

# ECRI REPORT ON PORTUGAL

(sixth monitoring cycle)



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## FOREWORD

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The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI's country monitoring deals with all member States on an equal footing. The work takes place in 5-year cycles. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, those of the third round at the end of 2007, those of the fourth round in the beginning of 2014, and those of the fifth round at the end of 2019. Work on the sixth round reports started at the end of 2018.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI's reports are not the result of inquiries or testimonial evidence. They are analyses based on information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The sixth round country reports focus on three topics common to all member States: (1) Effective equality and access to rights, (2) Hate speech and hate-motivated violence, and (3) Integration and inclusion, as well as a number of topics specific to each one of them.

In the framework of the sixth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

**The following report was drawn up by ECRI under its own responsibility. Unless otherwise indicated, it covers the situation up to 18 November 2024; as a rule, developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.**

## SUMMARY

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**Since the adoption of ECRI's fifth report on Portugal on 19 June 2018, progress has been made and good practices have been developed in a number of fields.**

In January 2024, a new Commission for Equality and against Racial Discrimination (CICDR) was prescribed by law as an independent body to be financed by and to function under the Parliament.

New legislation was adopted in 2018 that sets out the principles and norms on inclusive education and a 'Citizenship and Development' curricular component was introduced. Portugal has also adopted a specific decree setting out measures that schools must take to protect the rights of LGBTI students.

Significant progress was achieved in the area of LGBTI equality. At the legislative level, Law no. 38/2018 established the right to self-determination of gender identity and gender expression, and the right to the protection of a person's sex characteristics. Law no. 85/2021 prohibited discrimination based on gender identity or sexual orientation in eligibility to donate blood. In 2024, so-called "conversion therapies" were also criminalised. At the policy level, a dedicated action plan on LGBTI equality was adopted.

In 2021, Portugal approved its first-ever National Plan to Combat Racism and Discrimination (PNCRD), which includes actions to better tackle hate speech and hate crime. The Criminal Code was amended in 2024 and reinforced the crime of incitement to discrimination, hatred, and violence.

The authorities have issued guidance on supporting the inclusion of migrant students in schools.

Initiatives such as the ROMA Educa Programme have contributed to improving school attendance and the academic performance of Roma students. Roma mediators working in the area of health and education have had a positive impact on the inclusion of Roma families.

As regards racism in policing, the authorities adopted the Plan for the Prevention of Manifestations of Discrimination in the Security Forces and Services.

**ECRI welcomes these positive developments in Portugal. However, despite the progress achieved, some issues give rise to concern.**

The protected grounds falling within the mandate of the new CICDR do not include sexual orientation, gender identity, sex characteristics or religion. There is also insufficient public awareness about the mandate of the CICDR.

There are reported discrepancies and gaps in what is covered by schools as part of their inclusive education efforts. Bullying incidents in schools are also of concern and seem to affect particularly migrant, Black, Roma, and LGBTI students. Little action has been taken to adapt school curricula and textbooks, as well as teaching practice, in order to adequately address colonialism and slavery, and their connection to today's deep-rooted and multiple forms of racism against Black people in Portugal.

There has been a sharp rise in hate speech, predominantly targeting migrants, Roma, LGBTI and Black people. Online hate speech and the divisive and inflammatory discourse used by far-right politicians are also of serious concern. There are cases of racist hate-motivated violence, which have at times involved neo-Nazi groups. Significant gaps continue to exist in the legal framework, which does not comprehensively address hate crimes. Police officers do not always record hate elements when receiving reports or complaints about hate incidents.

Only a few cases that are reported to police forces proceed to the judicial phase and even fewer lead to court decisions. This contributes to a sentiment of impunity that may hinder public trust in the criminal justice system.

Portugal lacks a specific action plan on the integration and inclusion of migrants. There is an alarming incidence of homelessness among migrants, who also face xenophobia in the housing sector.

Roma people, the vast majority of whom are Portuguese citizens, remain one of the most marginalised groups in the country. Political commitment at local and national levels has been insufficient. Many of the good practices taken to improve Roma education are project-based and have limited funding or reduced national coverage. No significant progress has been achieved to improve the housing conditions of Roma, some of whom live in appalling conditions.

There continues to be reports about cases of racist abuse, including racial profiling, by police officers.

**In this report, ECRI requests that the authorities take action in a number of areas and makes a series of recommendations, including the following.**

The authorities should bring the competences and effectiveness of the new CICDR in line with ECRI's General Policy Recommendation No. 2 on equality bodies to combat racism and intolerance at national level, including by providing it with adequate financial and staffing resources.

The authorities should ensure that human rights education is an integral part of the school curriculum and reinforce their activities to prevent, identify and tackle racist and LGBTI-phobic bullying and discrimination in schools.

When preparing a new action plan against racism and intolerance, the authorities should devise robust measures aimed at tackling racist and anti-LGBTI hate speech and hate crime, in consultation with a wide range of relevant civil society organisations.

The authorities should develop and adopt, as a matter of priority, adequate tools, including protocols and standard operating procedures, with the aim of assisting law enforcement agencies in effectively and consistently processing hate incidents and hate crimes. The adoption of such protocols and procedures

should be combined with the development of related training programmes for all relevant law enforcement officials and other criminal justice professionals. In this context, due account should be taken of the Recommendation CM/Rec(2024)4 of the Committee of Ministers of the Council of Europe on combating hate crime.\*

The authorities should adopt a national programme of actions on the integration and inclusion of migrants, with the involvement of the new CICDR and relevant civil society organisations in its development, implementation and evaluation. They should also develop national policies on housing that respond to the specific challenges and needs of migrants.

As regards Roma inclusion, the authorities should take, as a matter of priority, prompt and resolute action to ensure decent and safe housing conditions for Roma people living in substandard settlements, including shanty towns, all while seeking long-term housing solutions for them, in close consultation with the Roma communities concerned.\*

The authorities should take action to improve relations between the police and groups of concern to ECRI, including migrants, Black, LGBTI and Roma people, by commissioning an independent study on the prevalence of racist and discriminatory police misconduct and by establishing a permanent framework for dialogue and co-operation between law enforcement agencies and the communities concerned.

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\* The recommendation in this paragraph will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

## FINDINGS AND RECOMMENDATIONS

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### I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS

#### A. Equality bodies<sup>1</sup>

1. In its fifth report on Portugal (§§ 22-23), ECRI recommended that the Portuguese authorities make the Commission for Equality and against Racial Discrimination (CICDR) entirely independent, in line with ECRI's revised General Policy Recommendation (GPR) No. 2 on equality bodies to combat racism and intolerance at national level. On 15 January 2024, a new CICDR was prescribed by Law no. 3/2024 as an independent body to be financed by and to function under the Portuguese Parliament. The President of the CICDR is now elected by Parliament, and migrant, anti-racist, Roma and other relevant associations are to designate members to the Commission.<sup>2</sup>
2. The mandate of the CICDR largely reflects that of the previous institution, being tasked with preventing and combating discrimination based on racial and ethnic origin, colour, nationality, language, descent, and territory of origin. The CICDR can receive complaints and initiate administrative proceedings, decide on sanctions and fees, make cases of discrimination public, propose legislative or policy measures, provide information to victims, request information from public authorities, and carry out studies and research. The CICDR also has a new mediation function, if requested by both parties in a proceeding. ECRI welcomes the creation of an independent CICDR and encourages the authorities to raise awareness about the mandate of the CICDR, including its competence to receive and handle discrimination complaints, particularly among groups of concern to ECRI.<sup>3</sup>
3. ECRI nevertheless considers that there are still gaps that need to be addressed. First, the protected grounds falling within the CICDR's mandate do not include religion, nor does it comprise sexual orientation, gender identity and sex characteristics (see, in this connection, remarks on the Commission for Citizenship and Gender Equality below). Second, the function to promote education, training, and awareness-raising on preventing and combating discrimination is no longer explicit in the new legislation.<sup>4</sup> Lastly, the mandate of the CICDR in the area of legal support and litigation remains limited to the provision of information, and does not include legal representation, intervention as *amicus curiae*, or monitoring the execution of relevant court decisions.
4. ECRI recommends that further steps be taken to bring the competences and effectiveness of the new Commission for Equality and Against Racial Discrimination (CICDR) in line with ECRI's General Policy Recommendation No. 2 (revised) on equality bodies to combat racism and intolerance at national level, including by providing it with adequate financial and staffing resources to carry out its mandate effectively.
5. ECRI regrets to note that, following the dissolution of the High Commission for Migration (HCM) in October 2023,<sup>5</sup> under which the former CICDR operated, no transitional measures were put in place. Civil society organisations reported a complete lack of information regarding follow-up given to new and pending

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<sup>1</sup> The term "national specialised bodies" was updated to "equality bodies" in the revised version of GPR No. 2, which was published on 27 February 2018.

<sup>2</sup> Article 3(2) of [Law no. 3/2024](#).

<sup>3</sup> In this context, see the recommendation of the UN Committee on the Elimination of Racial Discrimination (UN CERD) on the need for Portugal to raise awareness about the mandate of the previous CICDR. UN CERD (2023): §§ 12(b) and 18(a).

<sup>4</sup> cf. Article 8(n) of [Law no. 93/2017](#), which explicitly mandated the previous CICDR with such functions.

<sup>5</sup> Article 1 of [Decree-Law no. 41/2023](#).



complaints during this period.<sup>6</sup> ECRI invites the authorities to ensure in future that transitional measures are promptly adopted to allow the proper handling of complaints of discrimination during any transitional period and make information about follow-up given to complaints during any such period widely available.

6. While it is not an equality body and cannot be considered an independent public institution,<sup>7</sup> ECRI takes positive note of the work done by the Commission for Citizenship and Gender Equality (CIG) in the field of equality and non-discrimination, particularly regarding LGBTI equality. In addition to carrying out awareness-raising activities and facilitating the implementation of policies in this area, the CIG can also receive individual complaints on the grounds of sexual orientation, gender identity, gender expression, and sex characteristics.<sup>8</sup>
7. The Portuguese Ombudsman, while not an equality body, is an independent institution, entrenched in the Portuguese Constitution, which receives complaints against actions or omissions by public authorities. In recent years, only a small fraction of the complaints concerned issues of discrimination. ECRI was informed that an increasing number of recent complaints relate to delays by the authorities in processing migrants' requests for residence permits and family reunification.<sup>9</sup>
8. In light of the coexistence of several bodies with a relevant mandate in the field of equality in Portugal, ECRI invites the authorities to encourage cooperation and complementarity among them.

#### **B. Inclusive education<sup>10</sup>**

9. At legislative level, Decree-Law no. 54/2018 establishes the principles and norms that govern inclusive education in Portugal, aiming at responding to the different needs and potential of each student. It emphasises the responsibility of schools to identify barriers to individual students' learning and to develop strategies to overcome them.<sup>11</sup> Moreover, the Law on the "Student Statute and School Ethics" provides that students have the right and duty to actively know and respect the fundamental values and principles enshrined in the Constitution, the Universal Declaration of Human Rights, the European Convention on Human Rights, and other relevant standards.<sup>12</sup> It also protects students against discrimination on several grounds, including ethnic origin, sexual orientation, gender identity, religious beliefs, and economic or social status.
10. Furthermore, ECRI welcomes the adoption of Decree no. 7247/2019, which sets out measures that schools must take to guarantee students' right to the self-determination of their gender identity and gender expression, as well as the right to the protection of their sex characteristics. These measures include the prevention and promotion of non-discrimination in schools, the detection of and intervention mechanisms in at-risk situations, and relevant training for teachers and other educational professionals.<sup>13</sup>

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<sup>6</sup> Público (2024, 4 May, a).

<sup>7</sup> CIG is a service of direct administration of the Portuguese State that currently operates under the Ministry for Youth and Modernization. Its present structure was established by [Regulatory Decree No. 1/2012](#) of 6 January 2012.

<sup>8</sup> The CIG has received 28 such complaints in 2023 and 46 in 2022.

<sup>9</sup> The Portuguese Ombudsman informed ECRI that, from October 2023 to June 2024, it received approximately 2 000 complaints from migrants related to alleged maladministration by migration authorities.

<sup>10</sup> This part of the report deals with policies aimed at combating exclusion and marginalisation through inclusive education and fostering a society that is respectful of diversity and tolerant (sections II and III of ECRI's General Policy Recommendation (GPR) No. 10 on combating racism and racial discrimination in and through school education). As regards specific measures concerning the education of migrant and Roma children, reference is made to Chapter III of this report.

<sup>11</sup> See [Decree-Law no. 54/2018](#), which establishes the legal framework for inclusive education, as well as [Decree-Law no. 55/2018](#), which sets out the curriculum of primary and secondary education and the guiding principles for the assessment of learning.

<sup>12</sup> Article 6 of [Law no. 51/2012](#).

<sup>13</sup> Articles 3-6 of [Decree no. 7247/2019](#).



11. Since 2018, Portugal has introduced the “Citizenship and Development” curricular component, which includes aspects related to human rights, from pre-school to upper secondary education, on the basis of the National Strategy for Citizenship Education (ENEC).<sup>14</sup> In pre-school and lower primary education, relevant topics are integrated horizontally in the curriculum, while in upper primary and lower secondary education “Citizenship” is taught as a separate subject.
12. ECRI welcomes the development of the relevant legal framework, as well as the introduction of the “Citizenship and Development” component, which can provide a pathway for stronger inclusive education in Portugal. However, ECRI notes that schools have broad discretion to allocate the timing for the teaching of the “Citizenship” subject over the year, and that the specific topics to be covered are defined by teachers and schools, with reference to the general curricular matrices. The ECRI delegation heard from several interlocutors during its 2024 visit to Portugal that there were important discrepancies and gaps in what is covered by schools in practice. In particular, ECRI is concerned that not all schools in Portugal address the need to combat racism and intolerance, for example against LGBTI and Black people.<sup>15</sup>
13. ECRI recommends that the authorities ensure that human rights education is an integral part of the school curriculum, and that it comprises mandatory topics to be covered by all schools, such as combating racism and intolerance, including against Black, Roma, and LGBTI people.
14. Initial and ongoing training for teaching staff and other educational professionals is essential to foster their awareness of issues of racism and intolerance, as well as to prepare them to work in a multicultural environment.<sup>16</sup> According to some of ECRI’s interlocutors met during the visit, teachers in Portugal are not provided with sufficient and relevant training on matters falling within ECRI’s mandate. ECRI strongly encourages the authorities to provide compulsory initial and ongoing training to teaching staff, in particular to those teaching the “Citizenship” curricula, on issues related to equality and non-discrimination, in close consultation with relevant civil society organisations.
15. ECRI takes positive note of the creation of the Network of Schools for Intercultural Education, which facilitates the sharing of practices among schools and between them and other entities.<sup>17</sup> Some activities implemented by civil society organisations in schools can also be considered as **good practices**, such as the Project on LGBTI Education by the NGO *Rede Ex Aequo*, and the training sessions on anti-racist education provided by *Grupo EducAR*.<sup>18</sup> ECRI encourages the authorities to strengthen their support to civil society organisations implementing such activities.
16. ECRI learned that bullying incidents in Portuguese schools are also on the rise and seem to affect particularly migrant, Black, Roma, and LGBTI students.<sup>19</sup> For example, 71% of respondents to a survey by the European Union Fundamental Rights Agency (EU FRA) said they were ridiculed, teased, insulted, or threatened

<sup>14</sup> Portugal, General Directorate of Education (2017).

<sup>15</sup> In this report, ECRI uses the term ‘Black people’ to refer to people in Portugal who identify as Black or as a person of African descent, regardless of their citizenship. ECRI refers to the first official statistics on the ethnic-racial origin of residents in Portugal, which indicates that more than half a million people in Portugal identify as non-white, with 169 200 people identifying as ‘Black’. See: National Institute for Statistics (2023).

<sup>16</sup> ECRI, [General Policy Recommendation No.10](#) on combating racism and racial discrimination in and through school education.

<sup>17</sup> The Network of Schools for Intercultural Education is a joint initiative of the former HCM, the Directorate-General for Education (DGE) and the Aga Khan Portugal Foundation (AKF). It currently comprises 67 schools and is planned to run until 2027.

<sup>18</sup> Rede Ex Aequo, [Projecto Educação LGBTI](#), supported by the Portuguese Institute of Sport and Youth (IPDJ), CIG and Portugal 2020; Grupo EducAR, [Plataforma de Educadores Antirracistas](#).

<sup>19</sup> See, for example: Público (2024, 25 May).

for being LGBTIQ.<sup>20</sup> Migrant associations have also raised concerns about increased bullying and violence targeting migrant pupils.<sup>21</sup>

17. ECRI takes positive note of the initiatives taken by the authorities to address racism in schools, such as the publication of the “Guide on Preventing and Combating Racial Discrimination in Schools”, which aims to support schools in defining strategies and identifying practices for preventing and combating racial discrimination.<sup>22</sup> Moreover, the “Guide on the Right to be Oneself in Schools” provides guidance on preventing and combating discrimination and violence against LGBTI students in the school setting.<sup>23</sup> Such guides can be considered a **promising practice**. ECRI encourages the authorities to improve the awareness of these guides among teaching staff, students, their families, and the broader educational community.
18. ECRI welcomes the actions carried out under the plan to prevent and combat violence and bullying in schools (“School without Bullying, School without Violence”).<sup>24</sup> Furthermore, ECRI notes that the Directorate-General for School Establishments has a platform for schools to report incidents (School Security Information System). However, this platform does not allow for the recording and extraction of disaggregated data on occurrences motivated by specific grounds, such as racist and LGBTI-phobic bullying. As a result, the authorities lack a comprehensive understanding of the specific nature and motivations behind bullying and violent incidents in schools.
19. ECRI recommends that the authorities reinforce their activities to prevent, identify and tackle racist and LGBTI-phobic bullying and discrimination in schools by: (i) training teachers and other educational professionals on this issue, including on specificities related to specific groups of concern to ECRI; (ii) reviewing and improving the current system to monitor incidents at school in order to facilitate the recording of all incidents of bullying and violence, which should be disaggregated by bias motivation, age, and gender; (iii) devising short- and long-term policies aimed at preventing bullying affecting students most at risk, including Black, Roma, LGBTI, and migrant students.
20. In its fifth report (§§ 36-37), ECRI recommended that the authorities develop history teaching in such a way as to encompass the role played by Portugal in the development and abolition of slavery, and the discrimination and violence committed against indigenous peoples in the former colonies. Since then, similar recommendations were issued by the United Nations Committee on the Elimination of Racial Discrimination (UN CERD) and the UN Working Group of Experts on People of African Descent (WGEPAD).<sup>25</sup> Regrettably, ECRI notes that little action has been taken to address these concerns. According to civil society organisations, some school curricula and textbooks, as well as teaching practice, continue to fail to address colonialism and slavery and the violence associated with it, the role played by Portugal, the role enslaved and colonised people have played in their liberation struggle, and how the legacy and negative impact of colonialism and slavery manifests today in deep-rooted racism against Black people in Portugal.<sup>26</sup>

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<sup>20</sup> EU FRA (2024, 20 June); EU FRA (2024, 14 May).

<sup>21</sup> See, for example: Público, (2024, 14 May).

<sup>22</sup> Portugal, HCM and CIG (2022). In this connection, ECRI was informed that a working group was set up by Order no. 11152/2024 of 23 September 2024 with a view to developing strategies to prevent and combat bullying in schools.

<sup>23</sup> Portugal, CIG and DGE (2023).

<sup>24</sup> Portugal, DGE (2019).

<sup>25</sup> UN CERD (2023); UN WGEPAD (2022).

<sup>26</sup> ECRI, [Statement on racism in policing, including racial profiling, and systemic racism](#), adopted by ECRI at its 82nd plenary meeting (30 June – 2 July 2020). See also ECRI, [Annual Report 2020](#), §§ 22-26.

21. ECRI strongly recommends that the authorities take action to assess and revise textbooks and educational materials as well as to train teachers to provide an accurate and non-biased teaching of history that includes the role played by Portugal in the development and abolition of slavery, the negative impact of colonialism, and their connection to today's deep-rooted and multiple forms of racism against Black people in Portugal, in order to fully deal with these issues in schools. If necessary, Council of Europe support should be sought.
22. ECRI is concerned that the representation of Roma and Black people is largely absent from the school curricula, despite some ad hoc initiatives by schools and teachers.<sup>27</sup> In this connection, it invites the authorities to encourage the development of a positive representation of Roma and Black people, as well as their history and culture, in education and the recruitment and retention of a more diverse composition of teachers and other educational professionals, including from the Roma and Black communities in Portugal.

### **C. Irregularly present migrants**

23. Despite the lack of official data on the number of migrants who are irregularly present in Portugal, ECRI has learned that hundreds of thousands of migrants have their regularisation currently pending before the new Agency for Integration, Migration and Asylum (AIMA).<sup>28</sup> Representatives of migrant associations have indicated to the ECRI delegation during the 2024 visit that inefficiencies and backlogs in handling regularisation requests have put the migrants concerned in a situation of greater vulnerability, leading to abuse in various aspects of life, such as employment, housing, and access to justice.<sup>29</sup> Against this background, ECRI encourages the authorities to strengthen their efforts to process pending regularisation cases.
24. ECRI is pleased to note that all migrant children, regardless of their or their family's situation, have access to education in Portugal. If the child has already attended school in their country of origin, there is a specific legal framework and process for obtaining equivalences. AIMA is the body responsible for the registration of migrant children in an irregular situation, which is intended exclusively to ensure their access to health care, pre-school, and school education. ECRI is pleased to note that under no circumstances may the elements contained in the registry serve as a basis or means of evidence for any administrative or judicial procedure against the children concerned or those who exercise parental responsibilities over them.<sup>30</sup>
25. As regards access to healthcare, irregularly present migrants are legally entitled to be beneficiaries of the National Health Service, provided that they are registered in the relevant system or can present a document from the city hall certifying that they have been residing in Portugal for more than 90 days. While migrants in a regular situation can have their health costs covered on a par with Portuguese citizens, irregular migrants are required to pay the totality of the costs of health services, except for cases of urgent care, risks to public health, maternal and child health, reproductive care, vaccination, and for those in a situation of social exclusion or serious economic hardship proven by the Social Security Services. Migrant children in an irregular situation are provided the same rights as those in a regular situation, including in relation to healthcare costs, as long as they are registered in the relevant system.<sup>31</sup>

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<sup>27</sup> Público (2024, 5 July).

<sup>28</sup> In June 2024, the President of AIMA informed that the Agency has over 400 000 pending cases, most of which concern requests for regularisation. See: Schengen News (2024, 26 June).

<sup>29</sup> Público (2024, 28 April).

<sup>30</sup> Article 2 of the [Decree-Law no. 67/2004](#).

<sup>31</sup> Base 21 of [Law no. 95/2019](#) and Article 2 of [Decree-Law no. 52/2022](#). See also: Portugal, Health Regulatory Authority (2023); Portugal, General Directorate of Health (2009).

26. The ECRI delegation heard from several interlocutors during its 2024 visit to Portugal that irregularly present migrants faced obstacles when accessing healthcare in practice, for example due to difficulties in obtaining the necessary documents from the city hall or when trying to register in the health system. Moreover, staff in health facilities are often unaware of the applicable regulations and wrongly deny access to services for irregularly present migrants. Cases of xenophobia in the health sector have also been reported.<sup>32</sup> Therefore, ECRI encourages the relevant authorities to improve awareness among relevant staff in healthcare facilities about the rights of irregularly present migrants, to remove any undue bureaucratic barriers preventing their effective access to emergency medical treatment and other forms of necessary health care, and to carry out regular assessments in order to identify, address, and prevent any xenophobic attitudes and behaviours in healthcare facilities.
27. ECRI notes that migrants who are irregularly present in Portugal are reportedly particularly vulnerable to labour exploitation, including exploitative labour conditions and inadequate living conditions. In this context, it refers to the findings and recommendations of the Group of Experts on Action against Trafficking in Human Beings (GRETA), as well as to the recommendation made by UN CERD, which called on Portugal to improve the situation of migrant workers, in particular those in an irregular situation.<sup>33</sup>

#### **D. LGBTI equality<sup>34</sup>**

28. In its fifth report (§§ 97-107), ECRI recommended that Portugal strengthen its legislation and policies to combat discrimination and intolerance vis-à-vis LGBTI persons. ECRI is very pleased to note that substantial progress has been made towards LGBTI equality since then. For example, at legislative level, Law no. 38/2018 established the right to self-determination of gender identity and gender expression, and the right to the protection of each person's sex characteristics. Law no. 85/2021 prohibits discrimination based on gender identity or sexual orientation in eligibility to donate blood. In January 2024, Portugal criminalised so-called "conversion practices".<sup>35</sup> As part of its National Strategy for Equality and Non-Discrimination (2018-2030), Portugal also has a dedicated Action Plan to combat discrimination based on sexual orientation, gender identity and expression, and sex characteristics.<sup>36</sup>
29. Despite substantial progress in recent years and an overall protective legal framework on LGBTI equality, LGBTI people in Portugal continue to face discrimination. According to an EU FRA survey, 38% of respondents in Portugal felt discriminated against due to being LGBTIQ in the 12 months prior to the survey.<sup>37</sup> This number increases to 77% and 52% when considering discrimination against transgender women and transgender men, respectively. ILGA-Portugal registered 118 incidents of discrimination against LGBTI people in 2022, most of which consisted of insults or threats.<sup>38</sup> In 2022, the CIG published a study on LGBTI equality in Portugal and identified specific needs in the areas of healthcare,

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<sup>32</sup> Casa do Brasil (2022); Jornal de Notícias (2023, 11 July); O Globo (2023, 17 August).

<sup>33</sup> The Guardian (2022, 30 January); Público (2021, 17 May); Expresso (2023, 8 December). See also: UN CERD (2023) and GRETA (2022).

<sup>34</sup> For terminology, see ECRI's [glossary](#).

<sup>35</sup> [Law no. 38/2018](#) on the right to self-determination of gender identity and gender expression, and to the protection of each person's sex characteristics; [Law no. 85/2021](#) on the prohibition of discrimination based on gender identity and sexual orientation in blood donation eligibility; [Law no. 15/2024](#) prohibiting so-called "conversion therapies".

<sup>36</sup> The Presidency of the Council of Ministers adopted the National Strategy for Equality and Non-Discrimination (2018-2030) through [Resolution no. 61/2018](#) and later approved the related Action Plans through [Resolution no. 92/2023](#).

<sup>37</sup> EU FRA (2024, 20 June).

<sup>38</sup> ILGA Portugal (2023, 10 October).

education, employment, housing, and social protection.<sup>39</sup> ECRI encourages the authorities to continue to monitor and evaluate the implementation of the relevant Action Plan on LGBTI equality, and to carry out activities aimed at filling gaps between legislation and practice, in consultation with LGBTI communities and relevant civil society organisations.

30. ECRI commends the authorities on the adoption of the Health Strategy for LGBTI Persons in 2019.<sup>40</sup> Among others, the Health Strategy aims to improve the provision of healthcare to transgender and intersex persons, harmonise procedures based on international standards, and provide a training plan to ensure that each institution has professionals acting as focal points (to peers and to patients) on issues related to gender identity and sex characteristics. A Steering Group on the Implementation of the Health Strategy was set up, which includes representatives from LGBTI organisations and different ministries. ECRI considers the Health Strategy and the functioning of its Steering Group as **good practices**.
31. Transgender people, particularly transgender women, continue to be exposed to discrimination, harassment, and obstacles to the enjoyment of their rights in practice, despite strong legal safeguards in Portugal. During the 2024 visit to Portugal, the ECRI delegation also heard concerns about the situation of LGBTI migrant transgender women who were irregularly present in the country or in the process of regularising their stay as regards access to healthcare, including gender-affirming healthcare.<sup>41</sup>
32. Another concern of ECRI is the situation of transgender children in schools. Despite Law no. 38/2018 providing that Portugal must guarantee the adoption of strong safeguards, ECRI was informed of several cases of bad practices, lack of awareness in schools, and cases of outward violation of the law, for example by school directors or teachers, with serious impacts on the well-being and education of transgender children. ECRI regrets that the legislation adopted by Parliament in December 2023, which sought to address such issues by indicating concrete measures to be taken in schools, was later vetoed by the Portuguese President, and that no further measures for this purpose have been taken since.<sup>42</sup>
33. ECRI recommends that the authorities further strengthen the implementation of the legal and policy framework aimed at ensuring equality and non-discrimination of transgender people in Portugal, particularly in the fields of healthcare and education, in consultation with relevant civil society organisations and in line with ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons.
34. ECRI welcomes the positive steps taken to protect the human rights of intersex people, for example through the above-mentioned Law no. 38/2018, which inter alia prohibits the performance of so-called "sex-normalising" surgeries until a child can participate in such decisions. However, during the 2024 visit, the ECRI delegation heard concerns from civil society actors according to which the ban was not effective enough as the law allows for interventions where, for instance, the child's "gender identity has manifested". ECRI encourages the authorities to develop protocols, guidance, and training for healthcare staff to ensure that the

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<sup>39</sup> CIG (2022).

<sup>40</sup> Portugal, Directorate General of Health (2019).

<sup>41</sup> ILGA Portugal (2023, 13 September).

<sup>42</sup> In exercising his constitutional power of veto, the President clarified that, in his view, the Decree had not sufficiently respected the role of parents, guardians, legal representatives, and their associations on such matters, nor had it clarified how different situations should apply depending on the age of students. See: Portugal, Presidente da República (2024); Jornal de Notícias (2023, 30 December); CNN Portugal (2023, 30 December); AMPLOS (2024, 29 February); ILGA Portugal, (2023, 20 December); ILGA World (2024).



legal ban is effective in all situations where surgeries and other non-therapeutic treatments are medically unnecessary.<sup>43</sup>

35. ECRI takes positive note of the role of the CIG in the field of LGBTI equality, for example through the coordination of inter-institutional activities in the implementation of the relevant Action Plan, awareness-raising activities, the training of public officials, and financial and technical support to civil society organisations. ECRI encourages the authorities to further strengthen the role of the CIG in this area and to increase the financial means available to support relevant civil society organisations.

## **II. HATE SPEECH AND HATE-MOTIVATED VIOLENCE**

### **A. Hate speech<sup>44</sup>**

#### *Data collection and public discourse*

36. While there is a lack of official and disaggregated data on incidents of hate speech in Portugal, several credible reports from civil society organisations and other independent institutions point to a sharp rise of hate speech in the country, which seems to predominantly target migrants, Roma, LGBTI, and Black people. Many of the interlocutors met by the ECRI delegation during the visit referred to what they saw as a ‘trivialisation’ of hate speech, often under the guise of freedom of speech.
37. As regards LGBTI-phobic hate speech, a study found an 185% increase in social media content of this nature between 2019 and 2022.<sup>45</sup> The Observatory of Discrimination against LGBTI+ People received 469 reports of incidents of discrimination and violence between 2020 and 2022, half of them related to “insults or threats”. Transgender people have been particularly targeted, for example by groups against the so-called gender ideology.<sup>46</sup>
38. Roma communities have been the target of significant hate speech, particularly on social media and by far-right politicians. For example, an EU FRA survey revealed that 46% of Roma respondents experienced hate-motivated harassment.<sup>47</sup> Social media platforms are frequently used to disseminate hate speech involving stereotypes and inflammatory rhetoric against Roma people.
39. Hate speech against Black people is also pervasive in Portugal. To name but a few examples, several schools and universities have been vandalised with messages of a racist nature (such as “Europe is white” and “Blacks go back to Africa”), a Black representative of the National Assembly was asked to “be sent back to her country of origin” by the leader of the far-right party Chega, racist slurs and swastikas appeared on the walls of premises of anti-racist NGOs, and Black activists have been frequently targeted by hate speech and threats.<sup>48</sup> ECRI is alarmed by allegations heard during the 2024 visit to Portugal according to which discrimination and harassment are common experiences of Black people, including in public spaces such as restaurants and bars.
40. ECRI is also concerned about the rise in xenophobia and anti-migrant hate speech, which seems to target in particular non-European migrants, such as those from other Portuguese-speaking countries and from South Asia. Anti-migrant discourse is prevalent in political discussions, including through the spread of misinformation that associates migrants with criminality or as a burden to the Portuguese social

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<sup>43</sup> Reference is made to ECRI’s GPR No. 17 on preventing and combating intolerance and discrimination against LGBTI persons.

<sup>44</sup> See definitions of hate speech and hate crime [in ECRI’s glossary](#).

<sup>45</sup> Público (2023, 21 June).

<sup>46</sup> ILGA Portugal (2023, 10 October),

<sup>47</sup> EU FRA (2022a).

<sup>48</sup> DW Portugal (2020, 5 November); Expresso (2020, 30 October); Observador (2020, 28 January); Público (2020, 10 August).

security system.<sup>49</sup> Negative and hostile political narratives around the subject of migration and xenophobic remarks, in particular by politicians, are at odds with the significant contribution of migrants to the Portuguese society.<sup>50</sup>

41. Hate speech in Portugal can also take the form of anti-Muslim hate speech – for example, in February 2024, several ultranationalist and far-right groups organised a march against the so-called Islamisation of Europe, which was scheduled to take place in neighbourhoods in Lisbon with large Muslim and migrant population. The holding of the demonstration at these locations was prohibited by the Mayor of Lisbon, on the recommendation of the Public Security Police, considering the serious risk of violence against the population. The prohibition was challenged in court, but upheld. The demonstration took place in a different location.<sup>51</sup>
42. ECRI also notes with concern the increase in antisemitic hate speech in Portugal following the Hamas terror attack of 7 October 2023 and Israel's subsequent war in Gaza. Alongside hate messages against Jewish people on social media, there are reports of antisemitic incidents during demonstrations, where some people compared Jewish people to trash and called for the murder of 'Zionist landlords'.<sup>52</sup>

#### *Responses to hate speech*

43. In 2021, Portugal approved its first-ever National Plan to Combat Racism and Discrimination (PNCRD). The PNCRD is based on a coordinated approach with other national plans and programmes targeting specific groups. It includes action to better tackle hate speech in Portugal at legislative and policy levels. Moreover, the current Integrated Urban Security Strategy gives prominence to the fight against hate speech and hate crime.<sup>53</sup> ECRI welcomes the implementation of the PNCRD, which is nevertheless set to end in 2025.
44. ECRI recommends that the authorities devise robust measures aimed at tackling racist and anti-LGBTI hate speech and hate crime when preparing a new action plan against racism and intolerance, in consultation with a wide range of civil society organisations. The action plan should include the conduct of a national campaign targeting all sectors of society to raise greater awareness about the need to counter all forms of racist and LGBTI-phobic hate speech, including online, and about channels for victims' support and access to remedies.
45. In its fifth report on Portugal (§§ 2-9), ECRI recommended that the authorities amend the provisions of the Portuguese criminal legislation on hate speech and hate crime in line with relevant standards. ECRI welcomes the recent amendments to Article 240 of the Criminal Code, which penalises incitement to hatred and violence. The amendments broadened the scope of behaviours falling under Article 240 by eliminating the previous requirements of "organised propaganda" and by focusing on activities that "encourage" such behaviours rather than referring to their "incitement". This provision covers characteristics such as language, gender expression and sex characteristics. Moreover, the amendment prescribes that, when such acts are committed through a computer system, the court may order the deletion of the data concerned.<sup>54</sup> ECRI trusts that resolute action will be taken to implement this new provision effectively.

<sup>49</sup> Migrants in Portugal in fact contribute significantly to social security and are essential to the functioning of some of Portugal's key economic sectors. Moreover, there is no nexus between migration and criminality in Portugal. See: Público (2024, 27 February); Público (2023, 18 December).

<sup>50</sup> See, in this connection, ECRE (2024, July).

<sup>51</sup> Euronews (2024, 4 February); Público (2024, 26 January); Diário de Notícias (2024, 2 February).

<sup>52</sup> See, in this connection, ECRI's [General Policy Recommendation No. 9 on preventing and combating antisemitism](#) and the [Statement on the rise of antisemitism in Europe as a result of the current conflict in the Middle East](#).

<sup>53</sup> Portugal, National Plan to Combat Racism and Discrimination (2021-2025), adopted by the Presidency of the Council of Ministers, [Resolution no. 101/2021](#); See also: [Resolution no. 91/2023](#) by the Presidency of the Council of Ministers, which approves the Integrated Urban Security Strategy.

<sup>54</sup> [Article 240](#) of the Portuguese Penal Code as amended by [Law no. 4/2024](#), in force since 14 February 2024.



46. ECRI notes that the Portuguese police authorities have recorded 347 complaints for the crime of discrimination and incitement to hatred and violence in 2023. This is a sharp increase from the 63 cases recorded in 2018.<sup>55</sup> Very few cases proceed to the judicial phase and even fewer lead to court decisions. For example, 150 cases were registered by the police in 2021, but only five were prosecuted, and three led to sentences.<sup>56</sup> This is of concern to ECRI as such a situation may lead to a sentiment of impunity that may hinder public trust in the Portuguese criminal justice system in addressing racist, LGBTI-phobic and other hate speech of a criminal nature and other hate crimes. In this connection, ECRI refers to its recommendation on tools, procedures and training for law enforcement officials and other criminal justice actors to counter hate crime in section II.B. of the present report.
47. ECRI is pleased to note that public figures in Portugal, including the President, current and former Prime Ministers, and other high-level public officials often engage in counter-speech through condemning episodes of hate speech and hate-motivated violence.
48. However, ECRI shares the concerns of other international actors and of Portuguese civil society organisations about the rhetoric used by representatives of the far-right party Chega who reportedly rely heavily on antigypsyism, anti-Muslim, anti-Black racism and xenophobic sentiments to garner public support. The use of divisive and inflammatory discourse risks normalising and fuelling hate speech in public life and deepening the marginalisation and exclusion of several segments of society.<sup>57</sup> ECRI encourages the authorities to support self-regulation by public and private institutions, such as elected bodies and political parties, as a means of preventing and combating hate speech, for example through the adoption of appropriate codes and rules of conduct, including at the Portuguese Parliament. Against this background, it encourages all political parties to sign the updated Charter of European Political Parties for a non-racist and inclusive society, which places a particular emphasis on self-regulation and sanctions.<sup>58</sup>
49. ECRI is also concerned about the incidents of hate speech and threats targeting civil society actors and journalists that work on topics related to racism, including xenophobia. ECRI strongly encourages the authorities to ensure that such cases are the subject of effective investigations, that the authors are held accountable and that, where necessary, appropriate protective measures are taken for the civil society actors and journalists concerned.<sup>59</sup>
50. In addition to providing legal, psychological, and other support to victims of hate speech, the Portuguese Association for Victim Support (APAV) gathers data on hate speech online through various reporting channels. Furthermore, the APAV manages the Safer Internet Helpline, aimed at supporting victims of cybercrime and online violence. The APAV also coordinates a hotline to which illegal content, including incitement to discrimination and violence, can be reported. These initiatives assist hate speech victims with the request to digital platforms to block and remove illegal content, and may forward them to competent national

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<sup>55</sup> Público (2024, 9 February).

<sup>56</sup> OSCE ODIHR (2023).

<sup>57</sup> Council of Europe Commissioner for Human Rights (2021).

<sup>58</sup> The updated [Charter of European Political Parties for a non-racist and inclusive society](#) was drawn up in cooperation with ECRI and the Council of Europe's Commission for Democracy through Law (Venice Commission), as well as with the EU Parliament's Anti-Racism and Diversity Intergroup (ARDI). It was endorsed by the Parliamentary Assembly of the Council of Europe in its [Resolution 2443 \(2022\)](#) on the role of political parties in fostering diversity and inclusion: a new charter for a non-racist society.

<sup>59</sup> Reference is made in this context to the Declaration made by the Heads of State and Government of Council of Europe member states at their Fourth Summit in Reykjavik in 2023 ([Reykjavik Declaration – United around our values](#)), according to which they committed to supporting and maintaining a safe and enabling environment in which civil society, as well as human rights defenders, can operate free from hindrance, insecurity, and violence. Mention is also made of the work of the Council of Europe on media freedom and the protection of journalists (for example, the [Platform to promote the protection of journalism and safety of journalists](#)).

authorities, such as the Portuguese Criminal Investigation Police. ECRI considers the Safer Internet Helpline and Hotline as **good practices**.

51. ECRI has also been made aware of several hate speech incidents in the field of sports, which concerned Black football players in particular.<sup>60</sup> Therefore, ECRI welcomes the adoption of Law no. 40/2023, which strengthened the mechanisms for combating violence in sports, including manifestations of racism and xenophobia. Created in 2019, the Authority for the Prevention and Combat Against Sport-Related Violence (APCVD) has the power to investigate and sanction acts that incite discrimination and hatred against a person or group of persons, on several grounds, in the context of a sports event. Since its creation, the APCVD has recorded 110 situations of racism and xenophobia in sports, 39 of which were forwarded to the Public Prosecutor's Office due to evidence of a crime, while 71 gave rise to administrative proceedings, which can include the prohibition of attending sports events.<sup>61</sup> ECRI considers the work of the APCVD as a **good practice** and encourages the authorities to continue to support its operation.

## **B. Hate-motivated violence**

52. ECRI notes that hate motivation under several protected grounds is considered as an aggravated circumstance for the crimes of murder, assault, threats, coercion, stalking, forced marriage and its preparatory acts. Moreover, Article 71.2.c of the Criminal Code states that the judge "must take into consideration the sentiments expressed while committing the offence and the aims and motives behind it".<sup>62</sup> ECRI nevertheless notes that racist motivation does not constitute an aggravating circumstance for all crimes in Portugal. Thus, ECRI refers to the recommendation made in its fifth report on Portugal (§ 9) that the criminal legislation stipulates that racist, homo- or transphobic motives constitute aggravating circumstances for any offences.
53. ECRI notes that a Group for Joint Action Against Racism and Xenophobia, which brings together 71 anti-racist civil society organisations, is working on a Citizens' Legislative Initiative to amend or create a new legal framework to combat racism and xenophobia. This Group argues, for instance, that there is a low rate of sanctions for racist offenses and crimes, which is caused, in its view, by shortcomings in the legal framework. Moreover, they find it inadequate that acts committed with racist or xenophobic hate elements are most often dealt with as administrative offences, resulting in the imposition of small fines only.<sup>63</sup>
54. ECRI recommends that the authorities engage constructively with civil society organisations and communities exposed to racism and intolerance to ensure that racist and LGBTI-phobic hate crime is addressed comprehensively through effective, proportionate, and dissuasive criminal law provisions. In doing so, the authorities should take due account of ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons, and Recommendation CM/Rec(2024)4 of the Committee of Ministers of the Council of Europe on combating hate crime.
55. ECRI is deeply concerned about cases of racist hate-motivated violence in Portugal, which have at times included assaults against migrants and LGBTI

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<sup>60</sup> For example, in February 2024, after racist insults against a Black player during a football match, the Authority for the Prevention and Combat of Violence in Sports (APCVD) prohibited the offender from accessing any sports events until further investigation. The Portuguese Professional Football League (LPFP) and the government called for an exemplary action by competent authorities. See: Público (2024, 12 February).

<sup>61</sup> Diário de Notícias (2024, 16 February).

<sup>62</sup> Articles 71.2.c, 132, 145, 155, and 240 of the [Portuguese Penal Code](#),

<sup>63</sup> Grupo de Ação Conjunta Contra o Racismo e a Xenofobia, [Criminalização do Racismo e da Injúria Racial](#).

persons and have involved neo-Nazi groups.<sup>64</sup> ECRI strongly encourages the authorities to ensure all hate incidents are given due attention by the competent authorities and are investigated effectively.

56. In the context of the 2024 visit to Portugal, the police authorities informed ECRI that police officers receive training on human rights and equality issues and may also receive training on topics such as engaging with vulnerable groups. However, ECRI has not received specific information on the extent, nature, and scope of training for police forces on dealing specifically with hate incidents. Furthermore, several of ECRI's interlocutors stressed the need for more training on hate crimes for law enforcement officials and other criminal justice actors, such as prosecutors and judges.
57. ECRI learned that police officers do not always record hate elements when receiving reports or complaints about hate incidents or crimes and that statistics do not sufficiently distinguish hate crimes from other crimes.<sup>65</sup> It emerged during the visit to Portugal that this may be due to technical gaps in the police IT system and insufficient police training. Against this background, ECRI takes positive note that, in May 2024, the Ministry of Home Affairs acknowledged the need to strengthen the efforts to prevent and to tackle hate crimes in Portugal, for example by increasing police training and by investigating the nature of hate crimes. ECRI refers to Recommendation CM/Rec(2024)4 of the Committee of Ministers of the Council of Europe according to which the identification and recognition of "bias indicators" are essential to unmasking the hate element of a crime and that such indicators should be developed for all groups targeted by hate crime and should be used to ensure that hate crimes are properly recorded, investigated and included in the relevant criminal file. Similarly, relevant and regular training should be provided to police officers as well as prosecutors and judges.<sup>66</sup>
58. ECRI recommends, as a matter of priority, that the authorities develop and adopt adequate tools, including protocols and standard operating procedures, with the aim of assisting law enforcement agencies in effectively and consistently processing hate incidents and hate crimes. The adoption of such protocols and procedures should be combined with the development of related training programmes for all relevant law enforcement officials and other criminal justice professionals. In this context, due account should be taken of the Recommendation CM/Rec(2024)4 of the Committee of Ministers of the Council of Europe on combating hate crime.

### **III. INTEGRATION AND INCLUSION**

#### **A. Migrants**

59. More than one million resident migrants lived in Portugal in 2023, which was considered the highest number of migrants ever recorded as living in the country.<sup>67</sup> At the same time, a significant share of people with a migration background feel particularly exposed to discrimination in many walks of life. Close to 30% of the population with a migration background reported having faced discrimination, compared to 13.1% of the non-immigrant population; the highest number concern

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<sup>64</sup> For example, in May 2024, the Public Security Police (PSP) in Porto registered three incidents of attacks against migrants in a single night, including an attack by a group of 15 hooded individuals armed with knives, bats and sticks, who broke into a house where a group of migrants lived. At least three of the victims were hospitalised because of their injuries. In addition, the Observatory of Discrimination against LGBTI+ People received reports of five incidents of extreme physical violence in 2022. See: Público (2024, 4 May b); Expresso (2024, 9 May); ILGA Portugal (2023, 10 October).

<sup>65</sup> OSCE ODIHR (2023).

<sup>66</sup> Recommendation [CM/Rec\(2024\)4](#) of the Committee of Ministers to member states on combating hate crime.

<sup>67</sup> European Commission (2024, 10 June).

the population coming from Brazil (54.7% of whom reported having faced discrimination) and those from Portuguese-speaking African countries (33%).<sup>68</sup>

60. ECRI regrets that the Observatory for Migration, which played a crucial role in providing research, data, and analysis on migration and migrants' integration, has not been operative, nor allocated resources since the dissolution of the HCM. The Observatory has published annual reports with data and analysis based on Immigrant Integration Indicators, which contributed to informed policy-making and to the dismantling of stereotypes and myths around migration.<sup>69</sup> ECRI considers this to be a **good practice** and notes with satisfaction the steps taken by the authorities to reinstate the Observatory. It invites the authorities to ensure that it is fully operational and adequately resourced.
61. In the past years, there have been significant changes in the governance of migration in Portugal, particularly with the extinction of the former Immigration and Borders Service (SEF) and the creation of the Agency for Integration, Migration and Asylum (AIMA). By incorporating most of the mandate of the former High Commission for Migration (HCM), the AIMA also gained functions related to combating discrimination and to the integration and inclusion of migrants (and Roma). ECRI encourages the authorities to further invest into the effective functioning of the AIMA.
62. ECRI recalls that the Strategic Plan on Migration (2015-2020) included a specific pillar on the integration and inclusion of migrants. It also welcomes that Portugal was one of the first countries to approve a National Implementation Plan for the Global Compact on Migration. ECRI also notes that the 2024 Action Plan for Migration contains several measures for a "humanist integration that works". However, it considers that a more specific and comprehensive set of actions should be developed for the effective integration and inclusion of migrants in Portugal.<sup>70</sup>
63. ECRI recommends that the authorities adopt a national programme of actions on the integration and inclusion of migrants, which should present a comprehensive and multidisciplinary approach to issues concerning the integration and inclusion of migrants, have specific targets and measurable indicators, and involve the Commission for Equality and Against Racial Discrimination and relevant civil society organisations in its development, implementation, and evaluation.
64. When it comes to education, migrant children can attend school on par with national students. Portuguese schools are increasingly diverse, with one in ten students in basic and secondary education being a non-national.<sup>71</sup> ECRI takes positive note of the measures to improve the educational attainment of migrant students and to promote their inclusion in the area of education. For example, the "Guidance on Inclusion of Migrant Students in Education" and the specific measures to support students for whom Portuguese is a second language can be considered as **good practices**.<sup>72</sup> However, non-national students have a lower success rate in schools than Portuguese students.<sup>73</sup> ECRI invites the authorities to pursue their efforts to support migrant students and promote their integration and inclusion in the field of education.

<sup>68</sup> Portugal, Observatory for Migration (2023), pp. 303-304; National Institute for Statistics (2023).

<sup>69</sup> See: [Law-Decree no. 41-A/2024](#) which among others restructures the Observatory for Migration. See also: Portugal, Observatory for Migration (2023).

<sup>70</sup> See [Resolution no. 12-B/2015](#) adopted by the Presidency of the Council of Ministers, approving the 'Strategic Plan for Migration (2015-2020)', as well as [Resolution no. 141/2019](#) approving the 'National Implementation Plan for the Global Compact on Migration'. See also: Portugal, [Action Plan for Migration: Problems, Challenges, Principles, and Actions](#).

<sup>71</sup> In primary education, 44.6% of migrant students are of Brazilian nationality, followed by students from Angola and Ukraine. See also: SIC Notícias (2024, 27 February), Público (2022, 4 January).

<sup>72</sup> Portugal, General Directorate of Education (DGE) (2024). See also the [Decree 2044/2022](#) adopted by the Secretary of State for Education, which establishes norms aimed at ensuring support for students whose mother tongue is not Portuguese.

<sup>73</sup> See also: Portugal, National Council of Education (2024); Expresso (2024, 27 February); SIC Notícias (2024, 6 June).

65. ECRI welcomes the adoption of the Strategic Plan for Learning Portuguese as a Foreign Language (2024-2027)<sup>74</sup> and encourages the authorities to allocate sufficient resources to the implementation of the Strategic Plan and increase the recruitment and training of qualified teachers.
66. Migrants in Portugal have a high employment activity rate and are central to the Portuguese economy.<sup>75</sup> They are more likely to be over-qualified for their jobs and are less likely to be employed on a permanent contract.<sup>76</sup>
67. ECRI notes that the Portuguese authorities took some action to improve the situation of migrant workers. The Immigrant Network of the Professional Insertion Offices comprises 19 offices dedicated to the integration of migrants into the labour market. The creation of more offices is planned as part of the National Plan on the Implementation of the Global Compact for Migration.<sup>77</sup> However, ECRI is alarmed by reports of labour exploitation of migrants, particularly in the agricultural sector.<sup>78</sup> ECRI strongly encourages the authorities to strengthen their action to prevent and combat labour exploitation and to improve the full integration of migrants into the labour market.
68. Problems of access to housing is one of the biggest obstacles to the integration of migrants in Portugal. This is partially related to the general housing situation in Portugal. One fifth of migrants in Portugal live in overcrowded accommodation, compared to less than one tenth of Portuguese nationals.<sup>79</sup> ECRI is also concerned about the incidences of xenophobia in the housing sector. According to a survey by the NGO Casa do Brasil, 90% of migrants reported having suffered discrimination in access to housing, mostly when seeking to rent (45.2%). The survey also shows the existence of discrimination against migrants from other Portuguese-speaking countries.<sup>80</sup>
69. ECRI is alarmed by the incidence of homelessness among migrants, which affects in particular those who are waiting for an appointment with the AIMA. In some cases, due to the high costs of living, even migrants who are employed live in the streets as they struggle to make ends meet. For example, there are reports of migrants experiencing homelessness or living in overcrowded and undignified housing in Lisbon and Beja, including in makeshift camps.<sup>81</sup> ECRI notes that non-European migrants are nearly twice as likely to be at risk of poverty and social exclusion.<sup>82</sup>
70. ECRI was informed about general programmes aimed at tackling the situation of people living in undignified housing conditions.<sup>83</sup> However, data disaggregated by gender, citizenship, or ethnicity of the beneficiaries of such programmes is not available. At the same time, it appeared during the 2024 visit to Portugal that there was no specific action taken or planned by the authorities to tackle the serious issues faced by migrants in the area of housing.

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<sup>74</sup> Portugal, AIMA (2024).

<sup>75</sup> Portugal, Observatory for Migration (2023).

<sup>76</sup> *Id.*, pp. 389-390.

<sup>77</sup> Information on the Professional Insertion Offices (GIP, in its Portuguese acronym) can be found on the [webpage](#) of the Institute of Employment and Vocational Training.

<sup>78</sup> ECRI refers to the findings and recommendations of GRETA and the UN CERD. See Section I.C.

<sup>79</sup> Portugal, Observatory for Migration (2023), p. 390.

<sup>80</sup> Casa do Brasil (2024a); Casa do Brasil (2024b); European Commission (2022, 20 June).

<sup>81</sup> Público (2024, 14 February); Público (2024, 11 April); Folha de São Paulo (2023, 27 September).

<sup>82</sup> Portugal, Observatory for Migration (2023).

<sup>83</sup> See information about the Support Program for Access to Housing and other initiatives on the [webpage](#) of the Portal da Habitação.



71. ECRI recommends that the authorities develop national policies on housing that respond to the specific challenges and needs of migrants by: (i) improving the availability and accessibility of complaints and redress mechanisms for migrant victims of discrimination in the housing sector; (ii) working with the private housing sector to prevent xenophobic incidents and practices; (iii) responding to the needs of migrants through the investment in and allocation of affordable and public housing; and (iv) providing migrants living in destitution with emergency and decent housing.
72. In the area of healthcare, Black migrant women reportedly face particular challenges. According to a 2023 study, more than a fifth of Black women in Portugal considered that they had suffered obstetric violence.<sup>84</sup> ECRI encourages the authorities to commission an independent study on the challenges faced by migrant women in accessing healthcare in Portugal, with a particular emphasis being placed on intersectional discrimination faced by Black migrant women.
73. At local level, only 10% of municipalities in Portugal have a plan for the integration and inclusion of migrants. ECRI welcomes the work done by the former HCM in supporting and calling on local authorities to establish such strategies, for instance through the publication of a dedicated guide and the identification of good practices.<sup>85</sup> ECRI encourages the authorities to strengthen their cooperation with and support for local authorities in their efforts to improve migrants' future integration and inclusion.
74. With regard to refugees and other international protection beneficiaries in particular, ECRI notes that Portugal has a generally positive legal framework for their protection and integration. However, some of the persisting challenges, as reported by civil society organisations, are the difficulties in obtaining information on asylum procedures following the recent changes in migration governance, gaps in the registration and in the implementation of the asylum procedure, and insufficient and inadequate reception conditions, particularly for unaccompanied migrant children.<sup>86</sup> ECRI is pleased to note that the Asylum Act recognises the Portuguese Refugee Council as an integral part of the national asylum system,<sup>87</sup> and encourages the authorities to consult and work with non-governmental organisations in order to address obstacles in the integration of refugees and other international protection beneficiaries.
75. ECRI would like to highlight the important work done by civil society organisations, including immigrant associations, to support the integration and inclusion of migrants in Portugal.<sup>88</sup> However, ECRI notes the concerns of several civil society interlocutors met during the visit who reported that the funding available to non-governmental organisations is insufficient to meet their objectives.<sup>89</sup> For example, in 2023, delays and other issues in the provision of funding to non-governmental organisations resulted in a number of them having to reduce their activities, with direct impact on migrants' integration.<sup>90</sup> ECRI encourages the authorities to strengthen their engagement with non-governmental organisations providing support to migrants, including immigrant associations.

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<sup>84</sup> Associação Saúde das Mães Negras e Racializadas em Portugal (2023); Público (2023, 9 September).

<sup>85</sup> Público (2024, 26 May); Portugal, HCM (2015).

<sup>86</sup> ECRE (2024, July).

<sup>87</sup> See the references to the Portuguese Refugee Council and the UN High Commissioner for Refugees in the relevant provision of [Law no. 27/2008](#), which establishes the conditions and procedures for granting asylum or subsidiary protection, and sets out the statuses of asylum seeker, refugee, and beneficiary of subsidiary protection in Portugal.

<sup>88</sup> For example, over 50 NGOs were part of the network of Local Support Centre for the Integration of Migrants (CLAIM), financed by the government to assist migrants with local responses to their reception and integration needs, such as regularisation, family reunification, health, education, professional training, and social support.

<sup>89</sup> See, for example: Público (2024, 22 May); Público (2024, 12 January); Público (2022, 12 April).

<sup>90</sup> ECRE (2024, July).

## B. Roma

76. According to a survey published by the National Statistics Institute on ‘Living Conditions, Origins and Trajectories of the Resident Population in Portugal’, conducted in 2023, there were an estimated 47 500 people aged between 18 and 74 who self-identify as Roma living in the country.<sup>91</sup> Despite progress achieved in some areas since the previous report, Roma people remain one of the most marginalised groups in the country, facing persisting discrimination and barriers to their inclusion, which is often attributed to high-levels of antigypsyism in the country. According to an EU FRA survey, 62% of Roma in Portugal declared having been discriminated against in the year before the survey, which was the highest among the 12 EU countries surveyed. Discrimination reportedly occurs mostly in the area of employment (81%) and when accessing housing (77%). ECRI is also alarmed by the percentage of Roma found to be at risk of poverty, which reached 96% in 2021.<sup>92</sup>
77. The National Roma Communities Integration Strategy (2013-2020), adopted in March 2013 and revised in November 2018, was extended multiple times due to delays in completing its external evaluation. It remained valid until December 2023. ECRI takes positive note of the reported achievements as a result of the Strategy, such as greater inter-institutional cooperation and engagement with civil society. However, ECRI shares the concerns expressed by the delegation’s Roma community interlocutors during the 2024 visit about persistent gaps between legislation and practice and insufficient political commitment at local and national levels. ECRI also regrets that 90% of Roma are said to be unaware or barely aware of the Roma Strategy, based on preliminary results of the Strategy’s external evaluation.<sup>93</sup> ECRI encourages the authorities to make the external evaluation publicly and widely available.
78. During its visit to Portugal in 2024, ECRI heard concerns from several interlocutors that the National Roma Communities Integration Strategy lacked sufficiently precise actions, timeframes, corresponding funding, and the designation of clear responsibility for its implementation between national and local authorities. ECRI encourages the authorities to address these concerns when devising a new strategy for the inclusion of Roma in Portugal.
79. ECRI notes that Roma inclusion in Portugal falls under the responsibility of a body that deals primarily with migration issues (formerly the HCM, currently the AIMA), although Roma living in Portugal are virtually all Portuguese citizens.<sup>94</sup> With this in mind, ECRI invites the authorities to ensure that relations between the AIMA and Roma communities are strengthened and structured to enable Roma communities to participate meaningfully in the development of policies that concern them.<sup>95</sup>
80. With regards to education, ECRI notes positively that the authorities implemented several measures aimed at improving school attendance and the academic performance of Roma students. For example, the Operational Programme for the Promotion of Education (OPRE) has provided scholarships to over 180 Roma students enrolled in higher education since 2018. Furthermore, the ROMA Educa Programme has provided over 600 scholarships to Roma students attending the third cycle of basic education or secondary education. ECRI considers such

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<sup>91</sup> National Institute for Statistics (2024).

<sup>92</sup> EU FRA (2022b).

<sup>93</sup> The Portuguese National Roma Communities Integration Strategy was approved by the Presidency of the Council of Ministers through [Resolution no. 25/2013](#) and later reviewed through [Resolution no. 154/2018](#). See also: Público (2024, 11 January).

<sup>94</sup> UN CERD (2023); EAPN Portugal, Associação Letras Nómadas, Obra Nacional da Pastoral dos Ciganos (2020).

<sup>95</sup> According to several interlocutors met by the ECRI delegation during the 2024 visit, this could take the form, for example, of a consultative council providing advice to the AIMA on Roma issues and composed of a wide range of representatives of Roma communities and relevant experts.



measures, which are implemented in cooperation with Roma associations, as **good practices**.

81. However, despite some progress, ECRI regrets that Roma people continue to have a low level of education and a high level of absenteeism and school drop-out, when compared to the general population. According to recent statistics, around 90% of Roma people have only completed, at most, basic education. Their enrolment rate is 18.6% in the third cycle of basic education and a mere 2.6% in secondary education respectively. According to civil society interlocutors met by the ECRI delegation during the visit, the Covid-19 pandemic also had a disproportionately negative impact on Roma students, contributing to an increase in drop-out.<sup>96</sup>
82. ECRI welcomes the creation in many Portuguese municipalities of the position of socio-cultural mediators, some of which are Roma, who act as a liaison between families and schools. ECRI also commends the authorities on the publication of various educational resources, guides, and studies by the Directorate-General for Education, all of which aim to support schools in the inclusion of Roma students.<sup>97</sup> Regrettably, many of the good practices taken to improve Roma education are project-based and have limited funding or reduced national coverage.
83. ECRI recommends that the authorities ensure that Roma pupils complete compulsory education and have the opportunity to pursue higher and other levels of education, including by: (i) strengthening the role of Roma mediators in this field and pursuing stronger relations between schools, Roma children, their families and Roma communities; (ii) further expanding the availability of scholarships to encourage school attendance and facilitate access to higher education; and (iii) implementing integrated actions, across ministries, together with local authorities, aimed at mitigating the impact that socio-economic factors have on a students' attendance and performance in schools.
84. In the area of housing, ECRI regrets that no significant progress has been achieved in the past years to improve the housing conditions of Roma. The findings during the 2024 visit to Portugal suggest that Roma continue to struggle with territorial segregation, discrimination in the rental market, inadequate and overcrowded social housing, accommodation in shanty towns, in undignified conditions and without access to basic services.<sup>98</sup>
85. During its visit, the ECRI delegation visited the 'neighbourhood' of Pedreiras, in Beja, a shantytown where nearly a thousand Roma people, including 200 children, have been living since 2005. The delegation observed for itself that Roma families live there in appalling conditions, most without access to clean water, sewage or electricity. The "neighbourhood" comprises close to a hundred shacks and 50 dilapidated houses, built next to accumulated rubbish and close to a dumping site. The conditions in which the inhabitants live have severe implications for their health, well-being, and social inclusion.<sup>99</sup> Despite the serious situation faced by this community, the ECRI delegation learned that the local authorities had not yet included the residents of Pedreiras as possible beneficiaries of existing emergency housing programmes. The lack of commitment on the part of the authorities at local or national level to find a solution to the housing conditions of the Roma community in Pedreiras is of serious concern to ECRI.

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<sup>96</sup> National Institute for Statistics (2024); Portugal, General Directorate of Education (DGE) (2023).

<sup>97</sup> Resources and relevant initiatives on the integration of Roma people in the field of education can be found on the DGE's [webpage](#).

<sup>98</sup> Público (2023, 23 June, a); Público (2024, 11 January).

<sup>99</sup> Voz da Planície (2024, 14 April); Público (2023, 22 August, a); Público (2023, 22 August, b). Reference is also made to the [documentary](#) *O Cemitério dos Vivos*, directed by Filipe Malveiro, depicting the situation in the 'neighbourhood' of Pedreiras.

86. ECRI recommends, as a matter of priority, that the authorities take prompt and resolute action to ensure decent and safe housing conditions for Roma people living in substandard settlements, including shanty towns, all while seeking long-term housing solutions for them, in close consultation with the Roma communities concerned.
87. ECRI also learned about reports that forced eviction continues to take place and that, in some cases, those evicted were left in even worse living conditions, including homelessness. This situation seems to disproportionately affect Roma.<sup>100</sup>
88. ECRI reiterates the recommendation made in its previous report that the authorities ensure that there are no cases of illegal forced evictions of Roma and any other groups of concern to ECRI and that anyone at risk is afforded the full range of guarantees provided for in international and national texts on the subject.
89. In the health sector, the ECRI delegation learned during the 2024 visit that Roma people in Portugal have a significantly lower life expectancy and a higher rate of chronic illness. The health of women and girls is of particular concern. For example, a study has found that around one fifth of Roma women have never been to a gynaecologist and, of those who have, the majority have only done so when they were pregnant. Moreover, 32% of Roma reported having been discriminated in the health sector in Portugal.<sup>101</sup>
90. ECRI considers a **good practice** the creation of the Diversity and Inclusion Commission within the São José Local Health Unit in Lisbon, and the work done by a Roma socio-cultural mediator in that Unit. In 2023, the Roma socio-cultural mediator carried out close to a hundred activities with Roma families, including by facilitating relations between Roma patients and health professionals. However, the entity responsible for public employment in the health sector has not yet foreseen the position of Roma mediators, which makes it impossible for health units to formally recruit them through public budget.<sup>102</sup>
91. ECRI recommends that the authorities ensure equal access of Roma to healthcare by: (i) taking action to raise awareness of and advising Roma women and girls about health issues, including sexual and reproductive health and rights, to enable them to request and access appropriate healthcare, taking due account of the Recommendation CM/Rec(2024)1 of the Committee of Ministers of the Council of Europe; (ii) increasing the number of Roma mediators in the area of health across the country; (iii) providing regular training and support to health professionals, including on intercultural skills and knowledge about Roma communities, in order to counter antigypsyism and discrimination against Roma in the health sector; and (iv) reaching Roma people living in substandard housing conditions, such as those in shantytowns, to provide them with preventive healthcare and to improve access to other necessary healthcare.
92. ECRI learned that Roma in Portugal continue to experience a disproportionately high rate of unemployment compared to the general population. ECRI also heard from several interlocutors during the 2024 visit to Portugal that structural factors such as lack of access to quality education and limited vocational training opportunities contribute to the challenges faced by Roma in accessing the labour market. According to a survey by the EU FRA, 40% of Roma in Portugal alleged having been discriminated against in the labour market. While dependence on the

<sup>100</sup> Amnesty International (2022); Público (2024, 11 January); Council of Europe, Advisory Committee on the Framework Convention for the Protection of National Minorities (2019).

<sup>101</sup> Público (2024, 11 January); National Institute for Statistics (2024); EU FRA (2022b); Diário de Notícias (2009); EAPN Portugal (2009).

<sup>102</sup> More information about the Diversity and Inclusion Commission of the São José Local Health Unit can be found on its [webpage](#). See also: RTP Notícias (2024, 11 February); Público (2024, 11 February).

informal market still exists, the number of Roma people employed in non-qualified sectors, especially in retail chains, services, and transportation, is increasing.<sup>103</sup>

93. ECRI considers that support programmes like the Social Integration Income (RSI) help protect its beneficiaries, including Roma people, from poverty while they participate in professional courses or similar training aimed at their inclusion in the labour market. Moreover, the Public Employment Service has developed a set of activities for the qualification and upskilling of Roma people.<sup>104</sup> However, ECRI regrets that many such programmes are project-based and temporary. ECRI encourages the authorities to expand their programmes to promote Roma inclusion in the public and private sectors of the labour market, including through positive actions. Such activities should be adequately funded and sustainable.

#### **IV. TOPICS SPECIFIC TO PORTUGAL**

##### **A. Racism in policing, including racial profiling**

94. In its fifth report on Portugal (§§ 53-67), ECRI recommended to introduce a policy of zero tolerance towards racism and homo- and transphobia within the police forces. More recently, the UN CERD and the UN WGEPAD observed the persistence of racial profiling and racially-motivated ill-treatment of Roma and Black people by Portuguese police officers. The Council of Europe's Commissioner for Human Rights was also deeply concerned about allegations of infiltration in some segments of the police by far-right groups and reports of discriminatory behaviours and attitudes of police officers towards persons in contact with them, based on their country of origin or skin colour.<sup>105</sup>
95. ECRI welcomes the adoption, in 2021, of a Plan for the Prevention of Manifestations of Discrimination in the Security Forces and Services.<sup>106</sup> The Plan prompted several activities and changes within the police forces, including the appointment of human rights officers, the reinforcement of police human rights training, and steps to promote diversity in recruitment. In this connection, the Portuguese Parliament, through Resolution no. 76/2024, recommended that the government ensure continuity and allocate specific funds for the implementation and evaluation of the plan. ECRI concurs with this recommendation.
96. The Inspectorate General of Home Affairs (IGAI) is central to the implementation of the Plan and works alongside the police forces to carry out training and other measures to prevent racism and racial discrimination. The IGAI also assesses complaints and investigates situations where there are suspicions of police misconduct. In the most serious cases, the IGAI carries out investigations and may propose individual sanctions to the relevant Minister. In 2023, the IGAI received 424 complaints and opened 1436 administrative cases. Of all proceedings completed in 2023, four resulted in processes of a disciplinary nature. In 2023, the Public Security Police (PSP) also opened six disciplinary proceedings in relation to allegations of racial discrimination by police officers, while the National Republican Guard (GNR) registered five complaints of alleged xenophobic behaviour.<sup>107</sup>

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<sup>103</sup> Público (2023, 23 June, b); Público (2024, 11 January); EU FRA (2022b).

<sup>104</sup> See, for example, the [initiatives](#) for the socio-professional integration of Roma communities under the Operational Programme for Social Inclusion and Employment, as well as the [project](#) implemented by the European Anti-Poverty Network Portugal (EAPN Portugal) as part of the specific national funding programme.

<sup>105</sup> UN CERD (2023); UN WGEPAD (2022); Council of Europe Commissioner for Human Rights (2021).

<sup>106</sup> The Plan has 15 objectives around five areas, namely: recruitment; training; interaction with citizens and with other members of the police force, including on social media; promoting the image of the police forces; and monitoring and preventive mechanisms. See: Portugal, Inspectorate General of Home Affairs (2021).

<sup>107</sup> Expresso (2024, 20 March); Portugal, Inspectorate General of Home Affairs (2024). See also [Decree-Law no. 22/2021](#) approving the organic structure of the Inspectorate General of Home Affairs.

97. Civil society and international actors, however, consider that investigations into cases involving allegations of racist and other police abuse are selective and only focused on the most serious cases, that possible racist bias behind ill-treatment and other police abuse is often not duly investigated, and that only a small minority of complaints lead to the initiation of suitable proceedings and sanctions. Moreover, the IGAI still fails to meet the criteria of a fully independent police complaints body.<sup>108</sup> In this context, ECRI refers to the findings, comments and recommendations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in relation to the effectiveness of investigations into police complaints. It supports the suggestion to set up a unit within the prosecuting services exclusively tasked with the investigation and prosecution of cases of police abuse.<sup>109</sup> In the view of ECRI, specialised officials and prosecutors working in any such unit should also receive guidance and be trained in unmasking racial bias when investigating or prosecuting ill-treatment and other abuse by law enforcement officials and in identifying any patterns of racist behaviour or attitude indicative of institutional racism within law enforcement agencies.
98. ECRI must also underline the importance of suitable police training aimed at preventing racist and other police abuse, both during initial training and as part of ongoing professional development. In the past years, the IGAI has organised several training sessions for the PSP, GNR, and the former SEF on the prevention of discriminatory behaviour and practices. ECRI encourages the authorities to substantially strengthen initial and continued training for law enforcement officials on the prohibition of racism and racial discrimination, including racial profiling. The involvement of anti-racist associations in such training could be beneficial.
99. ECRI welcomes the adoption by the PSP of Resolution No. 02/INSP/2020, which reinforces the obligation for communicating to the disciplinary services any actions and behaviours that could be considered discriminatory. In the view of ECRI, this can contribute to developing a culture of zero tolerance for racism and intolerance within the PSP and can be considered a **good practice**.
100. Concerns about racist and other police abuse in peripheral neighbourhoods, particularly those with a higher proportion of migrants, Black, and Roma people amongst its residents, have contributed to mistrust in the police by some segments of the population. The perception of being unfairly targeted or mistreated by law enforcement officials, coupled with impunity where violations occur, seriously undermines relations between minority groups and law enforcement agencies. For example, only 27% of Roma respondents to an EU FRA survey indicated that they trusted the police. A recent study has also found that Roma and Black people were fatally shot by police officers at significantly higher rates than white people.<sup>110</sup>
101. ECRI recommends that the authorities take action to improve the relations between the police and groups of concern to ECRI, including migrants, Black, LGBTI, and Roma people, by: (i) commissioning an independent study on the prevalence of racist and discriminatory police misconduct, including any racial profiling practices within Portuguese law enforcement agencies; and (ii) establishing a permanent framework for dialogue and co-operation between law enforcement agencies and groups of concern to ECRI.

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<sup>108</sup> Council of Europe Commissioner for Human Rights (2021); UN CERD (2023); UN WGEPAD (2022).

<sup>109</sup> See, for example: Council of Europe, CPT (2020).

<sup>110</sup> EU FRA (2022b); Público (2024, 18 March).

## **B. Lack of equality data**

102. ECRI wishes to underline that, without reliable equality data, it is far more challenging for the authorities to design targeted policy measures to prevent and combat discrimination, including of a structural nature, and to assess the impact of those measures on groups of concern to ECRI.
103. During its 2024 visit to Portugal, the ECRI delegation was informed that, as a rule, the authorities do not collect or disaggregate data by ethnicity, country of origin, and other characteristics that may have a bearing on a person's effective access to rights, allegedly due to data protection and other legal constraints. ECRI regrets that Portugal did not collect data on "ethnic-racial background" in the context of its 2021 census, despite the recommendation made by a special working group on the matter. At the same time, in December 2023, the National Statistics Institute published the results of the "Survey on Living Conditions, Origins and Trajectories of the Population Resident in Portugal", which is the first official statistics based on self-identification to specific ethnic groups. However, the survey was limited in scope and some civil society organisations found it to insufficiently reflect the situation in the country.<sup>111</sup> ECRI strongly encourages the authorities to develop a system for collecting appropriately disaggregated, consistent and reliable equality data, which should encompass the groups of concern to ECRI and the various areas of life, such as housing, health, employment, and education.<sup>112</sup>

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<sup>111</sup> Público (2023, 22 December); Observador (2023, 22 December); Público (2024, 4 January); Público (2019, 17 June).

<sup>112</sup> See, in this connection, ECRI's [General Policy Recommendation No. 4](#) on national surveys on the experience and perception of discrimination and racism from the point of view of potential victims.

## INTERIM FOLLOW-UP RECOMMENDATIONS

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The two specific recommendations for which ECRI requests priority implementation from the authorities of Portugal are the following:

- (§ 58) ECRI recommends that the authorities develop and adopt adequate tools, including protocols and standard operating procedures, with the aim of assisting law enforcement agencies in effectively and consistently processing hate incidents and hate crimes. The adoption of such protocols and procedures should be combined with the development of related training programmes for all relevant law enforcement officials and other criminal justice professionals. In this context, due account should be taken of the Recommendation CM/Rec(2024)4 of the Committee of Ministers of the Council of Europe on combating hate crime.
- (§ 86) ECRI recommends that the authorities take prompt and resolute action to ensure decent and safe housing conditions for Roma people living in substandard settlements, including shanty towns, all while seeking long-term housing solutions for them, in close consultation with the Roma communities concerned.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.



## LIST OF RECOMMENDATIONS

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The position of the recommendations in the text of the report is shown in parentheses.

1. (§ 4) ECRI recommends that further steps be taken to bring the competences and effectiveness of the new Commission for Equality and Against Racial Discrimination (CICDR) in line with ECRI's General Policy Recommendation No. 2 (revised) on equality bodies to combat racism and intolerance at national level, including by providing it with adequate financial and staffing resources to carry out its mandate effectively.
2. (§ 13) ECRI recommends that the authorities ensure that human rights education is an integral part of the school curriculum, and that it comprises mandatory topics to be covered by all schools, such as combating racism and intolerance, including against Black, Roma, and LGBTI people.
3. (§ 19) ECRI recommends that the authorities reinforce their activities to prevent, identify and tackle racist and LGBTI-phobic bullying and discrimination in schools by: (i) training teachers and other educational professionals on this issue, including on specificities related to specific groups of concern to ECRI; (ii) reviewing and improving the current system to monitor incidents at school in order to facilitate the recording of all incidents of bullying and violence, which should be disaggregated by bias motivation, age, and gender; (iii) devising short- and long-term policies aimed at preventing bullying affecting students most at risk, including Black, Roma, LGBTI, and migrant students.
4. (§ 21) ECRI strongly recommends that the authorities take action to assess and revise textbooks and educational materials as well as to train teachers to provide an accurate and non-biased teaching of history that includes the role played by Portugal in the development and abolition of slavery, the negative impact of colonialism, and their connection to today's deep-rooted and multiple forms of racism against Black people in Portugal, in order to fully deal with these issues in schools. If necessary, Council of Europe support should be sought.
5. (§ 33) ECRI recommends that the authorities further strengthen the implementation of the legal and policy framework aimed at ensuring equality and non-discrimination of transgender people in Portugal, particularly in the fields of healthcare and education, in consultation with relevant civil society organisations and in line with ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons.
6. (§ 44) ECRI recommends that the authorities devise robust measures aimed at tackling racist and anti-LGBTI hate speech and hate crime when preparing a new action plan against racism and intolerance, in consultation with a wide range of civil society organisations. The action plan should include the conduct of a national campaign targeting all sectors of society to raise greater awareness about the need to counter all forms of racist and LGBTI-phobic hate speech, including online, and about channels for victims' support and access to remedies.
7. (§ 54) ECRI recommends that the authorities engage constructively with civil society organisations and communities exposed to racism and intolerance to ensure that racist and LGBTI-phobic hate crime is addressed comprehensively through effective, proportionate, and dissuasive criminal law provisions. In doing so, the authorities should take due account of ECRI's General Policy Recommendation No. 7 on national legislation to combat racism and racial discrimination, General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons, and Recommendation CM/Rec(2024)4 of the Committee of Ministers of the Council of Europe on combating hate crime.



8. (§ 58) ECRI recommends, as a matter of priority, that the authorities develop and adopt adequate tools, including protocols and standard operating procedures, with the aim of assisting law enforcement agencies in effectively and consistently processing hate incidents and hate crimes. The adoption of such protocols and procedures should be combined with the development of related training programmes for all relevant law enforcement officials and other criminal justice professionals. In this context, due account should be taken of the Recommendation CM/Rec(2024)4 of the Committee of Ministers of the Council of Europe on combating hate crime.
9. (§ 63) ECRI recommends that the authorities adopt a national programme of actions on the integration and inclusion of migrants, which should present a comprehensive and multidisciplinary approach to issues concerning the integration and inclusion of migrants, have specific targets and measurable indicators, and involve the Commission for Equality and Against Racial Discrimination and relevant civil society organisations in its development, implementation, and evaluation.
10. (§ 71) ECRI recommends that the authorities develop national policies on housing that respond to the specific challenges and needs of migrants by: (i) improving the availability and accessibility of complaints and redress mechanisms for migrant victims of discrimination in the housing sector; (ii) working with the private housing sector to prevent xenophobic incidents and practices; (iii) responding to the needs of migrants through the investment in and allocation of affordable and public housing; and (iv) providing migrants living in destitution with emergency and decent housing.
11. (§ 83) ECRI recommends that the authorities ensure that Roma pupils complete compulsory education and have the opportunity to pursue higher and other levels of education, including by: (i) strengthening the role of Roma mediators in this field and pursuing stronger relations between schools, Roma children, their families and Roma communities; (ii) further expanding the availability of scholarships to encourage school attendance and facilitate access to higher education; and (iii) implementing integrated actions, across ministries, together with local authorities, aimed at mitigating the impact that socio-economic factors have on a students' attendance and performance in schools.
12. (§ 86) ECRI recommends, as a matter of priority, that the authorities take prompt and resolute action to ensure decent and safe housing conditions for Roma people living in substandard settlements, including shanty towns, all while seeking long-term housing solutions for them, in close consultation with the Roma communities concerned.
13. (§ 88) ECRI reiterates the recommendation made in its previous report that the authorities ensure that there are no cases of illegal forced evictions of Roma and any other groups of concern to ECRI and that anyone at risk is afforded the full range of guarantees provided for in international and national texts on the subject.
14. (§ 91) ECRI recommends that the authorities ensure equal access of Roma to healthcare by: (i) taking action to raise awareness of and advising Roma women and girls about health issues, including sexual and reproductive health and rights, to enable them to request and access appropriate healthcare, taking due account of the Recommendation CM/Rec(2024)1 of the Committee of Ministers of the Council of Europe; (ii) increasing the number of Roma mediators in the area of health across the country; (iii) providing regular training and support to health professionals, including on intercultural skills and knowledge about Roma communities, in order to counter antigypsyism and discrimination against Roma in the health sector; and (iv) reaching Roma people living in substandard housing conditions, such as those in shantytowns, to provide them with preventive healthcare and to improve access to other necessary healthcare.

15. (§ 101) ECRI recommends that the authorities take action to improve the relations between the police and groups of concern to ECRI, including migrants, Black, LGBTI, and Roma people, by: (i) commissioning an independent study on the prevalence of racist and discriminatory police misconduct, including any racial profiling practices within Portuguese law enforcement agencies; and (ii) establishing a permanent framework for dialogue and co-operation between law enforcement agencies and groups of concern to ECRI.

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## APPENDIX: GOVERNMENT'S VIEWPOINT

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The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Portugal.

ECRI, in accordance with its country-by-country procedure, engaged into confidential dialogue with the authorities of Portugal on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which, in line with ECRI's standard practice and unless otherwise indicated, could only take into account developments up until 18 November 2024, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

Portugal submits the following Observations in response to the final report by the European Commission against Racism and Intolerance (ECRI) in the context of the sixth monitoring cycle. The Portuguese authorities are pleased to note that the delegation recognised progress in the implementation of several recommendations made by ECRI following previous visits to Portugal. However, Portugal considers necessary to submit the following Observations and would appreciate if these can be included as Appendix to the Report.

**1) Particularly regarding the Inspectorate General of Home Affairs' (IGAI) work:**

ECRI asserts in paragraph 97 that IGAI does not meet the criteria of an independent body without presenting any evidence, simply by quoting other organizations. It is noteworthy that, unlike the Council of Europe's Committee for the Prevention of Torture (CPT), ECRI did not engage directly with IGAI during its visit to Portugal, thereby missing an opportunity to gain firsthand insight into IGAI's operations and investigative processes.

ECRI stated that IGAI does not meet the criteria of an independent body, implying throughout the final report that only bodies operating within the orbit of parliament would have independence. Portugal wishes to underline that IGAI performs its work in an independent, professional and technically qualified manner, guaranteeing that breaches of law of the utmost gravity committed by police officers are the subject of an impartial disciplinary investigation, based on clear, known and impersonal rules, conducted autonomously and devoid of any kind of links or conflicts of interest. The outcomes of these investigations are publicly accessible through anonymized case reports on IGAI's official website.

This commitment to transparency has been recognized by the Council of Europe's Group of States against Corruption (GRECO). In its Fifth Evaluation Round report on Portugal, GRECO commended the publication of disciplinary decisions as a good practice, encouraging its continuation and development:

<https://www.coe.int/en/web/greco/-/portugal-must-improve-the-effectiveness-of-its-system-to-promote-integrity-and-prevent-corruption-in-the-government-and-law-enforcement-agencies>

GRECO's praise is reflected in the comment it makes in paragraph 212 of that report: "The GET welcomes this measure as good practice that the authorities are encouraged to maintain and develop": <https://rm.coe.int/grecoeval5rep-2022-3-final-pt-evaluation-report-portugal-public-2780-0/1680ae2293>

In this regard, it should also be noted that Order 10/2023 of 13 February 2023, issued by the Ministry of Home Affairs, established the obligation to publish all decisions handed down in the context of disciplinary proceedings, as well as statistics on proceedings initiated and concluded:

- Data regarding 2022 can be found here:  
<https://www.igai.pt/pt/Publicacoes/InformacaoEstatistica/2022/Pages/default.aspx>
- Data regarding 2023 can be found here:  
<https://www.igai.pt/pt/Publicacoes/InformacaoEstatistica/2023/Pages/default.aspx>
- Data regarding 2024 can be found here:  
<https://www.igai.pt/pt/Publicacoes/InformacaoEstatistica/2024/Pages/default.aspx>

Regarding cases opened and pending between 2017 and 2023, the respective trend can be found here:

<https://www.igai.pt/pt/Publicacoes/InformacaoEstatistica/2023/Documents/Evolu%C3%A7%C3%A3o%20Processos%20Instaurados-Pendentes%202017-2023.pdf>

These developments underscore IGAI's dedication to accountability and transparency in its oversight functions, elements who are missing in the ECRI report.

<https://fra.europa.eu/en/publication/2024/addressing-racism-policing>

2. In addition, regarding **paragraph 56 of the ECRI final report**, Portugal would highlight the **training programs** that include **human and fundamental rights issues** in the Institute of Judicial Police and Criminal Sciences.

This Institute guarantees all the levels of training an in-service training for the Judiciary Police staff and for the career progression of criminal investigation and criminal investigation support staff.

The information hereunder was last updated in February 2024.

YEA R	TRAININ G	COURSE / SUBJECT	No. TRAINEES
2020	In-service	<b>Course:</b> Victims of Violent Crime and Good Practices in the Collection of Testimonial Evidence	80
2021/ 2022	Initial	<b>43rd Training Course for Inspectors</b> - subject of <u>disciplinary law</u> : Police practices and human rights as part of the Disciplinary Law subject. - <u>Fundamental rights, police ethics and deontology</u> : Concepts: fundamental rights and human rights; Characteristics and classification of fundamental rights and human rights; Functions of fundamental rights and human rights; The process by which the legal and constitutional order recognizes fundamental rights and freedoms for all citizens; Ethics, conduct and integrity in the police service – notions; The Universal Declaration of Human Rights; The European Convention on Human Rights; The Charter of Fundamental Rights of the European Union; The United Nations Code of Conduct for Law Enforcement Officials; The consequences of police forces breaking the law; The effects of police respect for human rights.	101
2022	Initial	<b>44<sup>th</sup> Inspectors Training Course</b> - subject of <u>disciplinary law</u> : Police practices and human rights as part of the Disciplinary Law subject. - <u>Fundamental rights, police ethics and deontology</u> : Concepts: fundamental rights and human rights; Characteristics and classification of fundamental rights and human rights; Functions of fundamental rights and human rights; The process by which the legal and constitutional order recognises fundamental rights and freedoms for all citizens;	

		<p>Ethics, conduct and integrity in the police service – notions;</p> <p>The Universal Declaration of Human Rights;</p> <p>The European Convention on Human Rights;</p> <p>The Charter of Fundamental Rights of the European Union;</p> <p>The United Nations Code of Conduct for Law Enforcement Officials;</p> <p>The consequences of police forces breaking the law;</p> <p>The effects of police respect for human rights.</p>	
		<p><b>Initial Training Course for Security Personnel 2022</b></p> <p>- subject Ethics, deontology and disciplinary law</p> <p>Concepts: fundamental rights and human rights</p> <p>2. Characteristics and classification of fundamental rights and human rights</p> <p>3. Functions of Fundamental Rights and Human Rights</p> <p>4. Process of recognition by the legal-constitutional order to all citizens of fundamental rights and freedoms</p> <p>5. Ethics, conduct and integrity in the police function - notions</p> <p>6. The Universal Declaration of Human Rights</p> <p>7. The European Convention on Human Rights</p> <p>8. The Charter of Fundamental Rights of the European Union</p> <p>9. The United Nations Code of Conduct for Law Enforcement Officials</p> <p>10. The Judicial Police's plan for preventing corruption and related offences</p> <p>11. The consequences of lawbreaking by police forces;</p> <p>12. The effects of police respect for human rights</p>	
2022/ 2023	Initial	<p><b>1st Course for Scientific Police Specialists</b></p> <p>- Subject: Ethics, Deontology and Disciplinary Law:</p> <p>Professional ethics</p> <p>Legal framework for police ethics;</p> <p>The Universal Convention on Human Rights;</p> <p>The European Convention on Human Rights;</p> <p>The United Nations Code of Conduct for Law Enforcement Officials;</p> <p>The declaration on the police annexed to resolution 690 of the Assembly of the Council of Europe;</p> <p>The importance of the police function;</p> <p>Effects of police violations of the law;</p> <p>Effects of police respect for human rights.</p>	<b>30</b>
2023	Initial	<p><b>2nd Scientific Police Specialists Course</b></p> <p><b>3rd Scientific Police Specialists Course</b></p> <p><b>4th Scientific Police Specialists Course</b></p> <p>(with the same subjects as the 1<sup>st</sup> Course)</p>	<p><b>57</b></p> <p><b>28</b></p> <p><b>8</b></p>
	Professional valorisation	<p><b>Training course for the professional development of workers in the investigation and inspection career of the special corps of the former foreigners and frontiers service (1st phase)</b></p> <p>- subject: Code of ethics and disciplinary statute for workers in special and subsistence careers</p>	<b>240</b>

2023/ 2024	Initial	<b>45th Training Course for Inspectors</b> - Disciplinary Law subject - Subject: Fundamental and Human Rights, Ethics and Deontology	<b>85</b>
2024	In-service	<b>PSP course - Border Control</b> - Generic Studies subject Fundamental rights European Convention on Human Rights and Fundamental Freedoms Charter of Fundamental Rights of the European Union Geneva Convention 1951 - Refugee status Asylum law Dublin Convention÷ Principle of non-refoulement FRONTEX Code of Conduct	<b>52</b>
2024 (previ ew)	<b>Promotio n</b>	<b>Training for Chief Inspectors</b> - subject Professional Deontology and Disciplinary Law	<b>40</b>
	Initial	<b>46th Training Course for Inspectors</b> - discipline of disciplinary law: - subject of Fundamental rights, ethics and police deontology	<b>120</b>
	<b>Initial</b>	<b>Initial Training Course for Security Guards</b> - discipline Ethics, deontology and disciplinary law	<b>40</b>
	<b>Initial</b>	<b>5th Scientific Police Specialists Course</b> - discipline Ethics, Deontology and Disciplinary Law	<b>20</b>
	<b>In-service</b>	<b>2 Courses for PSP - Border Control</b> - Generic Studies subject	<b>100</b>

Moreover, we would like to inform that in 2022, the Judiciary Police (PJ) organized 15 training sessions for staff in the areas of racial discrimination and hate speech, with a total of 64 hours of training for 244 trainees.

In 2023, a 12-hour training course was organized for 57 PJ employees.

Some of these actions were promoted by civil society associations such as the Victim Support Association (APAV) and the Lesbian, Gay, Bisexual, Transsexual and Intersex Intervention (ILGA), as well as by the Commission for Equality and Against Racial Discrimination (CICDR) and the Commission for Citizenship and Gender Equality (CIG). Another part is part of the training modules given to PJ officials and focuses on Ethics, Deontology, Criminal Law, Disciplinary Rights and homicides in the context of intimate relationships.

Also noteworthy is the project '*Ódio Nunca Mais - formação e sensibilização no combate aos crimes de ódio e discurso de ódio*' (Hate Never Again - training and awareness-raising in the fight against hate crimes and hate speech) (2016 - 2018) led by APAV and developed in partnership with the Judicial Police (PJ), the Attorney General's Office (PGR) and the Commission for Citizenship and Gender Equality (CIG), with the aim of creating multidisciplinary tools useful for awareness-raising and training in the fight against hate crimes and hate speech, for different professionals, from a victim-centered perspective. In 2018, this project resulted in a training manual called 'Hate Never Again - Support for victims of hate crime' and several different training programs were developed.



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The European Commission against Racism and Intolerance (ECRI) is a unique human rights monitoring body which specialises in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance in Europe; it prepares reports and issues recommendations to member States.