

Submission by the United Nations High Commissioner for Refugees
For the Office of the High Commissioner for Human Rights' Compilation Report –
Universal Periodic Review:
PORTUGAL

I. BACKGROUND INFORMATION

Portugal acceded to the *1951 Convention relating to the Status of Refugees* in 1960 and to its *1967 Protocol* (hereinafter referred to jointly as the *1951 Convention*) in 1974. In August 2012, Portugal became a State party to the *1954 Convention relating to the Status of Stateless Persons* (hereinafter referred to as the *1954 Convention*) and to the *1961 Convention on the Reduction of Statelessness* (hereinafter referred to as the *1961 Convention*).

The first comprehensive asylum legislation in Portugal was adopted in 1998. The legislation was revised in 2008 to align with the two key EU Directives relating to asylum, namely, the Qualification Directive¹ and the Asylum Procedures Directive.² The Asylum Act 27/2008 presently in force is considered as generally in line with international and EU standards.

Whereas Portugal has been receiving small numbers of asylum applications annually, it has seen a significant increase in recent years, a trend that continues in 2013. This trend started in 2011 with a 70% increase over 2010, followed by a 9% increase in 2012.³ There has also been a rise in the number of unaccompanied or separated children, with 26 unaccompanied children having requested protection in Portugal in the first half of 2013 alone. The admissibility rates (i.e. asylum claims admitted to the substantive stage of the asylum procedure) have increased from 6.8% in 2006 to 42.2% in 2012. During the last four years, Portugal had an average recognition rate of 32%, with a large majority obtaining subsidiary protection status.⁴

¹ European Union: Council of the European Union, *Council Directive 2004/83/EC of 29 April 2004 on Minimum Standards for the Qualification and Status of Third Country Nationals or Stateless Persons as Refugees or as Persons Who Otherwise Need International Protection and the Content of the Protection Granted*, 19 May 2004, 2004/83/EC.

² European Union: Council of the European Union, *Council Directive 2005/85/EC of 1 December 2005 on Minimum Standards on procedures in Member States for granting and withdrawing refugee status*, 1 December 2005, 2005/853/EC.

³ Portugal received 201 asylum requests during the first half of 2013, which constitutes a 30.5% increase compared to the 154 applications submitted during the same period last year. Asylum-seekers originated from 31 different countries, including Syria (69), Guinea Conakry (30) and Nigeria (15). 135 of the requests (67%) were presented by men and 66 (33%) by women. 146 requests occurred at border points (73%, all at Lisbon airport), while 55 were registered within the national territory (27%).

⁴ It is estimated by the Portuguese Immigration Service (SEF – administrative entity under MoI responsible for admission and decision-making process) that at the end of 2012, there were 350 recognized refugees living in Portugal, and an additional 470 persons with subsidiary protection.

Portugal is experiencing a very difficult economic situation. According to EUROSTAT, the unemployment rate in the first quarter of 2013 reached 17.7%.⁵ The State's welfare system is not able to fund social assistance programmes, which is reflected in substantial cuts in social allowances. The crisis is affecting all citizens, but mainly the most vulnerable population, including asylum-seekers and refugees. Traditional employment sectors such as construction and restaurants have been severely hit by the economic downturn. Asylum-seekers and refugees face additional challenges, since they tend to be less proficient in Portuguese and their professional experience is seldom valued by local employers, or poorly adapted to the needs of a competitive labour market. Refugees also present particular vulnerabilities stemming from their personal experiences, as well as the lack of family and other support networks to rely upon in case of unemployment or other risks to their ability to provide for their basic needs.

II. ACHIEVEMENTS AND BEST PRACTICES

1. Access to RSD Procedures

Important legislative developments regarding the Asylum Law include the suspensive effect of deportation during all judicial appeals in the admissibility phase of the asylum procedure. The access to the legal aid regime free of charge for all appeals is also established by law. The Portuguese Refugee Council (CPR) provides free legal aid to asylum-seekers and refugees at all stages of the asylum procedure. In 2012, CPR offered legal support to almost 90% of all asylum-seekers in Portugal, providing legal counseling and aid to 354 individuals. The time limit of subsidiary protection status (five years) was also revoked, providing a more stable level of protection now depending on the assessment of the evolution of the country of origin situation. Special attention to vulnerable cases, in particular unaccompanied minors and separated children, is also given by the authorities. After admission, asylum-seekers are entitled to a Provisional Residence Permit, which provides access to the labour market.

2. Involvement in the resettlement of refugees

In 2006, Portugal initiated a modest resettlement programme with an annual quota for thirty UNHCR mandate refugees. Until 2012, 164 refugees were received under this program, including 8 unaccompanied or separated children.

3. Accommodation in open centres

During the admissibility phase, asylum-seekers at border points have to stay confined in a "Temporary Installation Centre" located at the airports of Lisbon and Porto. An admission decision is reached within five working days. This circumstance represents the only detention-like situation in the national asylum procedure. The Asylum Act authorizes the immediate access of unaccompanied or separated asylum-seeking children to the territory. The Portuguese Immigration Service has also allowed at border points immediate access to enter the national territory for a number of special cases, e.g. pregnant women and families.

⁵ Statistic available at:

http://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_destaques&DESTAQUESdest_boui=151972007&DESTAQUESstema=5414314&DESTAQUESmodo=2

During the admissibility stage, asylum-seekers in the national territory are lodged at the Reception Centre for Refugees run by CPR.⁶ CPR offers legal and social counselling, Portuguese language classes, professional training and employment support. Since 2012, CPR's Refugee Children Reception Centre located in Lisbon offers child-friendly reception conditions to unaccompanied minor asylum-seekers and resettled refugees with the support of various experienced professionals.

4. Statelessness

In August 2012, Portugal acceded to the *1954 Convention* and the *1961 Convention* through Presidential Decrees thereby reinforcing the legal framework for the protection of stateless persons and the reduction of statelessness. The Portuguese Nationality Act provides safeguards against statelessness at birth and upon loss, deprivation or renunciation of nationality that are in line with the 1961 Convention.

III. KEY CHALLENGES AND RECOMMENDATIONS

Issue 1: Quality of the asylum system

The overall quality, fairness and efficiency of the asylum procedure would benefit from a number of further improvements: Regular training and capacity-building measures of migration staff, judges, lawyers, NGOs and translators are needed. It would also be necessary to provide for a functioning quality assurance mechanism for decision-making at the administrative level of the asylum procedure.⁷ Challenges to quality and efficiency of the asylum-procedure have been compounded by the significant increase in the number of asylum seekers as well as a decrease in resources allocated to the asylum-system.

Unsatisfactory decision-making at the administrative and judicial level result from structural problems⁸, such as insufficient human resources; lengthy procedures;⁹ poor interviewing techniques, notably in the case of children, trafficking victims, and victims of torture and sexual violence; insufficient research and use of country of origin information (COI);¹⁰ inadequately high standards of proof at the admissibility stage; the need to improve the quality of interpreters; and the legal expertise on the eligibility officers, legal counselors, legal representatives and judges.

⁶ This open centre located in Bobadela, nearby Lisbon, has an official capacity of 42 persons. More than 1.000 individuals were lodged at the Reception Centre since it began operating in 2006.

⁷ The project "Further Developing Asylum Quality in the EU – Establishing New Quality Assurance Mechanisms in Southern Europe and Consolidating National Quality Mechanisms in Central and Eastern Europe", implemented by UNHCR in 2008-2010 with the financial support of the European Refugee Fund was an important building block in that direction.

⁸ Cf. also Council of Europe, European Commission Against Racism and Intolerance, *ECRI Report on Portugal (fourth monitoring cycle)*, 09/07/2013, available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Portugal/PRT-CbC-IV-2013-020-ENG.pdf>.

⁹ For an analysis of positive developments, including the role of CPR in the asylum procedure, cf. Council of Europe, European Commission Against Racism and Intolerance, *ECRI Report on Portugal (fourth monitoring cycle)*, 09/07/2013, available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Portugal/PRT-CbC-IV-2013-020-ENG.pdf>, §150-156.

¹⁰ Despite the compulsory use of COI in decision-making under article 18, paragraph 2 a) of Asylum Law, a survey conducted by the CPR in 2012 regarding the use of COI in decision-making at the admissibility stage serves as a useful example in this regard. Of a total of 58 negative decisions issued by the Immigration Services between January and July 2012, only 12 included some reference to COI, in most cases of poor quality.

In the absence of regular border monitoring, there are concerns regarding the access to the asylum procedure;¹¹ the arbitrary age assessments leading to unwarranted detention of unaccompanied minors; the lack of identification and referral of victims of trafficking who may be in need of international protection; the access to interpretation and to adequate health care.

Recommendations:

UNHCR recommends that the Government of Portugal:

- Ensure that training and capacity-building is regularly provided to migration staff, judges, lawyers, NGOs and translators;
- Envisage establishing quality assurance mechanisms in the asylum-procedure; and
- Reinforce monitoring at border points to safeguard the rights of persons who may be in need of international protection.

Issue 2: Reception of asylum-seekers

In light of continuing higher numbers of asylum-seekers arriving in Portugal, UNHCR is concerned that the quality of the reception conditions is further affected. In 2012, UNHCR witnessed worrying shortcomings in the national reception system (designed to receive 160-180 claimants), such as overcrowding at the existing reception facility and delays in the procedure. These problems have been aggravated by the suspension of Social Security services to admitted asylum-seekers. These difficulties led the country's reception system to a near breakdown in late 2011 and 2012.¹²

Following the suspension of Social Security services, the CPR's Refugee Reception Centre remained the only special accommodation for asylum-seekers at the admissibility procedure. Along with delays in the processing of applications by the Immigration Services at the admissibility stage, this resulted in serious overcrowding, insufficient financial support for basic needs, undignified living conditions and security incidents. National and international donor support (UNHCR, MoI and Municipality of Lisbon) helped to prevent the interruption of the CPR reception services.

As a response to this emergency situation, a six-party cooperation protocol was signed in October 2012¹³ to clarify responsibilities and set up two permanent commissions (an executive commission and an operational group) to improve policy guidance, coordination and service provision. In this framework, Social Security services have slowly resumed as of

¹¹ In accordance to article 13 (3) of Asylum Law 27/2008, 30 June, CPR is informed of the asylum application by the immigration service immediately after its registration.

¹² For a detailed analysis of these challenges, including the role played by CPR in addressing the reception and integration needs of asylum seekers and refugees during this period, cf. Council of Europe, European Commission Against Racism and Intolerance, *ECRI Report on Portugal (fourth monitoring cycle)*, 09/07/2013, available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Portugal/PRT-CbC-IV-2013-020-ENG.pdf>, §163-166.

¹³ Institute of Social Security (ISS), Institute for Employment and Vocational Training (IEFP), Immigration and Borders Service (SEF), High Commissioner for Immigration and Intercultural Dialogue (ACIDI), Santa Casa da Misericórdia de Lisboa (SCML) and the Portuguese Refugee Council (CPR).

January 2013, but ongoing delays in the procedure continue to put pressure on existing reception facilities, that remain chronically overcrowded.¹⁴

Recommendations:

UNHCR recommends that the Government of Portugal:

- Increase the accommodation capacity of the reception system to respond to the higher number of asylum-seekers arriving in Portugal; and
- Ensure timely processing of refugee claims, in order to reduce the waiting time of asylum-seekers and thus of the reception capacity.

Issue 3: Integration of refugees

The six-party cooperation protocol prompted a new decentralization policy throughout the country for admitted asylum-seekers and resettled refugees where they are - after their initial 6 months participation in a Lisbon based centralized integration programme – distributed to towns and places spread over the whole country. This new policy is intended to achieve a more efficient integration of refugees in Portugal as, according to the authorities, their physical concentration in the Lisbon area has overburdened social services. During the Ministerial Intergovernmental Event on Refugee and Asylum seekers (7-8 December 2011 in Geneva), Portugal pledged to “*continue to promote the integration of refugees and resettled refugees in Portugal [and] (...) to improving the overall living conditions of the refugees, including through the facilitation of access to employment and education opportunities as well as to health care and other services [and to] explore the feasibility of introducing administrative measures aimed at facilitating the overall coordination between National Entities responsible for their integration.*”¹⁵ Portugal also pledged “*to continue to implement its National Resettlement Programme in close cooperation with UNHCR and national implementing partners.*”¹⁶

At the time of writing, feedback received by CPR from beneficiaries indicates the need to improve the decentralization process. Shortcomings concern the preparedness of stakeholders at local levels, namely of the different services (immigration, social security, employment) to deal with the specific needs of refugees. The quality of accommodation requires improvement and for the staff of services providing social, legal and employment support. Adequate training and guidance is required in dealing with the specific needs of refugees and beneficiaries of international protection. The criteria for decentralization need to be clarified and the absence of clearly defined policy objectives, public commitment and allocation of adequate resources for refugee integration needs to be addressed.¹⁷

¹⁴ At the time of writing, CPR’s Refugee Reception Centre accommodates over 60 asylum-seekers, well above its total capacity, while its Refugee Children Reception Centre (CACR) is operating at full capacity, with the need for additional places that have been referred to CPR’s Refugee Reception Centre in Bobadela.

¹⁵ UN High Commissioner for Refugees, *Ministerial Intergovernmental Event on Refugees and Stateless Persons - Pledges 2011*, October 2012, page 106, available at: <http://www.refworld.org/docid/50aca6112.html>

¹⁶ Ibid

¹⁷ Cfr. Portugal’s national reports prepared by CPR to be uploaded soon on <http://www.resettlement.eu/> and <http://www.know-reset.eu/?c=00001> that address the challenges in integration policies to date of beneficiaries of International protection in Portugal.

The Portuguese Nationality Act does not facilitate the naturalization of refugees and stateless persons in the country as provided for under article 34 of the 1951 Convention and article 32 of the 1954 Convention.

Recommendations:

UNHCR recommends that the Government of Portugal:

- Ensure full implementation of integration policies in the context of the current decentralization process by ensuring preparedness, training and guidance to mainstream service providers, expected to provide legal, social and employment support to refugees in locations across Portugal; supporting and encouraging the role of experienced NGO partners;
- Continue to provide, and enhance where necessary, tailor-made integration support services for the integration of refugees, including those resettled in Portugal
- Provide adequate financial resources for the implementation of this policy;
- Amend the Portuguese Nationality Act to facilitate the naturalization of refugees and stateless persons.

Issue 4: Access to Social Security Services including health care

Asylum-seekers admitted to the second stage of procedure or at appeal stage (and whose reception conditions fall under the responsibility of the Ministry of Solidarity and Social Security according to Asylum Act 27/2008) faced great difficulties after the suspension of social allowances by the Social Security Institute in October 2011. Support was slowly resumed in January 2013. In April 2013, beneficiaries of subsidiary protection and refugees (including resettled refugees) were informed that their social allowances will decrease as of May 2013.¹⁸ Cases were individually reassessed to identify and consider the needs of particularly vulnerable cases (illness, single headed households, among others) and a general one month postponement of the cuts was introduced.

The entry into force of new regulations pertaining to the categories of beneficiaries who are entitled free access to health care in Portugal has prompted a policy change whereby asylum-seekers are no longer granted free access to primary and emergency health care. The new Decree 113/2011 tacitly repealed Decree 30/2001, which established the practice to grant free access to primary and emergency health care to asylum-seekers. They are now required to pay moderation taxes (*taxas moderadoras*), as is the case with nationals.

Furthermore, the legal and practical inability of asylum-seekers at the admissibility stage to register with Social Security and thus be granted a social security identification number (NISS) has prompted providers to charge asylum-seekers for the full cost of health care, thus rendering access to the National Health Service impossible without financial support from other organizations. Thereby, asylum-seekers do not have effective access to health care.

This situation also represents a public health concern, since most asylum-seekers come from countries where primary health care is not in line with national patterns.

Recommendations:

UNHCR recommends that the Government of Portugal:

¹⁸ On average from 700€ to 350€-400€.

- Ensure access of asylum-seekers, beneficiaries of subsidiary protection and refugees to basic social security services, to facilitate their integration and self-reliance; and
- Ensure that asylum-seekers have free access to primary and emergency health care.

Issue 5: The identification and protection of stateless persons

As noted above, Portugal has acceded to both the *1954 Convention* and the *1961 Convention* in October 2012, thereby fulfilling its pledge made during the Ministerial Intergovernmental Event on Refugees and Stateless Persons held in Geneva in December 2011. During the 2011 population census, 553 persons self-declared as stateless. Despite being a State party to the 1954 Convention, a formal statelessness determination procedure has yet to be established.

Establishing a statelessness determination procedure is the most efficient means for States party to the *1954 Convention relating to the Status of Stateless Persons (1954 Convention)* to identify the beneficiaries of the Convention with the view to providing them with appropriate protection.

Recommendation:

UNHCR recommends that the Government of Portugal:

- Adopt and implement in national legislation a statelessness determination procedure and a legal status to ensure that stateless persons who are not refugees are covered and receive the guarantees anchored in the *1954 Convention*.

**Human Rights Liaison Unit
Division of International Protection
UNHCR
September 2013**

**Excerpts of Concluding Observations and Recommendations from UN Treaty Bodies
and reports from UN Special Procedures mandate holders**

Universal Periodic Review

PORTUGAL

We would like to bring your attention to the following excerpts from UN Treaty Monitoring Bodies' Concluding Observations and Recommendations and from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to the Portugal.

I. Excerpts from UN Treaty Monitoring Bodies

Human Rights Committee

CCPR/C/PRT/4, 106th Session

31 October 2012

Positive aspects

3. The Committee welcomes:

(a) the adoption of the Second National Plan against Trafficking in Human Beings (2012-2013);

(e) the creation in 2007 of the Office to Support Roma Communities, as well as the establishment of a Pilot Project for Municipal Roma Mediators.

Roma people

5. The Committee is concerned that, despite considerable action taken by the State party, immigrants, foreigners and ethnic minorities, including the Roma minority, continue to face discrimination in access to housing, employment, education, equal wages, health care and public services as well as participation in public life. The Committee is also concerned about reports of racist and discriminatory conduct by law enforcement personnel (articles 2, 25, 26).

5. The State party should intensify measures to ensure that immigrants, foreigners and ethnic minorities, including the Roma minority, do not suffer from discrimination in access to housing, employment, education, equal wages, health care and public services as well as participation in public life. The State party should also take steps to ensure that law enforcement personnel refrain from racist and discriminatory conduct, including through intensified awareness raising efforts.

Trafficking

13. The Committee is concerned that the State party continues to be a destination, transit and source country for women, men and children subjected to trafficking for sexual exploitation and forced labour. It is also concerned that article 160 of the Penal Code employs an overly broad definition of trafficking that includes lesser crimes, complicating the assessment of the extent of prosecution, conviction and sentencing of trafficking offenders (art.8).

13. The State party should intensify its efforts to combat trafficking in persons and should change its methods of collecting and reporting data in order to present a more useful description of the legal response. It should also provide in its next periodic report information, on an annual basis since 2011, on the number of victims of the crime of

trafficking for sexual and other exploitative purposes, such as forced labour, as well as the number of prosecutions and convictions of perpetrators.

Committee on the Elimination of Racial Discrimination

CERD/C/PRT/CO/12-14, 80th Session

9 March 2012

Positive Aspects

4. The Committee welcomes a number of positive developments and activities undertaken by the State party in fighting racial discrimination and promoting tolerance and diversity, including:

(b) The amendments introduced to the Portuguese Nationality Act by Organic Law No. 2/2006 of 17 April 2006 allowing the second and third generation immigrants to acquire Portuguese nationality under certain conditions and shifting towards a Jus Soli regime for nationality;

(c) The adoption of Law No. 27/2008 of 30 June 2008 on Asylum establishing a suspensive effect of the appeal in the admissibility phase of the asylum procedure, as recommended by the Committee in 2004 (CERD/C/65/CO/6, para. 15).

5. The Committee welcomes the adoption of the following plans and strategies:

(a) The National Action Plans for the Integration of Immigrants developed since 2007;

(b) The Second National Plan against Trafficking in Human Beings (2012-2013);

(c) The Strategy for Inclusion of the Roma communities launched in December 2011;

6. The Committee welcomes the creation of the High Commission for Immigration and Intercultural Dialogue (ACIDI) by Decree-Law No. 167/2007 of 3 May 2007. Regarding ACIDI's programmes, the Committee particularly welcomes the pilot project which helped to place 28 intercultural mediators in 25 public services to enhance intercultural dialogue and combat racial stereotypes and prejudices. The Committee notes also the Commission's work to support and foster intercultural dialogue.

7. The Committee notes with interest the establishment in 2007 of the Roma Support Office and its associated initiatives.

8. The Committee particularly commends the innovative policies, laws and actions of the State party regarding the integration of immigrants as confirmed by the United Nations Human Development Report 2009 and the Migrant Integration Policy Index.

9. The Committee welcomes ACIDI's national telephone information service, "SOS Imigrante", providing information in the languages mostly common to immigrants in Portugal, and the Translation Phone Service available free of charge in 60 different languages.

Discrimination

13. The Committee notes the holistic approach taken by the State party to deal with racial discrimination. While this has many positive dimensions, the Committee is concerned that the generality of the approach to dealing with racial discrimination may not allow sufficient attention to the concerns of groups of citizens as well as immigrants and foreigners who may be susceptible to direct and indirect discrimination (art. 2).

13. The Committee reiterates its recommendation that the State party take appropriate special measures for vulnerable groups including Ciganos, Roma and people of African descent in line with its general recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination, in cases where direct or indirect discrimination affects

vulnerable groups disproportionately as well as in accordance with its general recommendations No. 27 (2000) on discrimination against Roma and No. 34 (2011) on racial discrimination against people of African descent.

Racism, xenophobia and intolerance

14. Despite innovative measures by the State party to promote integration, prevent and address racial discrimination of less favoured communities, including the impact of the work of socio-cultural mediators, the Committee is concerned about prevalent racial stereotypes and prejudices against immigrants, foreigners and some citizens. Reports have been received regarding discrimination against Brazilians, as well as against other groups including Chinese, Sub-Saharan Africans, and in particular Ciganos and Roma. The Committee is also concerned at the incidence of racist and xenophobic speech emanating from a few extremist political parties, and manifestations of racism and intolerance in sport towards members of ethnic minorities (arts. 2 and 4).

14. The Committee urges the State party to take effective measures to prevent and prosecute manifestations of racism, xenophobia and intolerance. It recommends that the State party condemn racist and xenophobic speech by politicians and promote tolerance and diversity, including in sport.

Training of law enforcement officials

15. Despite training sessions on human rights organized by the State party and previous recommendations by the Committee, the Committee is concerned about reported cases of discriminatory conduct, and manifestations of racist stereotypes and prejudice towards individuals of foreign origin and other groups vulnerable to racial discrimination by law enforcement officials (arts. 2, 5 and 7).

15. Bearing in mind the Committee's general recommendation No. 13 (1993) on the training of law enforcement officials in the protection of human rights, the Committee urges the State party to ensure that training sessions organized for law enforcement officials equip them to fully respect and protect the fundamental rights of all persons without discrimination on the basis of race, colour or ethnic or national origin. The Committee requests that the State party include in its next periodic report information on prosecutions of law enforcement or police officers for racial discrimination.

Judicial system and racial discrimination

16. The Committee is conscious that the foreign population, according to available statistics, is overrepresented in prisons. It expresses its concerns regarding possible discrimination against immigrants and ethnic minorities in the judicial system such as reported cases of severe penalties, longer imprisonment and possible ethnic profiling (arts. 2, 5 and 6).

16. The Committee encourages the State party to assess the situation and take effective measures to combat racial discrimination in the judicial system bearing in mind its general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system. The Committee is of the view that further analysis is needed as well as appropriate responses to tackle this issue and provide remedies to victims.

Discrimination against immigrant women

18. The Committee notes with concern that immigrant women and women belonging to minority groups face multiple discrimination. For example, according to the 2008 Ministry of

Labour's statistics, the average salary of immigrant women is less than those of Portuguese citizens or immigrant men (art. 5).

18. The Committee draws the attention of the State party to its general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination and urges it to evaluate and monitor racial discrimination against women, particularly immigrant women and women belonging to minority groups. The State party has the obligation to guarantee the right of everyone to equality in the enjoyment of human rights without discrimination based on gender, race, colour or national or ethnic origin.

Rights of Ciganos and Roma peoples

19. The Committee notes efforts to address discrimination against Ciganos and Roma peoples including the launch in December 2011 of the Strategy for Inclusion of the Roma communities in compliance with European Union requirements and public awareness campaigns regarding non-discrimination against Roma communities. However, it expresses its deep concern that, as confirmed by the State party, Ciganos and Roma are still the most discriminated against and most vulnerable people in Portugal. In addition to housing, there are persistent and continuing concerns with regard to their right to education, health, employment, access to public services or participation in public life (arts. 2, 5 and 7).

19. The Committee urges the State party to promote economic, social and cultural rights of the Ciganos and Roma, while respecting their culture in accordance with the principle of equality and ensuring that all actions and policies affecting them are designed, implemented, monitored and evaluated with full participation by Ciganos, Roma and their organizations, bearing in mind the Committee's general recommendation No. 27 (2000) on discrimination against Roma.

19. The Committee requests that the State party provide information on the implementation and impact of the Strategy for Inclusion of the Roma communities. In implementing this Strategy, the State party should ensure that concrete measures are taken to improve the living conditions of these communities by improving their access to adequate housing, education, health services, employment and public services.

19. The Committee would also appreciate information on the impact of public awareness campaigns regarding non-discrimination against these communities as well as efforts by the State party to integrate persons belonging to these communities into the police or other public services. All actions taken should particularly note and target the improvement and realization of rights by Ciganos and Roma women.

Committee on the Elimination of Discrimination against Women

CEDAW/C/PRT/CO/7*, 42nd Session

1 April 2009

Positive Aspects

7. The Committee welcomes the introduction, as of 2008, of women's access to refugee status determination procedures with systematic registration of their asylum claims independently from the principal male applicant of the family. It also welcomes the new asylum law that exempts asylum seekers who are minors and their family members from detention at border crossing points during the admissibility stage, which benefits in particular single parent families.

9. The Committee welcomes the ratification by the State party of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime in May 2004.

Trafficking in women

34. While acknowledging the measures taken by the State party to combat trafficking in women and children, including the adoption of the First National Plan against Trafficking in Human Beings, the Committee is concerned at the continuing prevalence of this problem, the lack of information on the prosecution and punishment of alleged perpetrators, and the low number of places available in the one shelter provided for women victims of trafficking.

35. **The Committee urges the State party to continue to strengthen its measures to combat all forms of trafficking in women and children in line with article 6 of the Convention. In this respect, the Committee urges the State party not only to ensure the prosecution and penalization of traffickers, but also to take measures aimed at ensuring the protection and rehabilitation of women victims of trafficking, including through the establishment of additional shelters for victims.**

Data collection

46. The Committee notes the lack of information in the periodic reports on the situation of Roma women, as well as on refugee, asylum-seeking and immigrant women.

47. **The Committee requests the State party to provide, in its next periodic report, detailed information, including statistical information, on the situation and socioeconomic status of Roma, refugee, asylum-seeking and immigrant women, including their access to employment and social services.**

II. Excerpts from UN Special Procedures mandate holders' reports

General Assembly: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the implementation of General Assembly 66/143

A/67/328, 67th Session

22 August 2012

55. Addressing the phenomenon of neo-Nazism or neo-fascism requires a global approach. Article 46, paragraph 4, of the Constitution prohibits the establishment of associations or organizations that are racist or display a fascist ideology; extreme right-wing parties propagating racist attitudes and xenophobia did not gain significant electoral results in Portugal, nor has an anti-immigrant sentiment developed in public opinion. In order to implement its policies, Portugal has established a public institute that, among other competencies, is responsible for combating racism, promoting the integration of immigrants and Roma communities and promoting intercultural dialogue.

General Assembly: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the implementation of General Assembly resolution 65/199

A/66/312, 66th Session

19 August 2011

49. In its response, Portugal indicated that two national plans, namely the National Plan for Equality, Citizenship and Gender and the National Plan for the Integration of Immigrants, had been adopted to combat discrimination.

50. Portugal stated that article 13 of its Constitution prohibited discrimination based on ancestry, sex, race, language, place of origin, religion, political or ideological beliefs, education, economic situation, social circumstances or sexual orientation. Article 15 of the Constitution recognized the same rights and duties for foreigners, stateless persons and immigrants as Portuguese citizens. It was stated that racist organizations, as well as organizations that “display a fascist ideology”, were prohibited by article 46, paragraph 4, of the Constitution. Reference was also made to articles 59, 8 and 16 of the Constitution.

54. Portugal also referred to the Asylum Law, the Organic Law, the Television Law, the Publicity Code and the Law on preventive and punitive measures to be taken in case of violence associated with sport.

General Assembly: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the implementation of General Assembly resolution 64/147

A/65/323*, 65th Session

24 August 2010

67. Portugal provided information about the High Commission for Immigration and Intercultural Dialogue, which plays a leading role in the fight against discrimination, and the Commission for Equality and Against Racial Discrimination, which deals with racial discrimination. It was stated that a Victim Support Unit for Immigrants and Victims of Racial and Ethnic Discrimination provides support free of charge, including legal and psychological support for victims of racial discrimination and immigrant victims in general.

68. Portugal also referred to national and local centres for immigration support that provide information and support to immigrants, the Immigrant Legal Support Office, which provides legal advice and mediation services free of charge to immigrants, the 2007-2009 Action Plan for Immigrant Integration, and the Government’s “Programme Choices 4th Generation”, set up in 2001. The Government also indicated that a Pilot Project for Municipal Roma Mediators had been established by the High Commission for Immigration and Intercultural Dialogue.