also due to cultural diversity and lifestyle** – as well as the specificities of the local labour market in the area where they live. (CoE, 2010, The situation of Roma in Europe and relevant activities of the Council of Europe: 14/paragraph 62, emphasis added)

3. The contemporary administration of *pathological* populations in Portugal (1996-2011): social *inclusion* of the Roma/Gypsies and the idea of *employability*

Since the mid 1990s, Portugal has become increasingly involved in European policies for 'social inclusion' and equality. European monitoring of Portugal's political measures for ethnic minorities, and in particular the Roma/Gypsies, has decisively influenced the state's responses and initiatives in this area. More importantly, this situation has revealed the absence of a comprehensive policy for the Roma/Gypsies in the country since the establishment of the democratic regime following the 1974 'April Revolution'. In fact, traditionally, non-governmental and church-based organisations have been leading social assistance initiatives for the Roma/Gypsies and, to a certain extent, still continue to do so.

As two interrelated key life-spheres, education and employment have been at the centre of public policies and initiatives for the Roma/Gypsies implemented by the Portuguese authorities in the last two decades. Regarding employment, our analysis will show that the construction of the Roma/Gypsies as *vulnerable* populations draws upon two key ideas, namely that they are socially and economically excluded from the majority population and that they have specific cultural characteristics. The arithmetic of centuries of poverty and cultural difference produces, under state and NGO regulation, a dominant approach toward the Roma/Gypsies that can be defined as *pathological*, and public policies and 'active inclusion' and 'empowerment' initiatives are therefore implemented as a civilising and disciplinary programme. Accordingly, their 'cultural characteristics' may be ephemerally 'celebrated' as a self-proclaimed anti-

racist measure (e.g. in the form of a musical festival) but they ultimately work as self-contained explanations for their *uncivilised, non-modern* circumstances and for the assumed need for *surveillance* of their status as beneficiaries (e.g. of the *Social Insertion Income – RSI*):

In Portugal, the approach encountered corresponded more to the workfare approach to social assistance of the United States, the aim of which is to reduce the costs of social assistance schemes by tightening the conditions of and controls over access to benefits. [...] most social service workers interviewed during research expressed the opinion that most Roma stay home all day and do nothing; most also considered RSI recipients to be lazy. At the same time, paradoxically, most social service workers also believed that most Roma work illegally (i.e. while staying home all day) and make false claims for RSI. This belief was grounded in the fact that some Roma in Portugal earn money by selling goods in the street or through other visible informal activities, which fuelled the opinion of social workers that all Roma earn money in this manner. Almost all social service workers and all social security workers interviewed disparagingly referred to Roma who pick up their RSI payments in Mercedes. During interviews, social service workers spent a great deal of time focused on the need for tighter control over the allocation of RSI. (Bedard, 2007, pages no numbered)

Despite concerns raised by different European agencies and organisations about the ways in which racism affects the inclusion of the Roma/Gypsies in the labour market (see Box 5), and despite the fact that measures to combat racism and ethnic/racial discrimination are listed amongst the main objectives of the public policies and initiatives we have analysed (the EU EQUAL and the nationally funded *Choices* programme), in practice they are marginalised. Focussing on ‘empowerment’ and ‘activation of competences’ and allegedly non-paternalistic, these initiatives seem to exonerate the state from the need to act on its structures, and racism is reproduced in a *regime of denial*. During fieldwork, we observed the way this regime worked and was reproduced in the interviewees’ discourses: either through *commonsensical* statements (‘In Portugal there is no racism’) or through a focus on the pathological characteristics of the ‘other’ (*they* have no concept of personal hygiene; *they* do not know how to use a watch; *they* do not want to work for others; *they* are not familiar with the school culture...)

Box 5

ECRI notes that in view of the economic difficulties encountered with regard to itinerant trading, alternative solutions must be found to enable Gypsies to find employment and meet their needs. Initiatives by NGOs and the Employment and Vocational Training Institute (IEFP) have been taken to try and train Gypsies, particularly young members of the community, for employment. ECRI is concerned to learn however, that according to some NGOs these initiatives have not been as successful as anticipated because of the racist prejudices that persist among certain employers, which means that Gypsies suffer racial discrimination in recruitment. This often ends up discouraging young Gypsy job-seekers. (ECRI, 2007: 29)

Various sources indicate that Roma frequently face discrimination in access to employment, as well as on the housing market. Therefore, even though programmes of vocational training and retraining of Roma have been carried out, they often have only a limited impact on the employment rates of Roma. Moreover, Roma representatives regret that there is limited support for self-employment and the setting up of small businesses, which could constitute alternatives to itinerant trade and working on fairs and markets. (CoE – AC-FCNM Second Opinion on Portugal, 2010: 22/paragraph 11)

The RSI (Social Insertion Income) has been very important in providing income for those earning less than the social pension of households in similar circumstances; this is indeed the case for Roma. Most of the Romani RSI beneficiaries noted the importance of the RSI in their lives. However, upon deeper examination, the RSI is not without problems and, indeed, hardly promotes the social inclusion of its Romani beneficiaries, which is not addressed in the Portuguese NAP (National Action Plans for Social Inclusion). (ERRC/Númena, 2007: 54)

3.1. The state's institutionalisation of 'vulnerable populations' and the semantics of 'inclusion', 'activation' and 'interculturality'

We consider 1996 as a landmark in terms of the way social policies for employment were designed and implemented, and how this affected the Roma/Gypsy (see Table 1). This was the year in which both the *Guaranteed Minimum Income* scheme, currently renamed the **Social Insertion Income (SII/RSI)**, and the **Social Market for Employment (SME/MSE)** were created. Both initiatives are part of wider measures aimed at promoting the employment of particularly *disadvantaged* groups and those considered to be struggling to find the conditions to become *autonomous*. The **grammar of 'autonomy' and 'activation' was paired with that of 'vulnerability' and 'risk'**:

The concept 'activation' entered slowly into the political and normative discourse, in the context of the new generation of social policies. Active employment policies were seen as an alternative to the former passive relationship between the State and citizens, fostering opportunities for autonomisation and demanding a growing effort of policy co-ordination and different levels. In this context, the introduction of the minimum income scheme in Portugal in late 1990's was the first actual attempt of a public policy to establish a clear link between the social insertion and the professional integration dimensions. Although the labour dimension had always been present from the beginning of the implementation of the minimum income scheme in Portugal, there was a clear reinforcement of the labour integration component after 2003. (Baptista & Cabrita, 2009: 25)

Table 1. Public Policies on socio-economic inclusion and employment in Portugal (1996-2010)

1996	Creation of the Guaranteed Minimum Income scheme (currently: Social Insertion Income – SII/RSI) following the 1992 EC Recommendation No 441 on 'Common criteria concerning sufficient resources and social assistance in social protection systems' Creation of the Social Market for Employment [Resolution of the Council of Ministers No 104/96] Creation of the Working Group for the Equality and Inclusion of Roma Communities [Normative Dispatch No 157/96]
2004	High-Commission for Immigration and Ethnic Minorities (ACIME) [Law-Decree n.º 251/2002]
2001	Launch of the Escolhas Programme [Council of Ministers Resolution No. 4/2001] Launch of the National Plan for Employment (PNE 2001)
2003	Launch of the National Plan for Inclusion (PNAI: 2003-2005)
2005	Launch of the National Plan for Employment (PNE: 2005-2008)
2007	High-Commission for Immigration and Intercultural Dialogue – Public Institute (ACIDI) as a result of merging the ACIME, the technical support structure for the coordination of the Escolhas Programme , the Structure of the Mission for the dialogue between Religions and the <i>Entreculturas</i> Secretariat [Law-Decree No 167/2007] The National Commission for the Social Insertion Income launched the Strategy for Active Inclusion The Ministry of Labour and Social Solidarity launched the White book of Labour Relations
2008	Launch of the National Plan for Inclusion (PNAI: 2008-2010) Launch of the National Plan for Employment (PNE: 2008-2010)

In the same year the **Working Group for the Equality and Inclusion of Roma Communities** was launched, chaired by the High Commissioner for Immigration and Ethnic Minorities, and recognised by the Prime Minister at the time, António Gutierres, as ‘the first time that the Government in Portugal understood it was necessary to act, in an articulated way, to make sure that the Portuguese of Gypsy origin were recognised as fully-fledged citizens’ (Grupo de Trabalho, 1998: 5).¹⁶ Since the mid-1990s two parallel processes can be observed:

(i) On the one hand, the launching of a **panoply of policies and measures devoted to socio-economic and employment ‘inclusion’ that establish specific groups as ‘vulnerable’**, that is, facing serious problems in terms of social and professional integration (i.e. immigrants, ethnic minorities, people with disabilities, women, the elderly). Among these target-beneficiaries the Roma/Gypsies are sometimes explicitly mentioned (for instance, in the 2001 *National Plan for Employment* or in the *National Plans for Inclusion 2003-2006; 2008-2010*). Regarding the latter, the Roma/Gypsies are discussed in the section that focuses on “Inequalities and discrimination in access to rights by specific groups’ (‘Risk 7’); the Roma/Gypsies are one of those ‘specific groups’, together with people with disabilities, immigrants/foreign residents and homeless people, and their situation is implicitly described as related to ‘traditional situations of poverty’:

The extension and intensification of particularly serious situations of poverty make diversified profiles evident. Traditional situations of poverty – located on the margins of the structures and institutions of social life – coexist with new configurations resulting from uneven processes of modernisation. (PNAI 2008-2010: 113)

Anti-racism is absent, or rather marginal, within these policies and initiatives. This does not mean that the *occurrence* of discrimination and racism is not mentioned. For instance, in relation to the situation of ethnic minorities and immigrants, the 2001 *National Plan for Employment* refers to ‘the existence of discriminatory attitudes and latent racism’ (p. 79), whilst the 2008-2010 *National Plan for Inclusion* considers the existence of ‘prejudices’ and ‘attitudes’ against the Roma/Gypsies (p. 120). However, combating racism does not merit specific policies and measures; instead it is considered that successful inclusion in the labour market, *adjusted to the Roma/Gypsy group’s characteristics*, would have a definitive and positive effect on the fight against ethnic/racial discrimination. There is only one exception, namely the projects developed within the EU **EQUAL** initiative (2000-2008), aimed at combating racism and

¹⁶ Traditionally, church-based and social assistance institutions have been carrying out initiatives and projects for the ‘inclusion’ of the Roma/Gypsies, such as the *Obra Nacional da Pastoral dos Ciganos* (ONPC) or *Caritas*, both part of the Portuguese Episcopal Conference, and the *Santa Casa da Misericórdia*, through its *Programme for Social Promotion of the Gypsies*. These institutions, together with the municipalities, have collected data on the socio-demographic and economic conditions of the Roma/Gypsies at local level.

xenophobia in the labour market. The 2003-2006 *National Plan for Inclusion* considered the implementation of at least 25 actions within this programme, based on 'a better understanding of the processes that generate racial or ethnic discrimination' in the labour market (p. 59). In the next two sections we analyse one of the major projects carried out in Portugal under the EQUAL scheme.

(ii) In addition, the Portuguese state initiated a series of institutional initiatives to combat racism and xenophobia, closely linked to the configuration of *immigration* as a central topic in the political debate. Here the Portuguese authorities showed a hesitant approach to the Roma/Gypsies; following our previous analysis (see Section 1) of the implementation of the FCNM, it may be considered that **Portugal has avoided the political visibility of the Roma/Gypsies**. Regarding this, it is relevant to note that it was precisely in **2007**, when Portugal – via its Permanent Mission to the European Council (*Missão Permanente junto do Conselho de Europa*) and in response to the AC-FCNM – officially recognised the existence of one ethnic minority 'the Roma Community', that the previous High Commission for Immigration and Ethnic Minorities (ACIME) became the **High Commission for Immigration and Intercultural Dialogue (ACIDI)**, dropping any official reference to 'ethnic minorities'. Nevertheless, responding to pressure from the AC-FCNM, in the same year it also launched the **Roma Communities Support Agency (GACI)** and the **CIGA-NOS!** web page with online resources.¹⁷ As previously analysed (Maeso, Araújo & Guiot, 2010), this public body – the ACIDI – incorporates and coordinates a considerable part of the integration/inclusion policies and programmes, such as the *ESCOLHAS* [Choices] programme which is currently one of its flagship programmes, as well as the campaign against racism and xenophobia. The GACI has quite a low profile within the ACIDI, and a low budget, focussing mainly on following up the projects funded under the *ESCOLHAS* scheme that have the Roma/Gypsies as target-beneficiaries. Finally, one of the most relevant initiatives launched by the ACIDI concerning the Roma/Gypsies was the **2009 Municipal Mediators¹⁸ Pilot Project**, which aimed to include Municipal Mediators (usually young Roma/Gypsies) in work in the Municipalities to:

[...] improve the access of Roma/Gypsy communities to local services and facilities, as well as to facilitate communication between culturally differentiated groups, translating the contents of the interaction to prevent and manage conflicts. (Castro et al., 2010: 6)

The administration of the Roma/Gypsies in Portugal is thus permeated by two discursive and practical fields of intervention: 'inclusion through activation of personal and social competences' and 'respect for cultural difference'. In the next two sections,

¹⁷ www.ciga-nos.pt

¹⁸ For the institutional antecedents to the figure of 'cultural mediator' see: Grupo de Trabalho, 1998; Oliveira et al., 2005.

the ways in which (anti-)racism is marginalised and denied within these two spheres of intervention will be explored through an analysis of two specific projects carried out in the city of Coimbra.

3.2. *Roma/Gypsy families, employability and the 'will to change'*

The two projects we analysed had as their target-population Roma/Gypsy families living in the city of Coimbra¹⁹, and focused on their social and occupational inclusion/insertion. Most of these families receive the *Social Insertion Income (SII/RSI)* and some have also been relocated as part of a re-housing programme implemented by the municipality. Both projects were carried out by a network of public bodies and organisations working at local level which we have termed *local mediation agents* (i.e. municipalities, NGOs, regional education boards, a professional training institution and an association of local entrepreneurs and schools). However, the NGOs working in social inclusion projects in the locality are the ones who implement these projects and initiatives in the field and work on an everyday basis with the beneficiaries.

The 2000-2008 **EQUAL** initiative was funded by the EU's **European Social Fund** focussing on supporting innovative, transnational projects aimed at tackling discrimination and disadvantage in the labour market. *Employability* – facilitating access and the return to the labour market – and *combating racism and xenophobia* in the labour market were two main pillars of this initiative.²⁰ It was precisely in terms of these two themes that the project *Coimbra, Cidade de Todos* ('Coimbra: everybody's city') was carried out from 2005 to 2008, managed by the Municipality of Coimbra. The project's main objective was described as follows:

The Project emerges from the need to structure integrated programmes aimed at the social and professional insertion of the Romany people who live in the city of Coimbra. Although there have been proven developments in the different insertion and professional training programmes, this population has great difficulty in accessing these programmes, either due to **the inadequate existing responses to their real needs**, or to a lack of **social adaptation and the withdrawal that affects this, putting their access to main goods and services at stake**. Bearing these needs in mind, the Municipality of Coimbra began the housing project for 11 families with the construction of "Parques de Nómadas" (Nomad Parks) and infrastructures which, in addition to providing 11 houses with different areas, also includes a multifunctional centre offering daily support for the families. Through the Centre, **a multidimensional intervention plan was implemented, with a multidisciplinary team of officers which integrates social relations between the families on a day-to-day basis.**²¹

¹⁹ A city in the central region of Portugal; According to the 2001 Census, it had a population of 148,000.

²⁰ Information available online: http://ec.europa.eu/employment_social/equal_consolidated/ (accessed 4.08.2011)

²¹ <https://webgate.ec.europa.eu/equal/jsp/dpComplete.jsp?cip=PT&national=2004-003> (emphasis added) (accessed 4.08.2011)

Eleven Roma/Gypsy families, relocated to the *Parque Nómada*²² housing project on the outskirts of the city, were the beneficiaries of the project:

This housing centre aimed mainly to relocate those people [Roma/Gypsy families] who lived in huts [*barracas*] in the city of Coimbra... I say huts because there are houses that... we cannot call them houses, they are not houses. They are huts which they had built and in which they lived. What the municipality is doing is giving these people other living conditions. (C.G., Coimbra Municipality)

The conceptual and methodological strategy followed by this project was the so-called 'Integrated model of intervention with the Roma' (*Modelo integrado de intervenção com a população cigana*) (Sá et al., 2007). The 'integrated model' considered that inclusion and insertion in the labour market required intervention in different spheres and aspects, taking into account the 'characteristics' of the target population:

The Integrated Model has Roma/Gypsy families as beneficiaries. Enduring and extreme poverty is one of the main characteristics of these families. Their evidently poor skills in BEING, MAKING, CREATING, KNOWING and HAVING need 'healing' strategies that require an integrated intervention involving a range of services that aims to eliminate the poverty in which these families live (*Ibid.*: 12)

Despite the objectives accomplished during the first months of intervention at the Nomad's Park, some problems persist, jeopardising the autonomy of the Roma/Gypsies living there. These include low levels of education, inadequate personal, social and professional competencies, cultural and social marginalisation, low personal and professional expectations or unreasonable expectations; long-term unemployment, no work routines, and mendacity, to mention only some of the aspects in question (*Ibid.*: 73)

Similarly, the second project analysed – funded by the *Escolhas* Programme (PE) and still being implemented in the city of Coimbra (2010-2012) – focused on promoting the 'social inclusion' of children and young people (aged 6-24) and their families from the most 'vulnerable' socioeconomic backgrounds, mainly Roma/Gypsy families. The project's proposal describes the characteristics of its target-population as follows:

In our interpretation of the local situation [Coimbra], we would emphasise that one of the main problems faced by the target-population of this project is the low level/absence of personal and social competences, which it is closely associated with difficulties in finding employment, low academic and professional qualifications, economic need and the existing stereotypes. (Project description: no page number)

The idea of 'personal and social competences' is therefore at the centre of these projects. How is it understood and put into practice? Three interrelated aspects are paramount here: (i) the idea of working with the 'personal' and 'social' competences of these families but *adjusting* them to their 'characteristics' and 'real needs'; (ii) the idea of a kind of 'civilising mission' that needs to be accomplished; and (iii) an individual-centred approach that incorporates a discourse of *moral progress* that requires self-determination and the 'will to change'. Regarding the first and second elements, the

²² Also known as the *Centro de Estágio Habitacional*. It was planned as a short-term housing solution for 'families with cultural, ethnic or social characteristics who, due to their living conditions, could not find traditional accommodation'. www.cm-coimbra.pt/index.php?option=com_content&task=view&id=154&Itemid=191 (accessed 6.08.2011)

projects assume the mission of correcting an ontologised ‘way of being [Roma/Gypsy]’ that has hindered the acquisition of ‘personal and social competences’. However, this mission needs to be adjusted to their ‘characteristics’ and to be ‘realistic’. Accordingly, whilst acknowledging the families’ low levels of education and high rates of illiteracy (especially amongst women), few or no resources are devoted to this aspect in both projects; on the contrary, the ‘Integrated Model’ assumed that courses on ‘home economics, home security, housing hygiene and environmental awareness’ associated with training the families to live in a *proper house* were to be implemented (Sá et al., 2007: 17). In the same way, the ‘Training Activities’ for the Roma/Gypsy population, adjusted to their specific needs, were planned following the training guides (*referenciais formativos*) elaborated by the Central Regional Education Board (DREC) and the Institute for Education and Professional Training (IEFP), namely ‘Domestic caring’ (*Apoio ao Domicílio*) for women and ‘Crafts’ (‘Artesanato’) for men (p. 77). The NGO representatives and project managers consider this ‘civilising mission’ crucial for populations that have ‘pathologies of character’ (Bastos et al., 2007: 188):

These children’s parents did not have a normal curriculum, they had many accidents along the way...Then they have only four or five years of schooling... no professional experience at all, a lot of resistance to integration in certain contexts and resistance on the part of the bosses to accepting them. What did we do? We worked on creating links between the training centre [IEFP] and the social security institute with the aim of preparing companies to take on these individuals. In some cases this was possible, but not in others... well, of course, the job was not suitable for the individual. We have to be honest, don’t we? I can’t integrate someone into a job that involves welcoming and assisting people, when this person cannot speak Portuguese fluently, when s/he has never worked with a computer, when s/he even has difficulties in working to a timetable. Because... they actually said ‘Look, one thing I learned with them was how to use a watch’, because they go by the sun ... (R., NGO representative)

We came to one conclusion in the previous project we implemented. We want them to be integrated into the employment market and I think that this is very important [...] but they only have the most basic competences for this integration. They do not have the structures to be able to integrate successfully. Some of them... this is changing now but some years ago, five years ago, being able to integrate them – even if we were lucky enough to integrate them into the labour market, the likelihood of it being unsuccessful was very high. They have no idea of a timetable, of following the rules of a timetable, of task accomplishment... of following the rules. It was very hard. So the *Pre-occupational Programme*²³ gives them this... let’s say, initial training. They have to abide by a series of rules, labour rules mainly: a time for arrival, a time for lunch, a time for leaving, they have to accomplish several tasks and they have to sign a document that obliges them to follow all these rules [...] so that when they enter the job market in the future all this won’t be a surprise. (O., NGO representative, project Manager)

The Roma/Gypsies are set on a civilisational path in which the young adults are, nevertheless, irremediably several steps behind. With a near total absence of any discussion on the institutionalised political decisions taken on a daily basis in relation to housing relocation or ‘racial’ segregation in schools, the ‘other’s’ *characteristics* function as cause and solution. This civilisational path is then seen as a question of

²³ This programme is implemented on a small farm dedicated to biological agriculture and livestock that also contains recreational areas (e.g. a football pitch).

making the right *choices* and showing a will to change, so the beneficiaries of these initiatives need to convince themselves that all is being done *for their own good*:

[...] I believe in change, I believe that change is possible; it is necessary for the beneficiaries [of these projects] to be ready for that change and have the will to change. I think that change only happens if it is wanted. I've seen people satisfied with their life, people growing, shining in life, and I've seen other people more resistant [to change], who did not make the big change [...]. (R., NGO representative)

[...] this [rehousing Project] was not built with that aim: 'now, let's put all those Gypsies [*a ciganada toda*] there'. No, it was nothing like that; it was made with them in mind, considering how they would feel better, because it is for them, for them to feel better, and for them to build on their skills, to leave this place good, and then go on to a house in the city centre. (C., Coimbra Municipality)

3.3. *The evaporation of (anti-)racism*

As we have seen in Section 3.1., since the 1990s public policies devoted to socio-economic inclusion have not incorporated a comprehensive anti-racist strategy. In fact, racism is never mentioned. The dominant semantics of *social discrimination* and *prejudice* relegate racism to the sphere of *social attitudes*, foreclosing any discussion of political and legal structures. As we have seen regarding the implementation of the FCNM, legalism is also a common political response: Portuguese laws are not discriminatory, and ethnic and racial discrimination is punished, therefore any discussion of 'institutional racism' is out of the question. Thus the diagnosis of the situation of the Roma/Gypsies made by different public bodies over the last two decades – in particular concerning discrimination in the labour market – focuses either on their 'structural' characteristics (i.e. the 'other' who has not adapted to modern life) thus relegating racism to the fringes of society, that is, to extreme and sporadic behaviour:

The Portuguese Gypsy community is affected by serious problems of social, economic, cultural and even political integration, contributing not only towards reproducing its position as "excluded", but also to generating a 'disintegrating' double-effect. On the one hand, the absence of acquired socio-professional competence – a fact made evident by the high levels of illiteracy, the unsuccessful schooling of youth and the lack of adaptation to professional skills that would allow them to enter the regular labour market – contributes towards the poverty and deprivation suffered by the majority of Gypsies. On the other hand, social discrimination is associated with these structural factors, making this community a stigmatised group, destined to a sort of social indifference and even, in extreme situations, to open and offensive intolerance that may extend to the extreme of expulsion from the places where they have settled. (ACIME-Working Group, 1998: 16-17)

or else offers a picture of generalised discrimination against the Roma/Gypsies, in which everybody/nobody is politically responsible, as if prejudices and discriminatory attitudes belong to people in general, thus exonerating concrete political structures and the specific political decisions taken on an everyday basis from adopting any anti-racist measures:

In Europe and in Portugal, Portuguese citizens belonging to these communities [Roma-Gypsy] are discriminated against, generally resulting in precarious employment and the

imposition of the dominant culture – without any respect for difference –, in processes of segregation and isolation involving family and social support networks. It also often results in prejudice, accusing them of being the main perpetrators of felonies in the community. This attitude, which leads to situations of inequality and social exclusion, perpetuates the social marginalisation of the Portuguese Gypsies. (Portugal-PNAI, *National Plan for Inclusion*, 2008: 120)

The two projects we analysed reproduce this framework and, as we have noted, despite the fact that measures to combat racism and ethnic/racial discrimination are listed amongst their main objectives, in practice they are marginalised. This marginalisation or to be more precise, evaporation of (anti-)racism, is brought about via the deployment of a key area of discourse and intervention: *sensitisation*. This is grounded in the assumed *reciprocal* nature of prejudices and negative/positive *attitudes* between the two sides involved in these employment initiatives: the Roma/Gypsies and the employers and case officers. Accordingly, power relations are erased and the intervention focuses on *rectifying* negative attitudes and prejudices and enhancing the positive aspects. For instance, employers are described as holding a ‘subtle prejudice’ against the Roma/Gypsies (they believe that ‘Gypsies are thieves and do not want to work’), whilst the Roma/Gypsies have certain *negative* ‘cultural specificities’, namely, they do not value school and professional qualifications (Mendes, 2009: 18). The solution is clear: the acquisition of competences. Whereas in the case of the Roma/Gypsies we have already examined what these specific competences are, for the majority population, a better knowledge of the other’s culture is seen as the perfect *cure*:

Regarding the case officers involved, several weaknesses were identified concerning their inter- and multicultural skills and also their knowledge of the Gypsy community culture and social organisation. When acquired, these skills will improve the quality of the interventions with the Gypsy population, promoting responses that are appropriate for the cultural specificity of this target-group. (Sá et al., 2007: 74)

Racism, on the one hand, as a political phenomenon reproduced through institutional decision-making and a *legalist* compliance with these decisions, together with anti-racism, on the other hand, as a comprehensive policy aimed at changing these patterns of power relations, can never be discussed within this framework. Therefore racism is transposed into the realm of personal dispositions, of ‘people with wrong ideas’:

It is very complicated, it is difficult because we enter the realm of individual prejudices and how do you fight individually against prejudice? It is not easy, it is very complicated, we have had some arguments... for instance, in a workshop organised within the project with a lot of case officers, they compared the Gypsies to the immigrants, “because the immigrants come here for the jobs, they want to work, immigrants from Eastern Europe...” They compared them with the Russians, the Ukrainians, I do not remember exactly,, but they compared them as if it were possible to compare...and they did not seem to be shocked...[...] The Russians are all the same, the Ukrainians are all the same and then... even worse, that idea that the Gypsies are a nation when they are not. (M., NGO representative)

and anti-racism is translated into the language of cultural diversity, interculturality and cultural difference:

We almost became sellers, because what we wanted was to sell the positive side of that culture [Roma/Gypsy culture]. Because what we see everywhere, in the Media, in people, is the negative side. So in everything we did we tried to assume the positive and therefore organised performances, for instance at FNAC, of Gypsy music, and suddenly, during the weekend, people could go to the store and see twenty Gypsies there... (M., NGO representative)

The focus on 'cultural difference' was also clear during our interview with two representatives of the *Escolhas Programme*; when discussing their approach to (anti-)racism they stated that 'talking about racism can sometimes be reductionist':

We do not like talking about racism but rather about interculturality [...] to talk about interculturality is to talk about each one of us, and the way we see the other and how to relate to each other. [...] Community work and then some actions aimed at deconstructing stereotypes. (Ibid.) (P., PE)

Within this general framework it is easy to understand the general location of discrimination within a continuum that ranges from 'subtle prejudice', 'social indifference' and 'negative attitudes', to 'intolerance', 'exclusion' and 'racism', i.e. that racism is seen as an extreme but rare form of *behaviour*: '(...) concerning racism in its proper sense and serious cases, even with violence – not only physical but also and mainly verbal violence – I never...fortunately I've never been present at any episode of that kind' (C. Workshop). Racism is thus reproduced in these regimes of denial and it becomes *incomprehensible*:

[...] this is very difficult for me to understand, but this happened to me. We often follow up the integration of these men and women, er... If they do not seem so Gypsy – in the way they dress, the way they talk – they can pass... I have to say that there is a young Gypsy guy that worked with us, in our team – because we had a mediator working with us in the Nomads' Park – and so far nobody knows he is a Gypsy and he is working for a company in Coimbra. Why? Because when we look at him he does not look like a Gypsy. (R., NGO representative)

The constant amplification of cultural difference and of the other's way of BEING and DOING function – as we have seen in the mainstream academic narratives – as a *formula* for depoliticisation that still allows the 'other' to achieve certain degree of 'moral progress' and prove his/her goodness:

[...] there is a big stigma against the Gypsies, isn't there? Everybody knows this. Mainly due to the kind of jobs they have, their business; and even...drugs and all these things. Violence...etc. But I also want to say that there are good Gypsies and bad Gypsies, as in any other issue... (NGO volunteer, workshop)

4. Anti-racism, complaints/denunciations and *the non-case of the Roma/Gypsies*

In Portugal, the complaints presented to the High Commission (ACIME) or the Commission for Equality and Against Racial Discrimination (CICDR) or situations reported to them by the injured party or associations go through a complex and slow procedure that ends up causing very significant delays in the appraisal of complaints and decisions regarding the same. Even though complaints are documented (CICDR received 83 complaints in 2007), FRA could not detect any outcomes of these complaints procedures in the form of decisions or sanctions. However, three cases were successfully mediated in 2007. (FRA, 2008: 23)

There are two key institutions in Portugal that deal with complaints concerning ethnic/racial discrimination: the **Commission for Equality and against Racial Discrimination**²⁴ (CICDR – *Comissão para a Igualdade e contra a Discriminação Racial*) and the **Support Unit for Immigrant Victims and Victims of Racial or Ethnic Discrimination**²⁵ (UAVIDRE – *Unidade de Apoio à Vítima Imigrante e de Discriminação Racial ou Étnica*). However, they are not authorised to apply sanctions. There are no CICDR annual reports available online regarding the complaints received and measures taken.²⁶ According to one of our interviewees working at the Commission, on average 80 complaints per year are submitted to the CICDR (VM. CICDR).

One of the Commission's main competences concerning the complaints they receive is to 'issue a statement about sanctions to be applied by the High-Commissioner in the context of transgression procedures for discriminatory acts'. In terms of legislation, a complaint of racial/ethnic discrimination may – depending on the seriousness of the offence – be considered a **crime** or may result in an **administrative offence** procedure. The CICDR reviews each complaint and decides whether an administrative offence procedure is applicable. If this is the case, the Commission sends its *assessment* to the specific **General Inspectorate** (e.g. the Education, Police, or Public Health system), which must investigate the complaint. If the competent inspectorates find that the case constitutes a crime, they must take the case to the

²⁴ The CICDR is considered to be the *Equality Body* in Portugal, in line with the European Union Council Directive for Equality (Directive 2000/43/CE). The CICDR is an independent agency involved in monitoring and inspecting discriminatory practices, especially racist ones. It began its work in 2000, has 17 commissioners and has always been presided over by the High-Commissioner of the ACIME/ACIDI. A complaint can be submitted online on the CICDR website, by filling in a form: www.cicdr.pt/component?option=com_facileforms&Itemid=25/ (accessed: 11.09.2011)

²⁵ The UAVIDRE is part of the Portuguese Support Association for Victims (APAV) and has been funded since 2005 by the ACIDI. A complaint can be submitted online on the APAV website by filling in a form that will be processed by the UAVIDRE: www.apav.pt/portal/index.php?option=com_rsform&Itemid=153 (accessed: 11.09.2011)

²⁶ Although producing and publishing an annual report on the equality and racial discrimination in Portugal is one of the Commission's duties. Data on the activities of the Commission is included in the ACIDI's annual reports. We had access to the minutes of the Commission's regular meetings between 2003 and 2010, which included some information on complaints and measures. We only found the report for 2003-2004: <http://acidi.gov.pt.s3.amazonaws.com/docs/CICDR/RelatorioCICDR29.07.05.pdf> (accessed 12.09.2011)

Public Prosecution Office. The CICDR has no authority over complaints concerning discrimination in the labour market, which must be sent directly to the **Authority for the Conditions at Work (ACT)**.

In 2009 the CICDR received 77 complaints:²⁷

- 26 were outside the CICDR's competence (19 concerned labour matters and were sent to the ACT; 7 were criminal cases²⁸)
- 23 applied for administrative offence procedures
- 1 applied to initiate a mediation procedure
- 13 cases required further information from the complainants
- 2 complaints are 'being assessed'
- 1 case involved a pedagogical letter
- 11 cases were unfounded
- 5 complaints were related to education
- Nationality/ethnic origin of the alleged victims: 26 Brazil; 13 (African Origin) nationality not identified; **5 Roma/Gypsy ethnicity**; 4 Ukraine; 2 Angola; 2 Moldavia; 1 Romania ; 1 Indonesia; 1 Georgia; 1 Togo; 1 India; 1 United Kingdom; 18 Nationality not identified

We have noted elsewhere (Maeso, Araújo & Guiot, 2010: 25-26) that European monitoring agencies and Portuguese consultancies have pointed out the scarcity of registered complaints in 10 years of CICDR work, together with a lack of political independence (i.e. the head of the CICDR is the High Commissioner for Immigration and Intercultural Dialogue). Anti-racist activists²⁹ expressed their discontent with this and also with the current legislation:

We systematically send all [complaints] we receive to the Commission and the ACIDI and then there is always a conflict: 'Ah, that [complaint] cannot go any further because in fact, it is not racial discrimination, because there are no testimonies...' There is a whole series of questions that are obviously related to the law and at international level, but there are other questions that the competent [Portuguese] Inspector could investigate and they do not do so, and they don't do it because they are not interested... (J, SOS R)
[...] the Commission was never established as an instrument of dissuasion, but of mediation. The high level representatives do not see the CICDR as an instrument of punishment. No, it will always be an instrument for the mediation of conflicts. (M, SOS R)

The UAVIDRE provides psychological support and legal counsel for immigrant victims of crimes, and for victims of racial or ethnic discrimination. The Unit's 2009 and 2010 reports offer statistical data on the 'support processes' they undertook.³⁰ In 2010 they supervised 404 cases that were registered as crimes. They also registered the **nationality** of the victim: 7% were Portuguese and 86% of 'other nationalities', in the majority of cases Brazilians (47.4%), Angolans (9.1%), Guineans (6.9%), Rumanians

²⁷ Ordinary meeting of the Commission for Equality and against Racial Discrimination – 3 March 2010.

²⁸ It is not specified whether these complaints were sent to the Public Prosecution Office or not.

²⁹ The CICDR's is obliged to include two representatives of anti-racist associations as commissioners.

³⁰ Available at: www.cicdr.pt/content/view/8/14/ (accessed 12.09.2011)

(5.5%) and Cape-Verdeans (5.1%). **45** of the 404 cases **were registered** as related to **racial discrimination**, amounting to **11%** (3.7% in 2009). However, there is no data available on the relationship between the type of crime and the nationality of the victim.

Taking into account the data available and the information gathered from the interviews conducted, two main analytical aspects can be highlighted: firstly, the centrality of the figure of the *immigrant*, amplifying the 'immigrant imaginary' (Sayyid, 2004; Hesse and Sayyid, 2006) and therefore implicitly emphasising the idea of a non-rationally marked (*ergo* 'white') Portuguese-ness. For instance, a representative of the ACT who worked for many years with the CICDR commented on the denunciations that the *Authority* considers as 'racial discrimination', as follows:

Denunciations refer to...race or nationality, someone that was discriminated against because she/he was from a different race... or nationality in relation to the native [*autóctono*] one, in that case it is discrimination; when there is any behaviour or situation in which [the law] is applied differently for natives [*autóctonos*] and for someone who has a different race or nationality. (ACT representative)

Secondly, the Roma/Gypsies face a kind of legal and political 'limbo'. In terms of the absence of complaints/denunciations or of specific actions taken by these public bodies³¹, this situation is often naturalised as related to their 'way of being/doing':

No, no, we have not received any denunciations at all. The Gypsies...they generally... it is the trading...In the end it is the trading [local fairs]. No, we do not have denunciations. [...] In this business they are usually the owners, so they do not work for others, they generally work for themselves. (ACT representative)

One particular situation has been the treatment of cases related to Gypsy communities. As the number of complaints here is even more insignificant – maybe due to cultural reasons that it would be important to discuss – the intervention of the Ombudsman is generally motivated by a public acknowledgement of situations that raise some doubt. In the realm of justice, this is precisely what happened in two situations. One situation involved the issue of a search warrant with a reference to the individual belonging to the aforementioned ethnic group. The other considered an explicit indication of ethnicity in the identification of a defendant in a press notice. In both cases, the situation was communicated to the Higher Judicial Council, with no further diligences enabled. (Speech delivered by the Ombudsman to the CICDR: 2010: 5-6, emphasis in the original)³²

Regarding the data, some of the information gathered about the victim (e.g. UVIDRE) only relates to nationality so there is no reliable public data on the complaints presented by the Roma/Gypsies. Throughout the interviews the interviewees' reluctance to talk in 'racial' terms was clear, a position closely linked to the idea that any reference to 'race' is racist, thus the notion of 'colour' is considered the best option:

We have two cases, one in [name of city] and the other in [name of city], from two people who are very, very Portuguese [*Portuguesíssimas*] but are discriminated against on grounds of colour; because the word 'colour' or even the word 'racism'... There is a Directive that established already in... I think it was in 2000 that there is no... that the word 'race' cannot be used, because there is only one race, the human race, there are no different races. Thus, regarding discriminatory acts and also for didactic purposes, you must not say 'race'; as

³¹ Neither the CICDR nor the UVIDRE have any specific approach for monitoring racist discrimination against the Roma/Gypsies.

³² Available online : www.provedor-jus.pt/restrito/rec_ficheiros/CICDR_2010.pdf (accessed 12.11.2009)

there is only one ...therefore we cannot say there are different races. But we can refer to [discrimination] on the grounds of colour. (C., UAVIDRE)

When asked about cases of racism concerning the Roma/Gypsies, it was pointed out that ‘we must then refer to ethnic origin. [...] It is important to give things the right name’ (*ibid.*). From this standpoint, there is a continuous production of ‘race/colour’ as belonging to ‘blackness’ – usually read as ‘African’ or people of ‘African descent’ – whereas the Roma/Gypsies would belong to ‘ethnicity’ and ‘culture’.³³ However, scientifically or legally sanctioned (correct) names do not offer fruitful interpretations of racism as a political phenomenon, and the rationalised divide between the racial and the ethnic does not usually work:

In the past we had three cases [related to housing]; someone of Gypsy ethnicity wanted to buy a house but when the owner learned they were Gypsies, they did not sell, just like that. For instance, in this case we could not identify a crime but there is a counter-offence proceeding and it is a discriminatory situation. [...] Concerning one of these situations, the Gypsy family...er...what they did was to – as they already knew about this issue –, a son that looked...well...he was blonde and had blue eyes, so he did not look Roma/Gypsy... and he signed the contract. But when the family went to sign the title deed they refused. (CA, UAVIDRE)

Table 2. European and Portuguese legislation/initiatives against racism and xenophobia; protection of human rights and access to social rights
The Portuguese Republic Constitution (1976) <i>Art. 13:</i> Principle of Equality. No one shall be privileged, favoured, prejudiced, deprived of any right or exempted from any duty on the basis of ancestry, sex, race, language, place of origin, religion, political or ideological beliefs, education, economic situation or social circumstance.
Portugal ratifies the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (1978)
European Social Charter (ESC): signed by Portugal in 1982, entered into force on 30 October 1991
Council of Europe (1995): Framework Convention for the Protection of National Minorities [European Treaty Series – No 157]
Portugal signed the Council of Europe’s Additional Protocol to the European Social Charter Providing for a System of Collective Complaints in 1995, ratified in 1998; it entered into force on 1 July 1998.
Revised European Social Charter (RESC): signed by Portugal in 1996, entered into force on 1 July 2002
Portugal: Assembly of the Republic (1998): Law nº 65/98, September, 2 (Alterations to the Penal Code) Chapter II: Crimes against humanity; Article 240º. Racial or religious discrimination. 1 – Who: a) would create, organise or develop activities of organised propaganda that give rise to discrimination, hatred or racial and religious violence or that encourage them; or b) would participate in organisation or activities mentioned in the previous line or would assist them particularly by funding them are punished with a prison sentence from 1 to 8 years 2 – Who, in public meetings, or in a written form destined for dissemination by any Media resources: a) would provoke acts of violence against people or group of people because of their race, colour, ethnic origin or nationality or religion; or b) would damage or insult a person or a group of people because of their colour, ethnic origin or nationality or religion, in particular through denial of crimes of war or against peace and the humanity with the intention of provoking racial or religious discrimination or encouraging it, are punished with a prison sentence from 6 months to 5 years.
The European Union Council (2000): Directive 2000/43/CE June, 29. It applies the principle of equality to all people, without distinction on the basis of racial or ethnic origin. <i>Article 1º; Objective:</i> The purpose of this Directive is to lay down a framework for combating discrimination on the grounds of racial or ethnic origin, with a view to putting into effect in the Member States the principle of equal treatment.
Portugal: Assembly of the Republic (2002): The Framework Convention for the Protection of National Minorities enters into force in Portugal
Portugal: Assembly of the Republic (2003). Law No. 99/2003, August, 27. Article 2º; Transposition of the EU directives; Subheading o) Directive nº 2000/43/CE, of the European Union Council of 29 June that applies the principle of equality in equal treatment of people with no distinction on the basis of racial or ethnic origin.

³³ For an interesting discussion of this aspect in a British context see: Alexander, 2002.

Portugal: Assembly of the Republic (2004) Law No. 18/2004, May 11. Transposition of the Directive n.º 2000/43/CE of the European Union Council of 29 June into the national juridical order, that applies the principle of equality in equal treatment of people with no distinction on the basis of racial or ethnic origin. It aims to lay down a juridical framework for combating discrimination based on racial or ethnic origin.

European Year of Equal Opportunities for All (2007)

Commission of the European Communities (2008) Non-discrimination and equal opportunities: A renewed commitment: 'Community Instruments and Policies for Roma Inclusion' [COM(2008) 420]

5. Final remarks: *regimes of denial* or when (anti-)racism can never be the case

We have argued in this paper that the Roma/Gypsies are administered by the state and civil society organisations through an array of public policies, projects and initiatives aimed at their socio-economic 'inclusion'. The Roma/Gypsies – target-beneficiaries of many of these initiatives – are constructed as 'uncivilised' subjects, isolated from modern life (e.g. school, work schedules, hygiene, etc) and trapped in their own *well-bounded culture*. In particular, in the employment sphere, the rationale for public policies and the networks of local mediation agents that implement them frame the Roma/Gypsies within two main fields of discourse and practice: (i) the idea of 'activation of personal and social competences', setting them on a *civilising path* where those who really *want to change*, will gradually approach the majority population; (ii) the idea that they have a well-bounded culture, which must be respected and celebrated but needs to be *dispossessed* of the 'negative' traits that have historically reproduced their exclusion and marginalisation (e.g. patriarchal families that suppress women; no value ascribed to formal education).

We have analysed the ways in which (anti-)racism is conceived within this framework and in particular how this relates to the specific history of exclusion and marginalisation of the Roma/Gypsies in Portugal/Europe. Our analysis shows how racism is reproduced and anti-racism marginalised through various *regimes of denial*, which do not work so much as the negation *per se* of the existence of racism and ethnic discrimination. Instead, these regimes 'accommodate' racism, foreclosing any discussion of the structural dimensions and the way in which it shapes the very implementation of policies and initiatives aimed at 'including' the Roma/Gypsies in the labour market and 'combating' racial discrimination and xenophobia.

We have identified three interrelated regimes of denial:

a) *Ethnic/'racial' vs. Civic principles: the law is blind*

The term "black-Portuguese" is unheard of; the word "race" itself so rarely mentioned that it sounds strange and foreign. The terms you do hear people use are "second-generation immigrants", "immigrants' offspring" or, with cosmopolitan pretension, "new Portuguese". It sends out a clear message to non-white Portuguese: however hard you try, you'll always be

newbies in this country (conveniently ignoring the fact that a black presence in Portugal dates back to the 15th century). There are ideological reasons behind this attitude too. Some argue that identifying people by their race is discriminatory. There seems to be a similar logic behind the fact that Portuguese authorities keep no data on ethnicity or race. Take the recently released census data, which confidently predicts the population is now heading for more than 10 million, but remains completely race blind. Unofficial figures are contradictory and unreliable. (There could be 300,000 black Portuguese, I was told a year ago by one researcher. Another said there were 500,000. Another thought the number was much higher). ('Portugal is race blind, but not for the right reasons', *The Guardian*, 12.09.2011)³⁴

Our analysis of the reports and comments on the implementation of the FCNM showed how the government of Portugal has invested in enacting the *unity* and *homogeneity* of the Portuguese *nation* as a historical characteristic, while defending its commitment to the *civic* principles of universal equal treatment. This discursive re-enactment of a kind of *primordial* (ethnic) homogeneity sustained by the centuries-old stable frontiers makes Portugal an example of the longstanding unity between state and nation between state and nation. Alongside this image of nationhood, the Portuguese authorities emphatically deny any attachment to *ethnic* arguments and perspectives in politics/policies. The Portuguese government argues that the state and the nation have been the same for centuries and that *universal* citizenship is the *civic* solution for – we may assume following the reports – the non-ethnic-Portuguese, such as the Roma/Gypsies. More importantly, this argument is used to avoid gathering data on the situation of ethnic minorities and the monitoring of racism, xenophobia and related forms of discrimination. The lack of data on complaints, discriminatory/racist acts and crimes, and of any outcomes of these complaints, shows the poor performance of the public bodies in charge of monitoring racism, inspecting the complaints and proposing specific anti-racist policies.

Finally, the 'race'/colour blind argument is usually connected to the idea that the fact that it has been scientifically proved that 'races' do not exist as a biological/genetic phenomenon ('there is only one race, the human race') precludes the use of the word 'race'. Regarding the situation of the Roma/Gypsies, it is usually argued that they are the victims of racism based on cultural, not 'biological/phenotypical' characteristics.

b) Racism is a universal individual disposition towards difference: 'we' need to learn to accept other cultures

In mainstream academic literature, political discourse and civil society organisations we found a dominant understanding of racism anchored in the prejudice paradigm. Racism is seen as resulting from 'wrong' ideas about the 'other' that reveal ignorance of the

³⁴ www.guardian.co.uk/commentisfree/2011/sep/12/portugal-race/print (accessed: 12.09.2011)

other's culture. Thus, anti-racism is framed as a strategy aimed at *learning* how to *accept* other cultures. However, as we have argued, this approach – common in policies and initiatives for the 'inclusion' of the Roma/Gypsies in Portugal – depoliticises/evaporates racism as it continuously shifts the focus to the 'characteristics' of the 'other'. More importantly, it conceives of racism as a *reciprocal attitude* between groups, removing any 'recognition of the powers that produce and contour it' (Brown, 2006: 15). Any anti-racist initiative which is already marginal, as we have seen in the projects and policies analysed, is relegated to a well-bounded 'cultural sphere' focussing on the ephemeral celebration of the other's culture (i.e. Gypsy music).

c) The 'inclusion' of marginalised groups in the majority society: let's focus on activating the positive side of people

The discourse on 'inclusion', in particular in the labour market, is configured as a 'civilising mission' that exonerates the state from the need to act on its structures. Based on the liberal ideal of 'autonomy', these policies and initiatives focus on *correcting* Roma/Gypsy 'pathologies of character' and therefore on pressurising them into 'cultural change'. However, their 'characteristics' and 'culture' function as a sort of regulator of the *pace* of this civilising mission and of what the state and society should *expect*. Therefore, projects on 'employability' and 'activation of competences' focus on teaching how to clean a house, live according to a timetable, use a watch, domestic care, etc. Racism is reproduced through the constant ontologisation of the Roma/Gypsies as 'pathological' subjects, this being the *structural condition* addressed by public policies. Racism is considered to belong to extreme situations/attitudes and not to the regular way in which authorities make political decisions regarding housing or schooling for instance.

Methodological annex

Most of the fieldwork was carried out between December 2010 and July 2011. We conducted interviews in Lisbon and in the central region of the country, mainly in the Coimbra area. We interviewed representatives of public bodies and civil society organisations working both at national and local levels. In the latter case, we focused on people who had worked on the two projects analysed as part of the EU EQUAL scheme and the national initiative ESCOLHAS.

We interviewed 19 people, 11 of whom were from civil society organisations, mainly NGOs, working to implement social inclusion projects, together with anti-racist activists and cultural mediators. We interviewed 8 people from public bodies working to implement 'integration' policies for immigrants and ethnic minorities and also associated with monitoring racism and discrimination in Portugal or providing support for victims.

Finally, we organised a participatory workshop with the consortium involved in the implementation of a social inclusion project in the city of Coimbra, which has the Roma/Gypsies as target-beneficiaries. The workshop was led by three researchers and was attended by 7 participants (4 women and 3 men) representing NGOs, local entrepreneurs, local education bodies, the regional board for employment and training, and the immigration services. The workshop was organised in two parts: the first focused on discussing their experiences as partners in a local social inclusion project, and the second focused on discussing a TV report (2007) that showed selected cases of racism and racial discrimination in Portugal. The researchers commented on some of their main findings and their understanding of racism/anti-racism, in relation to the cases selected by the TV report and the participants' experience of working with Roma/Gypsy families.

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