



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

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## Committee on the Elimination of Racial Discrimination Ninety-first session

### Summary record of the 2500th meeting\*

Held at the Palais Wilson, Geneva, on Tuesday, 29 November 2016, at 3 p.m.

*Chair:* Ms. Crickley

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

*Combined fifteenth to seventeenth periodic reports of Portugal*

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\* No summary records were issued for the 2497th to 2499th meetings.

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*The meeting was called to order at 3 p.m.*

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

*Combined fifteenth to seventeenth periodic reports of Portugal (CERD/C/PRT/15-17 and CERD/C/PRT/Q/15-17)*

1. *At the invitation of the Chair, the delegation of Portugal took places at the Committee table.*
2. **Mr. Bártolo** (Portugal) said that his country was deeply committed to eliminating racism, racial discrimination, xenophobia and related intolerance, and was a strong supporter of the activities of United Nations human rights mechanisms. Ever since its age of discoveries, Portugal had acquired extensive experience of dialogue with other cultures, a tradition that had continued through the processes of emigration — with about 5 million Portuguese and their descendants living in other parts of the world — and more recently, immigration.
3. In the knowledge that social cohesion could be eroded by racism, prejudice and lack of respect for other cultures, Portugal followed the path of upholding and defending the inherent dignity of every human being, and its Constitution enshrined the protection of human rights, dignity, freedom, democracy, the rule of law and respect for minorities. In that context, the legal framework established by the adoption, 20 years earlier, of the Law against Racial Discrimination had achieved positive results, but now needed updating in a process that was currently under way as part of an effort to develop an improved political strategy to combat racism and racial discrimination.
4. The Government of Portugal applied an intercultural model for the integration of migrants, refugees and asylum seekers, centred on the assumption that individuals who had left their own countries deserved to have their rights respected and protected in the host country. The Portuguese integration system was one of the most progressive in Europe, and did not discriminate against immigrants in terms of access to education, social security and housing. Where other European countries had hesitated, the Portuguese Government was pursuing an active policy of solidarity and had pledged to admit 8,952 refugees under the emergency relocation mechanism of the European Union and a further 5,800 under bilateral agreements. A scholarship scheme would allow 100 Syrian students to go to Portuguese universities, while since 2007 the country had been working in partnership with the Office of the United Nations High Commissioner for Refugees (UNHCR) to resettle vulnerable refugees, including unaccompanied minors and persons with health conditions or disabilities. The Government did not operate migrant detention centres, and in some cases had even provided refugees with permanent housing. Civil society had lent its support to the Government's efforts and the public was broadly understanding of the contribution that refugees and migrants made to the national economy and culture.
5. Persons of African descent were regarded as an integral part of Portuguese society, enjoyed full constitutional rights, and benefited from policies and legislative measures aimed at combating racial discrimination. They were also supported by public investment in the education sector, in which programmes had been designed to facilitate the social inclusion of children of immigrants and ethnic minorities.
6. Concerning the Committee's prior recommendation on the need for improved data collection and disaggregation, Portugal was limited by its Constitution and its commitments under international and European conventions, which prohibited the gathering of data on racial or ethnic origin so as to prevent discrimination based on racial profiling. However, the High Commission for Migration of Portugal had collaborated on academic research

with other centres with a view to informing public policy recommendations in that area, including for the benefit of persons of African descent.

7. The openness of Portuguese society to migrants and foreigners was reflected in public policies and in a legal and constitutional order that did not permit racist or fascist organizations, while extreme right-wing political parties had gained little electoral success. Moreover, third-country nationals had in some cases been granted the right to vote and to stand as candidates in local elections, thereby encouraging the political and social participation of migrants and their descendants.

8. Preventing and combating hate crime was a priority of the police and the judicial authorities, which had shared information and best practices at the European and international levels. Incitement to discrimination, hatred or racial violence was punishable under the Criminal Code, which also stipulated that racial hatred was an aggravating circumstance in cases of homicide and bodily injury. The Government had invested in training and awareness-raising to improve the identification of hate crimes and to prevent discriminatory treatment or behaviour by police or justice officials. Victim protection measures had been adopted, including the provision of legal aid and the right to adequate compensation, while cooperation had been established between the law enforcement authorities and victim support organizations with a view to providing services and information on victims' rights. Professional training programmes had been established between the police, the judiciary and the NGO ILGA Portugal, with the intention of improving official responses to hate crimes against members of the lesbian, gay, bisexual, transgender and intersex (LGBTI) community.

9. **Mr. Calado** (Portugal), speaking in his capacity as High Commissioner for Migration of Portugal, said that no society was free of discrimination, but that the Portuguese authorities were strongly committed to addressing the problem.

10. In response to growing migratory challenges, 20 years earlier the Government had created the High Commission for Migration as a national mechanism to integrate migrants through the mobilization of governance structures at all levels. The Commission continued to play an important role in the coordination of stakeholders, having developed the Migration Strategic Plan 2015-2020 based on inputs from civil society and immigrant associations. The Plan aimed to respond to shifting migration patterns — as more Portuguese emigrated and fewer immigrants arrived — in the demographic, social, professional and economic spheres. The Plan prioritized five challenges: combating the demographic deficit and balancing migration trends; consolidating integration of immigrant communities in Portugal; inclusion of new nationals; responding to international mobility through the internationalization of the Portuguese economy; and monitoring Portuguese emigration.

11. The economic and financial crises of the past decade had created new challenges for policymakers, including the risk of a shift in public opinion, the vulnerability of migrants as a group, and possible negative impacts on the public budget. However, Portuguese society had calmly continued to show a positive and welcoming attitude towards migrants, as evidenced by the lack of serious incidents of xenophobia, racism or hostility, while political parties had refrained from using immigration as a topic of debate. The Government had encouraged several awareness-raising measures such as journalism awards and the publication of book collections in order to promote multiculturalism and to guide public opinion in favour of tolerance and diversity.

12. While Portugal was only able to compile statistical data on the ethnic composition of its population through anonymous and voluntary self-identification, mechanisms such as the Migration Observatory had contributed research and academic studies to inform

policymaking, while a national study on Roma communities had been launched in January 2015 to gain in-depth knowledge about their situation.

13. Relevant work had also been undertaken by the Commission for Equality and against Racial Discrimination, which was chaired by the High Commissioner for Migration and which included representatives of the Government, migrant and human rights associations, employers, trade unions and civil society. Its functions included collecting information on discriminatory acts, recommending the adoption of legislative measures against discrimination, publishing an annual report and receiving allegations and complaints of racial discrimination against public authorities, services and individuals. In line with the Commission's work, the updated anti-discrimination law, reinforcing the concept of discriminatory practice, was shortly expected to come into force.

14. Roma communities had enjoyed Portuguese citizenship for five centuries, benefiting from all services available to the general population, including social protection. The National Roma Communities Integration Strategy (2013-2015) had achieved considerable success in terms of implementation of planned activities, thanks to the growing support of civil society organizations and academic institutions. Initiatives had included the promotion of Roma sociocultural mediators, studies of the housing situation of Roma communities and the delivery of training and information sessions on education, health and other services. The Government had revised the targets of the Integration Strategy with a view to achieving more ambitious outcomes.

15. The Government believed in tackling the multiple dimensions of discrimination through a holistic approach that involved as many agents for change as possible, including in the areas of education, health, housing, justice and security. In the education system, based on the principles of inclusion and equal opportunity, a more inclusive curriculum had been introduced with a view to ensuring success for all, while the Ministry of Health had endeavoured to enhance access to the National Health Service for seekers and beneficiaries of international protection, including through the publication of a manual for foreign citizens. Despite the country's financial problems, access to decent housing remained a key vector of social policy; accordingly, the Government had implemented three specific measures designed to make housing solutions available to economically vulnerable populations.

16. The Ministry of Justice had prioritized the prevention of hate crime, which was punishable under the Criminal Code. Portuguese security services were provided with continuing human rights training throughout their careers, including specialized training for officers working with vulnerable groups. Those training programmes were regularly updated to address emerging challenges such as cyberbullying, and incorporated best practices in the protection of rights. In July 2016, the Public Security Police had signed a protocol with the High Commission for Migration to implement the "*Juntos Por Todos*" (Together for All) training programme, which aimed to prevent conflict in multicultural communities and to ensure the safety of all citizens regardless of nationality or cultural affiliation.

17. Under a further legislative reform, Law No. 72/2015 defined the objectives, guidelines and priorities of criminal policy for the biennium 2015-2017, with an emphasis on preventing crimes against children, young people and other vulnerable groups, including ethnic minorities.

18. Since the Committee's last examination of Portugal, special attention had been paid to the implementation of public policies for the integration of immigrants. Additional efforts in that regard included the preparatory and follow-up work done by the Immigration and Borders Service, the awareness-raising campaigns carried out by the High Commission for Migration, and the development and distribution of a refugee welcome kit. Those

measures, among many others, were illustrative of the absolute commitment of Portugal to fulfilling its human rights obligations.

19. **Ms. Shepherd** (Country Rapporteur) said that the Committee appreciated the fact that the State party had submitted its periodic report (CERD/C/PRT/15-17) in a timely fashion and that it had observed the prescribed page limit. The periodic report was well laid out and contained pertinent information on the main developments that had occurred since the consideration of the State party's previous periodic report (CERD/C/PRT/12-14) and on the steps taken to act upon the Committee's previous concluding observations and recommendations (CERD/C/PRT/CO/12-14). She noted with satisfaction that the State party had followed the recommendation contained in paragraph 27 of that document by posting its most recent periodic report on the website of the Portuguese National Human Rights Committee. However, not all of the Committee's concerns and recommendations had been effectively addressed.

20. It was no secret that much of the discrimination against migrants, refugees, asylum seekers, Roma, Muslims and persons of African descent took place in Europe. The 2012 Eurobarometer survey revealed that discrimination on the grounds of ethnic origin was regarded as the most widespread form of discrimination in the European Union, and data collected in 2015 confirmed that that was also the case in Portugal. It was true that a complaints mechanism existed in Portugal; that the principles of equality and non-discrimination and many of the rights provided for in international human rights treaties were enshrined in the Constitution; that the Code of Administrative Procedure prohibited public authorities and institutions from exercising racial discrimination; and that the Criminal Code provided that a discriminatory motive, such as race, constituted an aggravating circumstance in cases of murder or assault. Nevertheless, the Committee had received reports that violations of minority rights persisted and often involved violence. It would be useful to receive more information on proceedings instituted under the different anti-discrimination provisions.

21. Moreover, several Portuguese NGOs had indicated that institutionalized racism, a legacy of the State party's colonial past, continued to determine the treatment of persons of African descent who, along with migrants and Roma, were marginalized and considered to be outcasts by some sectors of Portuguese society.

22. Even though NGOs and civil society organizations had not submitted alternative reports or travelled to Geneva to brief the Committee ahead of the interactive dialogue, she was pleased to learn that they had contributed to the periodic report. The delegation should, however, explain the reasons for their absence and the non-submission of alternative reports, and comment on reports that those organizations had been consulted only two weeks before the due date of the periodic report.

23. She commended the State party on the legal framework and general policies that it had put in place to combat and ultimately eliminate racial discrimination, which included several national action plans on human rights, and acknowledged the role of the Ombudsman and the National Committee for Human Rights in handling complaints of human rights violations. However, the Committee still had doubts about the effectiveness of the aforementioned legal framework, policies and complaints mechanisms in practice. She asked how often victims sought and were awarded compensation for violations of their rights. According to the Code of Administrative Procedure, public officials were civilly and criminally liable and subject to disciplinary proceedings for actions and omissions in the performance of their duties. She asked how often complaints were brought against public officials and what measures had been taken to remedy the lack of public confidence in the justice system.

24. Noting that the International Convention on the Elimination of All Forms of Racial Discrimination was part of the State party's general framework for the protection and promotion of human rights, she invited the delegation to provide concrete examples of cases in which its provisions had been invoked before or applied by the domestic courts. She enquired about the status of the new version of the anti-discrimination law, which had been scheduled for adoption at the end of 2015, and about the steps taken to encourage judges to impose the penalties for discrimination provided for by law.

25. Despite the efforts made to raise awareness of the domestic legal remedies available to persons whose rights had been violated, many people still did not know of their right to lodge a complaint of discrimination and those who did often had little confidence in the existing complaints mechanisms, which were marred by inefficiency. She asked what measures the State party envisaged taking to remedy that situation.

26. The continued lack of statistical data on the ethnic composition of the population prevented the Committee from gaining a clear understanding of the impact of the various national human rights action plans on the groups that were of interest to it. The Committee had learned from the common core document (HRI/CORE/PRT/2014) that, unlike irregular migrants, regular migrants were required to pay user fees to access the National Health Service. She asked whether the State party had assessed the impact of that policy on regular migrants' access to health care, especially if they had limited financial means. She understood that women accounted for the majority of persons employed in the service industry, including in domestic service, and that men accounted for the majority of persons employed in construction and in low-level jobs. It would be helpful to know who those men and women were and how much they earned. The paucity of statistical data on the ethnic composition of the population also made it impossible to determine which ethnic groups were more likely to be at risk of poverty, which, according to a 2013 income survey, was on the rise. She asked what mechanisms, including surveys and joint initiatives with NGOs, the State party had introduced or envisaged introducing to collect disaggregated statistical data on poverty.

27. Portugal was by no means an ethnically homogeneous country, especially given the waves of migration that the country had experienced from the former Portuguese colonies of Angola, Mozambique, Brazil, Guinea-Bissau, Sao Tome and Principe, Cabo Verde and from the autonomous regions of the Azores and Madeira. However, in promoting interculturalism and multiculturalism as a means of achieving social integration, the State party should take care not to further reduce the visibility of ethnic minorities such as the Roma or persons of African descent. She would be interested to know how the State party reconciled its support for the principle of national independence and the abolition of imperialism and colonialism with its relationship with the Azores and Madeira, where local officials were calling for more autonomy in island affairs.

28. While the State party was to be commended on the extensive range of policies and programmes that it had adopted to improve the situation of the Ciganos and Roma, which included the National Roma Communities Integration Strategy 2013-2030, part of the Roma population continued to face discrimination in access to employment and housing and in the education system. Schools were not always sensitive to Roma culture and a disproportionate number of Roma children dropped out of the education system. Furthermore, there appeared to be a general lack of knowledge and awareness of Roma culture, identity and history in Portuguese society and the competencies and powers of the consultation mechanisms available to Roma representatives remained unclear. The Committee had also received reports that the National Roma Communities Integration Strategy 2013-2030 had been drafted without the participation of Roma representatives. A further cause for concern was the Roma communities' lack of confidence in the police force and reluctance to lodge complaints of discrimination. She asked whether the State party had

assessed the impact of the National Roma Communities Integration Strategy 2013-2030, whether it planned to improve the existing Roma consultation mechanisms, whether Roma mediators possessed adequate financial resources to discharge their functions effectively and whether they were active in all regions of the country.

29. The State party's immigrant integration policies had received international recognition and were widely regarded as being among the most progressive, human-rights-based and practical in Europe. She welcomed the adoption of the Migration Strategic Plan 2015-2020 and the introduction of legislation intended to enhance the composition and effectiveness of the Commission for Equality and against Racial Discrimination. The delegation should provide additional information on the Commission's mandate and financial resources, the number of complaints submitted to it during the period under review and the type of penalties that it could impose. The Committee also looked forward to learning the results of the Commission's integrated policy on emigration and immigrations flows.

30. Concerns persisted over the independence and impartiality of the head of the High Commission for Migration, who also chaired the Commission for Equality and against Racial Discrimination. She asked how the State party prevented the shared leadership of the two institutions from dissuading persons wishing to lodge a complaint against the migration services from doing so, what had prompted the decision to transform the High Commission for Immigration and Intercultural Dialogue into the High Commission for Migration and what consequences that transformation had entailed.

31. Notwithstanding the effectiveness of the State party's immigrant integration policies, the Committee had received reports that, in the suburbs of Lisbon, police engaged in racist violence against immigrants. Furthermore, it appeared that immigrants from the State party's former colonies were overrepresented in the domestic service sector and that female immigrants were more likely to experience abuse in the informal sector, receive lower wages and have no access to social protection. She asked what measures had been taken to address police excesses of that nature and whether there were plans to reform the criminal justice system. She would also appreciate statistical data on the remedies provided to the victims of such excesses.

32. She invited the delegation to provide up-to-date information on the number of migrants that had been taken in by Portugal to date and to comment on reports that refugee reception centres in Lisbon were overcrowded and that irregular migrants working in the agriculture and construction sectors were frequently exploited.

33. The Committee was alarmed by the growing prevalence of anti-immigrant, anti-Semitic and anti-minority attitudes, racist and Islamophobic political discourse, and racist hate crimes targeting persons of African descent throughout Europe. More alarming still was the information in the Committee's possession that suggested that many police officers and judicial staff, despite having received training, did not fully understand what constituted a hate crime and often lacked the commitment necessary to identify hate crimes and to prosecute and sentence offenders. Moreover, the Ombudsman had reported a rise in online racism and in intolerant, xenophobic and racist behaviour, which could lead to violence against vulnerable people. She asked whether the establishment of a working group on hate crime had led to an increase in the rate of prosecution and conviction of persons accused of committing acts of racial discrimination or racist hate crimes. The Committee was concerned by reports that Portugal published virtually no data on racist crime and that judges were often reluctant to impose penalties for hate crimes. It was regrettable that, despite the efforts undertaken to date, the justice system was still riddled with impunity. She asked whether the State party had assessed the impact of the training on handling hate crimes dispensed to police officers and judicial staff and whether it covered the legal provisions prohibiting hate speech and racial discrimination.

34. The Committee had also received information to the effect that, in the past, Muslims had been savagely beaten by members of a right-wing movement. The Islamic Human Rights Commission had raised concerns over the slowness of judicial process, the impunity of law enforcement officers and the treatment of Muslims as terrorists. She asked whether there were specific programmes in place to improve public perception of Muslims and, if so, whether they had proved effective.

35. Regrettably, the State party's periodic report was all but silent on the situation of persons of African descent in Portugal. She had been surprised to learn that there were no special measures regarding persons of African descent on account of Portugal's holistic approach to combating racial discrimination which did not target specific groups, despite the fact that persons of African descent had been present in Portugal for more than 500 years.

*The meeting was suspended at 4.15 p.m. and resumed at 4.25 p.m.*

36. **Mr. Kut** said that, in its previous concluding observations (CERD/C/PRT/CO/12-14), the Committee had requested the State party to provide information within one year on its follow-up to the recommendations contained in paragraphs 18, 19 and 20. The Committee had received the State party's follow-up report (CERD/C/PRT/CO/12-14/Add.1) in January 2015 with a delay of around three years. In its follow-up letter dated May 2015, the Committee had requested the State party to provide up-to-date information on the measures taken to address the gender-related dimensions of racial discrimination, on the implementation and impact of the National Roma Communities Integration Strategy 2013-2030 and on the results of human rights initiatives undertaken during the country's financial crisis. He reminded the State party of the need to submit its next follow-up report within the one-year deadline.

37. **Mr. Marugán** said that Portugal was to be commended on its effective immigrant integration policies, which set a strong example for other European countries. He was also reassured by the absence of hate speech and xenophobic sentiment in the Portuguese parliament despite the complex situation in the south of Europe and the climate of financial austerity that persisted in Portugal.

38. Given that Portugal had transposed into its domestic legal framework the Council of the European Union Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, which required member States to criminalize public incitement to violence or hatred directed against a group of persons or a member of such a group defined by reference to race, colour, religion, descent or national or ethnic origin, he failed to understand the State party's argument that to disaggregate data on crimes of racial discrimination and racially motivated crimes by ethnicity would be against the law. He invited the delegation to explain that perceived contradiction. He would also appreciate additional information on the number and nature of the complaints received via the web-based tool, known as "Racism on the Internet", of the Commission for Equality and against Racial Discrimination.

39. He asked how complaints of racial discrimination could be lodged, how NGOs and victims were helped to do so and whether there were prosecutors who specialized in crimes under article 4 of the Convention. According to the periodic report, the number of complaints of racial discrimination was very low, and he wished to know to what extent the State party recognized that problem. He would also welcome more information on the complaints that had been lodged, including who had submitted them, the sentences that had been handed down, the reparations awarded to victims and any aggravating circumstances.

40. He would welcome information on racial discrimination in the workplace and the sanctions imposed, and asked what type of discrimination was addressed by the complaints



procedure detailed in paragraphs 163 to 171 of the periodic report. Lastly, he requested information on the sanctions provided for by the law adopted to prevent racism in sport and on minorities' access to university.

41. **Mr. Avtonomov** asked whether the majority of the 0.5 per cent of children aged between 10 and 18 years who were illiterate belonged to ethnic minorities, what the ethnic composition of the prison population was, whether the "Choices" Programme had continued or been replaced and whether the Mirandese language had been officially recognized. The State party's ratification of the amendment to article 8 of the Convention was commendable.

42. **Mr. Kemal** said that the delegation should clarify whether international instruments became part of the country's legal framework automatically and what place they held within that framework. During the Committee's previous dialogue with the State party, the Portuguese delegation had stated that the country was home to a multicultural society where immigration was not perceived to be a major problem by the general population; he wished to know whether that observation remained valid in the light of the recent large-scale influx of immigrants in Europe. He asked whether the country's geographical location meant that most immigrants arrived in Portugal from other European countries, how many had entered Portugal illegally and what percentage of the prison population belonged to ethnic minorities. He requested more statistics on the number of convictions resulting from complaints of racial discrimination, which was very low. Building trust in the police would help the country to maintain its reputation for tolerance.

43. **Mr. Murillo Martínez** asked whether the State party's difficult history in terms of racial discrimination was addressed by the education system and whether a collective awareness of that history existed. He encouraged Portugal to consider hosting the regional meeting on the International Decade for People of African Descent that was scheduled for 2017. He wished to know whether statistics existed on life expectancy in relation to poverty, and on those two indicators in relation to migrants and persons of African descent. He would also appreciate an explanation of how persons "at risk of poverty", as discussed in paragraph 29 of the core document, were defined. He asked how minority cultures were harnessed as part of efforts to preserve the environment, whether data on cybercrime were collected and whether the State party had signed conventions in that area. He wished to know whether the burden of proof had been reversed for racial discrimination in civil and labour cases and whether statistics were gathered on female genital mutilation.

44. **Mr. Yeung Sik Yuen** said that the State party should examine whether the provisions of article 240 of the Criminal Code, which dealt with discrimination on the grounds of race, religion or sex, were excessively prescriptive and limited the number of acts that fell within its scope, for example by excluding acts that occurred in private. He asked how the racially motivated desecration of a cemetery would be dealt with under article 252 of the Code, which dealt with insults to acts of worship, given that cemeteries were not places of worship. Few data were available on crimes of discrimination in Portugal, and no differentiation was made between racial and religious discrimination. Furthermore, the figures contained in the periodic report differed from those in other reports produced by the Portuguese authorities.

45. Referring to paragraph 75 of the State party's report, he noted that the Commission for the Protection of Victims of Crimes determined whether victims had the right to compensation and set the amount of such compensation. Could the delegation confirm that that was over and above any action that might be taken against the perpetrator? As he understood it, the State stepped in if the perpetrator was unable to provide adequate compensation. If that was the case, it was a provision of tremendous significance. He was concerned about the possibility, mentioned in paragraph 77, third subparagraph, of the report, that an accused person could be tried *in absentia*, which was contrary to the

International Covenant on Civil and Political Rights. Lastly, he noted that, according to the final subparagraph of paragraph 77, following the reform of the legal framework of appeals, the Supreme Court would be hearing appeals only in the most serious cases; what body would then hear appeals in the less serious cases?

46. **Mr. Khalaf** said that it was quite clear from the report that all international treaties must be ratified by parliament under the State party's monist system. He would like to know whether that principle applied also in the State party's autonomous regions; given that they each had their own legislative assembly and regional government, was it possible for them to refuse to ratify a treaty such as the Convention? It was equally clear from the delegation's introductory statement that Portugal was a country that welcomed migrants. Although it had agreed, over and above what it had already done, to take in more under the action plan agreed between the European Union and Turkey, he wondered if the State party was not effectively setting limits on its fulfilment of international commitments by basing its action on an agreement at the European Union level rather than on the 1951 Convention relating to the Status of Refugees.

47. The worryingly low number of complaints brought under article 240 of the Criminal Code could be due to victims' lack of awareness of the remedies available to them, in which case the State party should rectify that situation, or to a reluctance on the part of the State authorities to prosecute, in which case he would like to know what training the police, lawyers and the judiciary received in dealing with such complaints.

48. Given that the Commission for Equality and against Racial Discrimination had been established alongside the Ombudsman's Office as an additional safeguard for citizens' rights, he would appreciate more information about its jurisdiction and powers.

49. **Mr. Lindgren Alves** said that he would like to know how Gypsies and Roma self-identified in the State party: as Ciganos or as Roma? As he understood it, they were distinct groups. With regard to migration, he wished to draw the Committee's attention to the fact that Portugal remained open and welcoming and had not cut funding; the State party continued with its policy of support for migrants. In the current political climate it was important to celebrate such examples of openness.

50. **The Chair** said that the European Union required member States to reverse the burden of proof in cases of discrimination, so she would be particularly interested to hear the delegation's reply to the question put by Mr. Murillo Martínez on that issue. The European Union likewise required States to establish a single equality body to transpose and implement European discrimination law; could the delegation confirm that the Commission for Equality and against Racial Discrimination had been set up in that capacity? Lastly, she would like to know how the history of Portuguese colonization was taught in schools. It was an important component in framing and explaining the current context in the State party, particularly when addressing racial discrimination.

51. **Mr. Marugán** asked what indicators the State party had created to evaluate its national action plans for the integration of immigrants and what information the plans had yielded that would help analyse the current situation. He would also like to know whether the State party had any statistics on multiple discrimination, notably racial discrimination in combination with gender or religious discrimination, or against LGBTI people. Did the training that was provided by the LGBTI NGO referred to in the delegation's introductory statement address all forms of discrimination? Lastly, he would like to know what the limits on freedom of expression were in the State party; for example, was the regulatory authority for the media, referred to in paragraph 67 of the report, empowered to impose any sanctions on the media?

52. **Mr. Avtonomov** said that he would appreciate some statistics and details regarding cases in which the Convention had been applied by the State party's courts or other bodies.

Ciganos and Roma were different communities and the State party ought to make proper provision for both groups. It was commendable that children from those communities were not placed in segregated classes or schools, but he would like to know whether provision was made for them to study their own languages and whether there was any difference in the curriculum used with each of those groups.

53. **The Chair** said that the European Union required its member States to draw up national strategies for Roma inclusion; did the State party's strategy cover all similar groups, including Ciganos, Sinti and Travellers, for example? What targets and timelines were set out in the strategy and how was progress evaluated? Were there any special measures to promote the rights of Roma women and girls? The Committee was still concerned at the lack of disaggregated data from the State party. It was not possible to address problems if it was not possible to say who was affected by them. She would like to know what the State party was doing to provide the information the Committee and, she ventured to suggest, the State party itself, needed.

54. **Ms. Shepherd**, following up on the Chair's question about the State party's treatment of its colonial past in education, said that, according to her research, teaching materials in the State party fostered negative perceptions of black people and contained few positive or empowering images of them. Moreover, they barely touched on the country's colonial past and many people were unaware of it. There was no national day to commemorate the slave trade or emancipation in Portugal. In view of the silence surrounding the history of persons of African descent, she wondered how the State party would respond if called upon by members of that group to acknowledge its historical responsibility in the context, for example, of the programme of activities for the implementation of the International Decade for People of African Descent.

*The meeting rose at 5.55 p.m.*