



**15th to 17th periodic report of Portugal on the
implementation of the Convention on the Elimination of
All Forms of Racial Discrimination**

Reporting period: March 2012 – September 2015

2nd October 2015

I. Introduction and Methodology

The protection of all persons against all forms of racial discrimination is a standing goal of paramount importance to the Portuguese Republic. Portugal therefore ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in 1982. Since then, Portugal has regularly submitted periodic reports to the Committee on the Elimination of Racial Discrimination (CERD) - hereinafter, the Committee - in which it has provided the Committee with information on the implementation of the Convention, namely on measures undertaken, obstacles faced and progress achieved.

Portugal submitted its last report (combined 12th. to 14th.) in 2011, which was considered by the Committee in February 2012. In its concluding observations (CERD/C/PRT/CO12-14), the Committee recommended (paragraph 30) that Portugal submit its combined 15th to 17th periodic report, by 23rd September 2015.

According to concluding observation 28, Portugal submitted, in January 2015 (CERD/C/PRT/CO/12-14/Add.1) follow-up information on the implementation of concluding observations 18, 19 and 20.

The period under review in the present periodic report is, thus, from March 2012 to September 2015. This report gives an overview of the most important measures taken, projects launched and laws passed with a view to preventing and eliminating all forms of racial discrimination.

The present report is divided into two parts: the first includes the main developments since the last review by the Committee; the second provides specific information on the implementation of the concluding observations of the Committee (in line with the recommendation contained in concluding observation no. 35).

In addition to the report, and as an integral part of it, the Common Core Document of Portugal contains general information on the country and its people. An updated version of this document was submitted in 2014 (HRI/CORE/PRT/2014 of 10 October 2014).

The present report was drafted within the Portuguese National Human Rights Committee (PNHRC¹), under the coordination of the Ministry of Foreign Affairs. The report is based on information provided by the High Commission for Migration, the Ministries of Foreign Affairs; Internal Affairs; Justice; Environment, Territorial Planning and Energy; Health; Education and Science; Solidarity, Employment and Social Security; the Secretary of State of Culture, the Commission for Citizenship and Gender Equality and the National Institute of Statistics.

The PNHRC is an interdepartmental body established in April 2010 by a Council of Ministers Resolution, following a commitment expressed during the first Portuguese Universal Periodic Review exercise, in December 2009. The PNHRC is responsible for interministerial coordination with the aim of promoting an integrated approach to human rights policies. The Committee aims to define Portugal's position in international *fora* and to implement Portugal's obligations under International Human Rights Law.

¹ <http://www.portugal.gov.pt/media/2353413/cndh-plano-atividades-en-2015.pdf>

The Portuguese Ombudsman, the National Human Rights Institution with A Status according to the UN Paris Principles, also participated in the drafting of the present report. It provided input, namely, to the reply to concluding observation 21. Likewise, and in line with concluding observation 22, civil society organizations were also involved in the preparation of this report. The PNHRC held a meeting with NGOs on 18th September 2015 to discuss the zero draft report and to give NGOs an opportunity to make comments and drafting suggestions before the report was finalized. Furthermore, NGOs were encouraged to send “shadow reports” to the Committee. This procedure has already proven its worth in past periodic reports and has been a constant practice with all reports to the UN Human Rights Treaty Bodies since June 2011.

The present report is posted on the PNHRC’s website under the section “International Human Rights Conventions”² in line with concluding observation 27 on the last periodic report.

PART I - Main developments since the last review by the Committee

1.1. The evolution of the High Commission for Immigration and Intercultural Dialogue (ACIDI) to the High Commission for Migration (ACM)

No country in the world can state that it is free from the phenomenon of racism, racial discrimination, xenophobia and all related forms of intolerance. Portugal is no exception. The fight against this scourge is a never-ending task, which needs to be mainstreamed at all levels in the activity of Governments and of all relevant public and private stakeholders. Combating these phenomena is a longstanding and crosscutting objective of Portuguese public policies and a priority laid down in our most important legal provisions and integration policies.

Portugal has been making considerable efforts and investments to combat all forms of racial discrimination and to integrate all persons living in the Portuguese intercultural society, aimed at ensuring their full access to all human rights, namely civil, cultural, economic, political and social rights.

The creation, in 1996, of the High Commission for Immigration and Ethnic Minorities (ACIME), stemmed from the commitment and goal of having a coherent integration policy for all immigrants. As recognition of its importance, in 2007, the Government decided to reinforce ACIME and transform it into a public institute with the new institutional name of High Commission for Immigration and Intercultural Dialogue (ACIDI). Among other competences, ACIDI was responsible for combating racism, promoting the integration of immigrants and Roma communities and promoting Intercultural Dialogue and organically, it was under the supervision of the Ministry of the Presidency of the Council of Ministers, ensuring the transversal and holistic dimension of public policies adopted.

² <http://www.portugal.gov.pt/pt/os-ministerios/ministerio-dos-negocios-estrangeiros/quero-saber-mais/sobre-o-ministerio/comissao-nacional-para-os-direitos-humanos/cidh.aspx>

More recently, in 2014, given the change in Portugal's migratory experience and the challenges posed by its ageing population, ACIDI was once again reinforced and renamed High Commission for Migration (ACM)³. It remains a public institute under the supervision of the Ministry of the Presidency of the Council of Ministers with an enhanced mandate, including, for example, the new task of coordinating an integrated policy to emigration and immigration flows.

1.2. The evolution from the National Action Plans for the Integration of Immigrants to the Migration Strategic Plan (2015-2020)

The two National Action Plans for the Integration of Immigrants, developed since 2007⁴, were essential instruments in the development of public policies on immigrant integration. They were adopted after a broad debate with social partners and obtained wide consensus. They took into account a variety of sectors where integration should occur and be improved (employment, health, education, justice, housing, culture and language, civic participation and human trafficking), as well as crosscutting themes such as gender issues, racism and discrimination and the promotion of diversity and intercultural dialogue). These action plans adopted a holistic approach to integration, involving 10 different Ministries, and served as a reference for both the government and civil society in developing specific initiatives.

Given the changes in migration flows over the past few years (marked by growing emigration and diminishing immigration flows) and the need to define an integrated approach on migration, Portugal decided, in 2014, to broaden the focus of the National Action Plans for the Integration of Immigrants and to transform them into a Migration Strategic Plan (2015-2020)⁵, adopted on 12th March 2015. This strategy was subject to public discussion until the beginning of February 2015 and was launched on the 20th March 2015.

This Strategic Plan maintains a strong focus on the integration of immigrants, namely on the areas of employment, health, education, justice, housing, culture and language, civic participation, human trafficking, and on crosscutting themes such as gender issues, racism and discrimination and the promotion of diversity and intercultural dialogue. In addition, it also includes the protection of Portuguese emigrants among its goals (both those who intend to emigrate and those who intend to return to the country).

The Strategic Plan contains more than 100 measures in the following areas: immigrant integration policies and new national citizens' integration policies; migration flows coordination; services and promotion and support to the return of Portuguese emigrants. Human trafficking has been subject to an autonomous national action plan and, thus, this dimension has not been reflected in the Migration Strategic Plan.

³ New Organic Law of the High Commission for Migration of 27th February 2014:

<https://dre.pt/application/file/572214>

⁴ First National Action Plans for the Integration of Immigrants 2007-2010 and the Second one from 2010-2013

⁵ <https://dre.pt/application/file/66817379>

The activities pursued under the new Migrations Strategic Plan will be evaluated by an external entity, in order to reinforce accountability.

These are examples of some measures foreseen in the Strategic Plan for 2015-2020:

- New legislation concerning the racial discrimination to be approved until the end of 2015, reinforcing the composition and the effectiveness of the Commission for Equality and Against Racial Discrimination;
- Reformulation of the Commission for Equality and Against Racial Discrimination's *website* with a new design and more user friendly contents;
- New legislation on the promotion of the Immigrants Associations reinforcing the support to those Associations, taking in account the importance of the work developed regarding the immigrants integration;
- Reinforcement of Immigrants' Entrepreneurship with the creation of the Office for Support to Migrant Entrepreneurs, which provides advice to migrant and international student entrepreneurs;
- Reinforcement of the teaching of Portuguese as a foreign language for non-nationals, promoting the learning of Portuguese by migrants (children and adults);
- Digital Inclusion with the development of IT competences following the "learn by doing" method regarding the promotion of school and work success;
- University Scholarships for young university students from a less favorable social background with financial difficulties;
- Promotion of the Portuguese Universities for foreign students;
- Promotion of Portugal as a migration destination;
- Creation of the new High Commission for Migration's website; with user friendly and updated information in Portuguese and English;
- Internationalization of the "Choices" Programme with projects targeting children and young people from the Portuguese Communities living in vulnerable socio-economic contexts.

The right to health continues to be an essential sector in this Strategic Plan, contributing to successful immigrant integration policies, which aim at immigrants' integration, training and anti-discrimination of immigrants. Measures include:

- Clarify the irregular migrants' framework access to the National Health Service;
- Implement and monitor the Welcome Guide to the Health System for Foreign Citizens;
- Increase health monitoring of vulnerable populations, including immigrants;
- Create accessible information on the health system;
- Train health professionals regarding the needs of migrants;
- Develop research on migrants' health.

Migrant populations, either EU and non-EU citizens, are a particularly vulnerable population for tuberculosis and HIV infections. The Directorate-General of Health is

developing a protocol with the Immigration and Borders Service in order to define procedures to be adopted by this Service for the identification and prevention of both the diseases.

Training of health professionals is essential to fighting cultural and social discrimination. The Ministry of Health is part of the *Equihealth* Action led by the International Organization for Migration, aimed at improving access and appropriateness of health care services, health promotion and prevention to meet the needs of migrants, the Roma and other vulnerable minority groups, including irregular migrants, in the EU/EEA and Turkey. The objective of the *Equihealth* Action is to improve the access to and the appropriate response by health care services, for migrants, Roma and other vulnerable minority groups, including irregular migrants residing in the EU/EEA.

EQUI-HEALTH was launched in February 2013 by IOM and is co-financed by the 2nd EU Health Programme (2008-2013).

As part of the project in Portugal, the Ministry of Health is involved in the elaboration and implementation of the Pilot Training in Migration Health for general practitioners, nurses and administrative staff of the health centers, in the following terms:

- a) Adapting the training material on Migration Health to the national context;
- b) Sharing of training materials for continuous training at national level;
- c) Conducting up to six roll-out pilot training sessions (3 days per session) to cover 150 participants (ca. 25 per session): 3 in Lisbon and 3 in the North and Algarve;
- d) Evaluating the impact of the training on the work of Health Professionals (general practitioners and nurses) and administrative staff of the health centers.

1.3. "Programa Escolhas" - The "Choices Programme"

The governmental programme "Choices" – "Programa Escolhas" – is currently in its 5th edition (2013 - December 2015). Its main goal is to promote the social integration of children and youngsters (between the ages of 6 and 24) from disadvantaged social backgrounds, many of whom are immigrant descendants or Roma Children living in vulnerable places.

In 2013, 44,000 children and youngsters benefitted from this programme. Between January and December 2013, through this programme, over 3,300 children and young people were reintegrated into school, employment or vocational training.

In 2012/2013, the rate of academic success of the participants in this programme was 72,6%. "Choices" involves 963 different partners, including local authorities and civil society organizations, and the participation of 911 technicians, in 110 intervention places.

If we consider the initial two years of the 5th edition of "Choices" Programme (2013-2014), the rate of academic success of participants was of 74% and over 7.000 children and youngsters were reintegrated into school, employment or vocational training. During these two years, 48.896 children and youngsters were reached and the programme involved 1154 different partners, including local authorities and civil

society organizations, and the participation of 1026 technicians, in 141 intervention places.

This Programme is structured in five strategic areas of intervention. One of them regards school inclusion and non-formal education and implies: (i) the fight against early school drop-out through the use of existing educational tools or the creation of new ones; (ii) the promotion of school success by developing personal, social and cognitive skills through formal and non-formal education; (iii) the promotion of family co-responsibility in the parental surveillance process. The "Choices" organized two Working Groups: "New Citizens" and "More Leaders".

The Working Group "New Citizens", which includes 18 youngsters, promotes a reflection about some of the difficulties and problems that new Portuguese citizens can encounter.

The Working Group "More Leaders" results from a partnership between Portugal and Cape Verde, with the participation of 30 young adults (19 to 33 years of age). This Group organizes meetings on multiple issues, such as Democratic Institutions, Rights and Obligations, Justice, Media and Global Citizenship.

On 3rd December 2014, "Choices" Programme received the 3rd edition of the "Juvenile Justice without Borders" International Award, organized by the International Juvenile Justice Observatory. This award recognizes the progress and achievements in the defence of children's rights in the legal and psychosocial fields, as well as in research and direct intervention with young offenders.

The sixth edition of the Choices Programme (2016-2018) is already being prepared by the High Commission for Migration and will focus on the fight against early school drop-out by promoting non-formal education, vocational training, community participation, digital inclusion and empowerment.

1.4. The adoption of the National Roma Communities Integration Strategy (2013-2020)

On 17th April 2013 the National Roma Communities Integration Strategy (2013-2020)⁶ was adopted and became one of the major developments that took place during the period covered by the current report.

The National Strategy was adopted following an intensely participated process with the involvement of all government departments, civil society organizations, academia, experts and representatives of Roma communities. The Strategy comprises 105 measures in the areas of education, health, housing, employment and a cross-cutting dimension covering discrimination, mediation, and education for citizenship, social security, valuation of Roma history and culture, and gender equality.

This is an important instrument which, hopefully, will help Portugal to better integrate Roma Communities and to eliminate prejudices and misconceptions,

⁶ http://www.acm.gov.pt/documents/10181/52642/ENICC_en.pdf/bc4d6288-1626-4fcd-baa0-9feb8da7860d

contributing, thus, to the desired full realization of the human rights of Roma persons.

The Strategy involves central administration, municipalities and social partners (such as social solidarity institutions). A Consulting Group for Roma Communities' Integration was also created to monitor the Strategy's implementation and to ensure permanent contact with the Roma community and civil society organization representatives.

At this point, it is also worth mentioning that Roma Communities have lived in Portugal and have had Portuguese citizenship for centuries (it is estimated that Roma Communities in Portugal comprise between 40,000 to 50,000 individuals). Roma Communities benefit, without discrimination, from all the policies, programmes and other measures accessible to the general population, including social protection measures for individuals living in situations of poverty and exclusion (for instance, the Social Integration Income, housing programmes, access to the National Health Service and to child welfare school services).

In terms of implementation of the Strategy, in 2013, 83 concrete actions were performed and in 2014, 60 actions. Taking into account both years, the global execution rate is around 81% regarding the expected implementation rate.

More detailed information on National Roma Communities Integration Strategy can be found under Part II of this report in the replies to concluding observations no.13 and 19.

1.5. International recognition of the Portuguese framework and policies to the integration of migrants

Portugal has been often internationally recognized as one of the leading countries in integration policies and in the protection of the human rights of migrants and their families.

According to the latest edition of the Migrant Integration Policy Index (MIPEX), co-funded by the European Commission and presented in June 2015, Portugal ranked second as the country with the best policies for immigrant integration for the third consecutive time. This Index ranks the policies of 31 developed countries in the area of the integration of migrants.

The fact that Portugal promotes the access of immigrant children (irrespective of their regular or irregular situation in Portugal) to mandatory school years – in equal circumstances to all other children – and that the enrolment in the school system can be used as a proof of residence and permanence in the country to apply and acquire Portuguese citizenship have been highlighted as a good practice in the Migrant Integration Policy Index (MIPEX).

The Regional Representative for Europe of the Office of the High Commissioner for Human Rights, Mr. Jan Jarab, expressed "his deep admiration for the achievements of the Portuguese High Commission for Migration" "in the area of providing migrants with real-life access to the enjoyment of all their human rights, regardless of their

legal status” after his visit to Portugal (May 2014). The one-stop-shop approach adopted in the National Immigrant Support Centres (CNAI) - support centres located in Lisbon, Porto and Faro, that bring together different services and provide information and support to all immigrants, free of charge, in an integrated way - “impressed” Mr. Jarab “in terms of the non-discriminatory and non-coercive character of the services provided, which could serve as a good model for other States”. Mr. Jarab continued saying that “the sheer of aspects covered by the services of the CNAI is truly remarkable, including areas which are often overlooked such as assistance in cases of debt or exploitation in the workplace”.

Investments made in education over the last decades improved Portugal’s results in PISA (Programme for International Student Assessment). In 2012, this report refers Portugal as an example of a positive evolution in terms of the integration of immigrant students, when compared with the 34 OECD studied countries. In 2011, the former High Commission for Immigration and Intercultural Dialogue received the first prize in the European Public Sector Award – EPSA 2011 under the theme 2 “Opening Up the Public Sector Through Collaborative Governance”.

Finally it is also worth mentioning that Portuguese legislation offers a strengthened protection for undocumented children or children whose parents are undocumented, which goes beyond the protection conferred by the UN Convention on the Rights of Migrant Workers and Members of their Families. It foresees the existence of a firewall between immigration enforcement and public services such as health care and education institutions. This means that the database (managed by the High Commission for Migration) with the identification of undocumented children who attend education or healthcare institutions is confidential and cannot be transmitted to immigration enforcement authorities. This avoids cases of non-enrolment of undocumented children at school due to fear of being denounced to the immigration authorities. This system is recognized as a good practice, namely by the UN Special *Rapporteur* on the Human Rights of Migrants, because it represents a significant step in ensuring the protection and the enjoyment of all civil, cultural, economic, political and social human rights of migrants.

1.6. Ratification of the Amendments to article 8, paragraph 6, of the Convention on the Elimination of All Forms of Racial Discrimination

Portugal ratified the amendments to article 8, paragraph 6, of the Convention on the Elimination of All Forms of Racial Discrimination on 15 May 2015, date when its instrument of ratification was deposited with the UN Secretary General (please see also reply to concluding observation no. 26).

1.7. Amendment to the Law of Nationality

Attribution of Portuguese nationality to descendants of Sephardic Jews: Law No. 43/2013, of July 3 has enabled the acquisition of Portuguese nationality through naturalization to descendants of Portuguese Sephardic Jews.

Portuguese nationality for grandchildren: Organic Law No. 9/2015 of 29 July, Portugal extended the Portuguese original nationality to the grandchildren of Portuguese born abroad.

Number of Persons who acquired Portuguese nationality (2001-2013)

| Reference period | Place of residence | Total number of persons (F/M) who acquired Portuguese nationality | Number of persons descendent of Portugueses nationals who acquired Portuguese Nationality |
|------------------|---------------------|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| 2013 | Portugal and abroad | 26.430 | 771 |
| 2012 | Portugal and abroad | 23.722 | 633 |
| 2011 | Portugal and abroad | 25.016 | 660 |

Source: INE, Acquisition and Attribution of the Portuguese nationality

1.8. “Portuguese as a Non-Mother Tongue” Programme

In order to promote immigrant children’s integration in school, stimulate school attendance and success, the public school system provides classes of Portuguese as a Non-Mother Tongue.

This Programme was created in 2001 as a pilot-project and reinforced in 2006, targeting students from non Portuguese speaking countries. Through the years and with the development of this Programme other students started to benefit from those classes such as immigrants descendants. As a result, in the 2012/2013 school year, the Portuguese as a Non-Mother Tongue Programme had students from 36 different nationalities.

1.9. Intercultural School Award/Label

The Ministry of Education and Science and the High Commission for Migration created, in 2012, the Intercultural School Award. This Award recognizes schools that develop projects promoting diversity as an opportunity for learning and that have good practices in integrating students in the school environment.

This school year, in collaboration with Aga Khan Foundation Portugal (AKF Portugal), the ceremony of the 3rd edition of the Intercultural School Label initiative took place on 20th March 2015, in the Ismaili Centre in Lisbon.

The High Commission for Migration has also developed an Intercultural School Kit, which provides educational materials. This kit, which is available online, promotes cultural diversity and can be used by all education professionals.

The High Commission for Migration has also organized interreligious meetings with leaders of the religious communities represented in Portugal. The most recent

gathering was dedicated to discuss the terrorist attacks that occurred in France in the beginning of 2015.

1.10. Adoption and Implementation of other National Action Plans on Human Rights with impact on the elimination of all forms of racial discrimination:

- IV National Plan Against Domestic Violence (2011-2013);
- II Action Programme on the Elimination of Female Genital Mutilation (2011-2013);
- IV National Plan for Equality, Citizenship and Non-Discrimination (2011-2013);
- III National Plan Against Trafficking in Human Beings (2011-2013);
- V National Plan to Prevent and Combat Domestic and Gender-based Violence, which is part of the III Action Programme on the Prevention and Elimination of Female Genital Mutilation (2014-2017);
- V National Plan for Equality, Citizenship and Non-Discrimination (2014-2017);
- III National Plan to Prevent and Combat Trafficking in Human Beings (2014-2017).

PART II - Implementation of the concluding observations and recommendations on the twelfth to fourteenth periodic reports of Portugal (CERD/C/PRT/CO12-14)

2.1 - Concluding observation no. 10 – “In line with its general recommendation No. 4 (1973) on reporting by States parties and paragraph 8 of the reporting guidelines (CERD/C/2007/1), the Committee invites the State party to compile statistical data on the demographic composition of its population based on anonymous and voluntary ethnic self-identification by those concerned.”

Portugal recognizes that the compilation of disaggregated data is a helpful tool to assess its public policies and achievements or obstacles to its implementation.

However, due to Constitutional (nº 3 of Art. 35 of the Portuguese Constitution) and to other legal constraints (Law 67/98) Portugal can only compile statistical data on the racial and ethnic demographic composition of its population based on anonymous and voluntary self-identification of those concerned (formal permission). Nevertheless, these voluntary replies raise a constraint concerning the unpredictability of non response rates thereby affecting the reliability of the administrative or survey based data.

Data on racial discrimination crimes and racially motivated crimes include information on the offender´s nationality, sex and by type of crime but never by race or ethnicity as they are considered a breach to the legal frame.

2.2 -Concluding observation no. 11 – “The Committee is concerned that the relationship between the Convention and domestic law of the State party remains unclear and recommends that the State party find legal means to clarify the issue and give prominence to international human rights treaties including the International Convention on the Elimination of All Forms of Racial Discrimination”

Pursuant to article 8 of the Constitution of the Portuguese Republic, “The norms and principles of international law are an integral part of Portuguese domestic law” (Paragraph 1). The same article further specifies that the “The norms of international conventions duly ratified or approved by the Portuguese Republic constitute an integral part of Portuguese domestic law” (Paragraph 2).

This constitutional framework consecrates the “monistic” principle with primacy of international law, meaning a system of integration of International Law within Portuguese domestic law according to which the principles and norms set forth in the Universal Declaration of Human Rights and in the International Conventions ratified by the Portuguese Republic are fully in force within the Portuguese territory, and directly applicable and binding on public and private bodies. They prevail over national legislation.

Legal diplomas, available at the website of the Official Journal, contain the reference of the international instrument that supports them and are made available at various institutional websites, including the Ministry of Justice.

2.3 - Concluding observation no. 12 and 29 – “Bearing in mind its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party:

a) Disseminate existing legislation on racial discrimination in ways that are accessible, and where relevant in various languages, and inform the public, in particular vulnerable groups, on all available legal remedies;

All legislation adopted in Portugal is easily accessible online on the website of the Official Journal <https://dre.pt/> and most of the public entities disseminate them through their website.

The Commission for Equality and against Racial Discrimination (CICDR)’s website⁷ has a section on legislation on racial discrimination.

Media and information technologies have also been used to raise awareness on legislation that prohibits racial discrimination and on the need to combat racial discrimination.

Media plays indeed an important role in immigrants’ welcoming and integration in Portuguese society. In order to enhance the effectiveness of relevant constitutional and legal principles, public policies were adopted in the fields of the media, immigration and intercultural dialogue that, while respecting media independence

⁷ <http://www.cicdr.pt>

and journalistic deontology, promote and encourage self and co-regulatory initiatives aimed at increasing awareness for human rights and intercultural dialogue among journalists.

The Commission for Equality and against Racial Discrimination (CICDR) has been recommending more information and training efforts regarding the main Media companies and its agents (for instance, journalists and commentators). This pedagogical action towards the Media, under the supervision of the CICDR and of the Regulatory Authority for the Media is important to fight racial discrimination, to raise awareness to the phenomena of racism and xenophobia, and to build a healthy intercultural environment on Media agents.

In order to guarantee that the media addresses migration issues in an adequate manner, CICDR issued in 2012, through ACM, a recommendation on references to nationality, ethnicity, religion or immigrant legal status.

In addition, ACM created a team of 30 qualified trainers in charge of awareness-raising campaigns to promote integration.

Moreover, the Commission for Equality and Against Racial Discrimination's website has a special tool called "Racism on the Internet" where complaints on the grounds of racial discrimination can be made. These complaints lead to immediate action by the Commission.

In May 2012, ACM and the Ombudsman signed a Protocol in order to improve assistance to migrants, comprising the dissemination of relevant information, support for complainants (and, in a limited number of cases, action on their behalf), supply of documentation and referral to Legal Support Offices.

ACM has also supported a "Victim Support Unit to Immigrants and Victims of Racial and Ethnic Discrimination" (UAVIDRE) run by the Portuguese NGO Association for Victim Protection (APAV), which provides free-of-charge legal and psychological assistance to immigrants and victims of racial discrimination. UAVIDRE registered 49 victims of discrimination in 2012, 50 in 2013 and 48 in 2014.

Awareness raising initiatives against discrimination have also been adopted:

- ACM and CICDR launched in 2010 a "Photo and video contest against Racial Discrimination", aimed at choosing the best photo and video promoting the values of diversity and Non-Discrimination on the basis of nationality, ethnic origin, race, colour or religion;

- As part of the celebrations of the International Day for the Elimination of Racial Discrimination on March 21st, a series of initiatives were launched aimed at raising public awareness to the Fight against Racial Discrimination. For instance, in 2011 and again in 2012, all football players from the Portuguese Premier League entered the field showing a banner saying "Football against Racism! Join us." In 2012 a flash mob composed by 300 youngsters performed in the Final of the Portuguese Football Cup with the message "Football against discrimination". In 2013, ACM launched a Poetry contest on Racial Discrimination. Over 500 applications were received. The 39 best poems were published. The High Commission for Migration also created a pool of qualified trainers that can offer several resources and training sessions on the integration of immigrants, intercultural and cultural diversity.

In terms of diversity, the High Commission for Migration will launch the "Corporate Diversity Label", a special Programme that will certify and promote the cultural diversity in public and private companies.

Regarding the dissemination of legal remedies and redress mechanisms, the Commission for the Protection of Victims of Crimes is the body in charge of deciding, according to legal criteria, whether applicants have the right to compensation as victims of violent crime, and the amount of compensation. The Commission publishes a yearly report on its activity and , makes it available to the general public, as well as the remedies victims can use to obtain compensation for violent crimes, in cooperation with public or private entities.

b) Take measures to significantly increase the confidence of the population in the judicial system, shorten judicial procedures where possible and allow victims to access legal remedies;

In order to increase confidence in the judicial system and shorten judicial procedures, other legal amendments have been introduced to the Criminal Code and to the Criminal Procedure Code. In this regard, it is important to mention that very recently, on the 4th September 2015, a law was enacted creating the "Statute of the Victim" and introducing new changes to the Criminal Procedure Code, transposing the Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

The main amendments to the Criminal Procedure Code (CPP) were:

- Harmonization with the civil procedural rules on time limits for the performance of procedural acts of normal expedient and urgent expedient (2 days) and the consequences of exceeding them by judges and prosecutors (Article 105, paragraphs 2, 3 and 4 of the CPP);
- The defendant only has to answer truthfully about his identity and no longer about his criminal record (Article 141, paragraph 3, of the CPP);
- Possibility of using, in trial, the declarations of the defendant made during the investigation phase of the process, even if he is judged in his absence or he does not pay any statement during the trial hearings (Articles 141/4 / b) and 357/1 / b) of the CPP);
- During the investigation, the investigating judge can apply enforcement measures more severe than those required by the prosecution (Article 194, paragraph 2 of the CPP);
- Admissibility of witnesses in a number higher than the maximum limit of 20 (Article 283, paragraphs 3, 7 and 8 of the CPP). Extending the application for admission must be dismissed where this additional evidence proves irrelevant or unnecessary, inappropriate or impossible to obtain or if it is dilatory (Article 340, paragraph 4 b), c) and d) CPP ex vi No. 8 of article 283 CPP);

- Elimination of the loss of the effectiveness of the evidence, after interruption of the trial hearing, (Article 328, paragraphs 6 and 7 of the CPP);
- Establishing the principle of the fullness of the assistance of judges (use of procedural acts (Article 328-A of the CPP);
- Extension of the recording of the hearing to all acts practiced therein (Art. 364, paragraphs 2, 3, 4, and 5 of the CPP);
- Introduction of a time limit for the taking of evidence, depending on the type of crime concerned:
 - a) In case of an offense punishable with a prison sentence which maximum limit does not exceed 5 years, or in the event of concurrence of infringements whose maximum limit does not exceed 5 years in prison: all evidence must be produced within 60 days from the date of the arrest. However, evidence may be produced, exceptionally, and for duly justified reasons, including the lack of any examination or expert report, to no later than 90 days from the date of the arrest (Article 387, paragraph 9, CPP).
 - b) In case of an offense punishable with a prison sentence which maximum limit does not exceed 5 years, or in the event of concurrence of infringements whose maximum limit does not exceed 5 years in prison, the deadlines mentioned in the previous paragraph shall amount to 90 and 120 days, respectively (Article 387, paragraph 10 of CPP);
- In summary proceedings, the order issued by the judge as to the enforcement of the sanction, following the request by the Public Prosecution to which the accused did not object, counts as a conviction and does not allow ordinary appeal (Article 397, paragraph 2, CPP);
- Unification of rules in the terms of the appeals: 30 days thus leaving no need to make a distinction between appeals with or without contesting the facts (Articles 404, 411 and 413 of the CPP);
- Prevention of the commission of useless acts: the counterparty is only notified to counter-argue on appeal after having been issued the order that admits the appeal;
- The legal framework of appeals to the Supreme Court was improved, in order to ensure that the Supreme Court decides only the most serious cases (Article 400 of CCP).

The main amendments to the Penal Code (PC) were:

- The causes for the suspension of the limitation period were reformulated (art. 120, PC) in order to ensure that the exercise of the right of appeal by the defendant does not undermine the effectiveness of criminal prosecution;
- Consider gender identity (besides the reference to sex) as a cause of qualification of the crime of murder (art. 132, f) PC) if it has been practiced for this reason and as a motivator of the conducts that comprise the crime of racial, religious and sexual discrimination (art. 240 PC).

Law No. 82/2014 of 30 December has created the optional accessory penalty of debarment from succession for the author or accomplice of premeditated murder, attempted or accomplished, committed against the spouse, close relatives, adopters or adopted.

c) The Committee invites the State party to include in its next periodic report updated information on the number of complaints, prosecutions, convictions and sentences for racial discrimination and remedies to victims.

Administrative complaints of racial discrimination can be made by anyone against any public authority, service or individual person to the Commission for Equality and Against Racial Discrimination (CICDR). In the period between 2012 and 2014, this Commission has the following data:

| Year | Complaints | Administrative Offences | Administrative Convictions |
|------|------------|-------------------------|----------------------------|
| 2012 | 78 | 26 | 2 |
| 2013 | 60 | 19 | 7 |
| 2014 | 60 | 18 | 2 |

Crimes of racial and religious discrimination registered by pole authorities from 2012 to 2014:

| Year | 2014 | 2013 | 2012 |
|---------------------------------------------|------|------|------|
| Crime of racial or religious discrimination | 19 | 12 | 6 |

Source: Ministry of Justice

2.4 - Concluding observation no. 13 – “The Committee reiterates its recommendation that the State party take appropriate special measures for vulnerable groups including Ciganos, Roma and people of African descent in line with its general recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination, in cases where direct or indirect discrimination affects vulnerable groups disproportionately as

well as in accordance with its general recommendations No. 27 (2000) on discrimination against Roma and No. 34 (2011) on racial discrimination against people of African descent”.

Portugal is fully committed to promoting and protecting all human rights for all (regardless of ancestry, sex, race, language, place of origin, religion, political or ideological beliefs, education, economic situation, social circumstances or sexual orientation, as recognised in the Portuguese Constitution). These measures are implemented in a non-discriminatory way and designed with the aim of protecting those persons who are in a situation of greater vulnerability (for example, through social protection policies).

2.4.1. Regarding Roma Communities, the National Roma Communities Integration Strategy, already mentioned under Part I, point D of this report, foresees a wide range of measures.

The National Strategy adopts an intercultural approach to the principles of Equality, Non-Discrimination and Citizenship, based on Fundamental Principles (Article 9, paragraphs d) and h)), Fundamental Rights and Obligations (Articles 12 and 13) and Social Rights and Obligations (Articles 64 and 65), as defined by the Portuguese Constitution, and taking into account the Ten Common Basic Principles and EU Council Directive 2000/43/EC, of 29 June 2000 (the Racial Equality Directive).

Portugal designed its strategy around guiding principles, the four strategic areas, namely education, employment, healthcare and housing, but also added a crosscutting pillar in order to respond to several issues affecting Roma persons and to articulate all areas covering discrimination, mediation, education for citizenship, social security, valuation of Roma history and culture and gender equality. The crosscutting pillar includes the following dimensions:

- Dimension I – Knowledge of the socioeconomic context of Roma communities and follow-up mechanism of the National Strategy
- Dimension II – Non-Discrimination
- Dimension III– Education for Citizenship
- Dimension IV – Roma history and culture
- Dimension V – Gender Equality
- Dimension VI– Justice and Security
- Dimension VII– Mediation
- Dimension VIII – Social Security

A number of specific priorities, measures, targets and actions have been defined for each pillar. These elements are presented as priorities and measures, which represent different implementation stages.

Priorities, which consist of the series of strategic goals, serve as a basis for defining measures aimed at solving the primary issues identified.

Measures, which correspond to the next implementation level, consist of the operational goals considered when defining general action guidelines. Accordingly, measures are implemented through actions/programmes identified by the partners involved, during the implementation period.

Targets and results have also been set. These elements, which serve the dual purpose of guiding implementation and monitoring progress, may be subjected to adjustment during the implementation period, or as a result of eventual constraints.

Funding sources have also been identified and are subject to change, depending on new financing lines/programmes, or limitations imposed by the State Budget. Some of the strategy measures are still included within the next programming period of the European Union's structural funds framework, Portugal 2020, in which specific funds for socio-professional integration for Roma communities will be assigned.

In order to ensure the participation of all key players and allocate responsibilities for each pillar, representatives of the four sectors were identified, as well as representatives of the additional dimensions considered in the crosscutting pillar.

Regarding, in particular, the enjoyment of economic, social and cultural rights by Roma persons, the following measures and policies aim to promote the enjoyment of the rights to housing, to education, health and access to employment by Roma Communities:

- Concerning the right to housing, members of the Roma Community in Portugal have the right to benefit from housing programs on equal terms with all other persons. Portugal aims to ensure equal treatment of Roma persons in access to housing. The National Roma Communities Integration Strategy (2013-2020) has 4 priority areas regarding the housing conditions of Roma communities:

- i. To improve the knowledge of the housing situation of Roma communities. The general objective is to conduct at least one study on the conditions of access and housing situation of Roma;
- ii. To strengthen practices that promote the integration of Roma communities in the framework of housing policies;
- iii. To tailor housing solutions and to qualify re-housing spaces;
- iv. To promote access to the rental market/private property. This priority's goal is the promotion of pilot projects for the creation of lease contracts through the establishment of partnerships between municipalities and civil society organizations.

In this axis, it is worth mentioning that, in the implementation of the Strategy, a study on the housing conditions of Roma communities - Priority 26 – was carried out by the Housing and Urban Rehabilitation Institute in partnership with the ACM. Within the framework of this study, a preliminary report was produced in January 2014. Preliminary data indicate that out of the 231 municipalities participating in the study, 141 pointed out the existence of Roma communities.

With regard to the improvement of housing, it may be noted that in 2014 four interventions were held in the municipalities of *Contumil* (Porto), of *Cabomor* (*Vila Nova de Gaia*), of *Bagaúste* (*Peso da Régua*), and of the *Mártir Santo* (*Campo Maior*), which involved approximately 89 Roma households.

- Employment is one of the fundamental areas foreseen in the Portuguese Strategy for the Integration of Persons belonging to Roma Communities (2013-2020):

- i. To promote the integration of Roma Communities in the labour market through awareness raising actions, dialogue with business associations, NGOs, Roma associations and Roma mediators and demystification of negative portrayals of Roma communities;
- ii. To train staff on the specific characteristics of Roma Communities;
- iii. To facilitate access to employment and creation of self-employment;
- iv. To improve vocational qualifications with a view to integration in the labour market;
- v. To establish local partnerships for employment and vocational training;
- vi. To revitalise the traditional activities of Roma Communities with a view to their socio-vocational integration.

To promote a better knowledge of Roma Communities, the Public Employment Service (PES or IEFP) gathered information from its regional offices in order to identify local units in which there is a more significant influx of people from those communities, to find out any constraints felt in attending Roma citizens, to list the most important partner organizations in each region, and also to identify good practices on Roma integration.

The analysis of the information collected raised the need to define and communicate guidelines for the performance of local units, as well as to assign, in each local unit, preferred interlocutors for matters related to the National Strategy, which was implemented in first quarter 2014. These interlocutors play this role of preferred partners, within the PES, with the respective Insertion Local Unit, Local Council of Social Action and Professional Integration Office, as well as with the Roma mediator that may exist in the city.

The work of the PES is based on the combination and articulation of different competences of the employment and training services in order to promote responses that best foster the employability of each unemployed, forwarding and integrating them in employment, training and guidance measures. Considering the monitoring scheme implemented, until the end of February 2015 the national strategy covered 1065 jobseekers, which benefited from 2298 interventions and 485 referrals to multiple responses. About half of these referrals resulted in effective integration, most of which are training responses.

In order to enable services for appropriate care and intervention with Roma communities, awareness activities have been planned, designed in particular to the preferred interlocutors above mentioned. Such actions, at regional level, and covering all interlocutors, are taking place in March 2015.

The training of trainers to deal with the specifics of Roma communities is also a goal to be achieved within the strategy. So, PES triggered the necessary procedures in order to conceive a training reference designed for continuous training in the field of intercultural learning, focusing on the relationship with Roma communities, which will integrate the training and skills certification of trainers.

- On the right to health, members of the Roma community have full access to health services as all other Portuguese citizens and foreigners legally residing in Portugal. This right is enshrined both in the Portuguese Constitution and in the Basic Law on Health.

In this context, it is worth highlighting that 96% of Roma children are included in the National Immunisation Programme.

The National Strategy foresees the following priorities regarding the right to health:

- i. To organize training actions on health education and available health services - for example, the use of mobile health units and encouraging Roma persons to enrol in local Health Centres;
- ii. To improve the health of Roma communities by focusing on prevention, including yearly awareness raising sessions on early motherhood, children's health and healthy eating habits;
- iii. To raise awareness of healthcare professionals to cultural diversity and provide training on these issues;
- iv. To build and/or strengthen relationships between health services and Roma communities, by building bridges and establishing partnerships.

- On the right to education, Portugal is deeply committed to guaranteeing the right to education to all, including to Roma children.

The Portuguese education system does not foresee the establishment of separate school classes on grounds of origin, race, ethnicity or culture. There are no segregated classes or schools for Roma pupils. Ensuring equal access to education - while respecting the values and traditions of Roma Communities - is the main goal to be achieved in the area of education.

Different results have emerged in surveys on the situation of Roma communities, and those which showed better results are linked, in particular, with the involvement of Roma mediators in the education system and on the investment in alternative school *curricula*. Mediators and Roma mediators, integrated in local authorities, have managed to build bridges between these communities and the institutions, governmental and non-governmental organizations, deconstructing stereotypes and contributing to their full integration.

The Portuguese Strategy foresees the following measures:

- i. To gain a better insight of the situation of Roma students and trainees;
- ii. To ensure access to Pre-School Education;

- iii. To increase education levels and ensure that all Roma children complete compulsory education;
- iv. To promote continued education in secondary schools and encourage higher education;
- v. To prevent early school dropout;
- vi. To ensure access to lifelong learning;
- vii. To promote teacher training on Roma culture and diversity by recruiting trainers from Roma Communities;
- viii. To fight illiteracy.

In the field of education, there is a special project called “Good School Grades” that aims to sensitize Roma children and their parents to the importance of School as an institution that is fundamental for their social and personal development.

Regarding the implementation of the National Strategy and its monitoring, it was decided to create the Consultative Group for the Integration of Roma Communities, not only to monitor the implementation of the Strategy, but also to assess the socioeconomic situation of Roma Communities. The Consultative Group includes the following members:

- i. The High Commissioner for Migration, who acts as chairman and coordinator;
- ii. Two representatives from the Government member responsible for Internal Affairs;
- iii. A representative from the Government member responsible for the justice sector;
- iv. A representative from the Government member responsible for the economy and employment sector;
- v. A representative from the Government member responsible for the housing sector;
- vi. A representative from the Government member responsible for the health sector;
- vii. A representative from the Government member responsible for the education sector;
- viii. A representative from the Government member responsible for the solidarity and social security sector;
- ix. A representative from the Regional Government of the Azores;
- x. A representative from the Regional Government of Madeira;
- xi. A representative from the National Association of Portuguese Municipalities;
- xii. A representative from the National Association of Portuguese Civil Parishes;
- xiii. Two representatives from institutions working with Roma Communities, to be designated by the High Commissioner for Migration;

- xiv. Five representatives from Roma communities associations, to be designated by the High Commissioner for Migration;
- xv. Two citizens of recognized merit, to be designated by the High Commissioner for Migration;
- xvi. Two representatives from academic or research institutions with relevant works on Roma Communities, to be designated by the High Commissioner for Migration.

The Consultative Group for Roma Communities works within ACM. It promotes the participation of Roma Communities and reflects the use of integrated policy approaches and contributes for a general mobilization of partners (e.g. representatives of the ministries, civil society organizations, experts and Roma Communities' representatives) that work together with a common objective. This Consultative Group has been a particularly active platform, namely by delivering statements on issues and cases with a high impact on public opinion, for example on Roma girls' education or on cases of discrimination.

The National Strategy included, as a top priority, the creation of the Observatory of Roma Communities⁸. Its main task is to promote the realization of studies within the scope of social sciences, including a national study on Roma Communities in Portugal. This study was finalized by the end of 2014 and published in 20 January 2015.

More than 24.000 Roma persons were contacted in half of the Portuguese municipalities in the course of the study.

According to the study, the majority of Roma live in the metropolitan areas of Lisbon and Oporto. The study showed that more than 90% of Roma have a National Health Service (NHS) family doctor, are covered by the National Immunisation Programme. The study also showed that pregnant Roma women are followed by the NHS. The majority Roma live in a "classic" form of lodging (flat or house).

The study is available in Portuguese and can be consulted in <http://www.igfse.pt/upload/docs/2015/estudonacionalsobreascomunidadesciganas.pdf>. A follow-up of this research will be conducted throughout 2015, and it will also focus on the municipalities not covered by the first study.

The Pilot Project for Municipal Roma Mediators was launched by the High Commission for Migration in 2009, in partnership with the Institute of Social Security. It initially provided intercultural training on Mediation, Public Institutions Functioning and Communication to capacitate fifteen Roma mediators for 15 local municipalities to provide Roma inclusion related services, guaranteeing the establishment of a close relation between local services, organisations and local Roma Communities. Since October 2009, 21 Municipalities benefited from this Programme, involving 24 Roma

⁸ www.obciq.acm.gov.pt

Mediators. In April 2013, the Council of Europe recognized the project as a good practice.

The main aim of the project was to facilitate the access of Roma to services and local equipment, and to promote equal opportunities and intercultural dialogue by introducing Roma mediators in Municipalities. The Programme was based in the identification of local Roma mediators that defined local action plans of intervention.

In January 2015, and in order to develop new projects, the High Commission for Migration launched a Fund to Support the Activities of National Roma Communities Integration Strategy (FAPE). Eleven projects were selected from all over the country. Those projects must be implemented throughout 2015, in partnership with different stakeholders, with a special focus on activities that promote the fight against discrimination, , training on citizenship and the promotion of the participation of the Roma in the local communities.

The Commission for Citizenship and Gender Equality (CIG) organizes an awareness raising session on gender equality and domestic violence, for Roma intercultural mediators, under the pilot project of the ACM with Municipal Mediators. This session took place in Lisbon in November 2014 and it was attended by 15 people, among them, one Roma woman mediator.

CIG and ACM have collaborated with the Santa Casa da Misericórdia (SCM), within the framework of its "Romi" project for Roma women. In 2014 the SCM organized a training programme with various modules (health education, environmental education, communication, behavior and interpersonal relationships, professions and educational level, family and society, reading workshop, introduction to technologies and consumer education). Under the same project, a training programme for Roma women was organized in order to develop personal, social and parental skills.

Finally, regarding cultural rights, Portugal actively embraces and promotes intercultural dialogue and multiculturalism, including the contribution of immigrants and their cultures.

A fine example is the Pegada Cultural – Artes e Educação (Cultural Footprint - Arts and Education) a programme aimed at supporting professional artistic projects directed to schools and emphasizing cultural diversity.

The Programme has been implemented by the General Directorate for the Arts (DGArtes) in cooperation with the Arts Council of Norway, in the framework of the European Economic Area (EEA) Financial Mechanism 2009-2014, providing a global allocation of € 1.000.000,00 (<http://pegadacultural.pt/the-programme/?lang=en>).

2.4.2. Regarding people of African descent, Portugal has an integrated/holistic approach to combating racial discrimination, based on its deep-rooted belief that the phenomenon of racism is global. This problem requires a universal approach , which does not individualise a specific group. This approach stems from Portugal's Constitutional principles, namely those related to the principle of equality.

Portugal's holistic approach to combating racism is based on policies aimed at integrating, promoting and protecting the full enjoyment of all human rights by

all(regardless of ancestry, sex, race, language, place of origin, religion, political or ideological beliefs, education, economic situation, social circumstances or sexual orientation, as recognized in the Portuguese Constitution).

These measures are implemented in a non-discriminatory way.

Therefore, there are no special measures or positive actions for people of African descent. People of African descent benefit from, on equal ground with any other person in Portugal, from measures and policies aimed at combating racism and promoting integration. These policies are designed with the aim of protecting persons who are in a situation of greater vulnerability (for example, through social protection policies).

2.5. Concluding observation no. 14 and 29 – “The Committee urges the State party to take effective measures to prevent and prosecute manifestations of racism, xenophobia and intolerance. It recommends that the State party condemn racist and xenophobic speech by politicians and promote tolerance and diversity, including in sport.”

In addition to the legal framework which typifies racial discrimination as a crime (article 240 of the Criminal Code), racial motivation can aggravate the sanctions of certain crimes (article 132 - manslaughter - and article 145 - serious offences to physical integrity) insofar as they entail special reprehensibility of the conduct. In the framework of the administrative complaint mechanism of the Commission for Equality and Against Racial Discrimination, Portugal has been taking a wide range of measures to prevent manifestations of racism and to promote tolerance, diversity and mutual understanding.

Law 72/2015 of 20 July, which defines the objectives, priorities and orientations of the criminal policy for the biennium 2015-2017, provides for actions of prevention and control of manifestations of racism, xenophobia and intolerance in sports events, in its article 11.

Regarding the ratification of the Convention on Cybercrime (Parliament Resolution No. 88/2009 of 15 September and Decree of the President No. 91/2009 of 15 September) and the Additional Protocol to the Convention on Cybercrime Concerning the Criminalisation of Acts of Racist and Xenophobic Nature Committed through Computer Systems (Parliament Resolution No. 91/2009 of 15 September and Decree of the President No. 94/2009 of 15 September), it is also important to mention that the Law 72/2005 of 20 July for 2015-2017, states that it should be given priority to cybercrime prevention and investigation.

The programmes and measures in the area of Media mentioned in the reply to concluding observation 12 a) are examples of efforts in this regard. The Intercultural School Award and the Intercultural School Kit (Part I of this report); the team of 30 qualified trainers who are responsible for developing awareness-raising campaigns and actions to promote integration all around the country and within different

institutions, namely on Myths & Facts about Immigration⁹; the Poetry contest launched in 2013 by the High Commission for Migration on Racial Discrimination, *inter alia*, attest the commitment of Portugal to prevent manifestations of racism and to promote tolerance and diversity. In addition, ACM launched the campaign "Discover your color!" on the internet using a special website¹⁰ and *Facebook*. This campaign was very successful and it got more than 45.000 views in the first day.

Finally, the Police of Public Security (PSP) has been developing, since the 1980s, a program specifically oriented for the youth community on issues related to the combat against manifestations of racism, xenophobia and intolerance, bullying, dating violence and school violence. PSP organized 1124 sessions in 2012; 874 sessions in 2013 and 1470 sessions in 2014.

In the area of sports, Portugal is committed to address the issue of racial discrimination and to raise awareness in order to combat this scourge. In the legislative field, Law no. 52/2013 (25th July 2013) was adopted. It regulates all aspects referring to the combat against violence, racism, xenophobia and intolerance in sports events.

The "Choices League" is a project that promotes the fight against racial discrimination in sports and promotes social responsibility through team building activities. Since its beginning in 2011, more than 1.000 children, aged 10 to 14 years, have taken part in this project. This project has several approaches: the sport inclusion, the good academic results and also the entrepreneurship. Furthermore, the National Plan for Ethics in Sport, February 2012 - December 2015, aims to promote respect for key ethical values including tolerance, mutual respect and combating racism and xenophobia. Through the National Plan for Ethics in Sport, and in close cooperation with civil society organizations, several initiatives have been organized. For example, the "Sport for All Program", which will be launched this year, foresees specific measures targeted at migrants and other vulnerable groups. This program aims to create opportunities for equal access to sport, promote social inclusion and integration and prevent racism and xenophobia.

Regarding racist and xenophobic speech by politicians, the Constitution of the Portuguese Republic - Article 46 – prohibits the existence of political parties that defend racist or fascist ideologies. In addition, article 8 of Law 2/2003 of 22/08 (Law of the political parties as amended by Law 2/2008 of 14/05) prohibits political parties that are racist or display a fascist ideology. These parties shall be dissolved by the Constitutional Court at the request of the Public Prosecutor.

Despite the undeniable side effects of the economic crisis in Portugal, this crisis did not give rise to phenomena of racism, racial discrimination, xenophobia and related intolerance against or public hate speech against immigrants, persons belonging to minorities and other particularly vulnerable groups. Furthermore, in spite of the austerity measures, Portugal did not disinvest in this priority of combating all forms of discrimination.

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http://www.acidi.gov.pt/_cfn/4eaa92f8ba8ec/live/Os+Mitos+e+os+Factos+sobre+a+Imigra%C3%A7%C3%A3o

¹⁰ <http://www.descobreatuacor.pt>

Portuguese society is open, tolerant, multicultural and welcoming. There is a global consensus in Portugal on immigration. Political parties represented in the Parliament have not used immigration as a political topic of debate. The only extreme right political party (PNR) never had enough votes to elect a single member of Parliament (their average voting is around 0.3% of the votes).

Portugal's historical background and special relationship with migration and different cultures is one of the reasons, among many others, which underpin this consensus.

According to the 2011 Eurobarometer survey, only 3% of the surveyed Portuguese citizens considered that immigration was a problem for the European Union and 0% considered immigration a problem for Portugal (compared to 20% and 12% respectively for EU27 average).

This positive attitude towards immigration has also been very important in terms of public debate and legislative activity on immigration and integration. The new Immigration Law (2012) was approved by an overwhelming majority in the Portuguese Parliament.

2.6. Concluding observation no. 15 and 29 – “Bearing in mind the Committee’s general recommendation No. 13 (1993) on the training of law enforcement officials in the protection of human rights, the Committee urges the State party to ensure that training sessions organized for law enforcement officials equip them to fully respect and protect the fundamental rights of all persons without discrimination on the basis of race, color or ethnic or national origin. The Committee requests that the State party include in its next periodic report information on prosecutions of law enforcement or police officers for racial discrimination”.

2.61. Training sessions to law enforcement officials - Portugal has been making considerable efforts in developing training activities for law enforcement officials in order to ensure that they refrain from racist and discriminatory conduct and that they fully respect and protect the fundamental rights of all persons without discrimination on the basis of race, color or ethnic or national origin.

Human Rights is an essential component of the training provided to law enforcement personnel and plays an important role in the prevention of racist and discriminatory conduct. In order to prevent racist and discriminatory behavior by law enforcement officers, Portuguese law enforcement personnel is subject to initial training and advanced training sessions on human rights issues.

Training on Human Rights and Procedural Guarantees has been reinforced in the general training of members of the Criminal Police and Prison Guards. Article 14 of Law 37/2008, of 6 of August of the Statute of the Criminal Police (prohibition of discrimination by inspectors of the Judicial Police) states that racial discrimination is a breach of duties by the Criminal Police inspectors which can trigger a disciplinary procedure and a disciplinary sanction (Disciplinary Regulation of the Criminal Police (annex to Decree-Law 196/94 of 21 July).

In the Code for the Enforcement of Sanctions – Article 3 and Article 4/4 – non-discrimination of inmates by Police Guards on the basis of ethnic or religious motivations is a breach of duty and can origin disciplinary responsibility.

Human Rights issues are addressed throughout the initial training courses of the prison guards and in the scope of different subjects, including the one related to control and restraint techniques. Some of the lectures are given by Non Governmental Organizations, such as the Amnesty International. Prison guards' training courses include issues such as professional duties, discipline and professional deontology, relevant international law concerning detention and prison facilities, criminal law and criminal procedure law (with a focus on detainees rights, in particular pre-trial detainees), training on the legal framework of the enforcement of sanctions, intervention techniques within prisons and weaponry, equipment and shooting (with a particular focus on the proportionality principle in using these means), security technology, behavior in prison establishments, team work and interpersonal relationships, stress management. The overall aim is to improve the ability of prison guards to maintain order and security within prisons fully respecting the fundamental rights of detainees, in particular by using the control means in full respect for adequacy and proportionality principle.

As to the Criminal Police, training in human rights matters is included in the general training of Judicial Police Inspectors. This human rights training involve the prohibition of arbitrary discrimination by reason of race, ethnicity, gender or sexual orientation during criminal investigations carried by the Judicial Police.

The Security and Police Forces receive training at several levels under the responsibility of the Ministry of Internal Affairs (initial training, in-service training and training for career progression). This training covers national legislation applicable, Human Rights core principles concerning police action and police ethics.

The National Republican Guard reinforced and substantially improved the training provided on matters related to racism and racial discrimination issues, placing greater emphasis on human rights and on the need to fight differentiated treatment between persons. Special attention is also given to the enforcement of the legislation regarding racist offences, including Article 240 of the Criminal Code.

Human Rights is a key part of the Public Security Police's training. The curriculum of the Masters Course in Police Sciences includes, *inter alia*, 116 hours of training on Fundamental and Human Rights and 90 hours of training on Ethics.

The Public Security Police Training Course for Agents includes 35 hours of training on Police Deontology and 30 hours of training on Fundamental Rights and Citizenship.

The Public Security Police has also been working with the High Commission for Migration in order to obtain a better understanding of the different minority groups in Portugal, thereby improving police response.

As regards judges and prosecutors, they receive training in the application of criminal law, including Article 240 of the Criminal Code. They also receive comprehensive training in human rights and, in particular, in the fight against racism and racial discrimination. As regards judges and prosecutors, human rights' training is a part of the initial training at the Centre for Judicial Studies.

As regards judges and prosecutors, there are regulatory bodies in charge of monitoring the fulfillment of professional duties in the administration of justice.

Prevention of racial discrimination is carried out in different manners:

- Judges and prosecutors are under control of the competent regulatory bodies;
- Judicial Police and Prison Services are subject to inspections from the Inspectorate General for Justice Services, and by internal services;

As regards to training courses, the High Commission for Migration will sign a Protocol with the Public Security Police in order to allow 1.000 agents to benefit from the High Commission`s experience in delivering training in racial discrimination and cultural diversity management.

Additionally, the High Commission for Migration participates in a National Working Group on Hate Speech and has also promoted thematic weeks about Justice and Law in its Documentation Centre.

2.6.2. Systems of control - In Portugal there is a multilayered system of controls (checks and balances) to ensure that all incidents of misconduct by law enforcement official/security forces are duly investigated and that those found guilty are punished:

- First level: Internal control entities of the law enforcement agencies themselves (Public Security Police, General Republican Guard, Immigration and Border Services, Criminal Investigation Police, Prison Services);
- Second level: High level inspection bodies - the General Inspectorate for Internal Administration, the General Inspectorate for Justice Services, the Internal Audit of the Prison Services. The General Inspectorates are independent, due to their legal statutes to the fact that they are usually headed by members of the Judiciary and the Public Prosecution, who retain their full legal capacity as magistrates;
- Top level: control by judicial authorities (Public Prosecution and Judiciary) and/or the Ombudsman (Portuguese National Human Rights Institution with A Status under the Paris Principles).

Whenever there is sufficient evidence, in the course of internal disciplinary proceedings, that a crime may have occurred, the Public Prosecution must be informed. Likewise, the Public Prosecution must notify the relevant high level inspection bodies (General Inspectorate for Internal Administration, General Inspectorate for Justice Services and Audit and Inspection Services of the Directorate General for Prisons) when criminal enquiries related to the behavior of police forces are initiated. Therefore, the launching of criminal proceedings also gives rise to a disciplinary enquiry.

It is important to note that the Portuguese system applies the principle of autonomy of disciplinary proceedings *vis à vis* criminal proceedings.

2.6.3. – Prosecutions of law enforcement or police officers for racial discrimination

Disciplinary Proceedings

Regarding the number of proceedings of regulatory offenses by reason of discrimination, these are the available statistic data:

| Year | Number of Proceedings of Regulatory Offences | Concerned entities | | | |
|-------|----------------------------------------------|---------------------------|---------------------------|-----------------------------------|--------|
| | | National Republican Guard | Police of Public Security | Service of Foreigners and Borders | Others |
| 2012 | 4 | - | 3 | 1 | - |
| 2013 | 7 | - | 7 | - | - |
| 2014 | 3 | - | 3 | - | - |
| 2015 | 4 | - | 4 | - | - |
| TOTAL | 18 | - | 17 | 1 | - |

Source: General Inspectorate of Internal Affairs (IGAI)

Other relevant data:

Proposals made by the Inspectorate General of Home Affairs (IGAI)

| | |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2012 | <p>1 Case filed (discrimination not proved) – 1 PCO</p> <p>3 PCO under instruction</p> |
| 2013 | <p>1 Case still pending at the IGAI</p> <p>6 Cases dismissed (no discrimination of any kind was established).</p> <p>Notwithstanding in three cases IGAI also endorsed the following:</p> <p>PRO 41/2013 a certified document was sent to the Public Prosecution Office at the Court of Greater Lisbon Northwest Judicial District - Case number 4358/12.0T3SNT;</p> <p>PRO 145/2013 was remanded to ACIDI with the proposal of remittance of the case to the Court of the Judicial District of Leiria to be attached to the Inquiry Case number 17/135PBLRA;</p> <p>PRO 700/2013 was remitted to the Public Prosecution Office at the Court of Loures, 2nd Department</p> |
| 2014 | <p>3 Proceedings dismissed (no kind of discrimination was established)</p> |
| 2015 | <p>1 case dismissed (no kind of discrimination was established);</p> <p>2 case still pending at the IGAI</p> <p>1 case forwarded to the Coordinator of the Public Prosecutor of West Lisbon for decision</p> |

Source: General Inspectorate of Internal Affairs (IGAI)

2.7. Concluding observation no. 16 – “The Committee encourages the State party to assess the situation and take effective measures to combat racial discrimination in the judicial system bearing in mind its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system. The Committee is of the view that further analysis is needed, together with appropriate responses to tackle this issue and provide remedies to victims”.

Racial discrimination is explicitly forbidden at all levels (Constitutional and ordinary law levels) in Portugal.

In addition to being inviolable and constitutionally safeguarded, equality and non-discrimination are also cornerstone principles of the Portuguese legal system that bind legislative, administrative and judicial powers.

In Portugal everyone is equal before the Law and there are no prosecutions or convictions on the grounds of political ideas, racial or ethnic origin, religion, sexual orientation or gender identity.

In May 2012, ACM and the Ombudsman signed a Protocol in order to improve assistance to migrants, comprising the dissemination of relevant information, support to prospective complainants (and, in a limited number of cases, action on their behalf), supply of documentation and referral to Legal Support Offices.

Regarding remedies for victims, ACM has supported a “Victim Support Unit to Immigrants and Victims of Racial and Ethnic Discrimination” (UAVIDRE) run by the Portuguese NGO Association for Victim Protection (APAV), which provides free-of-charge legal and psychological assistance to immigrants and victims of racial discrimination. UAVIDRE registered 49 victims of discrimination in 2012, 50 in 2013 and 48 in 2014. Still in the area of remedies, we recall the last paragraph of the reply to recommendation 12 a) of this report.

2.8. Concluding observation no. 17 – “The Committee recommends that the State party expedite the revision of Law 18/2004 so as to guarantee remedies to victims of racial discrimination. It encourages the State party to provide additional resources to the Commission for Equality and Against Racial Discrimination to reduce the backlog of cases and also to raise the awareness of the public regarding legal and administrative remedies available. It invites the State party to include in its next periodic report updated information on steps taken towards increasing the effectiveness of this body.”

The Portuguese law foresees an administrative complaint procedure for cases of racial discrimination, which is dealt with by the Commission for Equality and Against Racial Discrimination (CICDR) that works closely with the High Commission for Migration.

This Commission is chaired by the High Commissioner for Migration and includes representatives elected by the Parliament, Government’ appointed, as well as

representatives from the employers' associations, trade unions, immigrants associations, NGOs and civil society.

The procedure is initiated with any individual complaint presented to the Commission for a discriminatory act or practice by a public authority, service or by any individual person. The High Commissioner then sends the complaint to the Inspectorate-General of the competent Ministry, who is due to report back after seeking to establish the veracity of the alleged facts. This report is submitted to the Standing Committee of the Commission for Equality and Against Racial Discrimination that produces an advisory opinion, based on which a decision is taken by the High Commissioner for Immigration and Intercultural Dialogue. This decision may include the imposition of a fine that, regarding to individual person(s) can go until 5 minimum wages, and for Public Bodies /Companies, the fine can go until 10 minimum wages.

It should be noted on other hand that a discriminatory act or practice can constitute a crime in accordance with Article 240 of the Portuguese Criminal Code.

The Commission for Equality and Against Racial Discrimination is committed to reducing the backlog of cases.

The Portuguese authorities are working, since 2013, on a new version of the anti-discrimination Law. Currently all Articles are being analysed and the adoption of a new Law is expected until the end of 2015. With this new legislation, the concept of discriminatory practices will be reinforced.

In terms of the rising of awareness of the public on available legal and administrative remedies, the Commission for Equality and Against Racial Discrimination new website has different tools, such as frequently asked questions, legislation and other legal documents, information about the final administrative convictions, information about the activities developed and the possibility to make a complaint through an online formulary.

This Commission also organized some workshops and training sessions with technicians from the "Choices Programme", local mediators and young adults on the fight against racial discrimination.

The results of those measures are undeniable: by August 2015 the number of complaints (64) was already higher than total number of complaints in 2014 (60).

2.9. Concluding observation no. 18 – "The Committee draws the attention of the State party to its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination and urges it to evaluate and monitor racial discrimination against women, particularly immigrant women and women belonging to minority groups. The State party has the obligation to guarantee the right of everyone to equality in the enjoyment of human rights without discrimination based on gender, race, colour or national or ethnic origin."

On this issue, Portugal reiterates all the elements contained in the reply to this concluding observation in the follow-up information on the implementation of concluding observations 18, 19 and 20 (CERD/C/PRT/CO/12-14/Add.1), submitted to the Committee in January 2015, which – although not reproduced here again – should be considered an integral part of this report.

In addition to those elements and bearing in mind the Committee's communication CERD/FU/GA/fm of 15th May 2015, the following reflects major events occurred since January 2015.

On the 12th March 2015, the Government approved the Migrations Strategic Plan whose following three measures are worth highlighting:

- "*Measure 9* - Promote the participation of immigrant women in the associative movements. This measure will have two specific actions: Mobilization by intercultural mediators of immigrant women for their participation in the associative movements. Information to immigrant women about their rights and duties;
- *Measure 21* - Awareness and information actions promoted by the ACM in liaison with the Commission for Equality in Work and Employment (CITE) and the Commission for Citizenship and Gender Equality (CIG), relating to gender equality and non-discrimination, in particular in the area of parenting, equal pay, reconciling work and family and moral and sexual harassment.
- *Measure 23* - Perform inspective actions in the workplace, promoting citizenship and gender equality through the integration of immigrants, combating illegal use of workforce (including undeclared), racial discrimination and human trafficking."

In addition, the National Republican Guard, based on the orientations from the V National Plan for Equality of Gender, Citizenship and Non-Discrimination 2014-2017 has been developing measures to disaggregate data by gender in order to monitor the intersection between racial motivated crimes and gender.

2.10. Concluding observation no. 19 – "The Committee urges the State party to promote the economic, social and cultural rights of the Ciganos and Roma, while respecting their culture in accordance with the principle of equality and ensuring that all actions and policies affecting them are designed, implemented, monitored and evaluated with the full participation of Ciganos, Roma and their organizations, bearing in mind the Committee's general recommendation No. 27 (2000) on discrimination against Roma.

The Committee requests that the State party provide information on the implementation and impact of the Strategy for Inclusion of the Roma communities. In implementing this Strategy, the State party should ensure that concrete measures are taken to improve the living conditions of these

communities by improving their access to adequate housing, education, health services, employment and public services.

The Committee would also appreciate information on the impact of public awareness campaigns regarding non-discrimination against these communities as well as efforts by the State party to integrate persons belonging to these communities into the police or other public services. All actions taken should particularly note and target the improvement and realization of rights by Ciganos and Roma women."

In addition to the elements already provided in the reply to this concluding observation in the follow-up information on the implementation of concluding observations 18, 19 and 20 (CERD/C/PRT/CO/12-14/Add.1), submitted to the Committee in January 2015, and bearing in mind the Committee's communication CERD/FU/GA/fm of 15th May 2015, all the information regarding measures to promote the human rights of Roma Communities, in particular their economic, social and cultural rights, and with a particular emphasis on the implementation and impact of the National Roma Communities Integration Strategy, are included in the reply to concluding observation no. 13 and under Part II, section 2.4. of this report.

2.11. Concluding observation no. 20 – "In view of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee draws the attention of the State party to the concern that its responses to the current financial and economic crises should not lead to a situation which would increase poverty and potentially give rise to racism, racial discrimination, xenophobia and related intolerance against foreigners, immigrants, persons belonging to minorities and other particularly vulnerable groups. The Committee urges the State party to continue and redouble its efforts to fight racial discrimination and to promote tolerance and diversity, including through support of relevant non-governmental organizations involved in this work."

Portugal reiterates all the elements contained in the reply to this concluding observation in the follow-up information on the implementation of concluding observations 18, 19 and 20 (CERD/C/PRT/CO/12-14/Add.1), submitted to the Committee in January 2015, which – although not reproduced here again - should be considered an integral part of this report. The extensive number of initiatives described in that document, which were and are being implemented despite the economic crisis, remain up to date and translate the commitment of Portugal and its efforts to fight racial discrimination and to promote tolerance and diversity.

In addition, the following initiatives were implemented, mainly in the area of education:

- Integrated Programme for Education and Training (PIEF)

Integrated Education and Training Programme aimed to increase the promotion and support for of responses in the area of social inclusion, in order to prevent and

combat indicted or flagged situations of children and young people at risk of social exclusion, through interagency cooperation, in the logic of integrated responses.

The identification of the students is undertaken by the Social Security Institute, which coordinates the referral of risk situations. The case is forwarded to the Local Intervention Officer, located in the area of the student's residence, which carries out a diagnostic assessment and proposes an intervention proposal, in order to verify if the PIEF measure will be the most appropriate educational response to the student. PIEF covers young people starting from the age of 15. Integration of pupils under the age of 15 years depends on case by case analysis, performed by the Local Intervention Officer, in collaboration with the Ministry of Education.

- Alternative Curriculum Pathways (PCA)

The Portuguese education system, with regard to curriculum and assessment, has intensified strategies aiming to enhance the diversification and adaptation of the curriculum to the diversity of public that attend school. Thus, schools promote appropriate training opportunities aimed at students who, within the compulsory schooling, show repeated school failure or dropout risk.

PCA is seen as a temporary and exceptional measure only used after all possibilities of finding other answers when pupils or students do not show progress on attainment are exhausted, even after the adoption of other measures promoting school success.

These training opportunities for basic education aimed at ensuring a common general education for all students by providing "adequate and diverse options, adapted to different educational pathways that can be targeted for pursuing higher studies and for the qualification, taking into account the education and training of the individual as well as their integration into the labour market".

PCA is aimed at specific groups of students up to 18 years of age, inclusive, with at least 2 retentions per cycle, with a minimum age of 13 years in the 2nd Cycle of basic education and or 15 years in the 3rd cycle of basic education, at risk of dropping out dully proved, with integration problems in school or community or in risk of marginalization and social exclusion.

- Educational Territories for Priority Intervention (TEIP)

The TEIP is aimed at all schools in particularly difficult and challenging contexts, and aims to create conditions for promoting educational success for all students, combating dropout, absenteeism and indiscipline, as well as qualified transition to working life.

Schools with high numbers of students at risk of school and social exclusion, identified and selected based on the analysis of performance indicators of the education system and social indicators of the territories in which the schools are located, implement an Improvement Plan, supported by the Educational Project of the School Cluster, organized on the basis of structural axes of intervention, where objectives and goals are defined and allocation of additional human and financial resources are provided.

Improvement plans as defined is a base for a process of discussion and negotiation between groups of schools and GIP, with a view to a process of assessing the evolution and consolidation of traded improvements.

In the area of public awareness on diversity, intercultural dialogue, and in combating racial stereotypes and prejudices there was also the Council of Europe campaign "No to Hate Speech - Youth against online hate speech".

This campaign was coordinated in Portugal by the Portuguese Institute of Sport and Youth. This was a campaign against all forms of hate speech online, including those that most affect young people, such as cyber-bullying and cyber hate. This European campaign was launched in March 2012 and ended in March 2015.

Other initiatives include:

- i) The contest "Poetry against Racial discrimination", which was launched in 2013, in addition to the several initiatives held jointly with the Ministry of Education and Science since 2008 (such as the European Campaign "Say No to Discrimination", "My School Against Racial Discrimination", "Photo and video contest against Racial Discrimination").
- ii) As part of the celebrations of the International Day for the Elimination of Racial Discrimination on March 21st, a series of initiatives were launched aimed at raising public awareness to the Fight against Racial Discrimination.
- iii) In 2012 a flash mob composed by 300 youngsters performed in the Final of the Portuguese Football Cup with the message "Football against discrimination"¹¹.
- iv) Regarding education and training, the Entreculturas Board, which has the mission of helping Portuguese public schools to deal with the increase in the number of foreign students and with social, cultural and ethnic diversity, was created in 1991 and integrated in ACIDI's structure in 2004, and now since 2014 in High Commission for Migration (ACM, I.P.). A large range of activities was developed to raise awareness in regard to intercultural education, as a means to facilitate integration.
- v) In addition to the education system, a Pool of trainers (Bolsa de Formadores) was established, with around 30 experts assigned to undertake awareness-raising campaigns and actions promoting integration all around the country and within different institutions. These experts are qualified with specific training in various areas, such as Myths & Facts about Immigration, Nationality Law, Immigration Law, Intercultural Dialogue, Intercultural Education (for youngsters), Health, Immigration and Cultural Diversity, and Inter-religious Dialogue.
- vi) Brochures in several languages with accurate information on rights and duties of immigrants in Portugal are available at the High Commission for Migration (ACM, I.P.), National (3) and Local (86) Centres for Immigrants Support and

¹¹<http://www.youtube.com/watch?v=aPj6MPaW1hQ>

ACM, I.P. produced leaflets in several languages, providing information on the rights and resources available for migrant women, on the prevention of domestic violence and on citizenship rights in matters of gender equality and of parenting.

- vii) A weekly TV show called “Nós” (Us), broadcasted in an open public channel in Portugal and all over the world through RTP International and RTP Africa, is dedicated to immigrant communities and immigrants’ rights and duties. It involves local communities and civil society.
- viii) A weekly radio programme – People like us - portrays life stories of immigrants who live and work in Portugal and provides a view on the multicultural nature of Portuguese society.
- ix) ACIDI (now ACM, I.P.) translated into Portuguese and published “A Diversity toolkit for factual programmes in public service television”, produced by the EU Agency for Fundamental Rights. As an outcome of this event, the Portuguese public television drafted an ethic code based on the “Diversity toolkit” principles.
- x) With the same goal, a book with a national database of highly qualified migrants to be used as a source of information was created in order to promote migrants’ positive image within the public opinion and to recognize their contribution to the country’s development and national issues;
- xi) The annual Journalism for Cultural Diversity prize distinguishes journalists who provide a positive image of immigrants and / or intercultural dialogue (€ 5.000,00 award);
- xii) Acknowledging the importance of monitoring the integration of immigrants and persons of immigrant background, the Migration Observatory, an informal unit of the High Commission for Migration, launched a new book collection in the end of 2014, called “Immigration in Numbers”. In the first volume, data from 2001 until 2012 were analyzed, including a special chapter on racial and ethnic discrimination. The Portuguese version can be consulted in: http://www.oi.acidi.gov.pt/docs/Col_ImigNumeros/RelatorioDecenalImigracaoNumeros2014web.pdf

2.12. Concluding observation no. 21 – “The Committee encourages the State party to change the nomenclature of the National Human Rights Commission in charge of overdue reports to treaty bodies so as to avoid confusion with the National Human Rights Institution.”

In Portuguese, the nomenclature of the interministerial body responsible, inter alia, for the preparation of national reports to the UN Human Rights Treaty Bodies (“Comissão Nacional para os Direitos Humanos”) and the of the National Human Rights Institution with A status under the Paris Principles (“Provedor de Justiça”) do not generate confusion.

Therefore, the official nomenclature of the “Comissão Nacional para os Direitos Humanos” has not been changed.

Notwithstanding, Portugal noticed that, in international fora – namely within the UN Human Rights Treaty Bodies – the nomenclature that used to be utilized, in English, to refer to the “Comissão Nacional para os Direitos Humanos” (National Human Rights Commission) often created confusion with the figure of National Human Rights Institution (since, in a considerable number of countries, the National Human Rights Institution is called “Commission” or “Human Rights Commission” – which is not the case in Portugal). Consequently, since the last review, in 2012, we started to use the nomenclature in English “Portuguese National Human Rights Committee – PNHRC” to refer to the “Comissão Nacional para os Direitos Humanos”.

“The Committee recommends that the work of the Ombudsman as a National Human Rights Institution with A status under the Paris Principles (annex to General Assembly resolution 48/134) reflects more visibly a wide range of measures in addition to its complaints procedures, particularly with regard to racial discrimination.”

The Ombudsman’s field of intervention goes beyond the verification of acts or omissions of public administration and the need to take action to amend the injustice or illegality. It extends to the entire material administrative activity, *i.e.* all entities, regardless of their nature, exercising public powers.

The scope of the Ombudsman intervention spreads far outside the domestic ground. Over the years, the Portuguese Ombudsman has, on various occasions, developed initiatives and intervened on behalf of immigrants and foreigners in Portugal, namely to protect and promote their rights and to avoid situations of discrimination, ensuring the full implementation of the constitutional principle of equality and non-discrimination.

In spite of the low number of complaints on the basis of race or ethnic discrimination, the Portuguese Ombudsman has developed close contacts with migrant associations and NGOs in order to raise awareness against discrimination.

The Ombudsman has also established fruitful interaction with the High Commissioner for Migration (ACM) and its Commission for Equality and Against Racial Discrimination (CICDR), namely in the field of awareness-raising campaigns.

It is also important to mention the establishment of a protocol between the Ombudsman and the Ministry of Education and Science in order to promote Human Rights in schools, including the right to non-discrimination.

2.13. Concluding observation no. 22 – “The Committee invites the State party to continue to encourage the involvement of non-governmental organizations in the preparation of the next periodic report and to facilitate their participation at the next reporting session.”

Civil society organizations were involved in the preparation of this report. The Portuguese National Human Rights Committee (PNHRC) held a meeting with NGOs

on 18th of September 2015 to discuss the zero draft report and to give NGOs an opportunity to make comments and drafting suggestions before the report was finalized. Furthermore, NGOs were encouraged to send “shadow reports” to the Committee. This procedure has already proven its worth in past periodic reports and is now, since June 2011, a constant practice with all reports to the UN Human Rights Treaty Bodies.

Portugal, mainly through the Portuguese National Human Rights Committee (PNHRC/CNDH) – both in the meetings with NGOs and via its NGOs mailing-list – also encourages the participation of NGOs in the discussion sessions of the UN Human Rights Treaty Bodies in Geneva. However, Portugal does not finance (either totally or partially) the participation of NGOs in those sessions. Public funding of NGOs is always on a project-financing base.

2.14. Concluding observation no. 23 – “Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties which it has not yet ratified, in particular treaties the provisions of which have a direct bearing on the subject of racial discrimination, such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).”

Since the last review, in February 2012, Portugal ratified a significant number of human rights and humanitarian law treaties. Portugal is now party, without any reservations, to eight UN core human rights treaties and all their optional protocols, recognizing the full range of competences of the respective committees. Portugal is part of the Council of Europe (CoE) human rights system and is under the scrutiny of, *inter alia*, the European Court of Human Rights (ECHR) and the European Committee of Social Rights. Portugal also has a standing invitation to all HRC special procedures.

Since February 2012, Portugal ratified: (i) the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, in January 2013; (ii) the Optional Protocol to the Convention against Torture (OPCAT), in January 2013; (iii) the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, in September 2013 and (iv) the International Convention for the Protection of All Persons from Enforced Disappearance, in January 2014.

In May 2013 the Ombudsman was also appointed as National Preventive Mechanism (NPM) under OPCAT and the National Mechanism to monitor the implementation of the UN Convention on the Rights of Persons with Disabilities was established.

Portugal also became a Party to the Convention on the Reduction of Statelessness and the Convention relating to the Status of Stateless Persons, the Convention on Cluster Munitions.

Within the Council of Europe framework, Portugal ratified, since 2012, the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, the Convention on Preventing and Combating Violence against Women and Domestic Violence and the European Convention on the Exercise of Children's Rights.

Portugal is not party to the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as it has not started any internal procedure conducive to its ratification. The decision not to ratify this international human rights instrument has been taken at the European Union level by all its Member States. None of the EU Member States is party to this Convention.

Any decision regarding the ratification of this Convention could only be taken in coordination within and with the European Union and its member States. The European Union as such has competence regarding most of the issues covered by the Convention on the Rights of Migrant Workers and their Families.

However, the fact that Portugal is not party to this Convention does not mean that the rights of migrant workers are not protected in Portugal. These rights are also covered by other international treaties and by the European Convention of Human Rights that Portugal is a party to and that apply to all migrant workers without exception.

The realization of the rights of migrants and their families is, indeed, a priority for Portugal and their rights are also protected by European and national laws. At national level, Portugal consistently seeks to guarantee the realization of all the human rights of migrants in its public policies. For example, in Portugal all migrant children, irrespective of their regular or irregular status, have free access to public education and health services. In addition, there is a legal "firewall" which forbids the transmission of data on migrant children, collected by educational or health institutions, to police or border authorities. This particular feature of our national legislation grants a level of protection that goes beyond the standard of protection provided by the Convention on the Rights of Migrant Workers and their Families. This has earned international recognition and Portugal continuously strives to do more and better in this regard.

2.15. Concluding observation no. 24 – "In light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that the State party give effect to the Durban Declaration and Program of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009, when implementing the Convention in its domestic legal order. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Program of Action at the national level."

Portugal has always supported and participated in the negotiations of the Durban Declaration and Program of Action (DDPA) as well as in all its follow-up mechanisms. We continue to be engaged in the negotiations, in the UN, of resolutions and other documents regarding the implementation of the DDPA. Notwithstanding, Portugal could never agree with any attempt to try to undermine or diminish the primacy of

the ICERD as the fundamental reference document and standard-setter in the domain of the combat against racism, racial discrimination and xenophobia.

Portugal believes that all the policies, measures and activities described throughout this report are in compliance with the principles of the DDPA.

2.16. Concluding observation no. 25 – “While bearing in mind the holistic approach to reporting adopted by the State party, the Committee would welcome information on measures to implement the Convention in Madeira and Azores in the next periodic report.”

While bearing in mind the holistic approach adopted in this report and the fact that Portugal is a unitary State (the autonomous regions of Madeira and the Azores are integral part of the national territory) we consider useful to provide the information below:

The Local Immigrant Integration Support Centers (CLAIIs) are decentralized spaces for welcoming and providing information and support, which seek to assist in responding to the questions and problems posed by immigrants, with the capacity to interact with local structures, and the mission to go beyond information and support the multifaceted process of welcoming and integrating immigrants at a local level.

Those Centers are spread all over the Portuguese territory, including the autonomic regions of Madeira and Azores, and the number of immigrants living in Madeira and Azores that benefited from support in the period of this report was more than 2.000.

We would also like to highlight some activities developed in the Azores: the promotion of a stamp inspired in the fight against racism, distribution of a flower with a message promoting the tolerance, activities with children and young people at schools, a gastronomic fair and academic conferences.

In Madeira the activities have been related more with the promotion of intercultural weeks and the promotion of specific days regarding the cultural diversity.

2.17. Concluding observation no. 26 – “The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992. In this connection, the Committee cites General Assembly resolutions 61/148, 63/243 and 65/200, in which the Assembly General strongly urged States parties to accelerate their domestic ratification procedures with regard to the amendment to the Convention concerning the financing of the Committee and to notify the Secretary-General expeditiously in writing of their agreement to the amendment.”

On 15th May 2015 Portugal ratified the Amendment to article 8 of the International Convention on the Elimination of All Forms of Racial Discrimination.

2.18. Concluding observation no. 27 – “The Committee recommends that the State party’s reports be made readily available and accessible to the public at the time of their submission, and that the observations of the Committee with respect to these reports be similarly publicized in the official and other commonly used languages, as appropriate.”

The present report was circulated to all public entities members of the Portuguese National Human Rights Committee (PNHRC) and to those entities with a standing invitation to the PNHRC (the Ombudsman, the Office for Documentation and Comparative Law within the Attorney General’s Cabinet and to the Agent of Portugal at the European Court of Human Rights). It was also circulated to all NGOs and other civil society organizations in the mailing-list of the PNHRC. Furthermore, and for the first time, this report was also made available at the PNHRC’s website (<http://www.portugal.gov.pt/pt/os-ministerios/ministerio-dos-negocios-estrangeiros/quero-saber-mais/sobre-o-ministerio/comissao-nacional-para-os-direitos-humanos.aspx>).

This report was originally drafted in English. The PNHRC does not have the human and financial resources to translate it into Portuguese. Therefore the only existing English version was published and made accessible to the general public.