

NHRI STATEMENT

**on the Implementation of the International Convention on the
Elimination of All Forms of Racial Discrimination
in the process of examination of the combined eighteenth and
nineteenth periodic reports submitted by Portugal**

Pre-Session

11th April 2023



PROVEDOR DE JUSTIÇA

Gabinete de Direito e Relações Internacionais

Madam Chairperson,
Honourable Members of the Committee,
Excellencies,
Ladies and Gentlemen,

I

The Portuguese Ombudsperson welcomes the combined eighteenth and nineteenth periodic reports submitted by Portugal on the Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. It reinforces the country's longstanding commitment towards the international system of protection and promotion of human rights. During the reporting period, the Portuguese State has made an effort to address the issues raised over the last reporting cycle.

The Ombudsperson applauds the adoption of the first ever National Plan to combat racism and discrimination, 2021–2025, which acknowledges racism as a structural problem in Portugal, adopts a multisectoral approach and identifies key areas of intervention. Also, it expresses its appreciation to the Portuguese Government for having included representatives of groups exposed to racial discrimination (antiracist associations, Roma communities and migrants) in the working group assigned with the task of presenting the report containing key finding and recommendations which led to the elaboration of the National Plan.

The Portuguese Ombudsperson is pleased to inform the Committee that there has been some progress in the implementation of the National Plan. To give an example, the Government has just submitted to Parliament draft legislation enabling the separation of the Commission for Equality and against Racial Discrimination from the High Commission on Migration with the aim to elevate it to the status of a national equality



body, with independence and financial autonomy. Another relevant achievement was the signature of the protocol between the Portuguese Government and a prestigious Law School on the creation of an independent Observatory on Racism and Xenophobia, also entrusted with the task of monitoring and analysing hate speech.

II

While acknowledging the efforts made by the Portuguese Government on the implementation of the National Plan, the Portuguese Ombudsperson regrets that there is scarce information on the level of progress made thus far. A mid-term evaluation of the implementation of the National Plan containing potential proposals for revision was planned to be presented to the competent Government member by the end of the first quarter of 2023. Yet, the problem is that the evaluation is entrusted to a government department only, with no participation of civil society, namely representatives of groups exposed to racial discrimination.

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Also, it should be noted that, while the National Plan does contain indicators to measure the progress of its implementation, the latter lack on excellence and high-quality to provide an adequate picture of what is really happening on the ground. Suggested indicators are mainly input-based (e.g. number of training actions, adoption of a normative act) leaving out impact-oriented metrics, such as benchmarks, targets and indicators grounded in actual results in fighting racial discrimination (access to employment, adequate housing, health and education), involving community feedback and the insight of relevant experts.

That is what we should really be debating, and all the more so as it is unclear to what extent, particularly outside Lisbon, municipal officials are aware of the National Plan to combat



racism and discrimination and, hence, of their ability and *duty* to specifically counter or address clear incidents of racial discrimination. More efforts should be made to make sure that municipal officials see themselves as custodians of combating racism to ensure non-discrimination and to promote equality, on behalf of *all* their constituents, including Roma and people of African descent. As recommended by the report of the Working Group of Experts on People of African Descent, Portugal should engage in a comprehensive and targeted campaign to raise awareness of the National Plan and build an understanding of the authority and obligation for public officials at every level of society and governance to be a custodian of Portuguese values of anti-racism, racial equity and racial equality.

III

Lastly, with respect to the use of force by law enforcement officials, and while acknowledging that the adoption of the Plan for preventing manifestations of discrimination in the law enforcement bodies represents an important step in the right direction, the Portuguese Ombudsperson expresses concern that only a fraction of complaints gives rise to the opening of disciplinary proceedings by the Inspectorate General of Home Affairs.

Also, the priority assigned by the Portuguese State to the development of a culture of proximity (namely, in the report on Follow-up to Concluding Observations on the fifteenth to seventeenth periodic reports of Portugal) is somewhat inconsistent with the Integrated Model of Proximity Policing having been left out of the National Plan to combat racism and discrimination, 2021–2025. Though it did find its way into the Plan for preventing manifestations of discrimination in the law enforcement bodies, there is no information



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available on the number of staff on the ground in this context and it is still unknown whether the project is still ongoing and maintains its initial objectives.

IV

In closing, the Portuguese Ombudsperson wishes to stress the paramount importance of the full and effective implementation by the Portuguese State of the International Convention on the Elimination of All Forms of Racial Discrimination in addressing the scourges of racism and racial discrimination, along with its strong commitment to keep working closely with the Portuguese authorities, groups exposed to racial discrimination, civil society and with the international and regional mechanisms, also within the framework of the follow-up mechanisms on the effective implementation of the provisions of the Durban Declaration and Programme of Action, in order to address common challenges to humanity that threaten shared values, universal human rights and the fight against racism, racial discrimination, xenophobia and related intolerance and incitement to hatred, which impede peaceful coexistence and harmony within societies.

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Thank you.