



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

### Concluding observations on the combined eighteenth and nineteenth periodic reports of Portugal\*

1. The Committee considered the combined eighteenth and nineteenth periodic reports of Portugal,<sup>1</sup> submitted in one document, at its 2967th and 2968th meetings,<sup>2</sup> held on 18 and 19 April 2023. At its 2976th meeting, held on 26 April, it adopted the present concluding observations.

#### A. Introduction

2. The Committee welcomes the submission of the combined eighteenth and nineteenth periodic reports of the State party and commends it for its regularity in reporting. The Committee welcomes the open and constructive dialogue with the State party's delegation and thanks it for the updated information provided orally during the dialogue and in the responses to Committee members' questions and observations.

#### B. Positive aspects

3. The Committee welcomes a number of positive developments and activities undertaken by the State party in combating racial discrimination and promoting tolerance and diversity, including the following legislative, administrative and policy measures:

(a) Law No. 93/2017, adopted on 23 August 2017, which established the legal framework for the prevention, prohibition and fight against discrimination based on racial and ethnic origin, colour, nationality, ancestry and territory of origin;

(b) The revision and extension of the National Strategy for the Integration of Roma Communities, in 2018;

(c) The National Strategy for Equality and Non-Discrimination 2018–2030;

(d) The National Plan for the Implementation of the Global Compact for Migration, in 2019;

(e) The National Plan to Combat Racism and Discrimination 2021–2025 and the progress achieved in its implementation, namely the Observatory on Racism and Xenophobia and the Guidelines to Prevent and Combat Racial Discrimination in Schools;

(f) The Plan for the Prevention of Manifestations of Discrimination in the Security Forces and Services, in 2021;

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\* Adopted by the Committee at its 109th session (11–28 April 2023).

<sup>1</sup> CERD/C/PRT/18-19.

<sup>2</sup> See CERD/C/SR.2967 and CERD/C/SR.2968.



(g) The establishment of the Portuguese Agency for Minorities, Migration and Asylum, in 2023.

4. The Committee welcomes the engagement of the State party with various special procedures of the Human Rights Council, in particular the Working Group of Experts on People of African Descent, and invites the State to continue to implement the recommendations of the Working Group.<sup>3</sup>

## C. Concerns and recommendations

### Statistics and political and socioeconomic indicators

5. The Committee notes the measures taken by the State party to collect disaggregated data, in particular the survey on living conditions, origins and trajectories of the resident population. However, it remains concerned about the lack of comprehensive and reliable statistics on the demographic composition of the population and data on political representation and socioeconomic indicators disaggregated by ethnic or national origin. The lack of statistics limits the State party's capacity to recognize and acknowledge entrenched racial disparities and structural racism that sustain and perpetuate racial discrimination, inequality and inequity and to evaluate the ways in which different groups living in the State party exercise their rights under the Convention. Moreover, the Committee regrets the decision not to include questions in the 2021 census that would have generated statistics on the ethnic composition of the population.

6. **Recalling its previous recommendation,<sup>4</sup> the Committee recommends that the State party systematically collect comprehensive data based on the principle of self-identification, together with political and socioeconomic indicators disaggregated by ethnic or national origin, gender and age, to monitor the implementation of the provisions of the Convention, formulate evidence-based public policies and design special measures for certain racial or ethnic groups. It also recommends that the State party provide detailed information on the findings of the survey on living conditions, origins and trajectories of the resident population and on the planning process for the 2031 census, which will include disaggregated data for ethnic minorities and migrants, in its next periodic report.**

### Status of the Convention

7. The Committee takes note of the direct applicability of the Convention in the State party's legislation, the reference to the Convention in Constitutional Court ruling No. 106/2016 and the opinions made by the High Judicial Council. However, the Committee remains concerned about the limited information on case law in which the provisions of the Convention were invoked before domestic courts or applied by them and in administrative bodies (art. 2).

8. **The Committee recommends that the State party redouble its efforts to raise awareness and knowledge of the provisions of the Convention and its justiciability among members of the judicial and legal professions, enabling them to apply it in relevant cases and to extend these efforts to the members of the parliament (*Assembleia da República*) and the general public. The Committee also requests the State party to include, in its next periodic report, specific examples of the application of the Convention by domestic courts, including lower courts and administrative bodies, and detailed information on the impact of the training and awareness-raising efforts delivered to members of the judicial and legal professions and the parliament on the provisions of the Convention.**

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<sup>3</sup> See [A/HRC/51/54/Add.2](#).

<sup>4</sup> [CERD/C/PRT/CO/15-17](#), para. 11.

### **Implementation of anti-discrimination provisions**

9. The Committee notes the delegation's announcement regarding the draft legislation to amend article 240 of the State party's Criminal Code. The Committee is concerned that article 240 is not in line with article 4 of the Convention, constraining the scope of the crime to organizing propaganda activities and does not include the prohibition of the promotion or incitement of racial discrimination by public authorities or institutions, national or local. The Committee remains concerned about the limited number of complaints, the low rate of prosecution and conviction and the lack of statistics and information on the outcomes of cases relating to racial discrimination under article 240. Moreover, the Committee is deeply concerned about reports indicating persistent shortcomings in the administration and functioning of the criminal justice system in dealing with cases of racial discrimination (art. 2).

**10. Recalling its general recommendations No. 7 (1985) relating to the implementation of article 4 of the Convention, No. 15 (1993) on article 4 of the Convention, No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system and No. 35 (2013) on combating racist hate speech, the Committee reiterates that the absence or a low number of complaints does not signify a lack of racial discrimination, but rather is a factual indicator of the existence and extent of racial discrimination in the criminal justice system. It recommends that the State party effectively implement its anti-discrimination legal provisions. To that end, the Committee recommends that the State party:**

**(a) Expedite the amendment of article 240 of the Criminal Code, ensuring that it is brought fully into alignment with article 4 of the Convention and introducing racial discrimination as an aggravating circumstance for all crimes;**

**(b) Research and assess the underlying reasons motivating the low number of complaints relating to racial discrimination, including victims' lack of awareness of their rights, fear of reprisals, limited access to available complaint mechanisms, existing barriers to accessing justice, such as language and financial barriers or lack of confidence in the law enforcement and judicial bodies, or authorities' insufficient awareness of or lack of sensitivity to cases of racial discrimination;**

**(c) Redouble its efforts to conduct awareness-raising campaigns addressing the general public about the existence of criminal law provisions penalizing racially motivated acts and behaviours and encourage victims of such crimes to lodge complaints;**

**(d) Provide, in its next periodic report, updated information on the number of complaints made to law enforcement bodies relating to racial discrimination and their outcomes, including on cases initiated by prosecutors, on convictions and sentences against perpetrators and on remedies provided to victims of such crimes.**

### **Administrative complaint mechanisms**

11. The Committee takes note of the adoption of Law No. 93/2017, which enables the Commission for Equality and against Racial Discrimination, through the High Commission for Migration, to receive and address complaints and impose administrative sanctions on all individuals and legal, public and private bodies, including for acts of racial discrimination, and provides for the shifting of the burden of proof relating to prima facie cases of racial discrimination. However, the Committee remains concerned that, despite these improvements, article 2 (1) of Law No. 93/2017 is limited in its scope, as it does not cover the prohibition of racial discrimination in all spheres of public and private life, thus preventing victims of racial discrimination from seeking and obtaining remedies for racial discrimination in some spheres of public and private life. While noting an increase in administrative complaints brought to the Commission for Equality and against Racial Discrimination, the Committee is concerned about the reported low number of investigations into such complaints and decisions rendered (arts. 2 and 6).

12. **The Committee recommends that the State party:**

(a) **Broaden the scope of article 2 (1) of Law No. 93/2017, which establishes the legal framework for the prevention, prohibition and fight against discrimination based on racial and ethnic origin, colour, nationality, ancestry and territory of origin, to bring it into alignment with article 1 of the Convention and ensure that it covers the prohibition of racial discrimination in all spheres of public and private life;**

(b) **Raise awareness about the mandate of the Commission for Equality and against Racial Discrimination, including its competence to receive and address administrative complaints through the High Commission for Migration, among the general public, in particular among groups more vulnerable to racial discrimination;**

(c) **Provide, in its next periodic report, statistics on all administrative complaints relating to racial discrimination and their outcomes, including complaints relating to access to education, health, employment, housing and social benefits.**

**Intersectional discrimination**

13. The Committee notes that the National Strategy for Equality and Non-Discrimination covers intersectional forms of discrimination. However, the Committee is concerned about reports on intersectional forms of discrimination based on race, colour, descent, national or ethnic origin and other grounds, such as language, sex, age, gender, disability, sexual orientation and gender identity and other status, which have not been considered. It also regrets the lack of statistics concerning the impact of and the results achieved through the implementation of special measures and positive actions geared towards combating the multiple and intersectional forms of discrimination against children, women, older persons, persons with disabilities and minorities, including those who are ethnic minorities or migrants, on the grounds of sexual orientation and gender identity (art. 2).

14. **The Committee recommends that the State party take legislative, administrative and policy measures to combat all forms of racial discrimination, in particular intersectional discrimination. It also recommends that the State party ensure the mainstreaming of gender, age, disability and sexual orientation and gender identity into all special measures, including legislative and policy measures, aimed at combating multiple and intersectional forms of discrimination, including racial discrimination, and improving the socioeconomic indicators of children, women, older persons, persons with disabilities and minorities, including those who are ethnic minorities or migrants, on the grounds of sexual orientation and gender identity.**

**Special measures and the National Plan to Combat Racism and Discrimination**

15. The Committee takes note of the progress achieved in the implementation of the National Plan to Combat Racism and Discrimination 2021–2025. However, the Committee is concerned about reports indicating that the goals in the National Plan are largely input-based and lack impact-oriented targets to ensure the full and equal enjoyment of human rights and fundamental freedoms by disadvantaged and marginalized groups. Moreover, the Committee is concerned about the reported lack of awareness of the National Plan by municipal officers working in municipalities outside of Lisbon and about the denial of their duty to address incidents of racial discrimination (art. 2).

16. **Recalling its general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention, the Committee recommends that the State party:**

(a) **Develop impact-oriented benchmarks, targets and indicators in the context of the implementation of the National Plan to Combat Racism and Discrimination and ensure its regular, independent evaluation;**

(b) **Increase awareness-raising campaigns about the National Plan, ensuring that public officials at all levels and in all jurisdictions, in particular those working outside of Lisbon, understand their duty regarding the promotion of equity and equality in combating incidents of racial discrimination;**

(c) **Provide further information on the impact of the implementation of the National Plan to Combat Racism and Discrimination, including statistics disaggregated by ethnic or national origin, gender and age in its next periodic report.**

#### **Institutional framework**

17. The Committee notes the institutional architecture of equality bodies in the State party, including the High Commission for Migration, the Commission for Citizenship and Gender Equality and the Commission for Equality in Labour and Employment. However, the Committee is concerned about the reported low levels of awareness among the general public, in particular racial or ethnic groups, regarding the mandates and competencies of these bodies relating to discrimination, including racial discrimination. The Committee is further concerned that the organic dependency of the Commission for Equality and against Racial Discrimination and the Observatory for Roma Communities on the High Commission for Migration limits the fight against racial discrimination in the State party in the context of migration-related work, which fails to encompass all dimensions of racism and racial discrimination (art 2).

18. **The Committee recommends that the State party:**

(a) **Conduct comprehensive and targeted campaigns to raise awareness about the mandates and competencies of all equality bodies, in particular about their competency to receive and address administrative complaints relating to discrimination, including racial discrimination;**

(b) **Expedite the adoption of the draft legislation aimed at elevating the Commission for Equality and against Racial Discrimination to the level of a national equality body, as announced by the delegation during the dialogue, guaranteeing its full independence and ensuring the adequate allocation of financial, technical and human resources to enable it to fulfil its mandate and for the effective application of Law No. 93/2017;**

(c) **Establish the Observatory for Roma Communities as a stand-alone body for monitoring the rights and situation of Roma in the State party, ensuring that it is adequately resourced and fully independent, including from the High Commission for Migration.**

#### **National human rights institution**

19. The Committee notes the mandate and competence of the Office of the Ombudsperson (*Provedor de Justiça*) as the national human rights institution. However, the Committee is concerned about the lack of a formalized and transparent selection process for the Ombudsperson and an appropriate, independent and objective dismissal process for its deputies (art. 2).

20. **The Committee recommends that the State party continue to strengthen the independence of the Office of the Ombudsperson, ensuring that it is in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and that it is able to carry out its mandate fully, effectively and independently, including by introducing and implementing a transparent, participatory and merit-based process for the selection of the Ombudsperson and an objective dismissal process for its deputies.**

#### **Racist hate speech and hate crimes**

21. The Committee notes the legal and administrative measures implemented by the State party regarding hate speech and the explanation provided by the delegation regarding the treatment of hate crimes by domestic courts. However, the Committee regrets the lack of statistics on racist hate speech incidents and hate crimes, which, as explained in the State party report, is due to the secrecy policy regarding statistics in the State party, which prevents the dissemination of statistics when the total number of convictions is under four. The Committee is concerned about information showing an increase in incidents of racist hate speech during the reporting period in the form of xenophobia, Afrophobia, anti-Gypsyism,

antisemitism and Islamophobia, including in sports, in the media and on the Internet, including discriminatory remarks made by political and public figures. It also remains concerned by reports indicating the persistence of threats, harassment, physical violence and assaults, property damage and hate crimes against persons belonging to minorities, in particular Roma, Muslims, Africans and people of African descent, other people from former colonies and migrants (arts. 2 and 4).

**22. Recalling its general recommendation No. 35 (2013), the Committee recommends that the State party:**

(a) **Redouble its efforts to combat all forms of racist hate speech and hate crimes directed towards minority groups, including Roma, Muslims and Africans and people of African descent, by effectively applying its anti-discrimination legislation, providing training for and strengthening the investigative capacities of law enforcement officials, prosecutors and the judiciary and conducting awareness-raising campaigns on the importance of cultural diversity and inter-ethnic understanding among the general public;**

(b) **Effectively investigate and, as appropriate, prosecute and punish all acts of racist hate speech and hate crimes, including those committed by political and public figures, and encourage the State party to distance itself from expressions of racist hate speech by public and political figures;**

(c) **Encourage the reporting of racist hate speech and hate crimes and ensure that such crimes are identified and recorded, including through the establishment of an official, comprehensive collection system for disaggregated data, and provide such statistics in its next periodic report;**

(d) **Expedite the amendment of Law No. 39/2009, which establishes the legal regime for combating violence, racism, xenophobia and intolerance at sports events, ensuring that it gives full effect to the provisions of the Convention, and inform the Committee about the provisions of the amended law in its next periodic report;**

(e) **Intensify its efforts to ensure that regulatory bodies, in particular those relevant to the media and sports, investigate and take measures to prevent all manifestations of racism and racist hate speech and hate crimes, including by imposing deterrent fines and other administrative sanctions.**

#### **Excessive use of force and racial profiling by law enforcement officials**

23. Despite the adoption of the Plan for the Prevention of Manifestations of Discrimination in the Security Forces and Services and other measures taken by the State party, the Committee is deeply concerned about reports and information indicating the persistence of racially motivated violence, ill-treatment, racial profiling, abuse of authority and excessive use of force by police officers against ethnic minorities and migrants, in particular Roma and Africans and people of African descent. It is also concerned that, despite the information and explanation provided by the delegation on the mandate and competencies of the Inspectorate-General of Home Affairs, the inadequate investigation into these cases and impunity for abuses by law enforcement officers continue to be widespread problems (art. 4).

**24. Recalling its general recommendations No. 13 (1993) on the training of law enforcement officials in the protection of human rights and No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, the Committee recommends that the State party:**

(a) **Continue to implement the Plan for the Prevention of Manifestations of Discrimination in the Security Forces and Services, the Together for All (*Juntos por Todos*) programme and the project on proximity policing against racism, xenophobia and other forms of intolerance, and include information on their impact and implementation status in the next periodic report;**

(b) **Redouble its efforts to prevent the abuse of force by law enforcement officials through appropriate anti-racism, anti-oppression and human rights**

**awareness-raising in consultation with the most-affected ethnic minorities, including on de-escalation techniques and relevant international standards, such as the Code of Conduct for Law Enforcement Officials, the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;**

**(c) Establish an adequately resourced and fully independent monitoring mechanism responsible for investigating complaints about the excessive use of force and racial discrimination by law enforcement officials and ensure that this mechanism is independent of the Ministry of Home Affairs;**

**(d) Ensure that all allegations of excessive use of force by law enforcement officials are promptly and effectively investigated, that the alleged perpetrators are prosecuted and, if convicted, punished with appropriate sanctions and that victims or their families are provided with adequate compensation and provide, in its next periodic report, updated statistics concerning investigations undertaken, their outcomes and remedies provided;**

**(e) Consider seeking support and extending an invitation to the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement to conduct a country visit and propose specific interventions.**

#### **Access to justice**

25. The Committee notes the information provided by the delegation regarding adopting a new legal framework for access to justice. However, the Committee is concerned about information indicating that, despite the availability of free legal aid in the State party, financial barriers still hamper access to justice for persons belonging to ethnic minorities, in particular Roma and Africans and people of African descent (art. 6).

26. **Recalling its general recommendation No. 31 (2005), the Committee recommends that the State party:**

**(a) Expedite the adoption of the draft legislation to establish a new legal framework for access to justice, ensuring the provision of adequate legal aid and interpretation services, especially for persons belonging to the most disadvantaged ethnic or racial groups, to ensure their full access to justice, including in criminal matters;**

**(b) Build awareness of the right to and availability of free legal aid in various contexts.**

#### **Discrimination against Roma**

27. Despite the legislative, administrative and policy measures taken by the State party, Roma continue to face discrimination in many spheres of life, markedly in access to housing, education and the labour market. The Committee regrets the lack of comprehensive statistics on the enjoyment of political, economic, social and cultural rights by Roma. It also regrets the lack of specific, updated information on the impact of the implementation of the National Strategy for the Integration of Roma Communities 2013–2022 concerning educational attainment, access to and retention in education, housing conditions, labour market insertion and retention and unemployment rates (art. 5).

28. **Recalling its general recommendations No. 27 (2000) on discrimination against Roma and No. 32 (2009), the Committee recommends that the State party:**

**(a) Integrate the lessons learned and gaps identified through the independent evaluation of the National Strategy for the Integration of Roma Communities 2013–2022 in the design and development of the second phase of the National Strategy, as described by the delegation, ensuring the inclusion of impact-oriented benchmarks, targets and indicators and the collection of statistics in the fields of education, employment, poverty, health, housing, social security and social benefits and participation in public life by Roma;**

(b) **Ensure that the second phase of the National Strategy for the Integration of Roma Communities is developed in consultation with the Roma communities and is adequately funded;**

(c) **Assess the National Strategy regularly and publish information on implementation milestones and updated data on strategic benchmarks and indicators;**

(d) **Ensure that municipalities, particularly those with marginalized Roma communities, make full use of relevant funding, including funding from the European Social Fund, verifying that the funding is used for the benefit of Roma communities and is geared towards improving their socioeconomic indicators;**

(e) **Redouble its efforts, including by developing special measures, to continue to improve the housing conditions of Roma and facilitate their access and retention in mainstream and high-quality education.**

#### **Discrimination against Africans and people of African descent**

29. The Committee regrets the lack of statistics on socioeconomic indicators for Africans and people of African descent. The Committee is concerned by reports indicating that Africans and people of African descent are victims of multiple and intersectional forms of racism and discrimination in significantly higher proportions than other groups, particularly in the workplace and in terms of political participation and access to employment, housing, health, education and social security. It is also concerned that the relocation of Africans and persons of African descent to social housing results in housing and spatial segregation and that the dismantling of affordable social housing presents the risk of forced evictions for Africans and people of African descent living in precarious housing conditions (arts. 3 and 5).

30. **Recalling its general recommendations No. 32 (2009) and No. 34 (2011) on racial discrimination against people of African descent, the Committee recommends that the State party:**

(a) **Develop and implement, in consultation with Africans and people of African descent, a suitable programme of special measures and policies to continue to improve the living conditions, political participation, representation and socioeconomic situation of Africans and people of African descent;**

(b) **Collect, under the framework of the special measures adopted, comprehensive statistics in the fields of education, employment, poverty, health, housing, social security and social benefits and participation in political and other public activities of Africans and people of African descent;**

(c) **Provide precise information on the specific measures adopted and statistics showing the progress made in their implementation in its next periodic report.**

#### **Discrimination against other people from former colonies**

31. The Committee is concerned about the prevalence of racial stereotypes and prejudices against immigrants, foreigners and some citizens. Reports have been received regarding discrimination against Brazilians, who represent the largest group of people identified as victims of discriminatory practices based on nationality or origin (arts. 3 and 5).

32. **The Committee urges the State party to take effective measures to prevent and prosecute manifestations of racism, xenophobia and intolerance against immigrants, foreigners and some citizens, in particular Brazilians.**

#### **Situation of non-citizens, migrants, asylum-seekers, refugees and stateless persons**

33. The Committee takes note of the adoption of the National Plan for the Implementation of the Global Compact for Migration, the Strategic Plan for Migration and the information provided on the work of the Network of Local Support Centres for the Integration of Migrants. However, the Committee regrets the lack of data on the impact and results of the measures implemented to regularize the status of migrants and to promote their social integration, in particular that of migrant workers in an irregular situation, asylum-seekers, refugees and



stateless persons regarding access to employment, education, health and housing. It also remains concerned by reports indicating the persistence of overcrowding and unsatisfactory detention conditions in reception centres affecting migrants and by the information on the prolonged detention of asylum-seekers at the borders (art. 5).

**34. Recalling its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party:**

(a) **Improve the execution of the National Plan for the Implementation of the Global Compact for Migration in close collaboration with civil society organizations and include information on its implementation status and on results in the next periodic report;**

(b) **Improve the situation of migrant workers, in particular migrant workers in an irregular situation, including by developing systems for securing their legal status;**

(c) **Ensure that all applicants for international protection at the border and in reception and detention centres are promptly received, registered and referred to asylum authorities and refugee status determination procedures, ensuring the identification of vulnerable applicants, in particular stateless persons;**

(d) **Ensure that the length of detention of migrants and asylum-seekers is reasonable, necessary and appropriate, in accordance with international human rights standards;**

(e) **Ensure that the living conditions and treatment in reception centres and detention facilities are in conformity with international standards.**

#### **Lingering effects of colonialism and the transatlantic slave trade**

35. The Committee notes the measures taken by the State party and the explanation provided by the delegation about their cooperation efforts under the framework of the Community of Portuguese-speaking Countries. However, the Committee shares the concerns expressed by the Working Group of Experts on People of African Descent concerning pending work on decolonization, acknowledgement of past wrongs and the dismantling of apologist and denialist narratives around colonialism and the transatlantic slave trade by the State party. The Committee is concerned that the lingering legacies of colonialism and slavery continue to fuel racism, intolerance, racial stereotypes and discrimination in the State party, undermining the full enjoyment of all human rights and fundamental freedoms by ethnic or racial minority groups, in particular Africans and people of African descent (art. 5).

**36. The Committee recommends that the State party:**

(a) **Redouble its efforts in decolonization work, acknowledging past wrongs and raising awareness of the legacies and impacts of colonialism and the trade and trafficking of enslaved Africans and their connection to the present-day manifestation of systemic racism;**

(b) **Engage and adequately reflect in school curricula, the media, academic debates and the public discourse the accurate history of its colonial past and the cultural heritage and history of groups protected under the Convention living in the State party, and their contributions to Portuguese society;**

(c) **In line with its commitments to the provisions set out in paragraphs 100, 101 and 102 of the Durban Declaration and Programme of Action, consider apologizing for its role in the transatlantic slave trade and the slave trade and slavery practices in its former colonies and adopting specific legislation to address the lasting consequences of those practices and provide reparations for grave and massive atrocities committed and guarantees of non-repetition.**

### Human rights defenders

37. Noting the communication<sup>5</sup> sent to the State party by various special procedure mandate holders on 23 October 2020, the Committee is concerned about reports indicating that human rights defenders, members of civil society organizations, social activists and journalists engaged in anti-racism work have increasingly become targets of intimidation, harassment, hate speech and online threats as a consequence of their work to promote and protect the rights of persons belonging to groups vulnerable to racial discrimination (art. 5).

**38. The Committee recommends that the State party develop and adopt all necessary measures to protect human rights defenders, in particular those working on the rights of groups under the protection of the Convention, enabling them to carry out their work free from fear of harassment and reprisals of any sort. The Committee also recommends that the State party investigate allegations of intimidation, attacks or reprisals against human rights defenders, particularly those combating racism and racial discrimination, and hold accountable those responsible for such acts.**

### Civil society

39. The Committee reiterates its concern about the lack of participation of non-governmental organizations during the review procedure and the absence of shadow reports of Portuguese non-governmental organizations, notwithstanding the existence of civil society organizations working to combat racism and racial discrimination in the State party.

**40. Reiterating its view about the importance it attaches to shadow reports submitted by non-governmental organizations, the Committee recommends that the State party redouble its efforts to involve and consult with non-governmental organizations working in the area of human rights protection in the process of implementation of the concluding observations and in the preparatory process for the review of its next periodic report, particularly non-governmental organizations working to combat racism and racial discrimination, including organizations representative of the groups most exposed to racial discrimination.**

## D. Other recommendations

### Ratification of other treaties

**41. Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights treaties that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.**

### Follow-up to the Durban Declaration and Programme of Action

**42. In the light of its general recommendation No. 33 (2009) on follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme 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. 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 Programme of Action at the national level.**

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<sup>5</sup> See communication PRT 1/2020, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25639>.

### **International Decade for People of African Descent**

43. In the light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the Decade, the Committee recommends that the State party prepare and implement a suitable programme of measures and policies in collaboration and consultation with organizations and Africans and people of African descent. The Committee requests that the State party include in its next report precise information on the concrete measures adopted in that framework, taking into account its general recommendation No. 34 (2011).

### **Dissemination of information**

44. 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 concluding observations of the Committee with respect to those reports be similarly made available to all State bodies entrusted with the implementation of the Convention, including municipalities, and publicized on the website of the Ministry of Foreign Affairs in the official and other commonly used languages, as appropriate.

### **Follow-up to the present concluding observations**

45. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 16 (a) (special measures and the National Plan to Combat Racism and Discrimination), 22 (e) (racist hate speech and hate crimes) and 28 (b) (discrimination against Roma) above.

### **Paragraphs of particular importance**

46. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 6 (statistics and political and socioeconomic indicators), 12 (administrative complaint mechanisms) and 36 (lingering effects of colonialism and the transatlantic slave trade) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

### **Preparation of the next periodic report**

47. The Committee recommends that the State party submit its combined twentieth to twenty-third periodic reports, as a single document, by 23 September 2027, taking into account the reporting guidelines adopted by the Committee during its seventy-first session<sup>6</sup> and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.

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<sup>6</sup> CERD/C/2007/1.