

REFERENCE: CERD/114thsession/CS/CS/ks

13 December 2024

Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, during its 114th session, considered the follow-up report submitted by the Government of Portugal, pursuant to article 9 (1) of the Convention and rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 16 (a), 22 (e) and 28 (b) of the Concluding Observations CERD/C/PRT/CO/18-19 adopted following the consideration of the State party's combined 18th and 19th periodic reports, at its 109th session, held in April 2023.

The Committee appreciates the opportunity provided to continue its dialogue with the State party and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its next periodic report.

Paragraph 16 (a) of the Concluding Observations

The Committee takes note of the information provided by the State party that the National Plan to Combat Racism and Discrimination (2021–2025) contains benchmarks, targets and indicators, that the monitoring is carried out through an online collaborative platform through which focal points from different government areas can insert data on the implementation, and that a publication of a mid-term and of a final evaluation report are envisaged. However, the Committee regrets the lack of specific information on the development of impact-oriented benchmarks, targets and indicators in the context of the implementation of the National Plan as well as on the measures adopted to ensure its independent evaluation. The Committee considers the response to this recommendation partially satisfactory. It invites the State party to provide further information in its next periodic report on the development of benchmarks, targets and indicators on the basis of impact and on the mechanisms or procedures to guarantee the independent evaluation of the implementation of the National Plan.

H.E. Mrs. Joana Fisher
Deputy Permanent Representative and Chargée d'affaires a.i. of Portugal
to the United Nations Office
Geneva
e-mail: missaonuoi@mne.pt

Paragraph 22 (e) of the Concluding Observations

The Committee takes note of the adoption of Law no. 40/2023 of 10 August 2023, which strengthens the fight against violence in sport, including of racist or xenophobic nature, by amending and reinforcing Law no. 39/2009 of 30 July 2009 that established the legal regime for combating violence, racism, xenophobia and intolerance in sporting events. In particular, it takes note that Law no. 40/2023 introduces new provisions such as greater powers to the Authority for Preventing and Combating Violence in Sport; higher penalties and increased fines for cases of racism, xenophobia and intolerance in sportive events; and stricter rules on video surveillance requiring promoters or organizers of sportive events to submit videos “in perfect conditions” and with quality images when requested by police forces in cases of violence in sports events.

The Committee also takes note of the adoption of Law n° 4/2024 of 15 January 2024, which *inter alia*, amends article 240 of the Criminal Code by incorporating language and nationality as prohibited grounds of discrimination, and clarified that national courts are empowered to order the elimination of computer or online data which is deemed discriminatory as well as interrupt, cease or block access to a certain service provider which either exclusively or predominantly disseminates discriminatory content.

While welcoming these significant legislative developments, the Committee regrets the lack of information on the efforts deployed by the State party to ensure that regulatory bodies, in particular those relevant to the media and sports, effectively investigate manifestations of racism and racist hate speech and hate crimes, including the fines and other administrative sanctions imposed. The Committee considers the response to this recommendation partially satisfactory. It requests the State party to provide, in its next periodic report, information on the concrete implementation of the legal regime for combating violence, racism, xenophobia and intolerance in sporting events and in the media, in particular the investigations undertaken by regulatory bodies or other relevant authorities, and the fines and other administrative sanctions imposed.

Paragraph 28 (b) of the Concluding Observations

The Committee welcomes the information provided by the State party that the National Strategy for the Integration of Roma Communities was extended until the end of 2023; that the Support Fund for the National Strategy was launched in October 2023 whose projects can be implemented until the end of 2024, and that the budget was raised from 173 thousand euros to 260 thousand euros compared to the previous edition, with 14 projects being supported by the Fund, 9 of which are directly run by Roma-led associations. While taking note of the information provided by the State party that the Agency for Integration, Migration and Asylum has been working towards the elaboration of a new Strategy for the period 2024–2030 and that consultation with Roma communities will be essential for the elaboration of this new document, the Committee considers the response to this recommendation partially satisfactory and encourages the State party to ensure that the new National Strategy for the Integration of Roma Communities is developed in consultation with the Roma communities and is adequately funded. It requests the State party to provide, in its next periodic report, information on the consultations carried out with Roma Communities on the development of the new National Strategy and its follow up as well as further and updated information on the financial resources assigned for its adequate and full implementation.



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Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of Portugal, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,

A handwritten signature in blue ink, which appears to read "Balcerzak". The signature is written in a cursive style and is followed by a short horizontal line.

Michal Balcerzak
Chair

Committee on the Elimination of Racial Discrimination