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**Examination of the 5th and 6th periodic report of Portugal on the implementation of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

Geneva, 7 November 2013

Statement by the Head of the Portuguese Delegation  
H. E. Ambassador Pedro Nuno Bártolo

Mr. Chairman,

It is for me an honour to stand here today before this Committee, on behalf of Portugal, on the occasion of the examination of my country's fifth and sixth periodic reports on the implementation of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Let me start by introducing the members of my delegation, who represent several governmental entities in Portugal:

- Mr. José Manuel Santos Pais, Deputy Attorney-General at the Constitutional Court
- Mr. Manuel Albano, National Coordinator for Trafficking in Human Beings
- Mr. Eurico Silva, Inspector at the Inspectorate General of Internal Administration
- Mrs. Célia Chamiça, Directorate General of Internal Administration
- Mrs. Manuela Santos, from the Criminal Police
- Mrs. Mariana Lopes, from the Directorate General for Reintegration and Prison Services
- Mrs. Cláudia Redinha, Directorate General for Justice Policy
- Mrs. Filipa Pereira, Directorate General of Health
- Mrs. Vera Ávila, Head of the Human Rights and Humanitarian Division of the Ministry of Foreign Affairs
- Mrs. Manuela Teixeira Pinto, Counsellor, Permanent Mission of Portugal to the UN
- Mr. Nuno Cabral, First Secretary, Permanent Mission of Portugal to the UN



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I would like, first of all, to salute all Committee members. We hope that this examination process will, once again, allow us to engage in a fruitful and constructive dialogue, which will contribute, as was the case with the presentation of previous reports, to an effective enhancement of the human rights situation in Portugal.

Mr. Chairman, Distinguished Rapporteurs and Members of this Committee,

Portugal is fully committed to the respect and the promotion of Human Rights. Our longstanding commitment to combat torture and all forms of inhuman and degrading treatment finds no better illustration than this one: we take great pride in teaching our children that Portugal became the first country in Europe and perhaps in the world to formally abolish the death penalty more than 150 years ago, in law and in practice, thus putting an end to what, in our view, is the worst form of cruel, inhuman and degrading punishment, a punishment that also degrades the State that carries it out.

As a State Party to the UN Convention against Torture since 1989, my country has been devoting great attention to the fulfillment of its obligations under this instrument, as part of our comprehensive efforts to enhance human rights record in all areas – civil, cultural, economic, political and social. We share the view that torture is always wrong and that the prohibition against torture is absolute. Human dignity is of paramount importance and human rights violations should not happen, not even under the auspices of fighting terrorism threats.

The examination of our Fourth Report, which took place in November 2007, proved to be a successful opportunity to measure progress achieved and to highlight remaining challenges concerning the implementation of our obligations under this Convention. We welcomed the positive spirit that presided to that occasion, and we have since been committed to implementing its recommendations.

In that respect, important measures have in the meantime been adopted, in compliance with this Committee's recommendations. First of all, let me highlight the ratification by Portugal of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 15 January of this year, followed by the nomination, on 20<sup>th</sup> May, of our *Provedor de Justiça* (Portuguese Ombudsman) as National Preventive Mechanism of Torture.



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Mr. Chairman,

Preventing and combating the ill-treatment of, and abuse of authority against, persons deprived of their liberty remains one of our top priorities. In this respect, and further to the recommendations of national and international entities, including this Committee, we have adopted in September 2009 Regulations on the Use of Coercive Means, together with a new Code on the Execution of Sentences and Security Measures in October of the same year. These measures were further completed by a General Regulation for Prison Facilities, adopted in 2011. These reforms, explained in more detail in the report, reinforce the transparency and possibility of evaluation and scrutiny, and are in line, in our view, with the highest international standards.

Training is also essential to prevent ill-treatment of persons deprived of their liberty. Efforts have been made to improve training and the content of courses provided, particularly those targeted at Prison Guards, whose initial training period has been prolonged to six months. The rights of the detained persons are also addressed in the initial and advanced training of prison officials.

We have been paying special attention to the amount of inspections to detention facilities, which is essential to ensure that the freedoms and fundamental guarantees of our citizens in detention facilities are being respected by police forces. In this regard, in 2012, as in previous years, the Inspectorate General for Internal Administration undertook several inspection operations targeting police precincts both of the GNR and the PSP. These inspections resulted in the drafting of recommendations and proposals which were, in general, accepted by both police forces. The Criminal Police itself established a Disciplinary and Inspection Unit which is responsible for conducting disciplinary enquiries and internal investigations, and submits proposals for appropriate measures to improve organization, performance and skills of the Criminal Police officials.

New measures were also taken in 2009 to ensure that persons deprived of their liberty in detention facilities within the Judiciary Criminal Police and under its administration, within courts and within public prosecution services are immediately informed in a comprehensible manner of the reasons of their detention and of their rights. All the information must be provided in a language understandable by the detainee and, whenever necessary, an interpreter must be present.



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The Portuguese authorities have also been looking at ways to prevent violence among inmates. Studies carried out in this field demonstrate that drug-related issues are one of the key underlying motives. A first Program for Combating the Entrance and Circulation of Narcotic Drugs and other Illicit Substances in Prison Facilities was launched in 2009 and has achieved positive results. Since then, several other specific programs were created, namely the program directed at sex offenders; the program directed at detainees convicted for road offences; the program for the prevention of recidivism; the program for emotional competences; and the program for the prevention of suicide.

We have also sought to improve the conditions of detention of prisoners by working on the infrastructure of several prisons. Sanitation conditions have been upgraded and extensive works were carried out in several prisons in order to achieve better conditions as well as to increase occupation capacity.

Aware of the importance of protecting minors in detention, a new National Network of Educational Guardianship Centers was launched in 2008. These centers are specially designed to meet the needs of rehabilitation and reintegration of minors, in an enclosed and protected environment.

Mr. Chairman,

Portugal is home to several immigrant communities from countries where Female Genital Mutilation is prevalent. Conscious of the high risk of the practice of Female Genital Mutilation in our territory, we have stepped up our commitment towards the prevention and elimination of this heinous practice. In 2009, the first National Program of Action on Female Genital Mutilation was adopted, which is now in its second edition. Among other measures, training activities for professionals dealing with potential victims as well as raising awareness among the practicing communities have been reinforced.

Combating domestic violence and violence against women and children is one of my country's utmost human rights priorities. In the last few years, we have improved legislation in this field, by approving, in 2009, new laws on the prevention of domestic violence and the protection and assistance to its victims, and on compensation to victims of violent crimes and domestic violence. Protection and assistance of victims was also stepped up in the same year, with the creation of new tools such as the "Teleassistência", which now covers the whole territory, including Madeira and the Azores. The number of shelters for victims has also been augmented: Portugal now has 36 shelters with a total capacity of accommodation for approximately 619 women victims of domestic violence and their children.



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In this regard, we would also like to highlight the ratification by Portugal, in February 2013, of the Council of Europe Convention on preventing and combating violence against women and domestic violence, also known as the Istanbul Convention. We were the third country to ratify this important legal instrument, which demonstrates our strong commitment in this area.

Preventing and combating trafficking in human beings is also a national priority. The creation of the Observatory on Trafficking in Human Beings at the end of 2008 was an important milestone in this area, as it brought about a more accurate knowledge of the reality in Portugal. Training in this area was reinforced for judges, prosecutors, police forces and labour inspectors. Provisions on the compensation to victims of trafficking in human beings were strengthened with the adoption of the previously mentioned law on compensation to victims of violent crimes. I would also like to highlight the ratification, in 2008, of the Council of Europe Convention on Action against Trafficking in Human Beings. Let me also stress the II National Action Plan against Trafficking in Human Beings, covering the period 2011 to 2013, which provides for a comprehensive response, putting together different public policies, as well as civil society, in the prevention and fight against this heinous crime.

Mr. Chairman,

This report was prepared within the Portuguese National Human Rights Committee, established in April 2010 following a commitment expressed during the Portuguese Universal Periodic Review (UPR) examination in Geneva, on 4th December 2009, in reply to several recommendations that Portugal improve its coordination mechanisms and present its reports to Treaty bodies on a timely basis.

The Portuguese National Human Rights Committee, which brings together government representatives, and benefits from the participation of the Provedor de Justiça (Ombudsman) and the Office of the Prosecutor General, is responsible for intergovernmental coordination with the aim of promoting an integrated approach to human rights policies. It is also committed to engaging with civil society and to promoting a greater involvement of NGO's in the UN human rights reporting process. In this regard, the National Human Rights Committee held a meeting with civil society representatives to discuss this report before it was submitted to you. We also strongly encouraged NGOs to send "shadow reports" to the Committee.



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Three years after its creation, the National Human Rights Committee has ensured that Portugal is now completely up to date with its reporting obligations to human rights treaty bodies. We have recently handed in our 8th and 9th reports on the CEDAW Convention, as well as the third report on the Framework Convention for the protection of national minorities of the Council of Europe.

The last three years were also marked by the Ratification by Portugal of several crucial international legal instruments in the field of human rights. Besides the Optional Protocol to the Convention against Torture, the Council of Europe Convention against Trafficking, and the Istanbul Convention, which I have already mentioned, I would like to point out the ratification of the Convention on the Rights of Persons with Disabilities in 2009, the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in 2012, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights in 2013, and, last September, the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure.

Mr. Chairman,

Portugal is fully aware of the remaining challenges in the field of the prevention of torture and other forms of cruel, inhuman or degrading treatment or punishment. Despite the difficult financial situation my country is currently facing for well known reasons, which led to a drastic curtailing in public spending, I want to assure you, Mr. Chairman, of my country's relentless commitment to continue improving the implementation of the Convention as well as to ensure the respect and promotion of the highest standards of Human Rights through effective legislative, administrative, judicial or other measures. For it is our view that no State interest should be purchased at the expense of human dignity.

I thank you, Mr. Chairman.