



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: CAT/Follow-up

1 March 2021

Excellency,

In my capacity as Rapporteur a.i. for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the seventh periodic report of Portugal, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of its 68th session held from 11 November to 6 December 2019, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/PRT/CO/7, para. 47) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 16, 18 (a) and 22 (a) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 25 November 2020 providing your Government's response to the above-mentioned paragraphs (CAT/C/PRT/FCO/7) and to make the following comments:

National preventive mechanism (para. 16 of the Committee's concluding observations)

The Committee takes note of the information provided by the State party regarding the staffing situation at the national preventive mechanism, but would appreciate receiving additional clarifications on the number of full-time staff assigned exclusively to tasks and activities related to the mechanism, as well as on the financial resources allocated to it.

.../...

H. E. Mr. Rui Macieira
Ambassador
Permanent Mission of Portugal
to the United Nations Office at Geneva
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Excessive use of force, including racially motivated violence (para. 18 (a) of the Committee's concluding observations)

The Committee welcomes the State party's assertion that any allegation of excessive use of force, including racially motivated misconduct, by the police is thoroughly and strenuously investigated and, if proven true, met with adequate sanctions. However, it regrets not having received detailed information on the number of investigations, prosecutions, convictions and sentences handed down in cases of excessive use of force or other ill-treatment by police since the adoption of the concluding observations. In this connection, the Committee would appreciate receiving detailed information on the outcome of the investigations and on disciplinary and criminal proceedings concerning the death of Mr. Ihor Homeniuk, a Ukrainian national who was allegedly beaten and asphyxiated by officers at a detention centre at Lisbon airport in March 2020 (see CPT/Inf (2020) 33, para. 17).

Conditions of detention (para. 22 (a) of the Committee's concluding observations)

The Committee welcomes the reported progress achieved by the State party in reducing overcrowding in prisons. Nevertheless, it regrets that the follow-up replies did not indicate whether the State party has taken any concrete measures to address the shortage of prison staff, including health-care personnel and the deficiencies in the mental health-care services. The Committee also regrets not having received information on the measures taken to improve the material conditions in other places of deprivation of liberty such as police holding cells.

Implementation plans (para. 47 of the Committee's concluding observations)

Lastly, the Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, the recommendations included in its concluding observations (C).

The Government of Portugal is encouraged to provide additional information, if there is any, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern cited above. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the seventh periodic report of Portugal or other future periodic reports.

The Committee looks forward to a continued constructive dialogue with the authorities of Portugal on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

p.p.



Bakhtiyar Tuzmukhamedov
Rapporteur a.i. for follow-up to concluding observations
Committee against Torture