

**PREPARATION OF THE UNHCHR REPORT
PURSUANT TO HRC RESOLUTION 47/21
CONTRIBUTION OF PORTUGAL**

I. RELEVANT NATIONAL LEGISLATION

The Constitution of the Portuguese Republic of 1976 - article 13, which stipulates the principle of equal treatment regardless of "race".

Law no. 39/2009, of July 30th, amended by Law no. 113/2019, of September 11th - legal regime in the fight against racism, violence, xenophobia and intolerance in sports shows.

Law No. 93/2017, of August 23th - legal regime for preventing, prohibiting and combating discrimination based on racial and ethnic origin, nationality, ancestry and territory of origin.

Through this new legal diploma, the High Commission for Migrations (ACM), through the Commission for Equality and Against Racial Discrimination (CICDR), will now concentrate all stages of the administrative offence process in matters under its competence, receiving and analyzing complaints, instruction and decision, as well as coordinating intervention in the prevention, monitoring and repression of discriminatory practices.

Law No. 94/2017, of August 23th - changes the Penal Code, with the inclusion of ancestry as a factor of discrimination, as well as the autonomization of incitement to violence or hatred against persons or group of persons.

Law No. 55/2020 of August 27th - defines the objectives, priorities and guidelines for criminal policy between 2020 and 2022 and establishes, as priority prevention, crimes motivated by racial discrimination.

II. ADOPTED POLICIES

1. Commission for Equality and Against Racial Discrimination (CICDR)

The Commission for Equality and Against Racial Discrimination (CICDR) - a specialized body in the fight against racial discrimination in Portugal, with the aim of preventing and prohibiting racial discrimination and sanctioning the practice of acts that result in the violation or conditioning of the exercise of rights on the basis of racial and ethnic origin, nationality, descent or territory of origin.

2. National Plan to Combat Racism and Discrimination 2021-2025 - Portugal against Racism

The European Commission presented, in September 2020, the first EU Action Plan against Racism 2020-2025, which aims to combat racism in its various forms, including discrimination and structural racism.

Portugal was the 1st country in the European Union to approve a plan within the framework of the European Commission's Action Plan against Racism 2020-2025, which reflects the recognition of racism as a structural problem.

Portugal adopted, on July 28th, 2021, through the Resolution of the Cabinet of Ministers No. 01/2021, the National Plan to Combat Racism and Discrimination 2021-2025 - Portugal against Racism. This Plan is based on four fundamental principles - deconstruction of stereotypes; coordination, integrated governance and territorialization; integrated intervention in the fight against inequalities; and intersectionality - covering, in particular, in its seventh point, justice, security and rights.

2.1 In the Justice and Home Affairs sectors the National Plan includes measures such as:

- the promotion of counselling, guidance and information services for victims of discrimination, as well as actions and campaigns on education for rights, with the aim of capacitating victims of discrimination and racism, and increasing confidence in the institutions and knowledge about their intervention (measure 7.1);
- the empowerment and strengthening of the Commission for Equality and Against Racial Discrimination in preventing and combating any form of discrimination in the various areas, from social protection, including social security and health care, to social benefits, education, access to supply of goods and services, including housing and culture /measure 7.2);
- the introduction of legislative reforms in accordance with the recommendations of the competent international agencies (measure 7.3)
- the production of more knowledge about the prison and educational guardianship system (measure 7.4)
- the implementation of the Plan for the Prevention of Discrimination in the Security Forces (measure 7.5);
- the supervision related to these forces and the promotion of knowledge about possible situations of discrimination perpetrated by police officers (measure 7.6)

- defining and/or reinforcing preventive intervention mechanisms at the first signs of discriminatory attitudes or behavior by police officers (measure 7.7)
- the strengthening of the participation of intercultural mediators in the security forces and in the prison services (measures 7.8 and 7.9)
- the presentation of a legislative proposal to enable the use of video camera surveillance systems by the security forces and services (measure 7.11)
- the implementation, by these forces and services, of awareness-raising activities in the community, particularly in schools, on the issue of discrimination, human rights, racism and xenophobia (measure 7.12)
- the implementation, by the same forces and services, of projects, programs and partnerships that contribute to the promotion of security, specifically taking into account the diversity of social and cultural contexts in which they operate (measure 7.13).

2.2. Measures that specifically aim to combat racism against African descent people include:

- the promotion, in the school library network, of authors of African descent and others belonging to communities with reduced visibility (measure 2.7);
- the promotion of greater diversity in the artistic programming of public entities in the area of culture and the development of cultural actions and programs that include in their objectives the fight against racism and ethno-racial discrimination and that value knowledge, recognition and respect for the cultures, history and legacy of persons of African descent and others (measure 2.1 1)
- the inclusion, in the education curricula, of strategies against racism and regarding diversity, as well the history and contribution of persons of African descent (measure 3.2)
- the mobilization of municipalities to promote housing policies and, within this scope, ensure housing solutions for discriminated groups, especially persons of African descent, who live in precarious housing, ensuring the participation of these communities (measures 5.1 and 5.3)
- the promotion of the participation of Afro-descendants in international forums and in the elaboration, implementation and monitoring of policies and programs of foreign policy (measure 8.3), as well as in political parties and public offices (measure 8.4)
- the promotion, through television and radio services, of the inclusion of the communities of African descent in Portugal.

III. PARTNERSHIPS AND INITIATIVES AGAINST DISCRIMINATION IN THE JUSTICE SECTOR

1. General Direction of Reinsertion and Prison Services (DRGSP):

The Initial Training Courses of the Prison Guard Corps dedicates 3 hours to the subjects of Human Rights. The initial training courses also include another seminar, lasting 4 hours, on "Multiculturalism and Prison", which is given by representatives of civil society.

Regarding the possibility of anonymous complaints, the Circular 9/2021 of September 28th was approved and is being implemented, under the title "Regulation of Complaints and Applications from Inmate Population". This Regulation, which simplifies and clarifies procedures, is permanently accessible and visible in the prison library for consultation by anyone. The technicians and elements of the Prison Guard, when asked about how inmates can submit a complaint or request, are obliged to disclose the existence of the Regulation and how to access it.

The activity of DGRSP is under constant scrutiny, since Prison Establishments can and have been, designated and regularly, visited by external entities - especially by Magistrates, members of the Government and Members of Parliament - by the Justice Ombudsman and by representatives of international organizations with attributions in matters relating to the promotion and protection of prisoners' rights (art. 66 of the "CEPMPL").

2. Portuguese Criminal Police (PJ):

The Portuguese Criminal Police promoted internal training among offices and departments throughout the country, in order to provide its employees with tools to identify hate crimes and other types of discriminatory violence. Called "Hate crimes: strengthening the responses of the justice system and victim support services", this training allowed to raise awareness about racial and ethnic stereotypes and systematize what were already the good practices of the Criminal Police - together with the extensive experience of APAV - to improve the way of communication and interaction with victims of hate crimes.

Regarding the registration of hate crimes with racist motive, an internal procedure was adopted for data input regarding inquiries in which the conduct is motivated by race, ethnic or national origin, ancestry, religion, sex, sexual orientation and gender identity, physical or mental disability, associated with the keyword HATE CRIMES. Another example of a measure adopted was the creation of a link on the Portuguese Criminal Police web page that

encourages reporting hate crimes (<https://www.policiajudiciaria.pt/ Crimes-de-odio-denuncie/>).

Regarding the monitoring of measures to be adopted or already implemented, the Portuguese Criminal Police highlighted the close cooperation with European agencies, such as the EU Agency for Fundamental Rights (FRA) or the European Union Agency for Police Training (CEPOL). The assiduous response to FRA inquiries on minorities and discrimination, immigrants and descendants of immigrants, as well as on hate crimes against Jewish persons, has allowed to update the efforts of this Police to prevent discriminatory attitudes by law enforcement authorities and to increase the credibility of police work in the fight against hate crimes.

3. Prosecutor General of the Republic (PGR):

In June 2014, the PGR published a work entitled "Information and Freedom of Expression on the Internet and the Violation of Fundamental Rights" and, in 2016/2018, it participated, in partnership with security forces and the Portuguese Association for Victim Support (APAV), in the "Hate no More" project, which involved, in particular, the identification of good practices for intervention and training on all forms of hate crime and hate speech by victim support services and legal professionals; the organization of training sessions for professionals who come into contact with victims of hate crime and hate speech; and the publication of a manual of good practices in the area of support for victims of hate crime.

The PGR Cybercrime Office has also developed, in partnership with APAV, the ROAR Project, with the aim of facilitating support to the victims of cybercrime, increasing public awareness about the risks of online activities, promoting safe behavior, as well as training professionals in the area (particularly crime victim support officers) and creating a special support unit for victims of cybercrime. This project included workshops and the preparation of good practices guide in the area.

It should also be noted that, under the directive of the Attorney General of the Republic of January 4, 2021, crimes against life and physical integrity committed against or by agents of authority are considered priority investigation crimes for the Portuguese Public Prosecutor's Office, as well as cybercrime and criminally punishable acts, even if non-violent, determined by hatred or racial, religious or ethnic motivations, sexual orientation, gender identity or physical or psychological disability, committed in a school environment or in a health environment.

IV. STATISTICS IN THE JUSTICE SECTOR

1. Superior Council of the Administrative and Fiscal Courts (CSTAF)

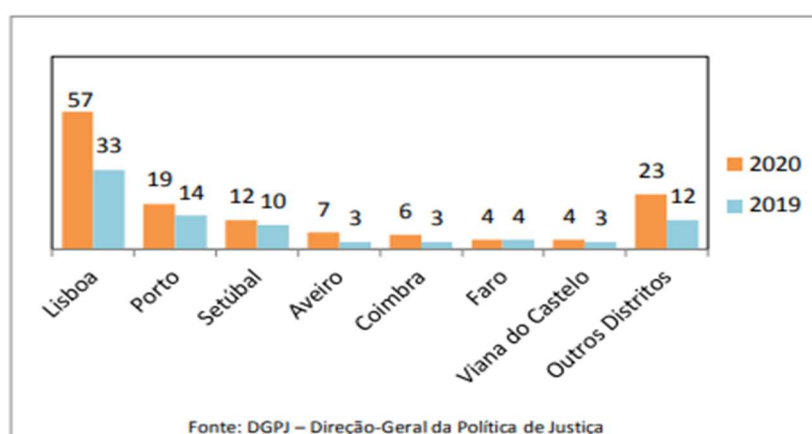
During 2020, CSTAF received 1 (one) complaint of alleged racial and ethnic discrimination, which was closed due to the inexistence of facts – specifically, discriminatory statements – that could require CSTAF's intervention.

2. Directorate-General for Justice Policy (DGPJ)

In 2019 there was a total of 335.614 crimes recorded by the police authorities, of which 82 concerned crimes of discrimination and incitement to hatred and violence. In 2020, there was a decrease in the total number of crimes recorded by the police authorities, to 298.797, with an increase in the specific number of crimes of discrimination and incitement to hatred and violence, totaling 132 crimes. It should be noted that this crime covers discrimination based on factors other than racial or ethnic origin, such as color, national origin, ancestry, religion, sex, sexual orientation, gender identity or physical or mental disability.

It is also important to mention that the registration of the information made by the police authorities is based on the elements available in the initial phase of the criminal process and is done according to the types of crime provided in the Criminal Code, and there is no isolated record of the motivation behind them.

Crimes of discrimination and incitement to hatred and violence, recorded by the authorities (No.), by district - 2019 and 2020

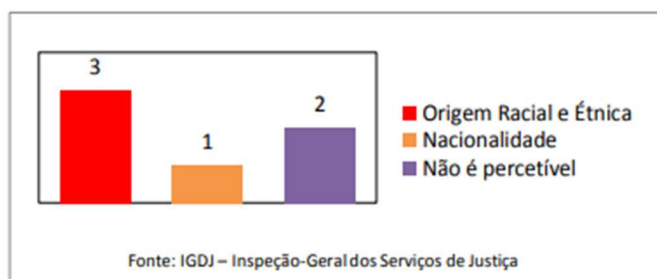


3. General Inspection of Justice Services (IGSJ)

In 2020, the IGSJ received a total of 2223 complaints, and in 6 of these there were alleged practices of racial or ethnic discrimination, including: 3 (three) cases based on racial and

ethnic origin, 1 (one) based on nationality and 2 (two) in which it was not clear what discrimination factor was involved.

Complaints of racial or ethnic discrimination received by the IGSJ (No.), by factor of discrimination - 2020



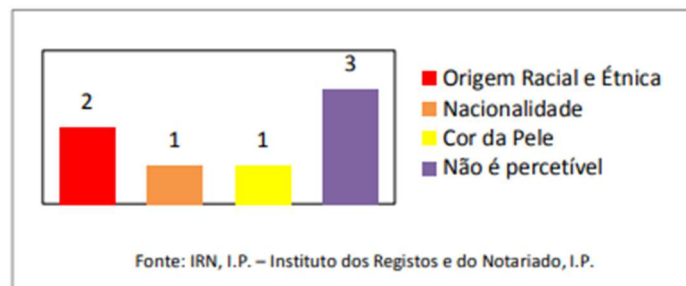
In the sphere of the IGSJ's responsibilities and within the scope of actions taken in a complaint process for alleged discrimination – filed in 2020 – the IGSJ sought the Prison Establishment (EP) about awareness-raising programs and prevention of racist or discriminatory behaviors directed to all EP's employees. It was found that there were training courses on this matter, in 2018 and 2019, in collaboration with the Directorate General of Reintegration and Prison Services (DGRSP), which were widely participated, both by guards and civil servants.

Bearing in mind the significant importance of the topic of human rights, including discrimination (on the basis of racial and ethnic origin, nationality, ancestry and territory of origin), the IGSJ has created information mechanisms - which are permanently available on the Internet - and its contents are updated and internally disseminated; it has also organized "Thematic Meetings" on human rights.

4. Institute of Registration and Notary (IRN, I.P.)

Throughout 2020, the IRN, I.P. received 7 complaints related to alleged practices of racial or ethnic discrimination, 2 (two) based on racial and ethnic origin, followed by nationality and skin color (both with one complaint), and the remaining 3 complaints it was not clear which discriminatory factor was specifically invoked. In the complaint regarding nationality, Brazilian nationality was specifically mentioned.

Complaints of racial or ethnic discrimination received by IRN, I.P. (No.), by factor of discrimination - 2020



In relation to the discriminatory practice invoked, 7 complaints referred to situations that had occurred in the Justice sector, involving statements made in public, likely to threaten, insult or demean a person or group of persons. Of the 7 complaints identified, the IRN, I.P. decided to close all of them due to lack of evidence.

V. PARTNERSHIPS AND INITIATIVES AGAINST DISCRIMINATION IN THE HOME AFFAIRS SECTOR

1. Plan for the prevention of discrimination in Security Forces and Services

This Plan established in March 2021, coordinated and monitored by the General Inspectorate of Internal Administration, aims to contribute to improve the quality and efficiency of the law enforcement authorities' work, while simultaneously preventing any discriminatory actions and practices. It provides a set of programmatic measures regarding recruitment and training that intend to further engage members of the Security Forces and Services (SFS) in the role they play against discrimination. It also offers a series resources, good practices and useful material meant to help improve the performance of police officers and their relationship with the population.

The objectives provided for in this Plan are:

- Strengthen the communication strategies of the SFS in the context of the opening of competitions, in order to promote a greater diversity of candidates (both in terms of gender and, namely in terms of ethnic-racial/social origin).
- Define/strengthen evaluation criteria that allow, in the phases of selection of candidates to the SFS and in the phases of training and exercise of the function of the selected candidates, the screening of attitudes/behavior/traits or characteristics who tend to distance themselves from the values inherent in the rule of law and the

defense of human rights.

- Consider modifications of the curricula at the level of admission and continuing training in order to strengthen the issues related to combating discrimination and implement changes deemed necessary.
- Define good practices in the relationship with citizens in general, distinguishing:
 - Good practices in applying police measures;
 - Good practices in the social interaction of SFS members with the community;
 - Information function performed by SFS members.

It should be noted that in the context of this last objective, the importance of not using racial, ethnic, religious or other stereotypes to make operational decisions or in the context of criminal investigation will be reinforced.

As part of this Plan, GNR, PSP and SEF appointed each one a Human Rights Officer, who is responsible for coordinating and ongoing monitoring of compliance on the implementation of this Plan, for articulating with the General Inspectorate of Internal Administration, the Law Enforcement Authorities and other national or international external entities relevant in the process and also for maintaining an overview of the discriminatory phenomenon, in order to understand all its practices and adequate reactions, so that they can timely be extinguished.

2. Republican National Guard (GNR)

The GUARDA NACIONAL REPUBLICANA (GNR) is part of the security protection system for all citizens, regardless of their origins.

Regarding activities, measures and initiatives, developed or in which the GNR participated in 2021, concerning issues of racism, xenophobia and intolerance, hate crimes and hate speech, namely at the level of training, we highlight the following:

- Holding of the 4th and 5th Criminal Prevention and Community Policing Course, where Human Rights, equality and non-discrimination, and prevention of discriminatory practices were addressed;
- Signing of a cooperation protocol between the GNR and the High Commission for Migrations (ACM), with a view to regulating the forms of direct and reciprocal cooperation in the scope of the implementation and development of the Program to Support the Integration and Promotion of Cultural Diversity (PADC). The PADC

has as its central objective the promotion of human rights, the prevention of discriminatory situations and the protection of migrants and their descendants, refugees and applicants for international protection and Roma communities, thus contributing to guarantee decent living conditions and feelings of security, while seeking to involve the whole community in the construction of a truly inclusive society.

- Zero Discrimination Day 2021 Campaign - On 1 March, the GNR marked the International Day for Zero Discrimination with the aim of raising awareness on the different forms of discrimination and inequalities, whether through gender, age, sexual orientation, disability, race, ethnicity, health, religion, nationality, economic situation or social strata, as a way of preventing discriminatory behavior.
- Back to School Operation - To mark the back to school period, the GNR carried out a series of awareness-raising actions aimed at the various participants in the school environment, from teachers, students and guardians, in all schools in its area of responsibility, with the purpose of providing safety advice, namely those related to discriminatory practices.
- Holding an inaugural digital event commemorating the International and National Day for the Elimination of Racial Discrimination. On 21 March 2021, the "International and National Day for the Elimination of Racial Discrimination" was celebrated; an event that, over the years, has become an important date in the community calendar and is currently celebrated throughout the country. In view of the current pandemic situation, there has been an increase in the use of technologies in the school environment to allow the continuity of teaching. These circumstances constitute an opportunity for the emergence of positive dynamics between the GNR and school establishments, focused on children, young persons and parents. Following the protocol signed between the GNR and the High Commission for Migrations, resources (dynamic digital content and human resources) were made available to raise awareness among the school community, in particular, between 22 and 26 March, on Racial Discrimination. In this context, GNR invited all School Directors, Class Heads and all Teachers to join the inaugural digital event commemorating the International and National Day for the Elimination of Racial Discrimination, to attend the presentation of the Resources for the awareness-raising action "teaching our children and youth", which will take place on the Windows Teams platform, from 14:30 to 15:30, on 19 March 2021 (Friday).

- In two sessions (February and March) of 2021, the GNR held a conference on "Human Rights, Racism, Racial Discrimination, Xenophobia and Related Intolerance", where elements of the Criminal Investigation structure and elements of the Criminal Prevention and Community Policing Sections invited speakers, entities and organisms that, due to their monitoring, experience, study and performance, are recognized as experts in the areas of human rights, racism, racial discrimination, xenophobia and related intolerance. These include High Commission for Migration, Commission for Equality and Against Racial Discrimination; Migrant Victim Support and Discrimination Unit; Inspectorate General of the Internal Administration and experts of recognized social standing.

The GNR, considering that its area of responsibility covers 94% of the national territory, seeks to adapt its strategies according to the typology of the urban or rural environment. Since the GNR is responsible for ensuring the security of 40% of Portuguese cities, there is a need to adapt the strategies according to the specific challenges of each area, such as remoteness, the newcomers in the population, the potential lack of basic services and infrastructures, seeking to involve citizens and entities in the search for inclusion and diversity solutions.

Without prejudice to the various policing models, in addition to the various patrolling actions, the GNR has been developing actions aimed at the prevention of racial discrimination.

In this scope, the GNR Special Programs that have been set up under the scope of Criminal Prevention and Community Policing or the Project "Investigation and Support to Specific Victims" (IAVE), are the ones that are more oriented to the problem of promoting the rights of the victims of racial discrimination. Through the Special Proximity Policing Programs, the GNR has developed several awareness-raising actions among the population, especially the most vulnerable, in order to promote proximity and trust between citizens and the GNR. Through its social networks, the GNR has sought to strengthen proximity with citizens and increase the reporting of situations of racism. It is also worth highlighting the various operations with national coverage, developed throughout the year, through the development of awareness-raising actions, with the aim of making the general population aware of racial discrimination and for the construction of a more just and egalitarian world. The military personnel of the Criminal Prevention and Community Policing Sections and the Investigation and Support Nuclei for Specific Victims have specific initial training in order

to carry out the assigned missions. Every year there have been training courses for trainers, who replicate the training to the internal public.

In order to develop a culture of proximity, to improve the situation of under-reporting, the GNR has invested in proximity policing and in the development of awareness-raising campaigns aimed at students, teachers, parents and citizens in general, with the purpose of alerting to fundamental aspects of security, where racial discrimination behavior is highlighted in order to promote awareness of safe behavior and trust in the security forces.

3. Public Security Police (PSP)

The POLICIA DE SEGURANÇA PÚBLICA (PSP) is quite committed to some of the following measures:

- a) Encourage police officers in whose areas of responsibility there are communities of people of African descent, to seek to establish local partnerships.

In the last decade PSP has promoted an ever-greater proximity to minority communities, currently having active relationships with more than 300 cultural associations, dozens of which are Afro-descendant communities. These protocols were, in the last years, complemented by 49 Local Security Contracts across the country, focusing on very specific neighborhood realities. They are also complemented by the national structure of the Social Network, implemented since 2000, which operates at the level of Parish or Municipality, with special focus on areas of greater vulnerability, where some of these communities are located.

- b) Increase awareness actions, including those of the “Citizenship” module under the Safe School Special Program and those of the “Intercultural Dialogue” module to be developed by the Victims' Proximity and Support Teams

PSP, annually and within the scope of the Safe School Program, carries out an average of 11.000 awareness-raising actions, covering between 350.000 and 400.000 students, 24.000 teachers and educational assistants and 15.000 parents. Specifically, on Human Rights, the PSP promotes an average of 5.000 awareness-raising actions on topics such as "Use of the Internet", "Bullying", "Child Safety", "Domestic Violence and in Dating", "Citizenship", "Gender Equality", “Juvenile delinquency” or “intercultural dialogue”.

In addition, between 11.000 and 12.000 individual crime prevention meetings are held, seeking to individually assist children or young persons in situations of vulnerability.

- c) Improve police training

Between 2017 and 2018, 1.003 PSP police officers were trained by the High Commission for Migrations, in a total of 7.021 hours of training, divided into 36 actions.

In order to improve police action in these communities PSP, in 2016 and together with the High Commission for Migrations, created the “Juntos por Todos” (Together for All) Program. This project aims to prevent conflicts in the most vulnerable multicultural communities, either through training actions for police officers, or through awareness-raising actions among young people in these communities. Since 2018, approximately 250 police officers were trained on policing diversity.

d) Sanction abuse of force

In Portugal, the use of force by the Police is regulated by Decree-Law No. 457/99, of November 5, 1999. However, on its own initiative, the PSP internally adopted a Permanent Execution Standard on the Limits to the Use of Coercive Means, dated June 1, 2004, much more detailed and restricted than the provisions of Decree-Law No. 457/99, of November 5, 1999. This Internal Regulation specifies which bodily areas may be intervened by the police, with what resources, and requires that, whenever this happens and, above all, when there is recourse to firearms, detailed information is prepared.

In addition to this Standard, all police officers are submitted, biannually, to a rigorous accreditation process for the use of firearms and the use of force, which includes written and practical tests on the application of these standards. In case of failure, the firearm is removed from the police, which implies suspension of operational functions and consequent penalty on salary.

Notwithstanding the entire training process, whenever the National Directorate of the PSP receives any kind of report against a police officer, a process is instituted.

Since 2012, the PSP has filed the following lawsuits for offenses to physical integrity:

- 2012: 99 investigation processes and 343 disciplinary processes, which resulted in the application of 23 penalties, with 13 remaining in the investigation phase;
- 2013: 112 investigation processes and 397 disciplinary processes, which resulted in the application of 15 penalties, 12 remaining in the investigation phase;
- 2014: 104 investigation processes and 354 disciplinary processes, which resulted in the application of 16 penalties, with 11 remaining in the investigation phase;
- 2015: 78 investigation processes and 260 disciplinary processes, which resulted in the application of 6 penalties, with 20 remaining in the investigation phase;

- 2016: 95 investigation processes and 309 disciplinary processes, which resulted in the application of 9 penalties, with 14 remaining in the investigation phase;
- 2017: 87 investigation processes and 254 disciplinary processes, which resulted in the application of 8 penalties, with 8 remaining in the investigation phase;
- 2018: 85 investigation processes and 199 disciplinary processes, which resulted in the application of 2 penalties, with 19 remaining in the investigation phase;
- 2019: 45 disciplinary proceedings, of which 17 are awaiting an internal decision and 18 awaiting a decision by the Court, with 3 remaining in the investigation phase.

4. Immigration and Border Service (SEF)

There is a crosscutting and integrated human rights culture in SEF, implemented by a consistent and long-term internal policy. Therefore, in the exercise of its duties, SEF must respect and protect human dignity.

The development and strengthening of measures in the context of prevention and combating discriminatory practices was intensified across essential and strategic areas within the SEF, showing concrete steps towards fulfilling its commitment to ensure the respect for the principle of non-discrimination.

Portugal has developed an approach centered on the most vulnerable people, regardless of their nationality or ancestry. This understanding, supported by both the Foreigners' Law and the Asylum Law, implies that SEF is governed by principles defined in the law, not making any distinction in its performance, due to the ancestry of its users.

Thus, we highlight some initiatives and actions undertaken or participated in by SEF, concerning issues of discrimination, in its widest sense:

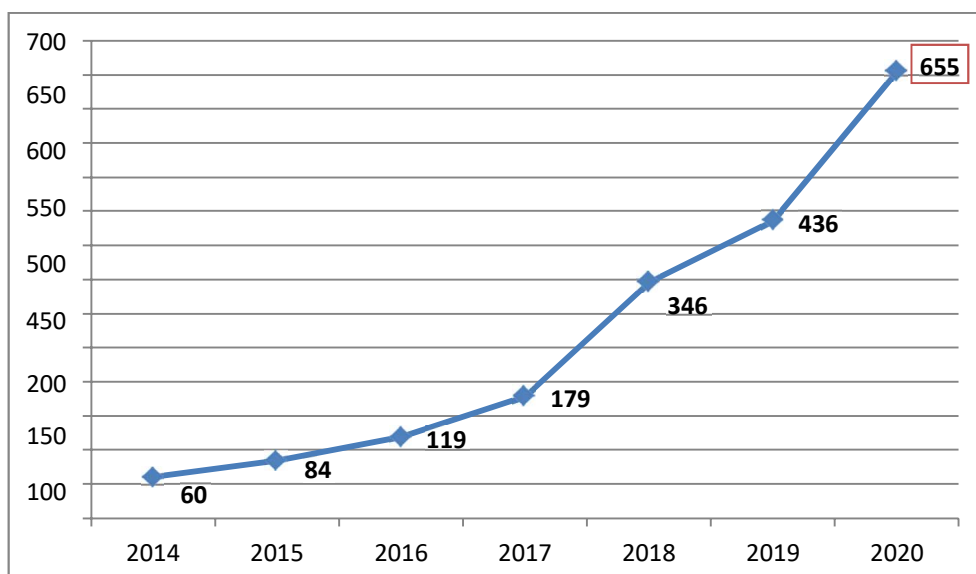
- SEF initial training programme was reinforced with an increase workload of the Fundamental Rights discipline, by focusing on discrimination, equality, diversity, integration and multiculturalism. It had also held a cycle of Conferences on “Human Rights, Migration and Equality” and different Sessions on Preventing Gender and Race Discrimination.
- With the aim of increasing the humanist approach of all SEF’s workers, a Specific Training Program in the context of human rights and prevention of manifestations of discrimination was integrated in the 2021 Annual Training Plan, which aims to cover all SEF’s employees.
- A collaborative process is under development between SEF and the Commission for Equality and Against Racial Discrimination, regarding training in the area of prevention of discriminatory practices.
- An internal, anonymous and confidential survey on discrimination was conducted with the purpose of raising awareness on issues of discrimination, improving SEF workers’ engagement with this issue, as well as promoting ideas to actively prevent and counter discrimination in all its forms and to foster equal treatment inside the organization.
- SEF determined the appointment of a Human Rights Provider (Ombudsman), who coordinates the implementation of measures that safeguard respect for the fundamental rights of citizens and monitors the performance of SEF’s professionals

in contact with the public within the framework of fundamental rights, following up any complaints and denunciations that may be reported in relation to this matter.

- The document ‘Good Practices in Social Networks’ was developed and published by SEF, approaching the general principles of conduct in this specific area and the danger of hate speech, intolerance, and fake news on social networks.
- It is also in force the Code of Conduct in Social Networks (from the perspective of the administrator), guiding the internal practice of SEF with regard to the content of their interactions on social networks. Under that Code, SEF has acted in accordance with the procedure of non-admission, and consequent removal, whenever messages or images are published by followers that appeal to hatred, violence, cruelty, racism, xenophobia, or any other type of discrimination or prejudice of any kind, or any kind of radicalism.
- SEF implemented safeguards in standard operating procedures, by ensuring that whenever a citizen (passengers, whether national citizens or foreigners) might feel unfairly treated, is established a strict complaint procedure, or when a citizen has refused entry in Portugal, is guaranteed that he will receive a form to be filled, where they may present a complaint over any violation of their rights (ill-treatment).
- SEF adopted the Code of Ethics that aims to promote the quality of SEF’s law enforcement action and to reinforce the reputation and dignity of its Officers, as well as to contribute to the setting up of objective and subjective conditions so that these officers secure the fulfilment of the exercising of rights, freedoms and guarantees by the citizens.
- SEF has an internal inspection body competent for the instruction and analysis of disciplinary proceedings.

ANNEX I – OVERALL STATISTICS

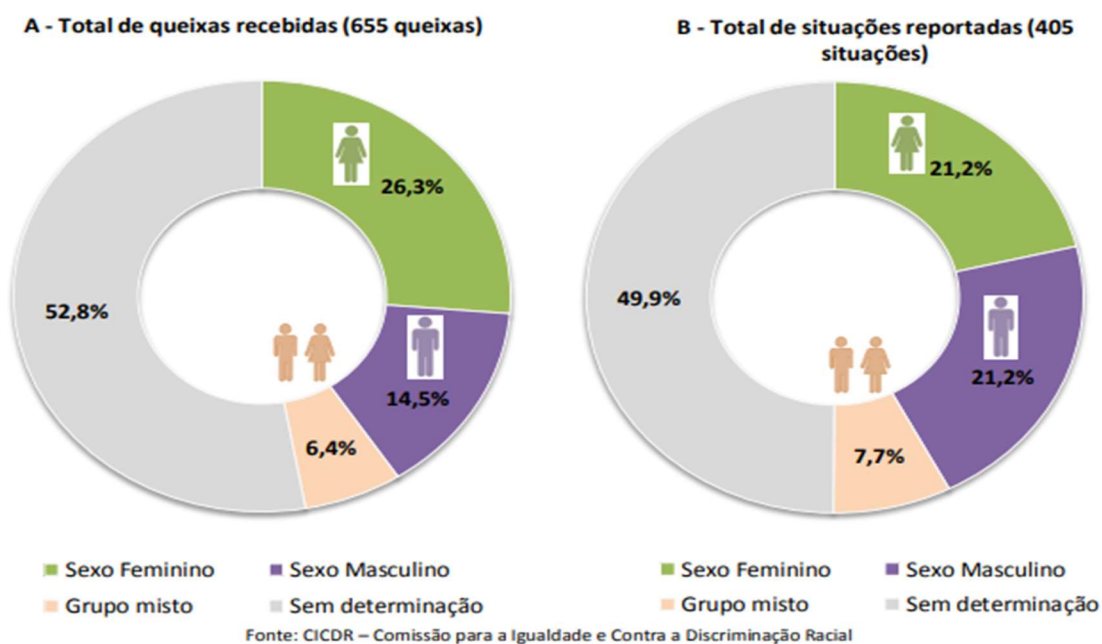
1. Evolution of Complaints Received (CICDR)



Source: CICDR 2020 Annual Report

2. Relationship between classification and gender of alleged victims of discrimination (%) –

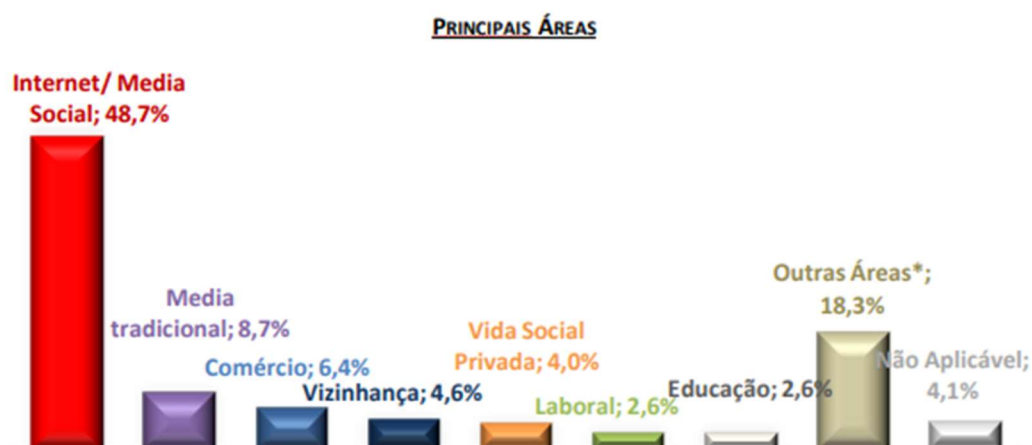
CICDR – 2020



Source: CICDR 2020 Annual Report

3. Distribution of alleged discriminatory practices, by area of discrimination/context (No./%) –

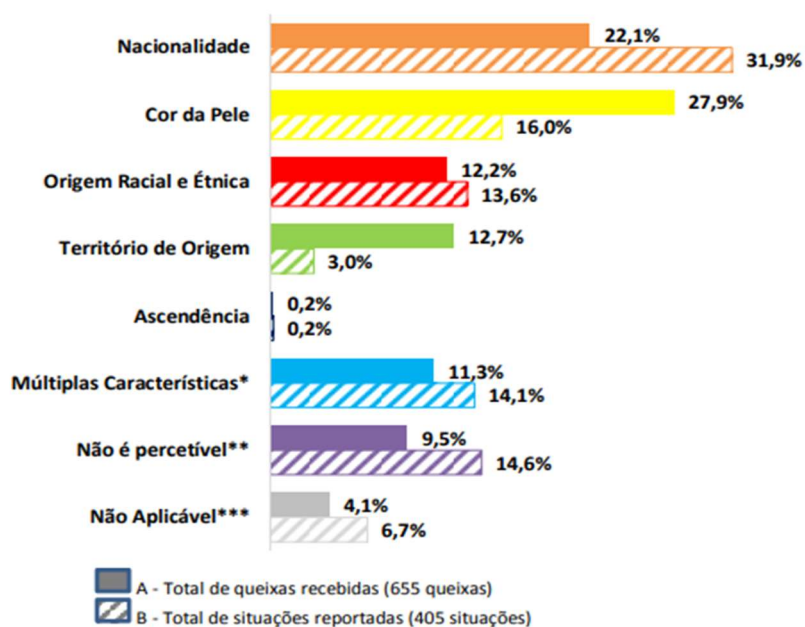
CICDR – 2020



Source: CICDR 2020 Annual Report

4. Distribution by factor of discrimination (%) - protected characteristic allegedly offended –

CICDR - 2020



Fonte: CICDR – Comissão para a Igualdade e Contra a Discriminação Racial

Notas:

* Múltiplas Características Protegidas: Combinação de duas ou mais características protegidas incluídas na Lei n.º 93/2017, de 23/08.

** Não é perceptível: Quando do teor da queixa não resulta claro qual a característica protegida alegadamente ofendida, apesar de se perceber que se encaixa na temática da discriminação racial ou étnica.

*** Não Aplicável: Queixas incorretas, que não têm por base as características protegidas incluídas na Lei n.º 93/2017, de 23/08.

5. Misdemeanor charges, by discriminatory practice described in Law No. 93/2017, of August 23

(N/%) - CICDR – 2020

PROCESSOS DE CONTRAORDENAÇÃO POR PRÁTICA DISCRIMINATÓRIA		N	%
Artigo 4.º, n.º 2, al. a)	<i>Recusa de fornecimento ou impedimento de fruição de bens ou serviços, colocados à disposição do público</i>	11	33,3%
Artigo 4.º, n.º 2, al. b)	<i>Impedimento ou limitação ao acesso e exercício normal de uma atividade económica</i>	0	0,0%
Artigo 4.º, n.º 2, al. c)	<i>Recusa ou condicionamento de venda, arrendamento ou subarrendamento de imóveis</i>	2	6,1%
Artigo 4.º, n.º 2, al. d)	<i>Recusa ou limitação de acesso a locais públicos ou abertos ao público</i>	7	21,2%
Artigo 4.º, n.º 2, al. e)	<i>Recusa ou limitação de acesso aos cuidados de saúde prestados em estabelecimentos de saúde públicos ou privados</i>	1	3,0%
Artigo 4.º, n.º 2, al. f)	<i>Recusa ou limitação de acesso a estabelecimento de educação ou ensino público ou privado</i>	0	0,0%
Artigo 4.º, n.º 2, al. g)	<i>Constituição de turmas ou a adoção de outras medidas de organização interna nos estabelecimentos de educação ou ensino, públicos ou privados, segundo critérios discriminatórios</i>	2	6,1%
Artigo 4.º, n.º 2, al. h)	<i>Recusa ou a limitação de acesso à fruição cultural</i>	1	3,0%
Artigo 4.º, n.º 2, al. i)	<i>Adoção de prática ou medida por parte de qualquer órgão, serviço, entidade, empresa ou trabalhador da administração direta ou indireta do Estado, das regiões autónomas ou das autarquias locais, que condicione ou limite a prática do exercício de qualquer direito</i>	0	0,0%
Artigo 4.º, n.º 2, al. j)	<i>Adoção de ato em que, publicamente ou com a intenção de ampla divulgação, seja emitida uma declaração ou transmitida uma informação em virtude da qual uma pessoa ou grupo de pessoas seja ameaçado, insultado ou aviltado em razão de qualquer um dos fatores indicados no artigo 1.º</i>	12	36,4%
Artigo 3.º, n.º 1, al. f)	<i>Assédio - sempre que ocorra um comportamento relacionado com os fatores indicados no artigo 1.º, com o objetivo ou o efeito de violar a dignidade de determinada pessoa ou grupo de pessoas e de criar um ambiente intimidativo, hostil, degradante, ou ofensivo, humilhante, desestabilizador.</i>	2	6,1%
TOTAL*		33	100%

Source: CICDR 2020 Annual Report

6. *Developments of complaints received by the CICDR (N/%) - 2020*

DESENVOLVIMENTOS DAS QUEIXAS RECEBIDAS PELA CICDR	Total de queixas recebidas		Total de situações reportadas	
	(N)	(%)	(N)	(%)
Conversão em Processo de Contraordenação (PCO)*	43	6,6%	33	8,1%
Aguardam esclarecimentos	57	8,7%	57	14,1%
Queixas Incompletas/Infundadas (Arquivadas)	81	12,4%	78	19,3%
Análise, preparação e Encaminhamento para outras entidades**	447	68,2%	210	51,9%
Queixas Incorretas***	27	4,1%	27	6,7%
TOTAL	655	100%	405	100%

Fonte: CICDR - Comissão para a Igualdade e Contra a Discriminação Racial

Notas:

* Inclui 43 queixas que deram origem a 33 PCOs.

** Outras Entidades: inclui MP, LIS, ERC, ACT, OA, APCVD, IGAI, Provedor de Justiça, BdP, DGC, IGDC, CCPJ, CNPD e CSM.

***Queixas Incorretas: abrange situações que não tinham por base características protegidas na Lei n.º 93/2017, de 23 de agosto

Source: CICDR 2020 Annual Report

REFERENCES

LEGAL INSTRUMENTS ADOPTED NATIONALLY AND INTERNATIONALLY:

Based on Article 8 of the Constitution of the Portuguese Republic, which brings into national legal system multiple international diplomas, the following are particularly noteworthy:

Decree of April 10, 1976 - approves the Constitution of the Portuguese Republic.

Law nr. 7/2009, February 12th - establishes the general legal framework for equal treatment in employment and professional activity.

Law nr. 39/2009, of July 30th, as amended by Law nr. 113/2019, of September 11th - provides the legal framework to combat racism, xenophobia and intolerance violence in sports events.

Decree-Law No. 31/2014, of February 27th - determines the organization of the High Commissioner for Migration (ACM,I.P.).

Law No. 93/2017, of August 23th - establishes the legal framework for preventing, prohibiting and combating discrimination based on racial and ethnic origin, color, nationality, ancestry and territory of origin.

Law No. 94/2017, of August 23th - changes the Penal Code, with the inclusion of ancestry as a factor in discrimination and the autonomization of incitement to violence or hatred against people or group of people.

Law No. 55/2020 of August 27th - defines the objectives, priorities and guidelines for criminal policy between 2020 and 2022 and establishes, as priority prevention, crimes motivated by racial discrimination.

Cabinet of Ministers Resolution no. 154/2018 - Approves the revision of the National Strategy for the Integration of Romani Communities, extending it until 2022.

Ministerial Order no. 309-A/2021, January 8th - Creates the Working Group for the Prevention and Combat of Racism and Discrimination.

Recommendation No. 5/2020, November 20th - Recommendation on "Citizenship and Anti-Racist Education".

Law No. 13/2019, February 12th - Adds article 1067-A to the Civil Code which provides for non-discrimination in access to housing rental, among others, on ethnic ancestry or origin, territory of origin and nationality.

SOURCES AND HYPERLINKS:

Annual Report (2020) of the Commission for Equality and Against Racial Discrimination (CICDR):

[522f2ed5-9ca6-468e-b05d-f71e8711eb12 \(cicdr.pt\)](https://www.cicdr.pt/522f2ed5-9ca6-468e-b05d-f71e8711eb12)

Cabinet of Ministers Resolution no. 101/2021 approving the National Plan to Combat Racism and Discrimination 2021-2025 - Portugal against racism:

[0002000072.pdf \(dre.pt\)](#)

Constitution of the Portuguese Republic, 1976:

http://app.parlamento.pt/site_antigo/livraria/vozes_constituuint

EU Action Plan against Racism 2020-2025:

[a union of equality eu action plan against racism 2020 -2025 pt.pdf \(europa.eu\)](#)

Justice Sector Statistics:

[DGPJ - SIEJ : Estatísticas da Justiça \(justica.gov.pt\)](#)

Law no. 93/2017, of August 23:

[0491104915.pdf \(dre.pt\)](#)

Law no. 113/2019, of September 11:

[0000600059.pdf \(dre.pt\)](#)

Law no. 55/2020, of August 27:

[0000200011.pdf \(dre.pt\)](#)