



# 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

21 November to 9 December 2016

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 fifteenth to seventeenth periodic reports of Portugal

### Note by the Country Rapporteur

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session (see A/65/18, para. 85) 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.

### The Convention in domestic law and the institutional and policy framework for its implementation (arts. 2, 4, 6 and 7)

2. Information on cases in which the provisions of the Convention were invoked before or applied by domestic courts (CERD/C/PRT/C/12-14, para. 11, CERD/C/PRT/15-17, paras. 60 and 61).
3. Update on the status and contents of the anti-discrimination draft law (CERD/C/PRT/12-14, para. 15, CERD/C/PRT/15-17, para. 168).
4. Update on measures taken, and their impact, to improve the effectiveness of the Commission for Equality and Against Racial Discrimination and to reinforce its resources. Update on the number of complaints submitted to the Commission during the period under review and their results, including type of punishments (CERD/C/PRT/CO/12-14, para. 17; CERD/C/PRT/15-17, paras. 20 and 79).
5. Detailed information on the number of complaints made under article 240 of the State party's Criminal Code during the period under review and the outcomes of such complaints, including sentences imposed against perpetrators and compensation provided to victims (CERD/C/PRT/CO/12-14, para. 12, CERD/C/PRT/15-17, para. 79).
6. Information on the evaluation of human rights training delivered to law enforcement officers, criminal police officers, prison guards and public security police, specifically on

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the application of criminal law provisions against racism and racial discrimination and in particular how to recognize racist motivation (CERD/C/PRT/CO/12-14, para. 15, CERD/C/PRT/15-17, paras. 140-157).

7. Measures to prevent and combat excessive use of force by law enforcement officers against members of ethnic groups. Statistical data on administrative and judicial measures launched against law enforcement officers for racial discrimination (CERD/C/PRT/12-14, para. 15, CERD/C/PRT/15-17, paras. 155 and 156).

8. Information on whether hate speech is criminalized in the State party, and update on administrative and judicial measures taken to discipline political parties that incite racism and intolerance towards ethnic minorities (CERD/C/PRT/CO/12-14, para. 14, CERD/C/PRT/15-17, paras. 126, 127 and 133).

9. Update on human rights initiatives aimed at combating racism, discrimination, xenophobia and related intolerance against vulnerable groups, and the impact of such initiatives (CERD/C/PRT/CO/12-14, para. 20, CERD/C/PRT/15-17, paras. 177-190).

#### **Discrimination against ethnic minorities (arts. 2-7)**

10. Disaggregated statistical data and detailed information on the enjoyment of economic, social and cultural rights by various ethnic groups, including numerically smaller groups such as Ciganos, Roma and people of African descent (CERD/C/PRT/12-14 para. 10, CERD/C/PRT/15-17, paras. 57-59).

11. Update on progress achieved in combating racial stereotypes and prejudices against immigrants, foreigners and some citizens, including those of Brazilian, Chinese and sub-Saharan African descent, and in particular Ciganos and Roma (CERD/C/PRT/CO/12-14, para. 14, CERD/C/PRT/15-17, paras. 126-138).

12. Update on the implementation of the National Roma Communities Integration Strategy, and its direct impact on improving the access of Roma to social services, such as housing, work, health care and education. Update on the role and activities, including monitoring and assessment, undertaken by the Consultative Group for the Integration of Roma Communities (CERD/C/PRT/CO/12-14, para. 19, CERD/C/PRT/15-17, paras. 80-121).

13. Update on the State party's position regarding the use of special measures to overcome discrimination faced by vulnerable groups, including women belonging to such groups, in particular in the field of housing, employment and health care (CERD/C/PRT/CO/12-14, para. 13, CERD/C/PRT/15-17, paras. 80 and 122-124).

#### **Situation of non-citizens, including immigrants, asylum seekers and refugees (arts. 5 and 7)**

14. Impact of the paradigm shift in addressing migration issues in the State party. Update on the implementation of the Migration Strategic Plan (2015-2020) (CERD/C/PRT/15-17, paras. 16-21).

15. Update on the implementation and the resources of the new decentralization policy for the integration of asylum seekers and refugees. Measures to improve asylum procedures and reinforce the capacity of the reception system.

16. Measures to reform the criminal justice system aimed at combating racial discrimination against foreign population. Measures to facilitate access to justice, including by improving legal aid system, and statistical data on remedies provided to victims of racial discrimination (CERD/C/PRT/CO/12-14, para. 16).

17. Update on the implementation and impact of the Action Plan on the Prevention and Elimination of Female Genital Mutilation (2014-2017) (CERD/C/PRT/15-17, sect. 1.10).