



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

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## Committee on the Elimination of Racial Discrimination

109th session

11–28 April 2023

Item 4 of the provisional agenda

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention**

### List of themes in relation to the combined eighteenth and nineteenth periodic reports of Portugal\*

#### Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session<sup>1</sup> that the Country Rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

#### Statistics and socioeconomic indicators

2. Updated and comprehensive statistics on the demographic composition of the population, as well as socioeconomic and social indicators relating to the ethnic minorities in the State party. Information on the tools developed to collect statistical data, including information on the implementation of a pilot survey to collect data and the use of the principle of self-identification.

#### The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1–2, 4 and 6)

3. Information on the application of the Convention by domestic courts. Additional information on the human rights training provided to judges, prosecutors and lawyers, and its impact in raising awareness and knowledge of the provisions of the Convention.

4. Application of Law 93/2017, of 23 August 2017, which established the legal basis for the prevention, prohibition and combating of all forms of discrimination. Number of complaints and administrative proceedings initiated regarding cases of racial discrimination, including results of the associated investigations, the sanctions imposed on those responsible and remedies provided to victims.

5. Measures to strengthen the Commission for Equality and Combating Racial Discrimination, its impact in combating racism and, in particular, in dealing with complaints related to racial discrimination.

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\* Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control.

<sup>1</sup> [A/65/18](#), para. 85.



6. Implementation of the National Plan to Combat Racism and Discrimination 2021–2025, including the resources allocated thereto. Measures adopted for the dissemination of the Plan and information on the participation of groups exposed to racial discrimination in the elaboration and implementation of the Plan.

7. Information on the application of article 240 of the Criminal Code, including the number of related complaints, investigations and convictions, as well as on the steps taken to revise or amend the article in the light of article 4 of the Convention. Consideration of introducing racial discrimination as an aggravating circumstance for all crimes.

#### **Racist hate crimes, hate speech and freedom of expression (arts. 4 and 7)**

8. Measures taken to prevent and combat racist hate crimes and instances of racist violence against persons belonging to ethnic minorities, in particular against people of African descent, Roma and migrants. Information on investigations of allegations of violence against persons belonging to civil society organizations working against racism.

9. Measures to combat racist hate speech and incitement to racial discrimination, including in political discourse. Measures taken to prevent and combat racist and xenophobic messages posted on the Internet. Updated information on the number of complaints, investigations, trials and convictions for racist hate speech and incitement to racial discrimination and violence.

#### **Situation of ethnic minorities (arts. 2 and 5)**

10. Implementation of measures, including special measures, to combat structural discrimination against Roma. Results of the implementation of the National Roma Integration Strategy in terms of access to employment, adequate housing and education.

11. Measures, including special measures, to combat systemic racism against people of African descent, and the ways that such measures have contributed to an improvement in the enjoyment of rights by people of African descent. Participation of people of African descent in the elaboration and implementation of measures addressing their needs and concerns.

12. Measures taken to address housing segregation of minorities, in particular people of African descent, Roma and migrants. Measures to ensure the protection of these groups against forced evictions.

13. Measures taken to address racial discrimination in the education system and to ensure access to education for children belonging to ethnic minorities, in particular children of migrant origin, children of African descent and Roma children. Measures to address the low employment rate among communities of Roma and people of African descent.

14. Measures taken to combat the multiple forms of discrimination against minority women, in particular Roma, women of African descent, migrant women and women asylum-seekers and refugees.

#### **Situation of non-citizens, migrants, asylum-seekers, refugees and stateless persons (arts. 2 and 5)**

15. Results of the implementation of measures to promote the social integration of migrants, asylum-seekers, refugees and stateless persons, including through access to employment, education and an adequate standard of living. Information on the statelessness determination procedure.

#### **Access to justice and racial discrimination in the judicial system (arts. 2 and 6)**

16. Information on the new legal framework on access to justice and its impact in facilitating the procedures for submission of complaints in cases of racial discrimination. Implementation of a legal aid framework for victims of racial discrimination.

17. Measures taken to prevent racial profiling by the police and discrimination in the administration of justice.

18. Implementation of measures to prevent the excessive use of force, ill-treatment and abuse of authority against persons belonging to ethnic minorities, in particular people of African descent and Roma. Specific measures adopted to ensure that such cases are investigated promptly, effectively and impartially. Additional and updated information on cases of excessive use of force, ill-treatment and other forms of abuse by law enforcement officials against ethnic minorities, including on investigations, convictions, prosecutions, sentences handed down and reparation granted to victims of such cases.

**Combating racial stereotypes (art. 7)**

19. Detailed information on specific measures taken to combat prejudices and stereotypes that lead to racial discrimination against minorities, including Roma, people of African descent, migrants, asylum-seekers and refugees. Measures taken to raise awareness among the public, civil servants and law enforcement officials of the importance of cultural diversity, tolerance and inter-ethnic understanding.

20. Measures to ensure the inclusion in school curricula of the history of colonialism, enslavement and its consequences and to ensure that school textbooks do not perpetuate racist prejudices and racial discrimination. Measures to promote knowledge and awareness of the cultural heritage and history of groups belonging to minorities and their contribution to Portuguese society and culture.

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