



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

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**Committee on the Elimination of Racial Discrimination**  
**Sixty-fifth session**

**Summary record of the 1660th meeting**

Held at the Palais des Nations, Geneva, on Thursday, 12 August 2004, at 3 p.m.

*Chairperson:* Mr. Yutzis

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*The meeting was called to order at 3.10 p.m.*

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

*Tenth and eleventh periodic reports of Portugal* (CERD/C/447/Add.1; HRI/CORE/1/Add.20)

1. *At the invitation of the Chairperson, the members of the delegation of Portugal took places at the Committee table.*

2. **Mr. Vaz Pinto** (Portugal) said that he welcomed the opportunity to introduce the tenth and eleventh periodic reports of Portugal on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. He hoped to obtain from the exchange suggestions that would enable his country to improve the efforts it was making in that area.

3. Of the 10 million inhabitants in Portugal, 500,000 were immigrants holding residency or work permits. The immigrant population therefore represented 5 per cent of the total population, and 10 per cent of the labour force. A country of immigration, Portugal was equally a country of immigration from countries outside the European Union, hosting a significant number of Africans — most of them from former Portuguese colonies, in particular Cape Verde —, a large Brazilian community and, since the mid-1990s, many nationals from eastern European countries such as Ukraine, Romania and the Republic of Moldova. The country also had a gypsy population.

4. Nearly all immigrants of African origin lived near the cities of Lisbon and Setúbal in the Algarve region, while immigrants from eastern Europe were scattered throughout the country, employed in industry, agriculture and service delivery. Simply put, two-thirds of immigrants lived in the south of Portugal and one-third in the north.

5. Among the immigrants' non-European Union countries of origin, only Guinea-Bissau had a mainly Islamic population. The small number of immigrants from Guinea-Bissau and the excellent co-existence in that country between Islam and Catholicism explained the absence of Islamic or anti-Islamic fundamentalism within Portuguese society. To his knowledge, there was no public expression of anti-Semitism in Portugal.

6. The recession that had swept the country in 2002 had been marked by a rise in unemployment and budgetary restrictions on social policy as well as, in the period 2002 to 2004, a new parliamentary majority and government, and the appointment of a new High Commissioner for Immigration and Ethnic Minorities with a significantly larger budget for activities in favour of immigrants' associations and other civil society institutions and their operational structures.

7. As part of the restructuring of the Office of the High Commissioner for Immigration and Ethnic Minorities (ACIME), all matters concerning immigration had become the direct responsibility of the Prime Minister, under the basic motto: "Welcome and integrate". The Office of the High Commissioner had become a full-fledged institution which included a deputy High Commissioner, and its activities and actions had been decentralized. For the past two years, it had overseen the activities of the Between the Cultures Secretariat and the Second Generation Choice programme, which sent mediators into difficult neighbourhoods to assist in the integration of minority and disadvantaged youth, including children of immigrants and gypsies, and it had supervised the work of the Consultative Council on Immigration Affairs (the elected members of which were from various groups and nationalities) and the Commission on Equality and Racial Discrimination.

8. Owing to its determination, underpinned by the structural reform and an augmented budget, the Government had taken a number of measures with a view to facilitating the integration of minorities and, indirectly, combating discrimination, through three approaches: discussion, information and action. To foster discussion, the first congress on immigration had been held, bringing together experts of diverse origins, opinions and ideologies, and studies had been conducted by the Immigration Observatory on matters relating to immigration and discrimination. In terms of information, the authorities had created an immigration and discrimination information website, produced a monthly information bulletin in Portuguese and disseminated thematic brochures in several languages on questions relating to immigration and discrimination. A multilingual telephone service “SOS immigrants” was also in place to answer questions from callers.

9. In respect of action, a temporary shelter for persons in difficulty, or in need of psychological or medical assistance, had been set up, as had been 18 local immigrant support centres specialized in information, and two national immigrant support centres, one in Lisbon and the other in Porto, the mission of which was to resolve immigrants’ practical problems concerning employment, social security, health, education or relations with the police. The centres had offices dedicated to recognition of competencies, legal aid for immigrants, support for immigrants’ associations, family reunification and social emergencies. Campaigns were carried out locally and nationally, through the radio, newspapers, magazines and television, with a view to promoting tolerance, cultural plurality and the combat against xenophobia and racial discrimination.

10. Within the legal sphere, a number of measures had been taken, including support for regularization procedures involving Brazilian citizens, regularization of the status of immigrants who had entered the country clandestinely prior to 13 March 2003 and who had paid taxes and social security contributions, incorporation into Portuguese law of the European Union directive on the combat against racism, awarding a special status to children of immigrants that gave them the same rights as Portuguese nationals, restructuring of the “Second Generation Choice” programme, and monitoring by the Office of the High Commissioner and by the Commission on Equality and Racial Discrimination of all cases of racial discrimination reported by the media or with regard to which a complaint had been lodged.

11. The gypsy population, which numbered about 40,000 in Portugal, was not a legal minority in the formal sense, but rather a community with a strong collective identity, which presented special problems of integration owing in particular to its semi-nomadic lifestyle, which prevented access to health care for the entire community and to education for the children, to the decline in street vending, which was its principal professional activity, to the unequal status of gypsy women, or to the involvement of some gypsy groups in drug trafficking — which only increased the hostility against gypsies. New measures had been taken to assist the gypsies, including the organization of a seminar on street vending, the elaboration of a Street Vending Charter, established with the participation of gypsy organizations and public bodies, and support for various projects to benefit the gypsy population, in cooperation with gypsy organizations, gypsy pastoral workers and the Catholic Church.

12. Much remained to be done in terms of constitutional and legislative measures but even more was needed in the practical sphere where the mission was to change attitudes, make training a priority and overcome the obstacles posed by a frequently paralysing bureaucracy.

13. **Mr. Herndl** (Rapporteur for Portugal) welcomed the open and regular dialogue between the State party and the Committee and commended Portugal’s ongoing efforts to combat racism and racial discrimination and its determination to pursue them. He noted that the report under consideration provided less information, in particular with regard to the

adoption of legislative measures, than Portugal's ninth periodic report (CERD/C/357/Add.1) since a comprehensive legislative framework was already in place and the priority now was to ensure the application of that legislation in terms both of knowledge of the facts and implementation of the laws, without which the situation might deteriorate.

14. According to the conclusions of the European Monitoring Centre on Racism and Xenophobia, Portugal definitely stood out in terms of the number of legal instruments that it had to combat discrimination — both direct and indirect — and to ensure respect for the principle of equal treatment, but it must make a greater effort to inform the public of the existence of those instruments by concentrating on training for public officials, especially police agents.

15. Again according to the European Monitoring Centre, anti-Semitism and Islamophobia remained marginal in Portugal. That was welcome news in view of the international situation prevailing since the attacks of 11 September 2001.

16. Portugal had made the declaration under article 14 of the Convention in 2000 and the Committee had welcomed that act on the occasion of its examination of the previous report. It was unfortunate that the State party had not provided the Committee with information on the measures it had taken to inform the public about its declaration and he urged it to do so. It was also regrettable that the State party had neither accepted the revision of article 8 of the Convention nor addressed that question in the report under consideration. He asked whether the State party intended to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

17. **Mr. de Gouttes** pointed out that some 40,000 gypsies were living in Portugal, although the exact number was not certain, and recalled that the European Commission against Racism and Intolerance had suggested that the Portuguese Government should reflect on ways to establish a more comprehensive data collection system in order to assess the status of the country's various minority groups, including the gypsies.

18. Portuguese criminal law pertaining to racism appeared to meet the requirements of article 4 of the Convention. The Criminal Code should, however, be modified by defining racially-motivated offences as a general aggravating circumstance, rather than only in murder cases and cases involving bodily harm, as was the situation at present.

19. In respect of the application of criminal law for acts of racism, it appeared that only two cases of racial discrimination had given rise to a penalty. Several other cases had been closed and four others were allegedly under investigation. For example, one case involved a police officer who had killed a young black man in Setúbal and had been acquitted. That decision was rather surprising given the gravity of the case: additional information from the delegation in that regard would be welcome. The Portuguese Government should be encouraged to promote the use of criminal law provisions applicable to racially-motivated offences by making the police and judiciary more aware of the importance of punishing racist acts.

20. With regard to racist organizations, he asked the delegation to provide more information on the extreme right-wing National Renovation Party (para. 90), in particular the number of members belonging to it, and to indicate whether the party had important political figures, such as elected officials, among its members.

21. In respect of article 5 of the Convention, it would be useful to know what contribution had been made to it by Act No. 18 of 11 May 2004 on the conditions of entry and stay for foreigners, which had been subsumed under the 2001 decree law governing the entry, stay and departure of foreigners. According to the European Commission against

Racism and Intolerance, there was a risk of two-tier immigration in Portugal since immigrants from central and eastern Europe were allegedly treated better on arrival and more easily integrated than immigrants from African countries. He asked, as the Commission had done, whether skin colour, race and religion had not played an important role in that evident discrimination.

22. The Portuguese Government had made significant efforts to ensure the socioeconomic integration of gypsy youth. School networks that made it possible for nomadic children to attend school throughout the year had been set up and school identity cards that could be used in all the schools had been distributed. Many problems remained, however, owing in particular to persistent prejudices against that minority held by the public and some authorities. The study conducted in 2001 by SOS Racisme on the integration of gypsies in Portugal had moreover concluded that Portuguese local authorities, for the most part, considered that the integration of gypsies would take place only when the gypsy community had radically changed its habits (para. 31).

23. Discrimination also persisted in terms of access to employment, housing and social services. Relations between gypsies and the police remained tense, and were marked by frequent police checks, humiliations and even ill treatment at police headquarters. What measures had been taken to combat all those forms of discrimination?

24. **Mr. Kjaerum** welcomed the large number of statistics contained in the report under consideration since, drawing on them, a precise idea of the complexity of Portuguese society could be gained. He wished to know whether minority groups and non-governmental organizations (NGOs) had participated in the drafting of the report.

25. In respect of the incidents between the police and the gypsies, it would be useful to know whether data existed on the number of gypsies or persons belonging to other ethnic minorities in the police force. He asked whether promotion programmes and remedial measures had been adopted in order to resolve the problems of discrimination to which gypsies in Portugal were subjected.

26. Asylum seekers were apparently not authorized to hold jobs while their request was being examined, but were entitled to free medical care and legal aid. According to certain sources, such free assistance did not exist in practice and asylum seekers were obliged to seek help from volunteer organizations or to work illegally. Could the delegation comment on that information?

27. He drew the delegation's attention to the very great vulnerability of Roma women, including within their own community, and to the double discrimination from which they suffered. He asked whether training programmes had been designed for Roma women and whether awareness-raising programmes on the importance of non-discrimination had been implemented. It had been claimed that certain ethnic groups in Portugal continued to practice female genital mutilation. That practice was not only cruel and antiquated but constituted a double discrimination against the young girls concerned, and should be declared illegal in all societies. It would be useful to know whether such practices were punishable under the Portuguese Criminal Code and whether Portugal applied the extraterritoriality clause in those cases by imposing criminal penalties on persons who took their children abroad to undergo such treatment.

28. **Mr. Lindgren Alves**, noting that, according to paragraph 26 of the report under examination, 11,373 residence permits had been issued to Brazilians in 2002, compared with 16,523 to Ukrainians, wondered if those figures might not discretely point to a kind of immigration-related discrimination that favoured eastern European nationals over nationals of Latin America, Asia and Africa. He also wished to know why Brazilians were requesting naturalization in Portugal when Portugal and Brazil had a bilateral agreement that ensured equal rights to Brazilians in Portugal and to the Portuguese in Brazil?

29. He had been shocked by the results of the study conducted in May 2001 by SOS Racisme on the integration of gypsies in Portugal, which concluded that Portuguese local authorities, for the most part, had considered that the integration of gypsies would take place only when the gypsy community had radically changed its habits (para. 31).

30. **Mr. Avtonomov** said that the Government of Portugal elected in 2002 had modified the law in respect of foreigners' entry into, stay in and exit from the territory by the Act of 21 August 2002, and that a decree law of February 2003 also governed the entry and exit of foreigners. Could the delegation explain why a law and a decree law had been considered necessary in that domain?

31. He was shocked that, according to the study conducted by SOS Racisme, Portuguese local authorities, for the most part, had considered that the integration of gypsies would take place only when the gypsy community had radically changed its habits (para. 31).

32. He wished to know why Portugal condemned and suppressed fascist and racist organizations but had no laws prohibiting fascist organizations (para. 90). Explanations in that regard would be welcome, as would more detailed information on the National Renovation Party, in particular on the number of members in the Party and its importance in the national political arena. He wished to know what laws could be invoked in the case of political parties whose ideology was contrary to the objectives of the Convention. Like Mr. Lindgren Alves, he wondered why Brazilians submitted naturalization requests to Portugal when it had entered into a reciprocity agreement with Brazil establishing equal rights for their citizens.

33. **Mr. Valencia Rodríguez**, noting that the report contained detailed information on the composition of the Portuguese population, pointed out that resident aliens, who represented a minority of nearly 250,000 persons, came mainly from Portugal's former colonies or from Brazil and consequently had cultural affinities with the State party (para. 25).

34. Concerning the situation of the gypsies, who continued to be discriminated against in various areas including access to social services, he noted that according to a study mentioned in the report (para. 31), Portuguese local authorities had considered that the integration of gypsies would take place only when the gypsy community had "radically changed its habits". It would be interesting to know what kind of changes were expected of the gypsy population and to have additional information on the outcome of measures taken to assist that population (para. 33 and following), including efforts to foster young people's social and economic integration, the appointment of mediators and the initiatives taken by local authorities (para. 40).

35. In respect of housing for the Roma community, the authorities had adopted special plans for rehousing in peripheral zones near major cities (para. 125 and following). The Portuguese delegation should be aware of the risk of creating ghettos, as noted in the Committee's general recommendation XIX.

36. The information provided in the report on various racist incidents, in particular the administrative proceedings for the years 2000 to 2003 presented in Part Three, was welcome. However, since many of those cases had not yet been concluded, he encouraged the Portuguese delegation to inform the Committee of cases in which judgements had been handed down. More information would be welcome on the activities of the Office of the High Commissioner for Immigration and Ethnic Minorities and the Commission on Equality and Non-Discrimination, in particular, whether the Commission could mete out punishment to authors of acts of discrimination.

37. He was in favour of advising Portugal to adopt the judicious measures prescribed by the European Commission against Racism and Intolerance (ECRI), which had

recommended that the Portuguese authorities pursue their efforts to eradicate those phenomena (para. 86).

38. In respect of article 4 of the Convention, the report stated (para. 90) that no measures had been taken to date against a small, recently established, extreme right political party, the National Renovation Party, despite its xenophobic statements. The activities of the Party should be monitored constantly so that legal measures could be taken if necessary.

39. According to information in paragraph 118 concerning article 5 of the Convention, police agents had abused their power in certain cases. Training courses on the Convention must be provided for police officers, and members of minorities, in particular gypsies and immigrants, should be recruited into the police force.

40. In respect of article 6 of the Convention, he asked the delegation to indicate whether, in order to obtain compensation, a civil action had to be brought following a criminal case.

41. The efforts made by the Portuguese Government to apply article 7 of the Convention were commendable. The Committee should recommend to the Government that it pursue its policy in that area and inform the Committee of any beneficial consequences for minorities.

42. **Mr. Amir** wished to know whether thematic programmes on racism were broadcast on television and, if so, how long did the programmes last? He asked whether Portuguese society regarded itself as multicultural and whether the State party intended to condemn publicly the expansionist and pro-slavery policy it had adopted in the past.

43. **Mr. Cali Tzay** said that he failed to see how the case described in paragraph 62 was related to “incidents” of racial discrimination, as the title of the paragraph indicated. Was it the fact that the young gypsy had demonstrated good behaviour at the education centre?

44. **Mr. Tang** asked the Portuguese delegation how the State party planned to integrate its minorities, including the Roma, apart from measures to improve their standard of living. In view of the fact that Portugal still did not have legislation specifically criminalizing racist organizations, what domestic law provisions existed to sanction membership in such organizations?

45. **Mr. Thornberry** wished to know whether the views expressed by the persons interviewed for the survey mentioned in paragraph 31 of the report had been an overall judgement or whether certain behaviours and practices had been singled out in particular.

46. Noting that the term “gypsies” was used in the report to refer to the Roma community in Portugal, he asked whether the parties concerned preferred that denomination and whether the Roma were recognized as a national minority. He asked the delegation whether the question of language was taken into account in pro-Roma policies. He also wished to know whether Portugal defined itself as a multicultural society and, if so, whether that was reflected in normative measures and policies. During the past decade, policies relating to minority identity had proliferated in Europe: had that been the case in Portugal too?

*The meeting rose at 6 p.m.*