

PORTUGAL

CERD A/40/18 (1985)

387. The initial report of Portugal (CERD/C/101/Add.8) was considered by the Committee at its 727th, 728th and 730th meetings, on 6 and 7 August 1985 (CERD/C/SR.727, SR.728 and SR.730).

388. The report was introduced by the representative of Portugal who reaffirmed his country's desire to comply with its obligations under the Convention and said that international law, while subject to the Constitution, took precedence over internal law. He drew the Committee's attention to the new dimensions of the Constitution of 1976, revised in 1982, concerning freedom of association, freedom of expression and information, the right to form and join trade unions and equality between spouses, which were directly applicable and were binding on both public and private bodies. Various supervisory mechanisms were available for the protection of citizens' rights. The ultimate authority in matters of constitutionality was the Constitutional Court, which exercised direct control over court decisions. He also stated that recourse to the Constitutional Court was binding on the Office of the Attorney-General in cases where court decisions conflicted with international conventions. The Office of the Attorney-General, and the *Provedor de Justicia*, or ombudsman, appointed by the Assembly of the Republic, were also responsible for the defence of citizens' legal rights. Finally, he said that parliamentary commissions of inquiry might also be set up to investigate governmental administrative matters.

389. The Committee congratulated the Portuguese Government for its comprehensive initial report and the additional information presented by the representative of the reporting State. It noted with satisfaction that the report had been compiled strictly according to the Committee's general guidelines (CERD/C/70/Rev.1) and welcomed the information provided in the report on Portuguese legal doctrine regarding the incorporation of international norms into the internal legal system in Portugal. It pointed out, however, that it would be useful for an understanding of situation if information on the ethnic composition of the population could be included in future reports.

390. With reference to article 2 of the Convention, members of the Committee requested detailed additional information regarding the integration of minorities, in order to have a clearer picture of the current situation in Portugal concerning racial discrimination. Members also requested information on the living standards and educational level of the different ethnic groups including immigrant workers and their families. With regard to the right of asylum mentioned in the report, some members asked whether Portugal was a party to the Convention relating to the Status of

Refugee and whether that Convention had been incorporated into Portuguese legislation.

391. The Committee requested additional information on any special measures taken to integrate Gypsies into society as well as in education to combat the high degree of illiteracy among the Gypsy population.

392. Clarification was also requested as to whether the report of Portugal covered the territories of the Azores and Macao and whether the law on autonomous regions contained any specific provisions relevant to the implementation of the Convention.

393. Members of the Committee were concerned about the role currently played by right-wing ultras among the former Portuguese white settlers in Angola and Mozambique who had returned to Portugal after the independence of those two former colonies. They wished to know what the status of those Portuguese settlers was and whether there were any agreements to repatriate them or settle the question of their citizenship. Members also asked whether the Portuguese Government had taken any action to restrain those right-wing elements in Portugal who were known to have influenced the refugees in South Africa and to have provided support to the dissident Mozambique National Resistance Movement to overthrow the legitimate FRELIMO Government, since such support was an extension of racial discrimination. Members also asked how the Portuguese Government had dealt with former Salazar secret police (PIDE) agents, as well as their informers, and members of Salazar's Portuguese Legion and militia and what measures the democratic Government had introduced in order to reform those groups and deter them from practising racial discrimination and from posing a political threat to society.

394. In relation to article 3 of the Convention, members expressed reservations concerning the statement in the report regarding the Portuguese Government's reasons for maintaining diplomatic and economic relations with South Africa. They asked whether the Government of Portugal had changed its policy towards the Government of South Africa since the submission of the report, in the light of the present situation in South Africa as well as the recent decisions adopted by the United Nations to put an end to the apartheid régime and any kind of support or aid that might give encouragement to it.

395. With respect to article 4 of the Convention, members of the Committee congratulated the Portuguese Government for going far beyond many other Western European countries in implementing the provisions of that article, especially in prohibiting organizations which upheld Fascist ideology. Nevertheless, they request additional information in the next report on how the various provisions were in fact implemented. In that context, it would be useful for the Committee to receive information on relevant cases that had been brought before the courts. Members also wished to receive further details on measures taken to review governmental, national and local policies and to amend, rescind or nullify any laws or regulations that might have the effect of creating or perpetuating racial discrimination wherever it existed.

396. Regarding article 5 of the Convention, the Committee commended the Portuguese Government for positive action taken to implement the provisions of that article. However, it requested more detailed information concerning measures taken to ensure equality and freedom of association, of the press, of trade unions and of expression. Members were also interested in receiving information on the unemployment rate by ethnic group as well as the Government's economic policies, particularly with regard to anti-poverty programmes.

397. Concerning article 6 of the Convention, the Committee wished to know how many cases involving alleged racial discrimination had been brought before the courts and whether Portugal contemplated making the declaration under article 14 of the Convention recognizing the competence of the Committee to receive and consider communications from individuals claiming to be victims of a violation of any of the rights set forth in the Convention.

398. The Committee commended the Government for the information provided on the implementation of article 7 of the Convention. The Committee would welcome additional details on any programmes to increase public awareness of the principles and aims of the Convention and the Charter of the United Nations.

399. Replying to the questions raised by members of the Committee, the representative of Portugal said that; though reliable statistics on the ethnic composition of Portugal's population were difficult to obtain, it would be useful to gather information on the composition and legal status of existing ethnic groups. He noted that the exodus of some 1 million persons from former Portuguese colonies to the country during 1974-1975 had contributed to the economic difficulties Portugal was currently facing. However, all those persons had been fully reintegrated into society and enjoyed the status of Portuguese citizens. Under the legislation of asylum and refugee status it was stipulated that asylum should also be extended to spouses and infants of the applicant and might be extended to other members of the family under certain conditions. He informed the Committee that his Government had ratified the convention and Protocol relating to the Status of Refugees and the European Agreements on the Abolition of Visas for Refugees (1959) and on the Transfer of Responsibility for Refugees (1980) of the Council of Europe, as well as other international instruments. In addition, he said that there were some 84,000 foreigners residing in Portugal, of whom approximately 40 per cent were Africans.

400. Concerning the status of the Autonomous Regions of Madeira and the Azores, he said that they enjoyed independent political and administrative status, had their own organs of government and wide powers to deal with matters of regional interest. Macao was under Portuguese administration and also had its own governmental bodies and legislative assembly constituted almost entirely of elected officers. Macao was currently considered to be Chinese territory under Portuguese administration and diplomatic contacts were under way with the People's Republic of China pending definition of Macao's final status.

401. Replying to a question raised on how members of the police and militia under the former dictatorial régime had been dealt with, the representative stated that, for all those who had been members of the political police, criminal proceedings had been undertaken in accordance with the crime of which they had been accused. Many of them had been judged and sentenced, particularly in cases where there had been proof of torture and inhuman treatment. In addition legislation had been introduced to prevent those persons from having access to posts in which they could once again manifest their feelings of contempt for fundamental human rights.

402. With respect to questions posed about the implementation of article 3 of the Convention, the representative stated that Portugal strongly condemned the policy of *apartheid*, and had made statements to that effect in the General Assembly and other United Nations bodies; it nevertheless maintained diplomatic, consular and economic relations with the Republic of South Africa, where some 700,000 Portuguese nationals lived. It believed that a dialogue with that country could be one of the preferable means of securing the abolition of the *apartheid* régime as well as preventing an extended conflict which could escalate to unmanageable proportions. He also stated that the recent recall to Lisbon of the Portuguese representative in Pretoria should be seen as a positive development in line with measures taken by other members of the European Economic Community, which Portugal was shortly to join.

403. In connection with the implementation of article 4 of the Convention, the representative said that the new Portuguese Penal Code of 1983 contained a new chapter on crimes against humanity, which included racial discrimination. Portugal was keeping a close watch on the activities of groups on its territory, which were trying to damage the lawful governments of former colonies, in particular, through the services of mercenaries.

404. Turning to questions raised in connection with the provisions of article 6 of the Convention, he said that under the International Covenant on Civil and Political Rights and the European Convention, and in accordance with article 15 of the Portuguese Constitution, all persons on Portuguese territory and under its jurisdiction could have recourse to international recourse procedures. The legal provisions for foreigners to have recourse to international bodies in the event of violation of fundamental rights was no different from that of Portuguese citizens. Portugal was considering making the declaration provided for under article 14 of the Convention. Acceptance of international control to safeguard the individual was not an unprecedented step in Portugal, which had already recognized the competence of the Human Rights Committee and bodies in Strasbourg, as had been mentioned in the report.

405. Regarding article 7 of the Convention, he indicated that the subject of human rights was included in social studies, history and philosophy courses, at preparatory and secondary level, and grants were awarded yearly to enable teachers to study at the Institute of Human Rights in Strasbourg. Training courses were also organized for

lawyers and administrators at the College of Magistrates, the College of Criminal Investigation, or the law Society. In such courses the texts of the principal instruments of international law currently in force in Portugal, including the Convention, were made available on a systematic basis.

406. In conclusion, the representative assured the members of the Committee that all comments and observations would be transmitted to the Government of Portugal so that they could be taken into account in the preparation of its next periodic report.

CERD A/43/18 (1988)

95. The Committee considered the second periodic report of Portugal (CERD/C/126/Add.3) at its 820th to 822nd meetings, held on 4 and 5 August 1988 (CERD/C/SR.820 and SR.822).

96. The report was introduced by the representative of the State party, who spoke of his country's democratic structure, the fundamental rights set forth in the Constitution and the human rights norms and regulations of international law to which Portugal was committed. In particular, he stated that any victim of discrimination could bring his case before a court to assert his rights. He also referred to the consciousness-raising and training activities in human rights which had been developed in his country for the benefit of judges, members of the police force, prison staff, students and the public at large.

97. The representative went on to describe the main legislative measures concerning human rights that had been adopted in Portugal since the preparation of his Government's second periodic report, in August 1986. In that connection, he mentioned Act No.44/86 which contained guarantees to maintain and respect the fundamental rights of the individual, even during a state of siege or emergency, and the possibility of recourse to the courts in the event of a violation, as well as the Code of Criminal Procedure adopted by Decree Law No. 78-87, which provided, *inter alia*, for the strengthening of the defendant's right to a defence. He also said that, in December 1987, the Portuguese Government had enacted legislation on access to the law and to the courts, and that a system for promoting the right to information and legal protection, provided for in the Constitution, had been established. Foreigners and stateless persons residing legally in Portugal enjoyed that right to legal protection, which was also recognized for non-resident foreigners who were nationals of countries which accorded the same treatment to Portuguese nationals. Lastly, he provided information on Act No. 87/88 of 30 July 1988, which regulated the exercise of broadcasting activities within the national territory.

98. The members of the Committee congratulated the Portuguese Government on its report, which had been prepared in accordance with the Committee's guidelines and

clearly showed that the Portuguese authorities were successfully implementing the Convention.

99. In general terms, some members of the Committee asked for information on the situation of Portugal's overseas territories and for a breakdown of foreign residents in Portugal by ethnic origin. It was also asked whether the Portuguese Government intended to make the declaration, provided for in article 14 of the Convention, recognizing the competence of the Committee to receive and consider communications from individuals.

100. With reference to article 3 of the Convention, members of the Committee noted that the Portuguese government maintained diplomatic relations with South Africa. In that connection, members of the Committee asked what measures the Portuguese Government thought should be taken to bring pressure to bear on the South African Government and induce it to give up its policy of *apartheid*. They also requested information on Portugal's trade balance with South Africa, the measures taken by the Portuguese authorities to halt all sales of arms to South Africa, South African investment in Portugal and Portuguese investment in South Africa, and the assistance provided by Portugal to the victims of *apartheid*. It was asked whether Portuguese citizens living in South Africa had opted for South African nationality and whether Portuguese firms were still doing business in South Africa, either directly or through multinational corporations.

101. In connection with article 4 of the Convention, it was asked what measures the Portuguese Government had adopted to avoid any manifestation of racial discrimination, and whether organizations upholding ideas that were an incitement to racial discrimination had been at the root of such manifestations, and , if so, how the Government had reacted.

102. As to article 5 of the Convention, members of the Committee wanted to know whether minorities living in Portugal experienced difficulties in gaining access to public service and to what extent they took part in public service, and what the criteria were for granting or refusing residence permits for foreigners or for persons from former Portuguese colonies. Further details were requested, more particularly, on the number of persons who had applied to keep or to obtain Portuguese nationality after the independence of the former colonies. The hope was also expressed that information would be received on the level of education and unemployment among ethnic minorities living in Portugal, the country's rate of illiteracy, especially among immigrants, the situation regarding health care, and respect for the right to work and the free choice of an occupation.

103. As to article 6 of the Convention, it was asked whether any case involving a problem of racial discrimination had been brought before the courts after the preparation of the report in 1986, whether Portuguese citizens had, in that connection, referred to international bodies and whether they had been able to obtain legal aid.

104. So far as article 7 of the Convention was concerned, it was asked what measures had been taken to familiarize the population with the cultural traditions of the many ethnic minorities living in Portugal, whether languages other than Portuguese were taught in schools, whether instruction in human rights formed a separate subject, and whether, in the human rights training of policemen, they were informed of the Code of Conduct for Law Enforcement Officials, adopted by the General Assembly in 1979.

105. In response to the questions of the members of the Committee, the representative of Portugal said that, since 1975, Portugal had dismantled its former colonial empire and only two overseas territories currently remained under Portuguese administration: Macao, in connection with which the transfer of sovereignty in 1998 had been the subject of talks and an agreement with China in April 1988, and East Timor, which had been the subject of a process of decolonization in 1975 but was now occupied by the Indonesian army. He also said that, out of respect for the principle of no racial discrimination enunciated in article 13 of the Portuguese Constitution, his country had no classification of foreign residents by ethnic origin. Studies were under way in Portugal in connection with the declaration referred to in article 14 of the Convention.

106. With reference to the implementation of article 3 of the Convention, the representative reiterated his Government's firm condemnation of apartheid. His government could not disregard the fact that 700,000 Portuguese nationals were living in South Africa and therefore maintained contacts intended to protect the safety of that community. The representative went on to give account of the economic relations between Portugal and South Africa and said that his Government took the view that cessation of such relations would have disastrous consequences for the most underprivileged sectors of the South African population. However, Portugal took part in the joint action of groups of States and of the international community as a whole in combating apartheid through dialogue.

107. As to the implementation of article 4 of the Convention, the representative of Portugal recalled the provisions of the Portuguese Constitution and criminal law which prohibited any idea or organization that was an incitement to racism, and said that, to his knowledge, no manifestation of racist association had occurred in Portugal.

108. So far as article 5 of the Convention was concerned, the representative of the State party mentioned, among other things, the provisions of the Constitution which recognized the equal rights of all citizens to access to public service and the criteria adopted by his Government for granting or keeping Portuguese nationality in the case of the many persons from the former overseas territories. He said that, among the criteria adopted, race had not been taken into consideration. He also supplied information on the granting of residence permits, including the case of political asylum, the rate of illiteracy in Portugal, which was lower than 16 per cent, the measures taken to combat it, and the provisions governing the right to work and

conditions of employment. He emphasized that the unemployment rate had recently fallen in Portugal and was 8 per cent in 1987.

109. As article 6 of the Convention, the representative of Portugal confirmed, among other things, that no case involving a problem of racial discrimination had been brought before the courts or international bodies.

110. In respect of article 7 of the Convention, the representative mentioned the measures adopted in Portugal in the field of education to combat racial discrimination, a matter which was discussed in his Government's report. He explained that languages other than Portuguese were taught in schools and that, in training courses for judges, policemen and prison staff, a number of texts of the Council of Europe and the United Nations, such as the Code of Conduct for Law Enforcement Officials, were distributed in Portuguese and were studied.

CERD A/46/18 (1991)

110. The third and fourth periodic reports of Portugal, submitted in one document (CERD/C/179/Add.2), were considered by the Committee at its 895th and 896th meetings, held on 7 and 8 March 1991 (see CERD/C/SR.895-896).

111. The reports were introduced by the representative of the reporting State, who said that Portugal's Constitution provided for effective respect for and recognition of human rights and fundamental freedoms. Constitutional provisions could be applied directly by the courts and were binding on any public or private body. Furthermore, all persons subject to Portuguese jurisdiction could assert their rights before international bodies, such as the Human Rights Committee. Portugal was also planning to make a declaration under article 14 of the Convention. New legislation had been adopted with regard to access to the courts and with regard to the political rights of foreigners, and a campaign on the theme "The citizen and justice" had been launched in 1990 to introduce transparency in the administration of justice. In addition, several initiatives relating to the education and integration of ethnic minorities had been taken, and a provision for the promotion of programmes for cultural minorities had been included in the Broadcasting Act. The Prosecutor-General of the Republic had called for an exhaustive report on the "skinhead" movement and on any connections it might have with other national or foreign individuals or groups suspected of similar activities.

112. Members of the Committee welcomed the positive attitude of the Government of Portugal towards its reporting obligations and noted with satisfaction the improved arrangements for the protection of human rights in general, and for the implementation of the Convention in particular, resulting from the second constitutional reform adopted in August 1989. They wished to know what the legal

status was of the population of the overseas territories and whether specific provisions to give effect to the Convention had been introduced in the territories; whether an individual could address the Constitutional Court directly; what the position was of the Provedor de Justica [Ombudsman] and what his relationship was to the Constitutional Court; whether the constitutional commitment of Portugal "to strengthen its European identity" would affect persons originating from outside Europe and cultural minorities in Portugal; and whether the small racist groups in Portugal represented merely isolated "pockets" of racism or whether they were symptomatic of the emergence of a more widespread phenomenon.

113. With regard to the Commission for the Promotion of Human Rights and the Elimination of Inequality in Education, members of the Committee wished to know whether the jurisdiction of that Commission was limited to education and, if so, whether there were any bodies with broader powers responsible, in particular, for protecting the right not to be discriminated against on racial grounds. In addition, members wished to receive more information on the composition of the population by national or ethnic origin, as well as on various social, economic and cultural indicators such as per capita income and unemployment and literacy rates and on the decision of the Constitutional Court declaring unconstitutional some of the provision of the General Service Regulations of the National Republican Guard because they discriminated against Gypsies.

114. With regard to article 1 of the Convention, members of the Committee wished to know what special and concrete measures had been taken by the Government in the implementation of that article, particularly in respect of the Gypsy minority and what the constitutional basis was for restrictions on the right to legal protection of non-resident aliens. It was asked whether Portuguese law prohibited discrimination on grounds of colour, as distinct from race.

115. Referring to article 3 of the Convention, members of the Committee asked whether trade and investment ties between Portugal and South Africa had increased between 1986 and 1990.

116. In the context of article 4 of the Convention, members of the Committee wished to know whether the results of the inquiry into the "skinhead" movement had become available; whether "skinheads" were banned in Portugal; whether any penalties had been imposed on parliamentarians for participating in fascist-oriented organizations; what the results had been of the investigation into a series of newspaper articles containing statements inciting racial hatred; and whether the penalties for the propagation of ideas constituting incitement to racial discrimination were actually applied.

117. In connection with the implementation of article 5 of the Convention, members of the Committee wished to know what practical measures had been taken to prevent persons from being subjected to racial discrimination in the exercise of the rights set

forth in that article; what problems were being encountered and what measures had been taken with regard to the education of Gypsies; what the illiteracy and unemployment rates were for Angolans, Cape Verdeans and Mozambicans and whether they had housing or health difficulties; whether ill-treatment had been practiced to obtain confessions from criminal suspects; and how frequently persons with an inadequate knowledge of Portuguese were assisted by an interpreter in court proceedings. They also wished to have additional information on the issuance of passports and residence permits, on the procedure applied and criteria employed in asylum cases and on the public information and guidance services in courts and judicial offices.

118. Turning to article 6 of the Convention, members of the Committee asked what specific problems had been encountered in the practical implementation of that article; what remedies were available; and how many complaints the Ombudsman had received and of what nature.

119. Referring to article 7 of the Convention, members of the Committee asked whether, in Portuguese education, the characteristics of cultural minorities were recognized; how the Government ensured objective treatment of news; whether there was any move towards privatization of the media; and what the outcome had been of the Prosecutor-General's investigation of possible incitement to racial hatred in a series of newspaper articles.

120. In his reply, the representative said that Portugal had a population of 10.5 million and that there were 4 million Portuguese migrant workers abroad. He listed the criteria for the issuance of residence permits and passports and of the granting of asylum. The Commission for the Promotion of Human Rights and the Elimination of Inequality in Education was an interministerial commission and had as its function the promotion of awareness of human rights. The Commission participated in the preparation of school curricula and training programmes for prison personnel, police officers and judges. The Commission on the Status of Women provided legal information, free of charge, on family, labour and social security law, and took part in the drafting of legislation concerning the status of women. No specific commission or authority had been set up to deal with racial discrimination issues. Apart from the courts, a significant role was also played by the Ombudsman, who was an independent entity to whom citizens might apply in connection with actions or omissions by the authorities, including any instances of discrimination. The major danger arising from the presence of "skinheads" was that they were manipulated by right-wing extremist organizations, notably the National Action Movement (MAN). The "European identity" concept embodied the common values which united the countries of Europe, among them pluralism, democracy and universal suffrage; it implied cooperation with other countries and peoples and, in education, its aim was to help students develop a national consciousness which would include awareness of the need for international cooperation and support for universal human values. The modalities for the transfer of sovereignty over Macao to China had already been agreed upon. After the transfer of sovereignty in 1999, the inhabitants of Macao would retain all the basic rights they had previously enjoyed and all would be considered

equal before the law. The Government of Portugal was doing its utmost to ensure that their right to self-determination became a reality.

121. The representative said, in connection with article 3 of the Convention, that there was a community of over 600,000 Portuguese in South Africa but that trade links were negligible.

122. In his response to questions relating to article 4, the representative said that the "skinhead" movement could be dealt with by the existing legal framework, such as article 189 of the Criminal Code, which provided for a two to eight year prison term, and article 132, which provided that the crime of murder would be deemed aggravated if motivated by racial or religious hatred. The Lisbon Criminal Court was currently investigating the case relating to newspaper articles that encouraged racial hatred.

123. With regard to article 5 of the Convention, the representative drew attention to the establishment of the Legal Information Office, noting that three legal advice offices had already started operation and 15 others were to be established throughout the country. In the field of secondary education, special importance was attached to vocational training as a means of meeting the development needs of the regions and making use of local manpower resources. Access to higher education was provided for students from Portuguese-speaking African countries through a quota system. One of the measures taken with regard to the education of Gypsies had been the introduction of training courses for teachers of Gypsy children. Among the measures that had been taken to preserve the identity of cultural minorities were optional language courses in Mirandês and the preparation of a Mirandês dictionary.

124. Concerning article 6 of the Convention, the representative said that there had been no cases of racial discrimination before the courts except for one case, at the level of the Court of Appeal, concerning the exclusion of a non-Portuguese candidate from admission to a school-teaching examination.

125. In reply to questions relating to article 7 of the Convention, the representative said that legislation governing television expressly provided for the right of reply on political matters and that the broadcasting system was now in the process of privatization.

Concluding observations

126. In concluding the consideration of the report, members of the Committee congratulated the Government of Portugal on its report, the progress made in adopting measures to combat racial discrimination and the clarity and accuracy of the answers supplied orally by the representative. However, the next periodic report should contain information on the demographic composition of Portugal's population,

on progress made in criminal procedures and on the outbreak of "skinhead" forms of racism.

CERD A/54/18 (1999)

88. The Committee considered the fifth to eighth periodic reports of Portugal (CERD/C/314/Add.1) at its 1311th and 1312th meetings (see CERD/C/SR.1311 and 1312), on 4 and 5 March 1999, and adopted, at its 1328th meeting (see CERD/C/SR.1328), on 17 March 1999, the following concluding observations.

Introduction

89. The Committee welcomes the opportunity to resume its dialogue with the State party after a lapse of eight years. The Committee notes with appreciation that the report submitted by the State party is a comprehensive document which largely complies with the Committee's general guidelines. The Committee welcomes the frank and self-critical approach of the report, the constructive dialogue with the State party's delegation and the additional information in response to the questions raised by the members of the Committee, which reflect the serious commitment of the State party to implementing the provisions of the Convention.

Positive aspects

90. The efforts undertaken and the innovative measures adopted by the State party to combat racial discrimination are welcomed, as is the State party's willingness to recognize existing problems and to find appropriate solutions, both legislative and administrative. The Committee notes with appreciation that since the examination of the previous reports, a new Penal Code (1995) has been adopted which brings domestic legislation more into conformity with the Convention. It also notes with interest that the Portuguese Constitution was amended in 1997.

91. The Committee welcomes the information provided by the State party that the Convention is directly applicable in the Portuguese legal system and that it takes precedence over domestic legislation.

92. The Committee welcomes the enactment of Decree 296-A/95 of 17 November 1995 providing for the appointment of the High Commissioner for Immigration and Ethnic Minorities whose ultimate objective is to prevent xenophobia, intolerance and

discrimination and to promote a dialogue with immigrants and ethnic communities. The initiatives taken by the High Commissioner in the sphere of training, education and information are appreciated.

93. The Committee notes with appreciation the State party's efforts to promote equal opportunity for Roma (Gypsies) and their better integration in society. The Committee notes, in particular, the establishment in 1996 of the Working Group for the Equality and Insertion of Gypsies, under the authority of the High Commissioner, and the existence of "Gypsy mediators" with the task of ensuring liaison between the Roma (Gypsy) community and the public and private sectors.

94. The Committee commends the State party's initiatives in 1992 and 1996 to regularize the situation of a large number of clandestine immigrants in order to allow them fully to enjoy their social, economic and cultural rights, particularly in regard to work, social services and access to housing.

95. With respect to article 7 of the Convention, the Committee welcomes the information given by the State party regarding its efforts to develop educational programmes for law enforcement officials, including human rights training in general and training concerning the provisions of the Convention in particular.

Principal subjects of concern

96. The Committee expresses its concern at manifestations of xenophobia and racial discrimination, including acts of violence directed against certain ethnic groups, particularly Blacks, Roma (Gypsies), immigrants and foreigners frequently perpetrated by skinheads, although the Committee acknowledges the efforts of the State party to combat such acts.

97. While noting that article 46, paragraph 4 of the Constitution of Portugal, as well as Law No. 64/78, prohibits racist organizations or organizations adhering to a fascist ideology, the Committee also expresses its concern that article 4 of the Convention is not fully complied with, since the protection thus provided for by law does not cover the wide variety of racist organizations that may exist or develop.

98. With regard to article 5 of the Convention, the report does not contain sufficient information to allow an evaluation of the practical implementation of the right to access to and equal treatment before the courts. The Committee expresses its apprehension concerning the de facto enjoyment of these rights by, in particular, Roma (Gypsies), Blacks, immigrants and foreigners.

Suggestions and recommendations

99. The Committee recommends that further measures be taken to harmonize domestic legislation with the provisions of the Convention. In this respect, it is recommended, in particular, that appropriate measures be taken to prohibit all organizations and groups, whether or not of fascist ideology, which promote racist ideas or objectives, in order to ensure that article 4 of the Convention is fully complied with.

100. It is also recommended that the State party continue and intensify its measures aimed at preventing and prosecuting any act or manifestation of racial discrimination or xenophobia, including acts of violence against certain ethnic groups, particularly Blacks, Roma (Gypsies), immigrants and foreigners.

101. The Committee suggests that further action be taken to ensure that the provisions of the Convention are more widely publicized, particularly among Roma (Gypsies), Blacks, immigrants and foreigners.

102. The Committee recommends that the State party in its next periodic report provide detailed and relevant information on the demographic composition of the Portuguese population, in accordance with paragraph 8 of the Committee's reporting guidelines.

103. The State party is invited to provide further information on the following issues: (a) complaints and court cases relating to racial discrimination; (b) the enjoyment in practice of the right to access to and equal treatment before the courts, in particular by Roma (Gypsies), Blacks, immigrants and foreigners; (c) activities undertaken by the High Commissioner for Immigration and Ethnic Minorities; (d) additional measures undertaken to combat manifestations of xenophobia and racial discrimination, including acts of violence directed against certain ethnic groups; and (e) the results of integration programmes established in connection with the regularization of the situation of clandestine immigrants in 1992 and 1996.

104. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted on 15 January 1992 at the fourteenth meeting of States parties to the Convention.

105. It is noted that the State party has not yet made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the State party consider the possibility of making such a declaration.

106. The Committee requests that the State party give wide publicity to its report to the Committee, as well as to the present concluding observations.

107. The Committee recommends that the State party's next periodic report, due on 23 September 1999, be an updating report and that it address all the points raised in these concluding observations and during the consideration of the report.

CERD A/56/18 (2001)

186. The Committee considered the ninth periodic report of Portugal (CERD/C/357/Add.1) at its 1447th and 1448th meetings (CERD/C/SR.1447 and 1448), on 12 and 13 March 2001. At its 1461st meeting (CERD/C/SR.1461), on 21 March 2001, it adopted the following concluding observations.

A. Introduction

187. The Committee welcomes the updating report of Portugal, submitted less than one year after the consideration of the fifth to eighth periodic reports, as well as the supplementary written and oral information provided by the delegation. The Committee expresses its appreciation for the constructive and frank dialogue it had with the State party.

B. Positive aspects

188. The Committee welcomes the enactment of Decree Law 4/2001 modifying the regulations on the entry, stay and departure of foreigners with a view to, *inter alia*, introducing penal legislation against the illegal trafficking of migrant workers as well as an enlarged definition of the beneficiaries of family reunification.

189. The Committee also welcomes the enactment of Act No. 134/99 and corresponding Decree Law 111/2000 prohibiting discrimination in the exercise of rights on grounds of race, colour, nationality or ethnic origin, which contains a non-exhaustive list of discriminatory practices and provides for administrative sanctions for conduct coming under that list. It also welcomes the establishment of the Commission for Equality and against Racial Discrimination.

190. The Committee welcomes the establishment of the Consultative Council on questions of immigration and the participation in it of representatives of immigrants' associations.

191. The Committee notes with appreciation that, contrary to previous legislation, Act No. 20/98 of 12 May allows employers to employ freely any worker residing legally in Portugal, regardless of nationality.

192. The Committee welcomes the information provided by the State party about the sentences handed down by the competent courts in the case of the demolition of Gypsy dwellings in Vila Verde.

C. Concerns and recommendations

193. The Committee notes with concern that incidents of racial discrimination and xenophobia do occur in the State party and recommends that the authorities continue to monitor such incidents closely and take appropriate steps to deal with them.

194. The Committee notes the lack of detailed information in the periodic report about the number of complaints of racial discrimination brought before the Portuguese courts as well as the corresponding decisions, and recommends that the next report include information in this respect. That report should also include information about the cases dealt with by the Commission for Equality and against Racial Discrimination.

195. The Committee notes with concern that, in some industrial and services sectors where illegal migrant workers are engaged, they are discriminated against. It recommends that the State party take measures to put an end to this discrimination.

196. The Committee notes that the report does not contain detailed information about the effective enjoyment by ethnic groups, including refugees, foreign workers, Gypsies (Roma) and citizens who obtained Portuguese nationality following the independence of former colonies, of the rights contained in article 5 of the Convention. The Committee draws the State party's attention to general recommendation XX and recommends that the next periodic report include information in that respect, in particular about the socio-economic situation of the above-mentioned groups.

197. The Committee recommends that the State party take measures to inform the population in general, and the most vulnerable groups in particular, about the possibility of bringing complaints before the Commission for Equality and against Racial Discrimination.

198. The Committee recommends that, in its next periodic report, the State party provide information on the demographic composition of the population, in accordance with paragraph 8 of the Committee's reporting guidelines.

199. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized. It also recommends the adoption of measures to inform the public about the acceptance by Portugal of article 14 of the Convention.

200. The Committee recommends that the State party submit its tenth periodic report jointly with the eleventh periodic report, due on 23 September 2003, and that it address the points raised in these concluding observations.