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**SUMMARY PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR  
HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15 (C) OF THE  
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Portugal\***

The present report is a summary of 3 stakeholders' submissions<sup>1</sup> to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

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\* The present document was not edited before being sent to the United Nations translation services.

## **I. BACKGROUND AND FRAMEWORK**

### **A. Scope of international obligations**

1. La contribution conjointe a recommandé au Portugal de ratifier et mettre en œuvre la Convention internationale sur les droits des personnes handicapées ainsi que son Protocole additionnel, tous deux signés le 30 Mars 2007.<sup>2</sup>
2. Amnesty International (AI) called for immediate ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.<sup>3</sup>

### **B. Constitutional and legislative framework**

N/A

### **C. Institutional and human rights infrastructure**

3. In 2006, the European Commission against Racism and Intolerance (ECRI/CoE) indicated that since its second report on Portugal in 2002, a victim support unit for immigrants and other victims of racial or ethnic discrimination (UAVIDRE) had been created.<sup>4</sup> The High Commission for Immigration and Ethnic Minorities (ACIME) was also strengthened, and its budget increased. ECRI/CoE stated that this institution actively worked to facilitate the integration of immigrants and to combat racism and racial discrimination.<sup>5</sup> It recommended that Portugal consolidate and consider reinforcing this institution; all the other authorities take special care to diligently consult ACIME and to co-operate with it fully, not least by heeding its opinions and recommendations in its areas of expertise<sup>6</sup> and; that the authorities grant independence to ACIME as a whole or at least to some of its components to improve its effectiveness.<sup>7</sup>

4. ECRI/CoE noted that under the administrative complaints procedure, ACIME can impose fines and other ancillary sanctions (eg. ban on practising a profession or suspension of a license) in cases of racial discrimination.<sup>8</sup> It noted that according to numerous sources, this procedure has been a major disappointment.<sup>9</sup> ECRI/CoE strongly recommended revising this procedure to render it more effective,<sup>10</sup> taking steps to safeguard the independence of the bodies responsible for providing individual assistance to victims of racial discrimination and deciding whether such discrimination has occurred.<sup>11</sup>

5. ECRI/CoE mentioned that the Provedor de Justiça plays a significant role in the integration of immigrants, such as by requesting that the Government amend legal measures that are problematic from a human rights perspective. It noted that in recent years, this mechanism had not received any complaints about racial discrimination.<sup>12</sup> ECRI/CoE thus encouraged the Provedor de Justiça to continue to improve the position of non-nationals in their dealings with the authorities and to focus on the need to combat racism and racial discrimination in this area.<sup>13</sup>

## **II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND**

### **A. Cooperation with human rights mechanisms**

N/A

## **B. Implementation of international human rights obligations**

### **1. Equality and non discrimination**

6. ECRI/CoE reported that studies on immigrants and ethnic minorities revealed complaints of racial discrimination in, *inter alia*, access to employment, wage inequality, access to shops and/or loans, to housing and health care.<sup>14</sup> The Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC/CoE) in 2006 noted that despite laudable efforts by the Government, persons belonging to the Roma minority seemed particularly disadvantaged in areas such as housing, education and access to employment.<sup>15</sup> ECRI/CoE recommended that the authorities closely monitor the situation relating to direct and indirect racial discrimination, that complaints be duly dealt with and studies be carried out in this regard.<sup>16</sup>

7. While ECRI/CoE noted the small number of cases involving racist offences in Portugal, it regretted having heard from several sources that a form of subtle racism existed that was based on stereotypes and prejudice, and that public opinion was occasionally prone to racist generalizations.<sup>17</sup> Of particular concern was the increasing visibility of the extreme right which, while it remained a marginal phenomenon, appeared to be making some headway in terms of its image.<sup>18</sup> ECRI/CoE strongly urged the authorities to monitor closely developments relating to extreme right and racist movements, including skinhead groups. It recommended reinforcing efforts to counter the dissemination of racist, xenophobic and antisemitic propaganda via the Internet.<sup>19</sup>

8. ECRI/CoE recommended that the Government continue efforts to raise public awareness of human rights and the need to combat racism and intolerance.<sup>20</sup> It encouraged efforts to foster a more balanced political debate on immigration and immigrants and recommended particular attention to combating the tendency for the general public to equate immigration with crime and unemployment.<sup>21</sup>

9. ACFC/CoE expressed concern about cases of harassment, ill-treatment and excessive use of force by the police against persons of immigrant and Roma origin. It strongly urged Portugal to identify appropriate remedies, including training and thorough, independent investigations and punishments in cases of abuse.<sup>22</sup>

10. According to ECRI/CoE, representatives of minority groups and NGOs believed that the police tended to give insufficient emphasis to the racist nature of offences, in some cases because the victims themselves failed to draw their attention to it. There was also the view that police sometimes refuse to consider the racist aspect of an offence even when the victim or witnesses insist that it was racially motivated. Prosecutors, for their part, are said to be insufficiently aware of the potentially racist aspect of certain offences and fail to target their investigations accordingly.<sup>23</sup> ACFC/CoE recommended adopting measures to improve relations between the police and ethnic minorities by, *inter alia*, making wider use of social mediators and recruiting ethnic minorities in the police forces.<sup>24</sup>

11. In this regard, ECRI/CoE recommended that the Portuguese authorities significantly reinforce their efforts to train police, prosecutors, judges and future legal professionals on the application of legislation on racist offences, in particular Article 240 of the Criminal Code;<sup>25</sup> inform the public about the existence of criminal provisions for sanctioning racially motivated acts<sup>26</sup> and; continue taking steps to encourage victims to report such acts.<sup>27</sup> ECRI/CoE strongly

encouraged adopting a provision expressly making racist motivation a general aggravating circumstance to any offence.<sup>28</sup> The Portuguese authorities made comments on this last request.<sup>29</sup>

12. La contribution conjointe a fait savoir que des progrès notables ont été enregistrés en ce qui concerne la protection des droits des personnes handicapées, en particulier la création d'un Plan d'Action pour l'Intégration des Personnes Handicapées 2006-2009 et l'intégration de la majorité des enfants handicapés dans le système scolaire ordinaire, en application notamment du Décret-loi 319/91 (1991) qui protège le droit des enfants ayant des besoins éducatifs spéciaux (y compris ceux ayant de sévères difficultés d'apprentissage) de suivre leur cursus éducatif dans les écoles ordinaires, tout en demandant aux écoles d'adopter les structures et mesures nécessaires pour que les écoles puissent accueillir ces personnes. La contribution conjointe a ajouté que le Portugal a joué un rôle innovant dans le développement d'une éducation inclusive des enfants en mettant à dispositions de ces élèves des «enseignants de soutien éducatif».<sup>30</sup>

13. Néanmoins, la contribution conjointe a signalé que le Conseil Economique et Social portugais reconnaissait le 19 Novembre 2008 que « les mêmes droits ne sont pas reconnus aux personnes qui souffrent d'une déficience ou d'une incapacité, et l'égalité des chances n'est pas la même et, même pour celles dont le handicap ne provoque pas d'incapacité profonde, peu nombreuses sont celles qui se trouvent effectivement intégrées dans les différentes dimensions de la vie sociale ». Cette contribution a estimé que des efforts restent nécessaires pour que les droits des personnes handicapées soient pleinement réalisés.<sup>31</sup>

14. La contribution conjointe a estimé que la situation des enfants handicapés pris en charge dans des centres spécialisés s'est révélée particulièrement préoccupante, surtout suite à la décision de la Cour Suprême du 5 avril 2006, qui affirmait dans un cas impliquant des maltraitances d'enfants handicapés placés en institution, que des punitions modérées administrées à des mineurs par des personnes autorisées à le faire étaient acceptables si le but des ces punitions était exclusivement éducatif et approprié à la situation. La contribution conjointe a informé que cette jurisprudence a été condamnée par le Comité européen des droits sociaux et que le Portugal a depuis lors amendé son code pénal le 15 septembre 2007 (art. 152) de manière à interdire les châtiments corporels à l'égard des enfants.<sup>32</sup>

## **2. Right to life, liberty and security of the person**

15. AI underlined its concerns regarding allegations of ill-treatment and excessive use of force and firearms by Portuguese law enforcement officers. It noted the pattern of apparent impunity resulting from the failure to hold officers to account through effective disciplinary and/or criminal investigations, and indicated that as a result, justice for victims is denied. It added that inadequate training in the use of firearms is often blamed for fatal shootings and that representatives of police professional associations (Associação Sócio-Profissional da Polícia de Segurança Pública and Associação dos Profissionais da Guarda) have urged better training. AI shared this concern, and was also concerned at the recent acquisition of electro-shock weapons by law enforcement agencies.<sup>33</sup>

16. The European Committee for the Prevention of Torture and inhuman or degrading treatment or punishment (CPT/CoE) indicated that its delegation in 2008, heard numerous allegations of ill-treatment by law enforcement officials. Allegations mainly concerned slaps, punches and blows with various objects such as batons and telephone books. Allegations of verbal intimidation and of a specific threat made with a firearm were also received.<sup>34</sup> AI also referred to this information.<sup>35</sup> CPT/CoE added however that its delegation did meet persons who

stated that they had been correctly treated by law enforcement officials during their period of detention.<sup>36</sup>

17. AI stated that the conditions inside Portuguese prisons continued to be of concern, with numerous allegations of physical abuse of inmates by prison guards. AI cited a 2009 CPT/CoE report on Portugal which stated that it had received a number of allegations of physical ill-treatment of prisoners by custodial staff at Monsanto High Security Prison and Coimbra Central Prison, and, to a lesser extent, at Oporto Central Prison. These allegations concerned punches, kicks and blows with batons, after the prisoners concerned had been brought under control. In some instances the prisoners apparently required medical treatment as a result.<sup>37</sup>

18. CPT/CoE noted that 76 persons died in Portuguese prisons in 2007 and that this figure represents a decrease compared to previous years, but was high compared to other European prison systems. It recommended instituting a practice of carrying out thorough inquiries into deaths in custody with a view to learning lessons and improving operating procedures within prisons.<sup>38</sup> The Portuguese Government made comments on these recommendations.<sup>39</sup>

19. AI called on the Government to ensure a clear definition in the law of appropriate and proportionate use of force by law enforcement officials, in line with international standards such as the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials; and to conduct prompt, thorough, impartial and effective investigations into all allegations of ill-treatment or excessive use of force by law enforcement officials, to bring those responsible to justice.<sup>40</sup> The CPT/CoE recommended that a thorough, comprehensive and independent study into the prevalence of ill-treatment by law enforcement officials be carried out<sup>41</sup> and that the training provided to law enforcement officials be reviewed.<sup>42</sup> The Government made comments on these CPT/CoE recommendations.<sup>43</sup>

20. CPT/CoE noted that in recent years, there has been greater recourse to alternative measures to imprisonment, particularly for short sentences, due, apparently, to greater public and judicial confidence in such measures as electronic surveillance. The new Criminal Code and Code of Criminal Procedure in 2007 introduced a number of measures designed to reduce the prison population. The CPT/CoE welcomed the impact of these measures and trusted that efforts to eliminate prison overcrowding would continue.<sup>44</sup> The Portuguese Government made comments on these issues.<sup>45</sup> AI reported that the 2009 CPT/CoE report welcomed a significant decrease in prison overcrowding, but continued to express concern about certain prisons, such as Angra do Heroísmo Regional Prison (Açores), where occupancy stood at nearly 200 per cent at the time of the visit.<sup>46</sup>

21. CPT/CoE considered that one of the thorniest challenges facing the Portuguese Prison System was the widespread availability of illicit drugs and drug dependence. It noted that despite continued efforts to tackle these, it appeared that the drug problem continued in most prison establishments. CPT/CoE stated more effective steps were needed to implement a three-pronged strategy: to put an end to the supply of drugs, to reduce as far as possible the demand for drugs, and to provide appropriate assistance to prisoners with drug-related problems. Prison management should consider that its responsibility includes the prevention of prisoners' involvement in drug use and trafficking.<sup>47</sup> The Portuguese Government made comments on these issues.<sup>48</sup>

22. La contribution conjointe a noté que malgré les efforts du Portugal en la matière, le problème que constitue la traite des personnes reste de premier ordre, étant donné que le Portugal est un pays d'accueil et de transit pour des milliers de femmes, d'hommes, de jeunes et

d'enfants, victimes de la traite. La contribution conjointe a signalé qu'une estimation précise du nombre de personnes concernées par le phénomène n'est pas disponible à ce jour et que cette traite se pratique par le biais de réseaux organisés en bandes criminelles et touche principalement les secteurs considérés comme moins réglementés tels que le secteur de la construction, du travail domestique, de l'hôtellerie, de l'agriculture ou encore de la prostitution.<sup>49</sup>

23. La contribution conjointe a précisé que le Portugal a criminalisé la traite des personnes à des fins d'exploitation sexuelle dès 1995, et a étendu la définition de son code pénal (art. 160 et 169) pour inclure en 2007 la traite à des fins de travail forcé, la traite des organes et autres formes de traite. Cette contribution a considéré que l'alourdissement des peines prévues doit effectivement être mis en œuvre, afin que les auteurs de ces crimes soient effectivement sanctionnés à la mesure de la gravité de leurs actes.<sup>50</sup>

24. La contribution conjointe a mentionné les mesures de protection accordées aux victimes de la traite, et notamment le fait que les victimes se voient accorder une période de réflexion allant de un à deux mois pour leur laisser le temps de décider si elles souhaitent ou non déposer plainte contre les trafiquants et le fait que quelque soit leur décision, un permis de résidence d'un an leur est accordé.<sup>51</sup> Cette contribution a salué l'adoption par le Portugal de son premier et ambitieux Plan d'Action National contre la Traite des Personnes 2007-2010<sup>52</sup> et a estimé que davantage d'efforts doivent être mis en œuvre pour identifier les victimes de la traite et leur assurer les mesures de protections prévues, ce qui va de pair avec la nécessité d'accroître les capacités et le nombre de structures d'accueil pour les victimes de la traite.<sup>53</sup>

25. AI continued to be concerned at reports of violence against women, including domestic violence. It said that a large and growing number of cases are reported to the authorities every year. The Portuguese Association of Victim Support received 16,832 complaints of domestic violence in 2008, including seven murders, compared to 14,534 complaints in 2007. AI cited statistics compiled by Women's Union, an NGO, that at least 48 people died as a result of domestic violence in 2008.<sup>54</sup> La contribution conjointe a ajouté que cette violence s'enracine dans une culture traditionnellement dominée par les hommes, ou l'égalité des droits hommes-femmes n'est souvent pas encore rentrée dans les mentalités. Cette contribution a signalé que même si l'on estime qu'une grande proportion de femmes subisse au cours de leur vie une forme de violence domestique, seul un nombre relativement limité de cas est présenté à la justice.<sup>55</sup>

26. Pour la contribution conjointe, la violence domestique au Portugal reste un problème et un défi majeur, en dépit des campagnes menées par l'Etat dans ce domaine, malgré la mise en place du Troisième Plan National contre la Violence Domestique 2007-2010 et malgré les efforts des organisations de la société civile et notamment de l'APAV (Associação Portuguesa de Apoio à Vítima). Cette contribution a signalé que la législation en place est satisfaisante, mais qu'en revanche, sa mise en œuvre, notamment devant les tribunaux, devrait être facilitée et améliorée, afin de lutter contre l'impunité et d'en rendre l'accès plus aisément envisageable pour les victimes, à travers notamment l'octroi plus systématique de mesures de protection.<sup>56</sup>

### **3. Administration of justice and the rule of law**

27. CPT/CoE informed that many persons detained by law enforcement agencies complained that they had not been allowed to contact their lawyer from the outset of their deprivation of liberty or, in some cases, to contact a third party.<sup>57</sup> It recommended that the Portuguese authorities take appropriate steps to ensure that this right is effective in practice<sup>58</sup> and that the right of access to a lawyer, including the right to talk to the lawyer in private, is enjoyed by all persons from the very outset of the deprivation of liberty.<sup>59</sup> CPT/CoE recommended further that

Regulation 8684/99 be amended so as to guarantee an unrestricted right of access to a doctor and that steps be taken to ensure that this right is respected in practice.<sup>60</sup> The Portuguese Government made comments on these issues.<sup>61</sup>

28. CPT/CoE reported that the Code of Criminal Procedure places an obligation on law enforcement officials to inform 'arguidos' (formal suspects) about their right of access to a lawyer and of other rights but that CPT/CoE's delegation was told that such an obligation does not exist vis-à-vis other persons obliged to remain with the police. CPT/CoE recommended ensuring that an obligation be expressly laid down in law to inform all persons held by the police of their rights,<sup>62</sup> that all such persons be required to sign a statement indicating that they have been informed of their rights and have understood them and that if necessary, the absence of such a signature should be duly accounted for.<sup>63</sup> The Portuguese Government made comments on these issues.<sup>64</sup>

29. ECRI/CoE was concerned that there continue to be complaints about racist and discriminatory conduct by law enforcement agencies.<sup>65</sup> ECRI/CoE strongly recommended that additional steps be taken to bring an end to all police misconduct, including racist remarks and ill-treatment towards minorities.<sup>66</sup> It strongly encouraged the allocation of all necessary resources to law enforcement officers to enable them to operate under appropriate conditions, with strict respect for the human rights and dignity of the people they arrest.<sup>67</sup> It added that the authorities could also consider increasing the number of members of minority groups employed in the police.<sup>68</sup>

#### **4. Freedom of expression, association and peaceful assembly, and right to participate in public and political life**

30. ECRI/CoE was concerned to learn that certain media, in particular television, convey racist stereotypes and prejudices<sup>69</sup> and encouraged the Portuguese authorities to impress on the media, without encroaching on their editorial independence, that they must ensure that the way they present information does not contribute to a climate of hostility and rejection towards members of all minority groups.<sup>70</sup>

31. ECRI/CoE considered that Portugal could make further progress in granting non-citizens the right to vote and stand as candidates in municipal elections in terms of integration. Under the Portuguese Constitution, non-citizens from non-EU countries may vote and stand as candidates in local elections provided there is a reciprocal arrangement with their country of origin.<sup>71</sup> ECRI/CoE recommended that the Portuguese authorities pursue their efforts to enable persons of immigrant origin to play a full part in the public and political life of the country, by providing for the possibility for non-citizens who have been living in Portugal for many years to acquire Portuguese nationality and vote and stand as candidates in local elections.<sup>72</sup>

#### **5. Right to education**

32. ECRI/CoE noted with interest the legislation providing for the introduction in schools of compulsory classes in Portuguese as a second language for children whose mother tongue is not Portuguese. It welcomed the adoption of Decree-Law No. 67/2004 which guarantees the right of children whose foreign parents have no legal status in Portugal to enroll in schools under the same conditions as children of non-nationals who do have legal status. It added that the same rule applies to access to health care.<sup>73</sup> ECRI/CoE recommended that the authorities continue and intensify efforts to ensure equal access to education for children from minority groups, particularly immigrant children.<sup>74</sup> It also recommended closely monitoring their situation to

ensure that they do not suffer any disadvantage in access to education, particularly because of a failure to cater for multiculturalism in schools.<sup>75</sup>

## **6. Minorities and indigenous peoples**

33. The Committee of Ministers of the Council of Europe stated that measures have been taken to improve the socio-economic and educational situation of the Roma, but a number of Roma are still at a disadvantage and could be confronted with discrimination, social exclusion and marginalization.<sup>76</sup> ECRI/CoE asked the authorities to adopt a national strategy to combat such social exclusion.<sup>77</sup> The Government made comments on these issues.<sup>78</sup> The Committee of Ministers further considered that further measures should be developed, in co-operation with the persons concerned, to promote the full and effective equality of the Roma, particularly in housing, education, employment and health and to continue to combat prejudice and hostility against them.<sup>79</sup>

34. ACFC/CoE noted that social and economic problems facing the Roma, coupled with attitudes of hostility and rejection, make their effective participation in public affairs, and social, economic and cultural spheres very difficult. It invited the establishment of consultation and participation arrangements at national and local levels to remedy this.<sup>80</sup> ACFC/CoE noted that limited attention is paid to the preservation and development of Roma culture, language and traditions and called for consultation and measures in this regard.<sup>81</sup> It also invited the authorities to ensure that no undue obstacles are placed to the practice of itinerant trade by part of the Roma population, for whom it is an important source of income.<sup>82</sup> Similar points were made by ECRI/CoE, including in respect of access to housing, education and participation in economic activity.<sup>83</sup>

35. ECRI/CoE recommended that the Portuguese authorities consider ways of introducing a coherent and complete data gathering system to assess the situation of the various minority groups living in Portugal and determine the extent of instances of racism and racial discrimination. Such a system should comply with national legislation, and European regulations and recommendations on data protection and private life.<sup>84</sup>

## **7. Migrants, refugees and asylum-seekers**

36. ECRI/CoE welcomed efforts to deal with the constant increase in immigrants to Portugal since the 1990s.<sup>85</sup> It noted that immigrants' representatives still complain of inappropriate reception by employees of the Foreigners and Borders Service, and of significant delays in the processing of cases.<sup>86</sup> In this regard, it strongly recommended that Portugal pursue and intensify efforts to solve these remaining problems, continuing to provide all resources required to limit bureaucracy and assist immigrants.<sup>87</sup> The Portuguese authorities made comments on these issues.<sup>88</sup>

37. ECRI/CoE noted with satisfaction that Portugal's immigration policy is coupled with an integration policy and that the latter has been reflected in a large number of measures for immigrants in fields such as education, employment, social rights and culture.<sup>89</sup> It indicated that nonetheless, integration problems persist and the integration process is aimed at the very recently arrived immigrants, overlooking slightly those who arrived some time ago and for whom no special integration measures were available at the time.<sup>90</sup> ECRI/CoE recommended that the authorities maintain and consolidate efforts to promote the integration of immigrants in Portugal and stressed that integration efforts should apply to all immigrants, irrespective of their ethnic



and national origin and regardless of when they arrived. It added that the authorities should also include Portuguese nationals of immigrant origin in the integration process.<sup>91</sup>

38. ECRI/CoE was deeply concerned about the continuing malpractices of employers towards employees without legal status, who are particularly vulnerable. It noted that the authorities rarely took action to penalize such employers.<sup>92</sup> ECRI/CoE recommended that the Portuguese authorities pursue their efforts to grant work and residence permits to foreign workers in Portugal who are without legal status<sup>93</sup> and take all the necessary measures to ensure that immigrants, whether or not they are legally resident, are not subject to any malpractices from their employers. It stated that employers must be liable to appropriate penalties for such abuses, particularly in the case of illegally employing immigrants. Legislative measures should also be taken for employees who have been exploited.<sup>94</sup>

39. In 2006, in view of the revision of the Asylum Act, ECRI/CoE reiterated its recommendation that the authorities give suspensive effect to appeals against a refusal to grant asylum in the admissibility phase, to avoid the danger of an asylum seeker being deported even though ultimately the application might be accepted. The authorities should also ensure that the time allowed for submitting an asylum application is not too short.<sup>95</sup> ECRI/CoE encouraged the Portuguese authorities to pursue their efforts to facilitate the integration of asylum seekers and refugees and recommended that the Portuguese Council for Refugees be provided with all necessary means to enable it to perform its task in the best possible conditions.<sup>96</sup> The Portuguese authorities made comments on these issues.<sup>97</sup>

## **8. Human rights and counter-terrorism**

40. AI reported that on 14 February 2007, the European Parliament approved the report of its temporary committee of inquiry into alleged flights by the intelligence agency of a foreign country operating in Europe as part of the this country's programme of renditions. AI stated that the report found there had been stopovers by flights operated by this intelligence agency in Portuguese territory, believed to be part of the network involved in renditions, on 91 occasions. The report also cited evidence of an additional 17 suspect flights travelling to or from Guantánamo Bay that had stopped over in Portugal between 11 January 2002 and 24 June 2006. AI added that the European Parliament report alleged that the Government must have been aware of the nature of the abovementioned flights stopping over in Portuguese territory.<sup>98</sup>

41. AI noted that despite assertions from the Government that there was no real evidence that Portuguese officials had been aware of the nature of the illegal flights, a judicial investigation into the suspected rendition flights by the abovementioned intelligence agency was opened in February 2007, and remained in progress. AI also indicated that information from the Ministry of Public Works given to Parliament in May 2008 stated that 56 flights operated by this Intelligence Agency originating from or heading to Guantánamo Bay passed through Portuguese territory between July 2005 and December 2007. No information was made public about the details of the passengers on these flights, according to AI.<sup>99</sup> AI called on the Government to ensure that a full, effective, independent investigation into the possible role of Portuguese officials and the use of state territory in connection with human rights violations associated with the programme of the abovementioned intelligence agency renditions or other unlawful transfers is conducted and the findings made public; and that no part of Portuguese territory, including its airspace and all airports and military bases, is used to carry out or facilitate renditions and other unlawful transfers, including through the implementation of effective preventive measures.<sup>100</sup>

### III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

N/A

### IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

42. La contribution conjointe a recommandé qu'une nouvelle campagne de sensibilisation du public contre la discrimination à l'égard des personnes handicapées serait nécessaire; que la maltraitance des personnes handicapées, notamment lors de l'application de châtiments corporels, soit clairement dénoncée<sup>101</sup> et que le Portugal mette en œuvre effectivement toutes les mesures prévues dans le Plan d'Action pour l'Intégration des Personnes Handicapées 2006-2009.<sup>102</sup>

43. La contribution conjointe a également recommandé que le Portugal déploie tous les efforts nécessaires en vue de réaliser son premier Plan d'Action National contre la Traite des Personnes (2007-2010), en particulier les composantes relatives au désir de mieux connaître le phénomène, notamment par le biais d'un observatoire sur la traite des personnes (établi en novembre 2008) et de la publication d'un rapport annuel public sur la traite des personnes au Portugal. La contribution conjointe a considéré que la coopération internationale accrue avec les pays d'origine et de destination, prévue par le Plan, notamment en vue de démanteler les réseaux, est également essentielle et que cette coopération doit aller de pair avec les efforts prévus en terme de sensibilisation des populations à risque dans les pays d'origine. Cette contribution a ajouté que les mesures de protection, d'information (notamment la distribution à grande échelle d'un kit d'informations, traduit dans les langues parlées par les populations à risque, pour que les victimes potentielles sachent où trouver l'assistance nécessaire, ainsi que la création d'un numéro d'appel d'urgence) et de sensibilisation de la population portugaise devraient également être appliquées.<sup>103</sup>

44. La contribution conjointe a recommandé qu'il est nécessaire de mener une réflexion sur les causes profondes de la traite des personnes, afin de pouvoir traiter le problème à la racine et que cela impliquerait sans doute aussi d'envisager des moyens de faciliter et d'améliorer les conditions de la migration par les voies légales en tenant compte notamment de la demande de main d'œuvre étrangère sur le marché portugais. Selon cette contribution, une meilleure régulation de certains secteurs à risques, notamment les secteurs informels doit également être envisagée et la hausse des mesures d'inspection des établissements à risque, en vue d'identifier les travailleurs victimes de traite, telle que prévue dans le Plan d'Action National doit être mise en œuvre.<sup>104</sup>

45. Pour la contribution conjointe, le Portugal devrait faire davantage d'efforts pour saisir l'ampleur réelle du phénomène de la violence domestique, évaluer le pourcentage de femmes touchées par ce problème, et obtenir une compréhension plus holistique et multidimensionnelle du phénomène, afin d'améliorer les réponses apportées. Il devrait aussi étudier les raisons qui retiennent les femmes de dénoncer leurs maris, et adopter les mesures nécessaires en conséquence. Cette contribution a signalé que la mise en œuvre des mesures de réintégration des victimes, telles que prévue notamment dans le Troisième Plan National contre la Violence Domestique est indispensable pour enrayer ce phénomène.<sup>105</sup>

46. De même, d'après la contribution conjointe, le Portugal doit continuer de sensibiliser la population sur l'égalité des droits hommes-femmes, et contre les stéréotypes et la discrimination fondée sur le genre. Il devrait intensifier ses efforts pour promouvoir l'égalité des genres au Portugal, notamment au niveau des programmes scolaires des enfants, en sensibilisant

principalement les professeurs à ce sujet, à travers des formations continues obligatoires pour les professeurs en vue de les équiper à aborder ce sujet de manière efficace. Cette mesure doit permettre un changement des mentalités existantes, à travers l'élimination des stéréotypes en particulier chez les jeunes générations.<sup>106</sup>

47. La contribution conjointe a recommandé que le Portugal envisage de former davantage les autorités judiciaires et publiques afin de les sensibiliser sur la gravité des crimes de violence contre les femmes, et sur les mesures à prendre pour protéger les victimes.<sup>107</sup> Le Portugal devrait également soutenir les centres d'assistance aux victimes et améliorer sa coopération avec les ONGs actives en ce domaine, selon cette contribution qui a indiqué qu'il devrait y avoir au moins un centre d'accueil par district administratif.<sup>108</sup>

## V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

N/A

*Notes*

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<sup>1</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org). (One asterisk denotes a non-governmental organization in consultative status with the Economic and Social Council.

### *Civil society*

Contribution conjointe	Franciscans International*, Geneva, Switzerland ; Pro Dignitate*, Lisbon, Portugal; Conferência dos Institutos Religiosos de Portugal (CIRP), Portugal
AI	Amnesty International*, London, United Kingdom of Great Britain and Northern Ireland

### *Regional intergovernmental organization*

COE	Council of Europe, Strasbourg, France: <ul style="list-style-type: none"><li>– The European Commission against Racism and Intolerance (ECRI/CoE), Third report on Portugal, adopted on 30 June 2006.</li><li>– The European Committee for the Prevention of Torture and inhuman or degrading treatment or punishment (CPT/CoE), Report to the Portuguese Government on the visit to Portugal from 14 to 25 January 2008 CPT/Inf (2009) 13.</li><li>– Response of the Portuguese Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT/CoE) on its visit to Portugal from 14 to 25 January 2008, CPT/Inf (2009) 14.</li><li>– The Committee of Ministers of the Council of Europe, Resolution CM/Res CMN(2007)12 on the implementation of the Framework Convention for the Protection of National Minorities by Portugal.</li><li>– Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Portugal adopted on 6 October 2006 (ACFC/OP/1(2006)002).</li></ul>
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<sup>2</sup> Contribution conjointe, p. 5, para. 12.

<sup>3</sup> AI, p. 5.

<sup>4</sup> ECRI/CoE, p. 6.

<sup>5</sup> ECRI/CoE, p. 6.

<sup>6</sup> ECRI/CoE, p. 13, para. 32.

<sup>7</sup> ECRI/CoE, p. 13, para. 33.

<sup>8</sup> ECRI/CoE, p. 13, para. 35.

- <sup>9</sup> ECRI/CoE, p. 13, para. 36.
- <sup>10</sup> ECRI/CoE, p. 15, para. 39.
- <sup>11</sup> ECRI/CoE, p. 15, para. 40.
- <sup>12</sup> ECRI/CoE, p. 15, para. 42.
- <sup>13</sup> ECRI/CoE, p. 16, para. 44.
- <sup>14</sup> ECRI/CoE, p. 16, para. 46.
- <sup>15</sup> ACFC/CoE, p. 10, Para 30.
- <sup>16</sup> ECRI/CoE, p. 17, para. 48.
- <sup>17</sup> ECRI/CoE, p. 25, para. 88.
- <sup>18</sup> ECRI/CoE, p. 25, para. 89.
- <sup>19</sup> ECRI/CoE, p. 26, para. 92.
- <sup>20</sup> ECRI/CoE, p. 26, para. 90.
- <sup>21</sup> ECRI/CoE, p. 26, para. 91.
- <sup>22</sup> ACFC/CoE, p. 14, para. 50.
- <sup>23</sup> ECRI/CoE, p. 9, para. 12.
- <sup>24</sup> ACFC/CoE, p. 14, para. 50.
- <sup>25</sup> ECRI/CoE, p. 9, para. 14.
- <sup>26</sup> ECRI/CoE, p. 9, para. 15.
- <sup>27</sup> ECRI/CoE, p. 9, para. 16.
- <sup>28</sup> ECRI/CoE, p. 9, para. 18.
- <sup>29</sup> View Points by the Portuguese authorities reproduced in an appendix to ECRI/CoE third Report on Portugal, p. 41.
- <sup>30</sup> Contribution conjointe, p. 3, para. 4.
- <sup>31</sup> Contribution conjointe, p. 3, para. 5.
- <sup>32</sup> Contribution conjointe, p. 3, para. 6.
- <sup>33</sup> AI, p. 3.
- <sup>34</sup> CPT/CoE, p. 12, para. 9.
- <sup>35</sup> AI, p. 3.
- <sup>36</sup> CPT/CoE, p. 12, para. 9.
- <sup>37</sup> AI, p. 4.
- <sup>38</sup> CPT/CoE, p. 45, para. 106.
- <sup>39</sup> Response of the Portuguese government to the report of the CPT/CoE, p. 28.
- <sup>40</sup> AI, p. 5.
- <sup>41</sup> CPT/CoE, p. 13, para. 12.
- <sup>42</sup> CPT/CoE, p. 14, para. 14.
- <sup>43</sup> Response of the Portuguese government to the report of the CPT/CoE, p. 11, 12, 13.
- <sup>44</sup> CPT/CoE, p. 23, para. 41.
- <sup>45</sup> Response of the Portuguese government to the report of the CPT/CoE, p. 26.
- <sup>46</sup> AI, p. 4.
- <sup>47</sup> CPT/CoE, p. 26, para. 47.

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- <sup>48</sup> Response of the Portuguese government to the report of the CPT/CoE, p. 29.
- <sup>49</sup> Contribution conjointe, p. 2, para. 2.
- <sup>50</sup> Contribution conjointe, p. 4, para. 7.
- <sup>51</sup> Contribution conjointe, p. 4, para. 8.
- <sup>52</sup> Contribution conjointe, p. 4, para. 10.
- <sup>53</sup> Contribution conjointe, p. 4, para. 9.
- <sup>54</sup> AI, p. 4.
- <sup>55</sup> Contribution conjointe, p. 2, 3, para. 3.
- <sup>56</sup> Contribution conjointe, p. 4, para. 11.
- <sup>57</sup> CPT/CoE, p. 15, para. 19.
- <sup>58</sup> CPT/CoE, p. 16, para. 21.
- <sup>59</sup> CPT/CoE, p. 17, para. 24.
- <sup>60</sup> CPT/CoE, p. 18, para. 25.
- <sup>61</sup> Response of the Portuguese government to the report of the CPT/CoE, p. 15 to 19.
- <sup>62</sup> CPT/CoE, p. 18, para. 26.
- <sup>63</sup> CPT/CoE, p. 19, para. 27.
- <sup>64</sup> Response of the Portuguese government to the report of the CPT/CoE, p. 20.
- <sup>65</sup> ECRI/CoE, p. 26, para. 94.
- <sup>66</sup> ECRI/CoE, p. 27, para. 98.
- <sup>67</sup> ECRI/CoE, p. 26, para. 96.
- <sup>68</sup> ECRI/CoE, p. 27, para. 97.
- <sup>69</sup> ECRI/CoE, p. 24, para. 84.
- <sup>70</sup> ECRI/CoE, p. 25, para. 87.
- <sup>71</sup> ECRI/CoE, p. 22, para. 73.
- <sup>72</sup> ECRI/CoE, p. 23, para. 76.
- <sup>73</sup> ECRI/CoE, p. 19, para. 63.
- <sup>73</sup> ECRI/CoE, p. 19, para. 64, p. 17, para. 51.
- <sup>74</sup> ECRI/CoE, p. 17, para. 53.
- <sup>75</sup> ECRI/CoE, p. 17, para. 54.
- <sup>76</sup> The Committee of Ministers of the Council of Europe, Resolution CM/Res CMN(2007)12 on the implementation of the Framework Convention for the Protection of National Minorities by Portugal, p. 2.
- <sup>77</sup> ECRI/CoE, p. 6.
- <sup>78</sup> View Points by the Portuguese authorities reproduced in an appendix to ECRI/CoE third Report on Portugal, p. 39 to 41.
- <sup>79</sup> The Committee of Ministers of the Council of Europe, Resolution CM/Res CMN(2007)12 on the implementation of the Framework Convention for the Protection of National Minorities by Portugal, p. 2.
- <sup>80</sup> ACFC/CoE, p. 15, para. 53.
- <sup>81</sup> ACFC/CoE, p. 13, para. 46.
- <sup>82</sup> ACFC/CoE, p. 11, para. 32.
- <sup>83</sup> ECRI/CoE, p. 6.

<sup>84</sup> ECRI/CoE, p. 27, para. 101.

<sup>85</sup> ECRI/CoE, p. 18, para. 56.

<sup>86</sup> ECRI/CoE, p. 18, para. 57.

<sup>87</sup> ECRI/CoE, p. 18, para. 58.

<sup>88</sup> View Points by the Portuguese authorities reproduced in an appendix to ECRI/CoE third Report on Portugal, p. 44.

<sup>89</sup> ECRI/CoE, p. 20, para. 67.

<sup>90</sup> ECRI/CoE, p. 21, para. 70.

<sup>91</sup> ECRI/CoE, p. 22, para. 71.

<sup>92</sup> ECRI/CoE, p. 19, para. 63.

<sup>93</sup> ECRI/CoE, p. 19, para. 64.

<sup>94</sup> ECRI/CoE, p. 19, para. 65.

<sup>95</sup> ECRI/CoE, p. 24, para. 80.

<sup>96</sup> ECRI/CoE, p. 24, para. 81.

<sup>97</sup> View Points by the Portuguese authorities reproduced in an appendix to ECRI/CoE third Report on Portugal, p. 45.

<sup>98</sup> AI, p. 4.

<sup>99</sup> AI, p. 4.

<sup>100</sup> AI, p. 5.

<sup>101</sup> Contribution conjointe, p. 5, para. 13.

<sup>102</sup> Contribution conjointe, p. 5, para. 14.

<sup>103</sup> Contribution conjointe, p. 5, para. 15.

<sup>104</sup> Contribution conjointe, p. 5, para. 16.

<sup>105</sup> Contribution conjointe, p. 5, para. 17.

<sup>106</sup> Contribution conjointe, p. 5, para. 18.

<sup>107</sup> Contribution conjointe, p. 5, para. 19.

<sup>108</sup> Contribution conjointe, p. 5, para. 20.

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