



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

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**Committee against Torture**

**Seventh periodic report submitted by Portugal  
under article 19 of the Convention pursuant to the  
optional reporting procedure, due in 2017\* \*\* \*\*\***

[Date received: 7 June 2018]

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\* The combined fifth and sixth periodic reports of Portugal (CAT/C/PRT/5-6) were considered by the Committee at its 1186th and 1189th meetings, held on 7 and 8 November 2013 (see CAT/C/SR.1186 and 1189). Having considered the reports, the Committee adopted concluding observations (CAT/C/PRT/CO/5-6).

\*\* The present document is being issued without formal editing.

\*\*\* The annexes to the present report are on file with the Secretariat and are available for consultation. They may also be accessed from the web page of the Committee against Torture.



*Note: Taking into account that the list of issues prior to submission of the seventh periodic report of Portugal (CAT/C/PRT/QPR/7), 14 January 2016, is previous to CAT/C/PRT/CO/5-6/Add.3 (27 January 2017), the answers provided hereunder are completed through reference to this information. Annex II to this report encloses the additional information provided in September 2017 by the Ministry of Home Affairs (MAI) following up to the letter of the Committee dated 29 August 2016.*

## **Articles 1 and 4**

- 1. With reference to the Committee's previous concluding observations (see CAT/C/PRT/CO/5-6, para. 7), please provide updated information on any progress made in amending Article 243 of the Criminal Code with a view to explicitly including discrimination as one of the purposes for inflicting torture and bringing the definition of torture into full conformity with all the elements contained in article 1 of the Convention. Please also clarify whether the prosecution of perpetrators of acts of torture could be subjected to a statute of limitations.**

1. Article 243 of the Portuguese Criminal Code (CC) has not been amended.
2. According to Article 118 of the CC, the criminal procedure shall be terminated on the grounds of the statute of limitations as soon as 10 years have elapsed over the commission of the offense, for crimes punishable with a custodial sentence with a maximum limit of five or more years, but not exceeding ten years.
3. In crimes against freedom and sexual determination of minors, as well as Female Genital Mutilation (FGM) of a child victim, the criminal procedure does not terminate on the grounds of the statute of limitations before the victim completes 23 years of age (Article 118, §5).

## **Article 2**

- 2. In the light of the Committee's previous concluding observations (para 8) and the information received from the State party on follow-up to the concluding observations, please provide updated information on:**

**(a) The legislative and other measures taken to ensure that all fundamental legal safeguards apply to anyone who is in police custody, from the very outset of his or her deprivation of liberty, including during the maximum six-hour period of detention for identification purposes. Please also clarify whether the time spent in custody for identification purposes is deducted from the 48-hour period of police custody within which a detained person must be brought before a judge;**

4. There are no changes on this subject. Articles 80 of the CC and 250 of the Code of Criminal Procedure (CCP) are applicable.
5. While noting that the CCP is not explicit on the deduction of a delay of 6 hours of detention for identification purposes to the maximum 48 hour period in police custody (Article 250, §6; Article 254, §1, subheading a)), the Immigration and Borders Service (SEF) has been following this practice as a standard procedure for decades.
6. The General Inspectorate of Home Affairs (IGAI) has issued Recommendation IG-2/2014, of 9 May, recommending that the delay of 6 hours is considered in the total period of the 48 hours in case of detention. This recommendation has been disseminated to all the forces and security services under the aegis of MAI.
7. IGAI'S unannounced inspections to the National Republican Guard (GNR) and the Public Security Police (PSP) premises and to SEF immigration removal centers, any day of the week, at any time of the day or night, as established in Article 23 of the Regulation on the Material Conditions of Detention in Police Premises (RMCDPP, Ministerial Order 5863/2015, of 26 May), contribute to ensuring fundamental legal safeguards to persons in

police custody. These unannounced inspections have a preventive nature and emphasize the inspection of detention areas (cells) and the conditions that are provided to detainees.

8. Since 2014, IGAI also has the responsibility to monitor coercive removal operations (forced return operations – FRO) of third country citizens from national territory, pursuant to Article 180-A, §4, subparagraph c, of Law 23/2007, 4 July and Order 11102/2014, 25 August.

9. With reference to GNR, regulations – NEP/GNR – 3.02.01 – set the framework of the Registry of Detainees and Identified Suspects. Compliance with the aforementioned regulations is verified through actions of inspection and patrolling.

**(b) Any measures taken to guarantee, in practice, that all persons deprived of their liberty are informed of their rights from the outset of their detention. Please clarify whether persons detained by the Public Security Police (PSP) and the National Republican Guard (GNR) are required to sign a statement indicating that they have been informed of their rights in a language they understand and whether Regulation 8684/99 has been amended accordingly;**

10. Please refer to §1 to §4; §10 to §11 of CAT/C/PRT/CO/5-6/add 3.

11. Persons detained by GNR are notified of their rights in written form. With regard to the GNR, NEP/GNR – 3.02.01, the internal regulation approved on 13 September 2013 setting the framework of the Registry of Detainees and Identified, applies.

12. People detained by security forces and services are notified of their rights and duties in written form. Pursuant to Article 15 (3) of the Ministerial Order 5863/2015 of 26 May, of MAI, detainees shall be notified of their rights and duties in a language they understand and, whenever necessary, the presence of an interpreter is requested.

13. Article 17 of the RMCDPP, determines that every police premise should have a register book, where the personal identification of the detainee, place, day and hour of the detention as well as the description of the facts and legal provisions that justify the detention, the officers in charge and the date where the detainee was presented before the judicial authority must be recorded.

14. Article 17, §2, on the individual detainee form is particularly relevant. This form, which is always signed by the detainee and the police officers involved, includes information on the time and causes for the deprivation of liberty, the moment the detainee was informed of his rights, marks of injuries, contacts with family, friends or lawyer, incidents that occurred during detention, the moment the detainee was presented before the judicial authority and released. This provision should be read in accordance with the CCP framework, i.e., besides issuing the individual detainee's form, police officers must also notify the detainee of their rights in written form (Article 58, §1, subparagraph c) and §4, together with Article 254 and *seq.*, combined with Article 61, §1, subparagraph h), all from CCP).

15. As to measures taken to guarantee these provisions, unannounced inspections carried out by IGAI focus on the enforcement of the RMCDPP by the police forces, encompassing all aspects related with “detainees” rights as well as their conditions and well-being, including with regard to citizens conducted to a police station for identification purposes.

**(c) Any measures taken to guarantee that all persons deprived of their liberty have access to an *ex officio* lawyer as from the moment of deprivation of liberty and during interviews with law enforcement officials and not only at the detention hearing before the judge:**

16. Please refer to §5 to §11 of CAT/C/PRT/CO/5-6/add 3.

**(d) Measures taken to ensure the monitoring of compliance with the fundamental legal safeguards by all public officials, including record-keeping of all periods of detention and notification to a next of kin, and to guarantee that public officials who deny those safeguards to persons deprived of their liberty are disciplined or prosecuted.**

**Please provide information on the number of complaints lodged and cases initiated for failure to comply with the fundamental legal safeguards and the outcome of those cases, including the penalties applied, in the period under review.**

17. With regard to the Ministry of Justice, there have been no further developments to Decree Law 115/2009, 12 October, Code for the Enforcement of Sentences and Deprivation of Liberty Measures (CEPMPL). All persons entering prison establishments do so in compliance with a court order. Compliance with all legal safeguards, including record-keeping of all periods of detention is thus always ensured. There is no information available on the number of complaints lodged and cases initiated for failure to comply.

18. Within SEF, monitoring of compliance with fundamental legal safeguards and rights of detainees takes place through unannounced inspections and periodic audits to immigration removal centers or temporary installation centers. These inspections may be of an internal nature, whenever they are carried out by an internal Inspection Department, or of an external nature, when undertaken by IGAI or by the prosecution services. The finding of facts that may give rise to disciplinary or criminal procedures gives action to all relevant legal mechanisms.

19. IGAI's unannounced inspections of GNR and PSP premises and, to some extent, of SEF's immigration removal centers, focus on 12 different areas of competence and intervention of police forces, among which:

(a) Detention of citizens focusing on the «detainees'» rights, including the time spent in custody and the safeguard of the 48-hour period of police custody within which a detained person must be brought before a judge, the timely communication of the detention to the public prosecutor, as well as the assessment of the record-keeping and files related with detentions, including the communication with a next of kin and the contact with a lawyer, according with the CCP and Articles 11 to 19 of the RMCDPP;

(b) Identification of citizens covering namely the record-keeping and archive of every such procedure, as well as the timely communication of the identification procedure to the judicial authority, according with the provisions of Article 253 of the CCP);

(c) Intervention under the Educational Guardianship Law;

(d) Intervention under the Children and Youth in Danger Law;

(e) Intervention under the Mental Health Act;

(f) Citizens' complaints, namely the assessment of the complaints book itself, type and subject matter of the registered complaints, related record-keeping and archive of associated documents, namely reports and communication with claimants, as well as the fulfillment of the provisions of the Resolution of the Council of Ministers 189/96, of 31 October concerning citizens' rights to complaint;

(g) Intervention under the Statute of the Victim;

(h) Detention areas, namely the assessment of detention conditions of each detention cell, namely with regard to suspension points, sharp surfaces, alarm equipment for requesting assistance if necessary, or surveillance of the detainee, covering fifteen specific matters according with the provisions of the RMCDPP, particularly Articles 3 to 7.

20. In case CAT deems necessary, IGAI may provide for the examination of a copy of the inspection form used by inspection teams during the unannounced inspections of GNR and PSP stations.

21. During the period under review, the SEF inspection office has had no record of infringements committed by its officers.

3. **With reference to the Committee’s previous concluding observations (paras. 17 and 21) and the information received from the State party on follow-up to the concluding observations, please provide the following information in relation to domestic and gender based violence for the period under review:**

**(a) Annual data, disaggregated according to the type of crime and the age and sex of the victim, on the number of victims of domestic and gender-based violence, including the number of those who died as a result, the number of complaints lodged or allegations registered by the police, the number of those that were investigated, how many led to prosecutions and convictions and the punishment imposed in cases of guilt. Please also indicate the number of protection orders granted in relation to those requested;**

22. Please refer to information provided in Annex III, Table I.

**(b) Updates on the means of redress provided to victims, including legal, medical and psychological assistance, the number of shelters and their occupancy rate, the procedure to obtain compensation, the percentage of cases in which compensation was awarded and the average compensation awarded;**

**Please also inform the Committee about the measures taken to encourage reporting of domestic and gender-based violence, to facilitate access to complaint mechanisms, to accelerate judicial processes and to control the execution of sentences in order to ensure the safety of the victims.**

**Please also indicate what types of protocols are in place, including for health practitioners, to guarantee effective intervention in cases of domestic and gender-based violence.**

*Means of redress and compensation*

23. Please refer to §17 to 26 of CAT/C/PRT/CO/5-6/add 3.

24. In addition, Law 104/2009, of 14 September, included “domestic violence” in the legal regime for violent criminality. Under the conditions set in Article 2 (1) (a) and (b) of Law 104/2009, the possibility to ask for an advance of compensation by the State or the payment of compensation when it cannot be borne by the offender, is now specifically addressed, provided that the injury has caused considerable disruption to the level and quality of life of the victim.

25. The foregoing right may extend, in the case of death, to persons who, under Article 2009 (1) of the Civil Code, are granted a right to alimony and those that, under Law 7/2001, of 11 May, live in union with the victim, according to §3 of the abovementioned Article.

26. The right of redress exists even if the identity of the perpetrator is unknown or, if for another reason, he/she cannot be accused or convicted.

27. The amounts are defined by means of equity judgments and within the limits defined by law, according to Article 4 of Law 104/2009.

28. “Casas de Abrigo” are a social institutional facilities (shelters) for victims of domestic violence (women and children). They are part of the public policy system named National Network for Supporting Victims of Domestic Violence (NNSVDV). This service provides social, legal and psychological support.

29. Please refer to information provided in Annex III, Table II.

*Measures taken to encourage reporting*

30. Domestic violence is a public crime, meaning that the initiation of criminal proceedings does not require a complaint from the victim, and that it is sufficient that the Public Prosecution Service becomes aware of the crime, in any way possible, for criminal proceedings to be initiated.

31. In other words, the case begins regardless of whether the victim wishes to make a complaint and the crime may be reported by anyone, including anonymously.

32. Additionally, law enforcement authorities and public officials are mandatorily required to report any crime that they become aware of, whether in the course of their duties or because of their duties. Reporting a crime is also mandatory for anyone who becomes aware of situations that endanger the life, physical or psychological integrity or freedom of a child. Please see Articles 241 to 244 and 246 of the CCP.

33. Furthermore, GNR has disseminated internal guidelines on the protection and promotion of the rights of victims of crime, namely concerning the procedures to adopt when taking complaints and reports (Circular Letter 3/2017, of 2 June), in line with Directive 2012/29/EU, of 25 October (Victims' Rights Directive).

34. Other measures to encourage reporting include awareness raising initiatives such as the campaign carried out by GNR on the International Day for the Elimination of Violence against Women (25 November 2017) aimed at improving prevention and stimulating the reporting of violent behavior against women, which has reached 6.171 citizens.

35. Training, within PSP, GNR and the Criminal Police (PJ) has been a consistent concern. PJ's initial training courses for trainee inspectors and career progression courses for chief inspectors and criminal investigation coordinators include lectures on domestic violence.

36. MAI approved the development of a special programme aimed at preventing crimes of domestic violence.

*Protocols in place and more effective intervention*

37. Law 112/2009, of 16 September, amended and republished by Law 129/2015, of 3 September, established the legal framework applicable to the prevention, protection and assistance to victims of domestic violence and created the NNSVDV. Article 80 (Protocols) provides for the celebration of protocols by:

- (i) Educational establishments and entities specially dedicated to monitoring the crime of domestic violence, who may celebrate cooperation protocols;
- (ii) Municipalities that have, or wish to have, projects against violence, in particular information centres on domestic violence with a view to implementing awareness raising campaigns and actions in local communities and to ensuring national coverage of the NNSVDV;
- (iii) Health professional bodies for the regular dissemination of informative material on domestic violence in health centres and pharmacies.

38. A decentralization strategy, based on the national support network composed of central public administration bodies, local public administration and local Non-Governmental Organizations (NGO) is being carried out with the aim to define more clearly and efficiently how to articulate the action of the different actors at local level, enable more decentralized interventions aligned with communities' needs, and ensure nation-wide coverage of the network specially aiming at inland territories with poorer access to services. Nine protocols have been signed between 2016 and 2017 across the country.

39. In order to improve the decentralized assistance/support to victims (especially in rural areas where public transport response is insufficient), 14 service structures (in mainland) with one vehicle each have been created.

40. A Transport Service for Victims of Domestic Violence and their Children which, for security reasons need to be integrated in shelters or emergency accommodation is also available since the 1 August 2013. This service ensures safe and secure transportation of victims of domestic violence and their children (including their personal belongings) from any kind of domestic violence support service to emergency accommodation and shelters, guaranteeing their physical and emotional integrity. The Transport Service is a national (mainland) service activated through a call centre system. The service is available 24 hours, every day. Since 2013, it transported around 5000 people. This Transport Service was also recently extended to victims of trafficking.

41. A guide on “Interpersonal Violence - Approach, Diagnosis and Intervention in Health Services” was drafted as part of the Health Action on Gender, Violence and Life Cycle, (Order 6378/2013, of 16 May, of the Ministry of Health) with contributions from experts in the prevention of interpersonal violence. This publication aims not only at improving knowledge of the phenomenon of interpersonal violence, in its multiple contexts and forms, but also to outline principles of preventive action, institutional devices and flowcharts of action. This Guide was updated in 2017.

42. The Guide on FGM (2012) also refers to the need to establish health action protocols.

43. In accordance with the 5th National Plan to Prevent and Combat Domestic and Gender-based Violence (NPPCDGBV) 2014–2017-measure 23 (*to define minimum operating requirements for the structures integrated within the national support network for victims of domestic violence, and for their supervision and technical follow-up*), the Commission for Citizenship and Gender Equality (CIG) has developed a minimum standard guide for the national domestic violence network.<sup>1</sup> This document is the framework for all services working with victims of domestic violence (regardless of specific professional protocols). Recently, the Government approved the Regulatory Decree that establishes organizational and operational requirements for all structures integrated within the NNSVDV.

44. In 2015, domestic violence accounted for 96.2% of cases reported to the Commissions for the Protection of Children and Young People (CCPJ) and children occupy more than 50% of the places in domestic violence shelters and emergency accommodation. In this context, a Protocol was established between the National Commission for the Promotion of the Rights and Protection of Children and Young People (NCPRPCYP) and CIG. Additionally, 28 protocols have been signed between the CCPJs and the social assistance services of the local social intervention network.

45. Partnerships with NGOs have also been established to create services that cater for groups with specific needs in the context of domestic violence: the first shelter for men victims of domestic violence; the first specialised support structure for men victims of sexual violence, a crisis centre for victims of sexual violence; and three specific support services for LGBTI victims, including a focus on LGBTI youth.

46. Finally, with a view to improve the quality of police action, two instruments have recently been created:

- A risk assessment tool aiming at minimizing the possibility of the victim being subjected to further assault, allowing security forces to be closer and monitor the situation by adjusting the preventive measures alongside with the investigation;
- The Domestic Violence Policing Manual, which integrates into a single document all the technical police procedures to be adopted by the security forces at different levels of intervention.

47. GNR has created specialized teams, the NIAVE (Teams of Investigation and Support to Specific Victims), distributed by all territorial units. These teams are especially dedicated to investigation and work in close connection and articulation with other community services, such as social security and NGOs, adopting an interdisciplinary perspective.

**(c) Updates on the measures taken to strengthen the prevention, investigation and punishment of all forms of violence against women, children and elderly people, including an evaluation of the impact of the National Action Plan for the Prevention of Violence against Elderly People. Please also include an evaluation of the impact that the Fifth National Action Plan to Prevent and Combat Domestic and Gender-based Violence (2014–2017) has had in this regard so far;**

48. Please refer to the answer provided above, in 3 b).

49. The 5th NPPCDGBV 2014–2017 establishes preventive measures, including the intensification of the role of municipalities, the development of programmes to eliminate

<sup>1</sup> <https://www.cig.gov.pt/2016/09/novo-guia-para-intervencao-em-violencia-domestica-e-de-genero/>.

gender stereotypes and empower women and girls, emphasising education in the community, issues of bullying, violence through the new ICT's and teen dating violence.

50. Since March 2017, victims of domestic violence and relevant professionals have access to a phone app<sup>2</sup> that provides information on all support services available in the country, ways to file a complaint or a request for information, and entities that provide legal or psychological counselling. The app allows direct telephone calls or electronic messages to these services.

51. The app is active in around one thousand mobile phones since March, and is used by victims and professionals.

52. Reference should also be made to gender budgeting on domestic violence. Since 2016, each Ministry must identify in the State Budget the amounts that it allocates to domestic violence prevention and to the protection and assistance of victims.

53. The National Strategy for Citizenship Education was launched, in September 2017, as a pilot project in 235 schools across the country, to be later extended to all schools and education levels. It focuses on citizenship competences and knowledge in children and youth, preparing them to become citizens that value and practice gender equality, human rights and non-discrimination, and that respect interpersonal relations and diversity.

54. Finally, between May 2017 and November 2019, a project on sexual violence in intimate relations will be running. Financed by the European Commission, this project is promoted by CIG, and developed in partnership with the Ministries of Education, Health, Justice, Labour Solidarity and Social Security, and Home Affairs. The purpose is to develop information and awareness raising materials, campaigns and training actions directed at public administration officials that intervene in the prevention of this type of violence.

55. The 5th Plan will be subject to a final evaluation at the end of its term, in 2018.

56. The Government has also recently commissioned a study to evaluate the public policies that have been developed since the first action plan against domestic and gender based violence (1999). This will be done with the expertise of different universities that have been specializing in this area.

57. Portugal approved on 8 March 2018 the national strategy for equality and non-discrimination until 2030, aligned with the sustainable development goals, which sets the following guidelines and measures:

- Public policy in the field of equality between women and men;
- Preventing and combating violence against women, domestic violence;
- Discrimination on grounds of sexual orientation, gender identity and sexual characteristics.

58. Regarding the Agenda for gender equality in the labour market and in business, the strategy aims to reinforce the fight against occupational segregation, to promote equal pay and reconciliation of professional, family and personal life and to encourage the dialogue with social partners.

59. The strategy also aims to consolidate the policy of prevention and combat violence against women through an emphasis on primary and secondary prevention, intervention with vulnerable and/or in disadvantaged groups, empowering victims, training of professionals and prevention and combat against harmful practices, including female genital mutilation and child, early and forced marriages.

60. For the first time, it is outlined a specific planning to fight discrimination on grounds of sexual orientation, gender identity and sexual characteristics, by defining priority areas of intervention measures, such as information and training, and the level of several sectoral policies.

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<sup>2</sup> App VD – APpoio Contra a Violência Doméstica.

61. The Ministry of Justice, through the General Direction of Reinsertion and Prison Services (DGRSP), has developed specific programmes for offenders both in the context of sexual violence and domestic violence. Please see answer to §14b).

62. GNR has accomplished the objectives set up in the National Plan for the Prevention of Domestic Violence.

**(d) Updates on the steps taken to sensitize and train law-enforcement personnel in investigating and prosecuting cases of domestic and gender-based violence and awareness-raising measures to fight gender stereotypes and domestic violence among the population at large.**

63. Please see answer to §3 b).

64. Portugal has made significant efforts to inform and raise awareness of potential victims of violence and the community in general, including men and boys, to prevent and combat violence against women and girls through the implementation of several measures, many of them established in the context of National Plans against Domestic and Gender-based Violence, such as:

- Annual information campaigns for specific target groups, to conduct information and awareness raising programmes on domestic and gender-based violence. Through video clips, radio spots, press, posters and internet, campaigns are instrumental tools to raise awareness and promote social change. The survey on Violence against Women carried out by the Fundamental Rights Agency (published in March) found that, in Portugal, 70 % of the women asked had recently seen or heard awareness-raising campaigns (EU average is 50 %);
- Organization of seminars, workshops, awareness-raising moments, etc. by all sectors, including security forces, education, justice, social security, health, municipalities, NGO's, etc.;
- Development and dissemination of information and educational materials addressed to the education community;
- Training of professionals involved in the area of domestic violence, in particular judges, security forces and health professionals;
- Extension of the tele assistance system, by increasing of available electronic surveillance devices and dissemination of information about this means of protection in training actions addressed to judges and prosecutors;
- Launching of a campaign against dating violence in 2016 in cooperation with academic federations, disseminated in festivals, debates, universities, high schools, and others. Campaign materials have been widely disseminated;
- Launching of the “Not one minute more of silence” awareness raising campaign on the 25 November 2017 in partnership with NGOs, the Public Prosecution Office and the Portuguese Football League.

65. As a partner of Project RIMM – Reinforcement of Integrated Migration Management (2013), Portugal participated – through the International Lesbian and Gay Association (ILGA) – in the production of the poster “You are safe here”, addressed to LGBT migrant victims of human trafficking and domestic violence as well as to asylum seekers. This poster was mainly distributed to institutions working with migrants and asylum seekers, such as the High Commission for Migration’s National Support Centres for the Integration of Migrants (CNAIM), Local Support Centers for the Integration of Migrants (CLAIM) and law enforcement agencies.

66. The “Handbook of procedures for networks of integrated, inter-sectorial and multidisciplinary intervention in combating domestic violence and human trafficking” was also published within the scope of Project RIMM.

67. Other awareness-raising actions conducted by GNR Special Programmes of Proximity Policing include the “Safe School” Programme, “Support to 65-Elderly in Security” Programme and the “Support to Persons with disabilities Programme”, reaching 54.347

citizens in 2016. GNR also organizes an annual course on “Investigation and Support to Specific Victims” for officers investigating cases of domestic violence, addressing the specific needs of victims.

**4. With regard to the Committee’s previous concluding observations (paras. 19 and 21) please provide the following information in relation to the crime of trafficking in human beings, for the period under review:**

**(a) Annual statistical data, disaggregated by age, sex, country of origin and employment sector of the victim, on the number of victims of trafficking and the number of complaints lodged or reports registered by the police regarding this crime, the number of persons investigated, how many led to prosecutions and convictions and the punishment imposed in cases of guilt;**

68. For official crime statistics provided by the Ministry of Justice, please see Annex III, in particular Table III, Table IV and Table V.

69. According to the Observatory on Trafficking in Human Beings (OTSH), data last updated in August 2017 and the sample “Confirmed Victims by the competent authorities”, between 2013 and 2016, indicate the following:

(1) Total of Confirmed Victims by competent authorities 2013–2016 (n= 389):

(a) By year: 2013 (150); 2014 (58); 2015 (49); 2016 (132);

(b) Age: the majority of the confirmed victims are adults (n=346). There are 43 confirmed under-aged victims. By year/adults: 2013 (130); 2014 (45); 2015 (42); 2016 (129). By year/children: 2013 (20); 2014 (13); 2015 (7); 2016 (3);

(c) Sex: the majority of the confirmed victims are male (n=272). There are 115 confirmed female victims. By year/sex/male: 2013 (104); 2014 (32); 2015 (29); 2016 (107). By year/sex/female: 2013 (46); 2014 (26); 2015 (20); 2016 (23). The sex is still unknown in some registers referring to 2016 (data protected by statistical secrecy);

(d) Country of origin: Portugal is primarily a country of destination (n=279 victims) and secondly a country of origin (n=62 victims). To a lesser extent, it shows up as a country of transit (n=48 victims). Disaggregating by year/typology:

(i) Destination – 2013 (120); 2014 (32); 2015 (28); 2016 (99);

(ii) Origin – 2013 (3); 2014 (8); 2015 (18); 2016 (33);

(iii) Transit – 2013 (27); 2014 (18); 2015 (3); 2016 (0). Please refer to Table VI of Annex III for the country of origin (citizenship)/year.

(e) Purpose/sector of exploitation – the main purpose of trafficking in human beings (THB) is labor exploitation, mostly by the agricultural sector, due to its higher demand for labor force. Please refer to Table VII of Annex III.

70. It should be noted that the abovementioned statistical information relates to a) domestic trafficking and foreign citizens trafficked in Portugal; b) victims detected in transit; c) national citizens trafficked abroad. Data regarding 2017 is not available yet, as it is still under analysis.

**(b) Updates on the means of redress provided to victims, including legal, medical and psychological assistance as well as medium and long-term support programmes, the number of shelters, including for men and children, and their occupancy rate, the procedure to obtain compensation, the percentage of cases in which compensation was awarded and the average compensation granted, and the efforts made to make victims aware of their right to compensation;**

**Please explain the efforts undertaken to provide renewable residence permits, even when the victim is unable to cooperate with the authorities, and protection against return to all victims and witnesses of trafficking, particularly when the person would be in danger of torture in his or her country of origin. Please also indicate the measures taken to provide assistance and protection to victims who report incidents of trafficking to the police.**

*Means of redress*

71. All foreign victims of trafficking, including EU/EEA nationals, are entitled to a recovery and reflection period and are accommodated in shelters for THB available in Portugal. This applies regardless of the victim's co-operation and is offered before any formal statement is given to the investigators.

72. Alleged victims of trafficking (national, EU/EEA nationals or non EU) are put under a protection and safety programme (including accommodation, right to subsistence, access to suitable and urgent medical treatment, psychological assistance, protection, translation and interpretation services, as well as legal assistance, in accordance with the law). As soon as the victim's situation stabilizes, a life project is prepared by the victim and the centre's team. Whenever possible, the shelter and protection centre assists victims in pursuing education or vocational training or in finding work.

73. Presently, there are 4 shelters in Portugal: one for men, two for women which includes accommodation for minor children and one for children victims of THB (The occupancy rate is near 90%).

74. With a view to informing victims of THB of their right to compensation, a brochure has been issued, explaining the provisions of the Law on the Compensation to Victims of Violent Crime and Domestic Violence. This brochure is available in five languages (English, Portuguese, Romanian, Russian and French).

75. Please see answer to §3 b) and §17 to 20 of CAT/C/PRT/CO/5-6/add 3 and Table VIII of Annex III, for official data on requests for compensation provided by the Ministry of Justice.

76. These victims comprised three large groups. The first, made up of two women who were brought to Portugal on a promise of employment and forced to prostitute themselves. They were financially supported, and their travel and return to their country was funded by CPVC.

77. A larger group, six people, had to do with trafficking in human beings for slave labour, used on estates as free or very poorly paid labour, being also subject to punishment.

78. They received a monthly income, some for a period of 6 months, others for a longer period, until they became autonomous or were able to return to their country.

79. Lastly, one group consisting of children used for begging, but whose criminal proceedings were filed in court.

80. Concerning the measures taken to assist and protect victims and witnesses of THB, it should be highlighted that the Criminal Police provides for:

- Close and personal monitoring of the victims, in order to ensure their security and obtain valid testimonies that may be used in court, using *pro memoria* statements (article 271 CCP)- also with the aim to minimize secondary victimization;
- Funding of the victim's expenses (accommodation, food and transportation);

- Contact and collaboration with non-governmental organizations and other victim support institutions; contact with home country authorities;
- Compliance with the manuals and instructions of entities, specialists in the field, and those issued by the Criminal Police Practical School in in-house continuous training.

81. In the Criminal Police, courses on THB are also offered in the initial training courses for trainee inspectors and career advancement courses for chief inspectors and criminal investigation coordinators, as well as in lifelong training courses. The main objective is the investigation of trafficking in human beings, the identification of victims and the prosecution of perpetrators. Training courses on sexual crimes are also given. Several awareness raising actions on THB have also taken place, in particular in the field of labour exploitation.

82. The criminal police agencies that investigate THB participate in the EUROPOL EMPCAT project, in the area of trafficking in human beings. Cooperation is also carried out via Europol and Interpol, as well as bilaterally, where necessary, for ongoing investigations.

83. The Centre for Judicial Studies (CEJ) provides training courses on THB for prosecutors and judges and recently, training was given to all inspectors of the Authority for Working Conditions (ACT).

#### *Renewable residence permits and protection against return*

84. SEF makes all possible efforts to provide renewable residence permits. In some cases, a residence permit may be attributed to third countries nationals regardless of their cooperation.

85. Whenever victims of THB or smuggling of migrants are to remain in Portugal, a residence permit is granted under Article 109 of Law 23/2007, of 4 July, which establishes the legal framework of entry, permanence, exit and removal of foreigners into and out of Portuguese national territory.

86. Pursuant to Article 143(1) of this Law, foreign citizens are protected against returns to countries of destination where they may be subject to persecution or in danger of suffering torture, inhuman or degrading treatment in accordance with Article 3(2) of the European Convention on Human Rights.

87. Protection against return of victims of THB is ensured and the procedure for returning victims has been included in the reviewed National Referral Mechanism (NRM). The NGO Family Planning Association (APF), which coordinates the Specialized Multidisciplinary Regional Teams for the Assistance of THB Victims, is in charge of coordinating the return of victims of THB, if necessary in co-operation with CIG. The multi-disciplinary teams provide for psychosocial support to victims who wish to return, organize the financial, security and logistical aspects of the journey and liaise with relevant organizations in the country of return. The risk assessment is carried out by multidisciplinary teams on the basis of the information obtained from the police. Contacts are made with the authorities and NGOs in the country of return in order to assess the support that would be provided after the return. The Office of the National Rapporteur, International Organization for Migration (IOM), diplomatic representations and NGOs are frequently involved in the risk assessment and in the preparation of the return.

88. SEF and IOM have signed a Protocol on the Assisted Voluntary Return of foreigners that gives victims of THB priority access. Furthermore, the Portuguese authorities participated in IOM's CARE Project (2013–2015), which aimed to implement a coordinated and integrated approach to the return of THB victims to non-EU countries. One of the findings of the CARE project was that the national stakeholders assisting victims of trafficking have little knowledge of the return process and that the bodies organizing the return have little knowledge of THB.

#### *Protection of victims who report*

89. Victims who report THB are protected against the enforcement of expulsion orders: they are granted a recovery and reflection period up to 60 days and entitled to emergency

medical treatment, psychological assistance, protection, interpretation and legal assistance. When the victim is a child, the period may be extended if this is in the child's best interests.

90. Law 93/99, of 14 July, on the Implementation of Measures for Witness Protection in Criminal Proceedings provides that witnesses of criminal offences, including trafficking in human beings, benefit from general measures of witness protection in criminal proceedings (e.g. anonymity, concealment of their appearance, address and voice, secure accommodation, police protection for members of their families and for their close relatives, the issuing of official documents under various identities, a change in their facial or physical appearance through plastic surgery, new housing in the country or abroad). Furthermore, the CCP provides that disclosure of procedural acts is limited in cases of proceedings for offences of THB (Article 87(3)), and that victims can provide their statements for future use in court proceedings (Article 271) or be heard by video conference in case they cannot attend trial.

91. Portugal maintains its efforts concerning the assisted return either of foreign victims trafficked in national territory or of Portuguese victims trafficked abroad. These efforts are developed, respectively, through cooperation between IOM Offices in Portugal and Bulgaria and the APF or through the support to the Portuguese Consulate in Spain.

92. Each security force and service sets up its own network of offices, endowed with proper conditions – namely those granting privacy—for the admission of victims. Particularly vulnerable victims may benefit from special protection measures.

93. Seeking to contribute to the eradication of the phenomenon of THB, SEF constituted a team with specific training in this field. Their interventions are focused on the perspective of the victims, on their signalization and identification, as well as on intervening in the phase of protection and support.

**(c) Measures taken to strengthen the prevention and investigation of and the punishment for trafficking, particularly for the purpose of labour exploitation, as well as the identification of victims and the international cooperation among countries of origin, transit and destination. Please also indicate the measures taken to address the root causes of child trafficking and to strengthen investigation of child abduction, child prostitution and child pornography. Please include an evaluation of the impact that the Second National Plan for the Fight against Trafficking in Human Beings has had in this regard and how the Third National Action Plan for 2014–2016 addresses the gaps identified. Is there a methodology in the State party to assess the effectiveness and impact of all the initiatives in this area?**

*Measures for prevention and investigation*

94. Please also refer to information provided in the answer to paragraph 4 (b) above.

95. The 3rd National Plan to Prevent and Combat Trafficking in Human Beings (NPPCTHB) 2014–2017 comprises five strategic areas and 53 measures aimed at combating THB in an integrated manner, especially in the areas of protection, prevention and assistance to victims.

96. The Plan also promotes the strengthening of labour inspections with a preventive character, with a particular focus on high-risk sectors such as agriculture, hotels and entertainment. The plan also foresees the promotion of best practices in the area of corporate social responsibility.

97. As an example, ACT launched a national campaign on undeclared work in 2014. The campaign included 129 sessions with some 6607 participants arising from the following target groups: workers and workers' representatives; employers and employers' representatives; self-employment; associations; students as workers/employers in the future and general public. ACT also takes part in awareness-raising sessions on preventing THB in companies. SEF also contributes to discouraging demand through awareness-raising campaigns targeting businesses in sectors with high risk of trafficking in human beings.

98. NGOs implemented a number of activities to discourage demand, such as the training provided by the NGO APF to businesses and commercial or industrial associations, which draws attention to the risk of hiring victims of THB. This training has been carried out in

districts with a higher risk of THB. Furthermore, the Briseis Project implemented by Portuguese Association for Victim Support (APAV) whose main objective is to engage the private sector in the fight against human trafficking for labour exploitation, has included training of private sector representatives and also aims to discourage demand for the use of the labour or services of trafficked persons.

99. In 2013 the member organizations of the National Network of Support and Protection to Victims of Trafficking (RAPVT) started to update the NRM. The revision took into account new trends in THB and enabled the adaptation of the NRM procedures to the legislative and institutional changes that had occurred since 2008. The revised NRM was approved in 2014.

100. The NRM defines the procedures related to reporting presumed victims, carrying out identification and assisting victims, assigning roles and responsibilities to the stakeholders involved. In addition to a flowchart describing the NRM, guidelines for the reporting of presumed victims of trafficking have been issued. There are three practical tools for first level identification of victims of different forms of THB (respectively of sexual exploitation, labor exploitation, and forced begging and illicit activities), which were developed in the framework of the EU-funded project “Elaborating common guidelines and procedures for the identification of victims of trafficking” (CoGuideID-THB) in 2013. These tools contain formal indicators for the identification of victims of THB for different types of exploitation. The guidelines and practical tools have been distributed to all stakeholders involved in the NRM. Other tools contributing to prevention and investigation are the updated “Flagging card on THB”, which contains basic information on THB and contacts for reporting presumed cases of THB, leaflets for victims of trafficking explaining their rights (in Portuguese, English, French, Romanian and Russian) and a Portuguese translation of the UNODC “First Aid Kit for use by Law Enforcement Responders in Addressing Human Trafficking”.

101. GNR’s Operation “Safe Farm”, which takes place annually between 1 November and 31 January, aiming a preventing crime with a focus on THB for the purposes of labour exploitation is also worth mentioning. In 2016, this operation reached 22 426 citizens.

102. Additional measures include the availability of special investigation methods, such as the setting up of joint investigation teams (JIT) under Law 144/99 on International Judicial Co-operation, and the celebration of Local Security Agreements such as the one signed between MAI and the Municipality of Serpa, which included the holding of sessions with SEF aimed at entrepreneurs and managers of agricultural cooperatives (entitled “Who can I hire?”) and at entrepreneurs and workers (entitled “Trafficking in human beings in the field of labor exploitation”).

103. SEF took an active role in the implementation of the NPPCTHB 2014–2017 by creating an anti-trafficking Unit (Measure 19) and reinforcing preventive measures specially focused on likely places of exploitation of THB victims, such as agricultural workplaces, nightlife establishments, shipyards, restaurants and public roads (Measure 4). In 2016, SEF carried out 1457 actions, 291 of which were jointly developed with other entities or criminal police organs.

104. Measures undertaken by the OTSH in order to prevent THB, include: the holding, in 2012, of the international conference “Domestic Servitude and Forced Begging: Invisible Forms of Trafficking for Labour Exploitation”, with the support of the Portuguese Parliament’s Committee on Constitutional Affairs, Rights, Freedoms and Guarantees, ILO, IOM and OSCE; the presentation of the 2013 project “Street Children” to a Bosnia-Herzegovina delegation; the production, in 2014, of 3.000 flagging cards and materials (e.g. leaflets) for 140 national campaigns on THB victims in the frame of “Agrisegur” Programme; the launching of the “Flagging Card on THB Victims”, which aims at helping professionals to identify alleged victims by presenting them with a set of indicators (namely on children). The card is now on its 3rd edition, which an updated definition of THB according to the revised Article 160 of the Penal Code, in force since 2013.<sup>3</sup>

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<sup>3</sup> <http://www.otsh.mai.gov.pt/Recursos/Pages/default.aspx>.

*Child trafficking*

105. Within the reviewed NRM, alleged child victims of trafficking who are flagged are referred to the NCPRPCY. The system for the protection of children at risk pursuant to Law 147/99, of 1 September on the Protection of Children and Young People at Risk, as amended by Law 142/2015, of 8 September, applies. Portugal, at the present moment has a specific shelter for children victims of trafficking.

106. The 3rd NPPCTHB 2014–2017 pays particular attention to the prevention of child trafficking, through educational actions for children and young adults.

107. In 2013, the OTSH coordinated the development of a booklet and a leaflet on forced begging, with support from CIG. This activity involved the former National Commission for Protection of Children and Youth at Risk, the Institute of Social Security, the Criminal Police, SEF, the Prosecutor’s Office, UNICEF and a number of civil society organizations. The materials were launched at the conference “Missing and Sexually Exploited Children”.

108. Other relevant initiatives aimed at preventing child trafficking include the “European Cross-Actors Exchange Platform for Trafficked Children on Methodology Building for Prevention and Sustainable Inclusion-CATCH & SUSTAIN”, the “Law Enforcement Agencies - Common Look on Children” and the “Improving Monitoring and Protection Systems against Child Trafficking and Exploitation” projects.

*Impact evaluation of national plans*

109. All National Plans are subject to an independent evaluation by academia with the main goal to appraise implementation and define new measures for the next edition. These evaluations include effectiveness and impact assessment of all the initiatives.

110. The external evaluation of 2nd NPPCTHB was carried out by the University of Minho in 2013 and its results were incorporated into the development of the 3rd National Action Plan, namely through the revision of quantitative indicators and the importance given to research on new forms of THB. During the preparation of the 3rd National Action Plan, NGOs were consulted and some of their suggestions were incorporated into the Plan.

**(d) Steps taken to sensitize and train front-line professionals in identifying victims of trafficking, and law-enforcement personnel, prosecutors, judges and labour inspectors in investigating and prosecuting cases of trafficking and assisting and protecting the victims;**

111. Please also refer to the answer provided in §4 (b).

112. Training is a priority area in every national action plan on THB. It is envisaged as an ongoing process and is provided to a wide range of stakeholders, including health-care professionals, police forces, judges and prosecutors, labour authorities, and NGOs.

113. The NRM defines the procedures for reporting, carrying out identification and assisting victims, laying down the roles and responsibilities of the stakeholders involved. In addition to a flowchart describing the NRM, guidelines for the reporting of alleged victims of trafficking have been issued. There are three practical tools for first level identification of victims of different forms of THB (respectively of sexual exploitation, labour exploitation, and forced begging and illicit activities), which were developed in the framework of the EU-funded project “Elaborating common guidelines and procedures for the identification of victims of trafficking” (CoGuideID-THB) in 2013. These tools contain indicators for the identification of victims of THB for different types of exploitation. The guidelines and practical tools have been distributed to all stakeholders involved in the NRM.

114. With regard to prosecutors and judges both initial training and lifelong training provided by CEJ includes clusters on domestic violence, THB as well as on asylum matters. In 2016, CEJ conducted sessions on THB (221 attendants), Law of Foreigners (67 attendants), Gender and Domestic Violence and FGM (165 attendants) and Victims in Criminal Law (183 attendants). CEJ also publishes free-books, available on its website,<sup>4</sup> on the above-mentioned

<sup>4</sup> [http://www.cej.mj.pt/cej/recursos/ebook\\_civil.php](http://www.cej.mj.pt/cej/recursos/ebook_civil.php).

subjects. During the implementation of the III National Plan, it was provided training for prosecutors and judges every year. A total of 936 magistrates were involved during the 4 years of this Plan.

115. In 2016, 108 people attended several training activities provided by SEF on THB. The training contents regarding THB are based on FRONTEX Curricular Content.

116. At the external level-and in collaboration with FRONTEX, EUROPOL and INTERPOL-, SEF has closely cooperated with other countries in joint criminal investigations, in European anti-THB operations-including Joint Action Days-, in various training actions, lectures and seminars, conferences and working groups on this subject.

117. Significant activities undertaken by the OTSH include the conduction of training actions in Bragança, Guarda, Portalegre, Beja and Évora within the scope RAPVT, in 2014, aimed at training 66 frontline professionals-18 males and 48 females-coming from law enforcement agencies, social welfare delegations, health sector and NGOs; the participation in the “THB: COOPtoFIGHT-the fight against trafficking in human beings in the EU: promoting legal cooperation and victims’ protection” project, held from 2011–2014 and coordinated by the Centre of Social Studies of the University of Coimbra; participation in seminars such as the 2014 Seminar “Countering Trafficking in Human Beings: towards a more comprehensive approach”, jointly organized by the CEJ and the Academy of European Law (ERA), with the support of APAV and the 2017 seminar “Assisting Victims of Sexual Exploitation in relation to Trafficking in Human Beings and measuring the costs thereof”; holding of national and international training sessions on THB in the framework of the GNR Promotion Course to Officials, in the framework of the project “United Nations Anti-Human Trafficking Manual for Criminal Justice Practitioners”, in Cape Verde and Brazil (in 2014) and in Mozambique (2015) and in the framework of cooperation within the Community of Portuguese Speaking Countries, in São Tomé and Príncipe and Angola.

**(e) Awareness-raising campaigns targeting the population at large on forced labour and sex trafficking, including campaigns to discourage demand.**

118. Every year Portugal launches a national campaign against THB on the occasion of the European Anti-Trafficking Day, 18 October, with a different focus.

119. In 2012, the Blue Heart campaign<sup>5</sup> was launched, using awareness-raising tools developed by the UN. In 2013,<sup>6</sup> the campaign had three different awareness-raising priorities: sexual exploitation, labour exploitation and begging. In 2014,<sup>7</sup> the focus of the campaign was on labour exploitation. While these campaigns mostly aimed at raising awareness to human trafficking of foreign citizens into Portugal, some attention was also paid to trafficking of Portuguese citizens abroad.

120. In 2016 the campaign was on trafficked children.<sup>8</sup> In 2017 the campaign’s motto was “Speak out”.<sup>9</sup>

121. Several NGOs also implemented awareness-raising activities on THB.

122. A national awareness-raising campaign dedicated to Child Trafficking<sup>10</sup> was launched in 2016 on the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse. GNR’s awareness raising actions have reached 12.504 children and youngsters.

<sup>5</sup> <https://www.cig.gov.pt/aco-es-no-terreno/campanhas/campanha-coracao-azul/>.

<sup>6</sup> <https://www.cig.gov.pt/aco-es-no-terreno/campanhas/nao-deixe-que-o-traffic-o-humano-escreva-o-seu-destino/>.

<sup>7</sup> <https://www.cig.gov.pt/aco-es-no-terreno/campanhas/apanhados-no-traffic-o-humano/>.

<sup>8</sup> <https://www.cig.gov.pt/aco-es-no-terreno/campanhas/campanha-exploradas-e-tratadas-como-lixo/>.

<sup>9</sup> <https://www.cig.gov.pt/aco-es-no-terreno/campanhas/dia-europeu-combate-ao-traffic-o-seres-humanos-18-Outubro/>.

<sup>10</sup> <https://www.cig.gov.pt/2016/10/lancamentonacional-da-campanha-contra-otrafico-de-seres-humanos-13-out-lisboa/>.

5. **With reference to the Committee’s previous concluding observations (para. 21), please provide information on the prevalence of the practice of female genital mutilation (FGM) in the territory of the State party and the impact of the measures taken to eradicate that practice, including the Second Programme of Action for the Elimination of FGM (2011–2013). Please also provide annual statistical data on the number of complaints lodged or reports registered by the police regarding this practice, the number of persons investigated, how many led to prosecutions and convictions and the punishment imposed in those cases.**

*Prevalence of FGM*

123. A research study on the prevalence of female genital mutilation (FGM) was completed and presented in July 2015: “Female Genital Mutilation: prevalence, socio-cultural dynamics and recommendations for its elimination”. It provides unique information to develop strategies and methodologies that are more suited to the real situation of FGM in Portugal and to the communities that practice it. The study innovatively offers quantitative and qualitative data that provide for a working basis to delineate interventions, both in terms of public policies and the implementation of concrete actions on the ground.

124. It identifies the number of girls and women victimized or at risk of excision (as well as their characterization), presenting the geographic areas with the highest incidence. Although this is a prevalence study (quantitative nature), it also includes a qualitative analysis of the representations that affected communities about this practice, as well as their perceptions about the quality and effectiveness of the national current policies for the prevention and eradication of FGM. This more comprehensive dimension of the phenomenon and the social representations associated with it (for men and women), is crucial in order to improve the effectiveness of awareness-raising campaigns and mobilization in the communities.

125. The 3rd Programme of Action for the Prevention and Elimination of FGM 2014–2017 places a greater focus on developing more local interventions, reinforcing the work with the communities at risk. For instance, by highlighting that multiple reasons are given for the perpetuation of FGM and that they vary in relation to sex, age, and country and ethnic origin, the prevalence study provides critical data to the working group responsible for the implementation of the 3rd Action Plan.

126. The study also includes a set of specific recommendations on the work that has been carried out under successive national action programme against FGM and particularly for professionals who are more directly involved in the prevention and fight against FGM, namely those that are represented in the intersectoral working group responsible for implementing the 3rd Programme of Action.

127. Among the key results of this 2015 study, the following should be highlighted:

- The number of women over 15 who may have been subjected to the practice of FGM is estimated to be around 6,576, corresponding to 49% of the number of women-residents in Portugal who were born in practicing countries;
- The largest number refers to Guinea-Bissau (accounting for 90% of women estimated to have undergone FGM), followed by Guinea (3%) and Senegal (2%);
- It is estimated that the total number of girls between 0 and 14 years old living in Portugal who have been or will be subjected to FGM is 1,830;
- The study shows that the practice is valued especially by men, although performed by women;
- Communities refer to the health consequences as the most negative aspect of the practice;
- Religious tradition remains the main factor instigating the practice.

128. A Guideline about FGM was also developed for the health sector,<sup>11</sup> and detected cases may be inserted in the Health Data Platform.

*Prosecutions and Convictions*

129. Law 83/2015, of 5 August, introduced the crime of FGM in the Portuguese CC. There were no cases registered during the period 2015–2016.

### Article 3

**6. Please provide annual statistical data for the period under review, disaggregated by the type of asylum procedure (special or regular) and the sex, country of origin and age of the person concerned, on:**

**(a) The number of asylum requests registered;**

130. According to SEF, Portugal received a total of 3618 asylum applications in the last 5 years, *i.e.*, from 2012 to 2016, registering a 20.5% rate when it comes to granting refugee status and a 79.5% rate regarding the granting of subsidiary protection.

131. The evolution of requests for international protection disaggregated by years is as follows:

- 2012: 299 requests;
- 2013: 507 requests;
- 2014: Ukraine (157), Morocco (25), Sierra Leone (23), Mali (21) and Ivory Coast (17) are the five most representative countries of origin of the total number of requests for international protection submitted and shown in Table IX of Annex III.
- 2015: Ukraine (388), Mali (82), China (75), Pakistan (63) and Guinea (37) are the five most representative countries of origin of the total number of requests for international protection submitted and shown in Table X of Annex III.
- 2016: Syria (428), Eritrea (248), Ukraine (142), Iraq (117) and Guinea (52) are the five most representative countries of origin of the total number of requests for international protection submitted and shown in Table XI of Annex III.

**(b) The number of requests for asylum, refugee status or other forms of humanitarian protection that were granted, indicating, when applicable, the number of cases in which protection was granted in application of the principle of non-refoulement;**

132. All international protection grants are based on the principle of non refoulement. Please see Table XII and Table XIII of Annex III.

**(c) The number of torture victims identified among asylum seekers in relation to the total number of asylum seekers, the procedures applied to undertake such identification and the measures taken towards those identified as torture victims, indicating whether medical examinations that include an evaluation of the traumatisations are carried out upon arrival to reception centres, international areas at airport or in detention centres;**

133. In Portugal, the number of asylum applicants that claimed to have been victims of torture or identified as victims of torture is residual.

134. In general, the applicant is assessed as credible when the claims are reliable or visible signs of the act exist. This leads to a positive decision and to the granting of international protection status without the need for medical examinations. Applicants are then subject to

<sup>11</sup> <http://www.saudereprodutiva.dgs.pt/normas-e-orientacoes/mutilacao-genital/orientacao-n-0052012-de-06022012.aspx>.

evaluation as well as to medical and psychological monitoring in the reception centers in order to address potential traumas. There are no statistical data on these cases.

**(d) The number of persons extradited, expelled or returned and the countries to which they were expelled or extradited;**

135. From 2015 to 2017, 194 persons were extradited from Portugal, mostly in execution of European Arrest Warrants.

136. SEF's data regarding the removal of nationals of third countries from national territory are as follows:

- 2014: 437 people;
- 2015: 363 people; and
- 2016: 375 people.

**(e) The number of appeals against expulsion or extradition decisions on the basis that applicants might be in danger of being subject to torture in their countries of destination, and the result of those appeals.**

137. There is no information available.

**7. With reference to the asylum procedure and the Committee's previous concluding observations (para. 14), please provide information on:**

**(a) The occupancy rate of temporary centres and reception centres for asylum seekers, disaggregated by place of detention, indicating whether there are alternative measures to detention for asylum seekers, such as reporting requirements or sureties, and the percentage of cases per year in which they have been applied;**

138. Centers located at the external borders' international area are similar to temporary installation centers where asylum applicants wait for the decision on the submitted application. In these facilities, stays that exceed 48 hours must be previously authorized by the competent court.

139. A decision must be made and the subsequent notification sent within a period of 7 days starting from the registration date of the application submitted.

140. After this deadline, a positive decision allows the applicant to enter national territory, who is then referred to open reception centers; a negative decision implies the return to the country of origin.

141. With the exception of this situation, asylum seekers lodged at the external border are not subject to detention solely based on the fact that they are applicants for international protection.

**(b) Measures taken to ensure that all persons seeking asylum in the State party, including at its border crossings, enjoy all procedural guarantees, including prompt access to free and qualified legal assistance and interpreters throughout the asylum procedure, including the appeals procedure. Please also clarify if the appeal of decisions rejecting asylum has a suspensive effect on the transfer or deportation order of the individual concerned;**

142. In Portugal, asylum is currently regulated by Law 27/2008, of 30 June, amended and republished by Law 26/2014, of 5 May.

143. The law provides for the suspensive effect of all administrative decisions taken within the scope of the asylum process, as well as for the possibility of judicial appeal to the Administrative Court of the district and the Central Administrative Court, both with automatic suspensive effect.

144. An appeal before any of the Courts suspends any decision to leave until the final judicial decision is handed down.

145. Asylum applicants have the right to free legal advice at all stages of the procedure, provided by the Portuguese Council for Refugees, as well as to benefit from legal aid in accordance with the law and, whenever necessary, from interpretation services.

**(c) The average processing time of asylum applications during the admissibility phase in the special procedure at the border as well as in the regular procedure and during the appeals procedure.**

146. In accordance with Law 27/2008 of 30 June, time limits for admissibility are the following: with regard to the special procedure at the border, the term for notification and decision is 7 working days; the deadline for decision in the regular process is 30 working days.

147. In case no decision takes place or notification is sent within these deadlines, the request is considered tacitly admitted.

### **Articles 5, 7 and 8**

- 8. Since the consideration of the previous report, please indicate whether the State party has rejected, for any reason, any request for extradition by another State of an individual suspected of having committed an offence of torture and, if so, whether it has started prosecution proceedings as a result. If that is the case, please provide information on the status and outcome of such proceedings.**

148. From 2015 to 2017, no cases of rejection of extradition requests against individuals suspected of having committed an offence of torture were received and therefore rejected.

### **Article 10**

- 9. In the light of the Committee's previous concluding observations (para. 20), please provide information, indicating the overall size of the target group and the percentage of those trained as well as the periodicity of the training, on the instruction provided to law enforcement personnel at all levels, State security organs, prison staff, immigration officials, judges, prosecutors, medical personnel dealing with detainees, forensic doctors and any other State agents involved in holding persons in custody, interrogation or treatment of any individual under any form of detention or imprisonment, with respect to:**

**(a) The provisions of the Convention;**

**(b) The guidelines to detect signs of torture and ill-treatment in accordance with international standards, such as those outlined in the Manual on the Effective Investigation and Documentation of Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (Istanbul Protocol);**

**(c) Non-coercive investigatory/restraint techniques and the principle of the use of force as a last resort;**

**(d) Issues related to violence against women, domestic violence, violence against ethnic or national minorities as well as against persons because of their sexual orientation or gender;**

**(e) Identification and referral of victims of trafficking, torture and sexual violence among asylum seekers.**

149. In the ongoing training, provided by the Criminal Police School, there are colloquiums and external conferences related to this matter as well as the institution of diversified and hierarchical control mechanisms.

150. The effectiveness of the training is evaluated by the head-officers through observation and assessment of the performance given to the trainees in the course of their investigation activity, before and after the attendance of the training actions.

151. At the request of DGRSP, the National Institute of Legal Medicine and Forensic Sciences (INMLCF) designed a training programme aimed at prison health professionals, in order to flag possible situations of torture or ill-treatment according to the criteria of the Istanbul Protocol, in the Portuguese prison population. The programme was approved by both DGRSP and INMLCF. The first session took place in the past 14th of March and other sessions are already planned.

152. Clinical staff at DGRSP is competent to identify and immediately report, in writing, signs of torture and ill-treatment of detainees (Article 37, § 2, d) of CEPMPL).

153. The Regulation on the use of coercive means in prison (RUMCEP), determines that a prisoner, subject to coercive means, is immediately assisted by a doctor and that any evidence of ill-treatment is always investigated by the Audit and Inspection Service and by the Public Prosecutor's Office (Article 5).

154. The prerequisites for the evaluation of the inmate are included in the procedural Manual for the Provision of Health Care 2009 (under review) and in the CEPMPL.

155. The practice is that entry of inmates into prisons is communicated to the clinic, attaching a copy of the health documentation held by the inmate. Entering prison, the inmate is observed by the medical service within 24 hours of his/her entry. When the inmate needs immediate medical observation, he/she is referred to the prison doctor. When necessary, the urgent and emergency procedures are activated and the prisoner has full access to health care in the conditions provided to all citizens (Article 32, §1 of CEPMPL).

156. The medical consultation takes place within 72 hours after the inmate's entry into the prison, except in urgent cases.

157. Portuguese authorities pay special attention to the good relationship between inmates and the staff: a zero tolerance policy for conducts that violate human rights has been adopted by the Ministry of Justice services. In the training of the prison guards, subjects relating to the protection of human rights, techniques and interpersonal communication as well as the use of coercive means ("control and restraint methods") are always included. Indeed, any use of coercive means by a prison guard is compulsorily communicated to the central services and subject to review by the inspection service.

158. As mentioned above, CEJ provides training on domestic violence, trafficking in human beings as well as on asylum matters. Please also refer to the information provided in answer to §4 (d).

159. In the scope of initial and promotion training courses provided by GNR's School, curricular units of criminal law, criminal procedural law and constitutional law also include subjects on rights, freedoms and guarantees, respect for diversity, use of coercive means, citizenship rights, among others.

160. Similarly, GNR officials' training course provided by the Military Academy encompasses several relevant subjects to the topic at hand in addition to the aforementioned ones, such as human rights, multiculturalism, prohibition of discriminatory practices and peaceful conflict resolution.

161. Regarding senior police officers currently trained by PSP, trainees must attend the Master's Course in Police Sciences, which includes the following courses: Constitutional Law (45 hours); Technical Communication (30 hours); Criminal Law and Mera Social Order, (224 hours); Criminal Procedure and Judicial Organization (142 hours); Fundamental Rights and Human Rights (116 hours); Strategy and Tactics of the Security Forces (322 hours); Command and Leadership (64 hours) and Ethics (90 hours).

162. The Agents' Training Course includes in its syllabus, the following courses: Ethics Officer (35 hours); Fundamental Rights and Citizenship (30 hours); Communication and Customer Service (45 hours); Police Intervention Techniques (85 hours) and Criminal Law and Criminal Procedure (115 hours).

163. PSP officers received an intensive training on domestic violence. In 2014, 5265 police officers were present in 403 training courses and, in 2015, 398 police officers were involved in 46 training courses. In 2016, 681 police officers attended 48 training actions. Regarding 2017, 136 police officers benefited from 10 training actions developed in this field.

164. The human rights centered organizational culture of SEF is reflected in the reinforcement of aspects related to non-discriminatory behaviour and ethical police conduct in the training contents provided to inspectors since the beginning of their career and throughout their progression.

165. SEF trainers who completed the FRONTEX training of trainers' courses teach the Fundamental Rights course to SEF inspectors, based on the Curricular Content of that European Agency.

166. FRONTEX also inspires several other training actions developed by SEF, namely regarding THB contents.

167. The alignment process of continuous education courses with the Sectoral Qualifications Framework (SQF) results in the mandatory integration – in all courses – of principles relating to human rights and international protection, in line with the Charter of Fundamental Rights of the European Union.

168. Please see Table XIV of Annex III concerning training actions already completed.

169. The initial training of immigration officers also includes a strong law qualification in subjects such as constitutional law, fundamental rights, asylum, professional ethics,<sup>12</sup> social sciences,<sup>13</sup> criminal code, criminal procedure code and personal data protection.<sup>14</sup>

170. In 2016 and 2017, 89 trainees attended and successfully concluded the evidential stage of the special career of investigation and inspection of SEF, in the category of inspector of the CIF of the SEF staff map. It is expected that, in 2018, 45 more will undergo this training and that by the end of 2018 or by the beginning of 2019, 100 more will follow.

171. In the field of health, the training under the Health Action on Gender, Violence and Life Cycle and the Health Action for Children and Youth at Risk has for the last three years included a particular focus on THB, emphasising issues related to case detection, secrecy and safety.

**10. Please indicate whether the State party has developed specific methodologies to evaluate the effectiveness and impact of such training on the prevention and absolute prohibition of torture.**

172. Please see answer provided on §9.

173. CEJ does not have specific methodologies to evaluate the effectiveness and impact of the training sessions. Evaluation of training sessions is based on answers to anonymous questionnaires.

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<sup>12</sup> Where independency, integrity, transparency, impartiality and non-discrimination are particularly highlighted fundamental values.

<sup>13</sup> Sociology and Psychology.

<sup>14</sup> As determined by Ruling Decision 7/2015, of 7 April – Probationary Training to SEF's Immigration Officer Career.

## Article 11

### 11. With reference to the Committee's previous concluding observations (para. 11 (a), (b) and (c)), please provide updated information on:

#### (a) The occupancy rate of all places of detention, including police stations, and measures taken to reduce overcrowding, particularly in Setúbal Prison and in Angra do Heroísmo Regional Prison (Azores);

174. As of November 2017, the general occupancy rate of the prison system is 106.2%. This figure falls to 102.2% with the exclusion of inmates that are serving prison sentences for free days, and who only go to prison on weekends.

175. The occupancy rate of the Angra do Heroísmo Prison was of 47.7% in 1 November.

176. Despite being included in the list of eight prison establishments to be extinguished, Setúbal Prison is undergoing works inside the cells that will greatly improve the living conditions, and efforts are being made to reduce its occupation. It housed 258 inmates in the 1 November 2017, a significant reduction as compared to the 314 inmates housed on 1 October 2016.

177. Measures taken to reduce overcrowding include: the enactment of Law 94/2017 of 23 August, which has eliminated the prison sentences related to free days and to the semi-detention regime, replacing them with the new penalty of house arrest with electronic surveillance (a re-socializing alternative, focused on the prevention of new crimes and on the integration of the convicted persons in their own environment); the setting-up of a multidisciplinary working group for the application and follow up of this law, namely for the evaluation of the use and as well as of the new challenges posed by the Electronic Surveillance System. The work of this group is completed and a Final Report has been submitted on 16 June 2017.

178. In compliance with the provisions set out in Article 189 of the State Budget Law for 2017, the Government will define a multi-annual strategy for requalification and modernization of the prison system during the current year.

179. According to the Government's Programme, the future plan aims at rationalizing and modernizing the prisons' network and the national network of Educational Centres. Four interconnected working groups have prepared a report that conveys a strategic vision for the system on the enforcement of sentences and criminal procedures and educational tutorial measures, as well as an evaluation of the needs of human and material resources. This Report was disclosed in September 2017.<sup>15</sup>

180. Following the Report, the Government intends to close eight prison establishments (Lisboa, Caxias, Ponta Delgada, Setúbal, Leiria (regional), Viseu (regional), Odemira and Silves).

181. With regard to detention places under the administration of MAI:

- The places of detention under the administration of GNR are regularly inspected and comply with the legal regulations in force, which are implemented through internal regulation NEP/GNR 4.09.10 that defines the conditions for GNR barracks' cells;
- All GNR and PSP detention cells are subject to systematic unannounced inspections in accordance with the provisions of the RMCDPP and on the basis of IGAI's Annual Activity Plan. The occupancy capacity of each detention cell is one of issues assessed during the inspection actions. Failure to comply with one or several provisions of the legal regulations in force may lead to the closing of the detention cell;
- Between 2014 and 2016, SEF's temporary reception center in Porto had an average occupancy rate of 27 days.

<sup>15</sup> <https://justica.gov.pt/Noticias/Proposta-a-10-anos-para-o-sistema-prisonal>.

**(b) Measures taken to improve the sanitary conditions, ventilation, access to outdoor exercise for persons detained for 24 hours or more and access to natural light and artificial lighting in police cells, particularly in Comando do Porto and in Antas area, as well as in the psychiatric hospital at Santa Cruz do Bispo Prison and in the Lisbon Central Prison;**

182. Inmates have the right to remain in the open for a minimum of two hours a day (Article 51 of the CEPML). In fact, the general prison population spends more than this time in the open air.

183. The Psychiatry and Mental Health Clinical Team of Santa Cruz do Bispo Prison strives to provide for meaningful occupation to inmates, with a view to their rehabilitation and recreation, for example, resorting to volunteer projects and others, with the involvement of external entities.

184. According to the final report of the Commission for Mental Health reform, it is recommended the creation of psychiatry confinement units in general hospitals, thus enabling psychiatric hospitals to have vacancies for non-indictable persons who have been imposed security measures. The Psychiatry and Mental Health Clinic of Santa Cruz do Bispo prison would benefit from this recommendation.

185. With regard to the Lisbon Prison Establishment, and notwithstanding the fact that the premises will be closed in the near future, works will be carried out in order to improve its conditions, in particular in the kitchen, laundry and thermal power station as well as in the roof and the accommodation conditions of the basement areas of wings B, C, D and E.

186. Furnishing material has also been acquired in order to improve living and comfort conditions in the inmate's cells: 235 mattresses, 250 bed platforms, 550 sheets, 550 pillow-cases, 350 blankets, 250 face towels and 350 bath towels. This has allowed for a partial replacement of the material.

187. Pest disinfection was carried out in various prison sectors, including common spaces used by inmates, such as the kitchen, warehouses for belongings, courtyards, workshops, clinical service, bars, visiting rooms and recreation spaces. Disinfection plans against cockroaches, rats, mice, bedbugs and fleas take place on a monthly basis.

188. As for the lighting of the cells, light bulbs have been placed in all cells where they did not exist and all those that were in precarious conditions were replaced.

189. Adding to this, significant efforts have been made to transfer inmates from this prison to others, in order to deactivate the housing sectors with inadequate living conditions. The number of inmates allocated to the Lisbon Prison fell from 1253, in October 2016, to 1064, on 1 November 2017.

190. Considering the bad conditions of the basements, the basements of wing B were deactivated, and improvements were made in the cells of the basements of wing D, intended for inmates during admission. The basement cells of wings C and E are only intended for temporary occupation. The cells of wing C are used to comply with the measure of disciplinary cell and the cells of the wing E to comply with the disciplinary measure of POA (Compulsory Permanence in the Accommodation, Article 107) and for precautionary confinement measures.

191. In what refers to detention places administered by MAI, IGAI's unannounced inspections seek to assess, among other issues, the quality of natural and artificial light, ventilation (along with quality of the air), sanitary conditions, bedding, alarm equipment for requesting assistance if necessary, maintenance and hygiene, following the inspection form in use by IGAI.

**(c) The number of pretrial detainees, disaggregated by sex, age and ethnic origin or nationality, including as a proportion of the total number of prisoners, as well as yearly figures for the average and maximum duration of pretrial detention. Please also indicate the measures taken to reduce the number of prisoners awaiting trial;**

192. Please see Table XV of Annex III, “Inmates, as of 31 December 2016, per criminal situation, by gender and nationality”.

**(d) Measures taken to ensure that juveniles detained in establishments for adults are accommodated separately.**

193. It should be highlight that the Leiria Prison Establishment exclusively accommodates young inmates.

194. Moreover, a pilot-project for young inmates has started in three prison establishments. The project intends to meet the specific needs of these inmates by applying a technical intervention model that addresses the criminal factors pertaining to the inmates age group, in particular through the development/implementation of two specific programme: the “Intervention programme for youngsters up to 21 years, convicted for violent crimes” and the “Generate Social Paths” Programme.

195. These programme are carried out in groups of 10 to 12 persons, per group.

196. The first programme has 22 sessions and purports to promote and develop key competences for a lasting and consistent social reintegration, improving the interpersonal functioning of the young inmate. The second programme comprises 44 sessions and has therapeutic goals.

197. In addition to these specific rehabilitation programmes, young prisoners also benefit from a range of educational guidance, vocational training and sport activities tailored to their characteristics, needs and interests.

**12. In the light of the Committee’s previous concluding observations (para. 11 (f) and (g)), please provide updated information on:**

**(a) Measures taken to increase access to mental health-care services in all prison facilities;**

198. The Ministry of Justice created the “Competence Centre for Health Care Management”-an organic unit integrating health technicians from the DGRSP staff, exclusively dedicated to the area of health in prisons. The Unit has intensified control and surveillance over the clinical staff of private companies working in prisons.

199. With a view to solving the lack of human resources and poor attendance in the clinical area in the prisons, DGRSP has opened job offers for civil servants. The purpose is to, through internal mobility, allow civil servants to work in various prisons (in implementation) in order to gradually reduce human resources from private companies, stabilize the turnover, and diminish dependence on third parties.

200. Also in the scope of standardization and commitment of resources in clinical areas, contractual procedures will be put in place (in implementation), and finally, public tenders will be opened for admission of professionals to the clinical staff of DGRSP. Elimination of human resources constraints will hopefully improve the quality of health in prisons.

201. The Commission for Mental Health Reform <sup>16</sup> recommended the creation of psychiatric confinement units in the general hospitals with a view to enable psychiatric hospitals to have vacancies for non-indictable persons with safety measures.

<sup>16</sup> [http://www.sg.min-saude.pt/sg/conteudos/cnsm/cta\\_sm.htm](http://www.sg.min-saude.pt/sg/conteudos/cnsm/cta_sm.htm).

**(b) Measures taken to increase the medical staff in forensic psychiatric hospitals as well as the rehabilitative activities;**

202. Mental health professionals (psychiatrists, nurses and assistive personnel) have been appointed to three forensic units (Lisbon Psychiatric Hospital Center, São João de Deus Prison Hospital and Santa Cruz do Bispo Prison) during the last year. In addition, the Psychiatric Hospital Center of Lisbon requested the hiring of clinical psychologists and occupational therapists, with the aim of improving the provision of psychosocial rehabilitation care.

**(c) Measures taken to prevent the use of restraints in forensic psychiatric hospitals or applying them as a measure of last resort.**

203. The “Handbook of Procedures for the Provision of Health Care in Prisons” (5 June 2009, in revision) is based on international standards and should be read and applied according to Law 115/2009, 12 October. § 33 of the Handbook refers to the procedures that have to be followed according to articles 34, 35, 109, 92, 93 and 95.

204. In addition, the use of coercive means follows the procedures laid down in the Regulation on the Use of Coercive Means (RUMCEP), Order n. 5801/2011, of 4 April.

**13. With reference to the Committee’s previous concluding observations (paras. 11 (e) and 12), please provide the following information regarding the disciplinary regime in prisons:**

**(a) Any steps taken to amend article 105 of the Act No. 115/2009 and conduct a full review of the use of solitary confinement as a disciplinary sanction;**

205. There were no amendments to Law 115/2009 on this matter.

**(b) Measures taken to ensure that prisoners are heard and are able to cross examine evidence against them before the disciplinary measure is imposed;**

206. Articles 110–112 of CEPMPL regulate the disciplinary regime in prisons and comply with the recommendations set in §13 (b) §13 (c) and §13 (d).

207. The application of a disciplinary measure is always preceded by a written or recorded procedure. The inmate is informed of the facts alleged against him/her and guaranteed the rights to be assisted by a lawyer, to be heard and to provide evidence for his defence.

208. The final decision and its grounds are notified to the inmate or to his or her defence counsel and registered in the inmate’s individual file. The application of the disciplinary measure is under the remit of the director of the prison establishment.

209. The conditions for the placement of inmates under a security regime are strictly regulated under Article 15 of CEPMPL. The security measure has to be re-assessed every six months (every three months for inmates up to 21 years of age), although this may occur at any time if circumstances change. Decisions to place, maintain and terminate the security regime are conveyed to the Public Prosecution next to the Court for the Enforcement of Sentences for verification of legality.

210. Regarding impartiality in dealing with the inmates’ complaints, it should be underscored that the Audit and Inspection Service (SAI) of the DGRSP is coordinated by a Judge and two prosecutors on secondment. Their surveillance and disciplinary activity can be initiated on the basis of complaints from inmates and/or their families, as well as ex officio. Any allegation of ill-treatment always gives rise to the opening of an investigation procedure. Facts that constitute a public crime are mandatorily communicated to the Public Prosecutor’s Office so that criminal proceedings may be initiated.

211. DGRSP activity is under continuous scrutiny, as Prison Establishments are regularly visited by sovereign bodies – Prosecutors, members of Government and members of Parliament, by the Ombudsman (designated as the National Prevention Mechanism “NPM” under the OPCAT) and by NGO’s working in the area of promotion and protection of inmates’ rights (Article 66 of the CEPMP). Inmates have the right to correspond, without any control,

with lawyers, notaries, solicitors, diplomatic and consular entities, sovereign bodies, the Ombudsman, the Justice General Inspectorate and with the Bar (Article 68 (4) of CEPMPL).

**(c) Measures taken to ensure that the decision on the placement of prisoners in security units and the extension thereof is reasoned and communicated to those affected, and that it can be subjected to appeal;**

212. Please see answer to §13b).

**(d) Steps taken to establish impartial mechanisms to deal with complaints by prisoners about their conditions of detention and disciplinary sanctions imposed.**

213. Please see answer to §13 b).

**14. With reference to the Committee's previous concluding observations (para. 11 (d)), please provide:**

**(a) Annual statistical data from 2013 onwards, disaggregated by place of deprivation of liberty and the victims' sex, age and ethnic origin on: (i) the number of deaths in custody, indicating the cause of death; (ii) the number of persons injured as a result of violence inside places of detention, indicating whether the perpetrator was a State official or a fellow detainee. Please also provide detailed information on the outcome of investigations into such deaths or violence, including penalties imposed on perpetrators of torture, ill-treatment or negligence causing death or injuries. Please also indicate what information and remedies were provided to the victims of such violations and their families;**

214. Please see Table XVI (Cases, by disciplinary measure, triennium 2013/2015), Table XVII (Cases, by disciplinary measure, Year 2016) and Table XVIII (Causes of death in the Prison System) in Annex III.

215. SEF has no cases to report during the period under appreciation.

216. IGAI stresses that its mission and attributions go beyond this particular issue, although it is also an integral part of its duties and activity. Reports of a disciplinary offence always lead to the opening of a procedure to establish the facts. The disciplinary action is of an informal nature, and does not depend on a report (Articles 71 and 72 of GNR's Disciplinary Regulation, Articles 20 and 61 of PSP's Disciplinary Regulation and in Article 194 of the General Labour Law in Public Functions).

217. Please see Table XIX in Annex III.

**(b) Information on the measures taken to enhance monitoring and detection of at risk detainees and prevention of suicide and inter-prisoner violence;**

218. The Integrated Programme for the Prevention of Suicide, initiated in 2010, is still ongoing. This programme, which covers all prisons, is based on a two-side approach that aims at the early identification of suicide warning signs and risk factors in incoming inmates and at the effective flagging of inmates already serving a prison sentence who are at risk of suicide. Its operation implies a close articulation between the surveillance, education and health sectors, which periodically discuss the cases identified in a "Permanent Observation Team" meeting, specific to each prison establishment.

219. Table XX of Annex III shows the evolution of the past six years in terms of intervention in addictive behaviour among the prison population, both by National Health Service structures and by the internal structures in prisons.

220. "Social Reintegration Programmes" carried out in the area of prison treatment intervene in a specialized manner, targeting the individual needs of inmates and taking into account the risks and criminogenic needs assessed. These programmes follow a structured intervention methodology, addressing specific criminal/risk factors or groups of users with common characteristics, and the sessions are organized by modules, with a defined duration and evaluation.

221. Table XXI of Annex III lists the available programmes according to the phase of compliance of the sentence and the context of application.

222. The application of intervention programmes directed to specific problems has significantly increased since the impulse given in 2009, with the creation of a centre of expertise aimed at their implementation and management.

223. The growing number of programmes has contributed for a better implementation and for a growing awareness of the prison staff on the need to differentiate prison treatments. Table XX in Annex III shows the growth, both in terms of the number of programmes applied and in terms of numbers of users who attend them.

224. In spite of the positive evaluation of these programmes, sustainability is dependent on the number of defendants and convicts who join specific rehabilitation programmes aimed at criminogenic needs. The development of a specialized model of intervention is foreseen with the creation of internal networks of reference for answers and units and technicians specialized in the application. Sustained investment in the development of innovative rehabilitation and social reintegration solutions is deemed essential.

**(c) Information on the evaluation of the programmes in place to prevent suicide and drug abuse and to reduce incidents of inter-prisoner violence and ill-treatment in places of detention.**

225. Please see Table XX in Annex III and answer to §14b).

226. The implementation of intervention programmes aimed at specific issues, such as prevention of suicide and drug abuse, has increased, both in number of programmes and in number of users. Since 2009, with the creation of a centre of expertise geared to the management and implementation of these programmes, there has been a growing awareness of prison professionals', on the importance of differentiating prison treatment: Tables XIX, XX and XXI in Annex III reflect this exponential growth trend.

## **Articles 12 and 13**

15. **With reference to the Committee's previous concluding observations (paras. 9 (a) and (c) and 21), please provide annual statistical data from 2013 onwards, disaggregated by crime and ethnicity, age and sex of the victim on:**

**(a) The number of complaints filed or police reports initiated relating to torture and ill-treatment, attempts, complicity or participation in such acts and those related to killings or excessive use of force allegedly committed by or with the knowledge or consent of State officials;**

**(b) The number of investigations initiated as a result of those complaints and by which authority;**

**(c) How many were dismissed;**

**(d) How many led to prosecutions;**

**(e) How many led to convictions; and**

**(f) Which penal and disciplinary sanctions were applied, indicating length of prison sentences. Please also specify the number of ex officio investigations into cases of torture and ill-treatment and ex officio prosecutions per year; the number of cases of torture or ill treatment reported by doctors following medical examinations of detainees; and the outcome of those cases.**

227. Please see information provided in Table XVI, Table XVII, Table XVIII and Table XXII in Annex III.

16. In the light of the Committee's previous concluding observations (para.9 (a), (b) and (c)) please explain:

(a) **How the independence of: (i) the internal investigation services of the National Republican Guard (GNR) and the Public Security Police (PSP); (ii) the Disciplinary and Inspection Unit of the Criminal Police; (iii) the Inspectorate-General of Home Affairs (IGAI); and (iv) the Inspectorate General of Justice Services (IGSJ) is guaranteed during disciplinary investigations so that there is no hierarchical or institutional link between the suspected perpetrators and the inspectors. Would all those bodies be competent to intervene in cases involving evidence of torture or ill-treatment by police officers and, if so, what is the procedure to be followed in such cases with regard to their intervention and the participation of the prosecutorial authorities during the investigation? Is the prosecutor always informed of the opening and closing of the investigations by those bodies with regard to cases of ill-treatment?**

228. Please see §12 to §16 of CAT/C/PRT/CO/5-6/add 3.

229. In 2017, the IGSJ created a new subspecies of process (R/DH) exclusively dedicated to the appreciation/treatment of complaints for cruel, inhuman treatment, ill-treatment or torture in the context of deprivation of liberty, with the ultimate purpose to guarantee that the rights of all persons deprived of their liberty, both in prisons or educational centres are respected. The new procedure allows for centralization and easy access to information on human rights violations and for the sharing of information with other entities that intervene in the treatment of these matters.

230. According to Order 11838/2017, of 26 September, the DGRSP sends IGSJ a copy of the entire file received in the scope of compulsory communications made by the prison directors when any injury or complaint of aggression involving elements of PSP, GNR or PJ prior to joining the prison system has been reported.

231. IGSJ forwards the file to the entity with disciplinary competence, namely to IGAI, with regard to members of the PSP or the GNR or to the Criminal Police (Discipline and Inspection Unit) when members of PJ are involved. Where the alleged fact gives rise to criminal liability, in particular in the case of torture and other cruel, degrading or inhumane treatment, the IGSJ also reports the facts to the Public Prosecutor.

(b) **How the independence of: (i) the Inspectorate General of Justice Services (IGSJ); and (ii) the Audit and Inspection Service (SAI) is guaranteed during disciplinary investigations of prison staff, so that there is no hierarchical or institutional link between the suspected perpetrators and the inspectors. Would those bodies be competent to intervene in cases involving evidence of torture or ill-treatment by prison staff and, if so, what is the procedure to be followed in such cases with regard to their intervention and the participation of the prosecutorial authorities during the investigation? Is the prosecutor always informed of the opening and closing of the investigations by those bodies in cases of ill-treatment?**

232. Please see, *mutatis mutandis*, information provided on §12 to §16 of CAT/C/PRT/CO/5-6/add 3.

233. There are no cases involving evidence of torture or ill-treatment by prison staff.

(c) **Whether all suspects in *prima facie* cases of torture and ill-treatment are, as a rule, suspended or re-assigned during the investigation.**

234. In DGRSP, staff members who are being investigated are removed from the place and from the contact with the persons and the circumstances that have determined the complaint. In cases where the victim and the offender are inmates, they are immediately separated and often the offender is transferred to another prison establishment.

17. **In the light of the Committee's previous concluding observations (para. 9 (d) and (e)), please provide information on the measures taken to ensure:**

**(a) That medical personnel are able to examine detainees out of the hearing and, unless the medical officer requests otherwise, out of the sight of police and prison officers;**

235. These conditions are met by GNR. Please see answers to §9.

**(b) That medical records are made available to the detained person concerned and his or her lawyer, upon request;**

236. This recommendation is fully complied.

237. The Handbook on Procedures for the Provision of Health Care (2009) determines that data collection and treatment of health indicators in prison settings should be carried out (points 53 and 54).

238. Points 55, 56 and 57 specify what is meant by Individual Clinical File (ICF) and that all contacts of the inmate with the clinical services must be documented, as well as what is registered in that record. Points 62 and 63 specify who has access to the information of a clinical nature, and points 168 to 171 detail who and how this information can be accessed, including, as recommended, detainee's legal representatives, the Courts and competent international organizations.

**(c) That injuries observed during the medical screening of prisoners upon admission or thereafter by medical staff are fully recorded, including information on the consistency between the allegations made and the injuries observed;**

239. All bodily injuries detected in screening performed upon the admission of a prisoner at a prison establishment have to be directly communicated by DGRSP, to IGAI (those detained by PSP or GNR) or to the IGSJ (those detained by the Criminal Police) to be analysed and investigated.

240. In addition to Circular 4/2016/SAI of 8 November 2016, which lays down instructions on the procedures to be followed when using coercive means, Circular 1/2017 of 26 January, improves the mechanisms for detection of torture or cruel treatment, especially with regard to the compulsory clinical evaluation.

241. In the National Health Service, procedures recommended in the technical reference Guide Interpersonal Violence-Approach, Diagnosis and Intervention in Health Service comply with this recommendation.

**(d) That medical personnel are able to report in strict confidentiality about signs of torture to the supervisory judge, the prosecutor and the prison inspection services.**

242. Please see answer to §17c).

18. **With reference to the Committee's previous concluding observations (para. 10), please provide information on:**

**(a) The steps taken to establish a centralized and independent mechanism to receive complaints of torture and ill-treatment by State officials that is accessible to all places of detention, especially prisons, and a centralized register of complaints with information on the corresponding investigations, dismissals, trials, criminal and disciplinary proceedings imposed and protection measures imposed;**

243. A project for a new system of complaints has been prepared by the Audit and Inspection Services to be introduced in the Portuguese prison system. Under the new mechanism, detainees are provided with information as well as access to complaints. The obligation to inform inmates in writing of their rights and duties, including the right to complaint is also guaranteed. Illiterate detainees should be informed orally and the youngest in a language that is understandable and appropriate to their age.

244. A copy of this proposal shall be sent to the Committee after final approval.
245. Other relevant provisions foreseen in the project concern the internal registration of complaints, the definition of deadlines for responding to complaints, the compulsory notification to the inmates of the decision on the complaint, the priority treatment of torture or ill-treatment complaints, and protection against reprisals, intimidation or other negative consequences for filing a complaint.
246. It shall be highlighted that IGAI's inspective action is framed by Decision 10529/2013, of 29 July, which compiles the legal norms in force regarding the monitoring and disciplinary procedures it develops.
247. According to this decision, IGAI must be informed of all cases of violation of personal goods/assets, namely death or serious bodily harm and of serious abuse of authority or property damage of high value, occurring within the Security Forces, SEF and other Departments of the Ministry of Home Affairs.
248. In case of death, serious bodily harm, evidence of serious abuse of authority or injury of high patrimonial values, the Security Forces, the SEF and other MAI's services must provide immediate notice of the facts to the Minister of Home Administration and to IGAI, by the most expeditious means. Following this communication, IGAI initiates an investigation or enquiry procedures in cases where it has competence, or suggests to the Minister of Home Affairs to open disciplinary procedures, as applicable.
249. These competences allow the IGAI to act as a centralized independent body to receive information concerning serious violations of citizens' fundamental rights by State officials within MAI, and in that respect not just to collect information, but also to intervene and act as a police oversight body, including taking the initiative to investigate reports of ill-treatment of citizens committed by members of the security forces and services.
250. Indeed, as an inspection body in a sensitive area of State action, where fundamental values such as authority and security, on the one hand, and fundamental rights, on the other hand need to be harmonized, IGAI reinforces that balance and strengthens the democratic State based on the rule of law as an additional guarantor of the fundamental rights of all the citizens (Article 13 of Decree-Law 227/95, of 11 September according to the provision of Article 12 of Decree-Law 58/2012, of 14 March).
251. Alleged situations of ill-treatment within GNR are investigated<sup>17</sup> in order to ascertain the truth of the facts, and are always communicated to the Public Prosecutor's Office if the facts allegedly took place in detention premises.
252. The reported situations of ill-treatment usually give rise to criminal proceedings. GNR's Command must also inform superior bodies-such as IGAI or Military Judicial Police--and submits itself to its own inspection body.
253. Within SEF, alleged victims of racially-motivated misconduct by Police/SEF can make a complaint:
- In the Complaints Book, compulsorily available at SEF Temporary Reception Centers and other SEF's customer assistance points;
  - Electronically, mainly by e-mail, to the Portuguese Ombudsman, to IGAI or to the Inspective Department of SEF; or
  - Using the compulsory complaints system available in all Security Forces' facilities as well as the electronic complaints system.
254. Complaints are analyzed by the respective Inspective Department and, whenever legally justified, by IGAI and by the competent judicial and criminal organs as well. All of these entities are competent to apply sanctions and to prove situations of discrimination, violation of rights or violence against a person irrespectively of nationality, race, color or ethnical belonging. Investigations related to racial discrimination as well as penalties applicable to offenders abide by the principle of legality.

<sup>17</sup> Verifications, inquest and of disciplinary nature.

255. Furthermore, the Portuguese Ombudsman, designated as the National Preventive Mechanism (NPM) under the OPCAT plays an important role regarding the promotion and protection of persons in places of detention.

256. The Portuguese Ombudsman has established throughout the years a regular and longstanding work in places of detention, either through the handling of complaints presented by persons in detention facilities, unannounced inspections and visits to prisons and other places of detention made by the NPM to places of detention.

257. Regarding the complaints mechanism in place, it should be stressed that the Portuguese Ombudsman has a very strong relationship with NGOs intervening in this area. Notwithstanding the fact that the complaints mechanism is accessible, and the majority of the complaints are directly presented by the inmates or their families, NGOs often file complaints on inmates' behalf and provide the Portuguese Ombudsman with a wider picture of the reality in the detention facilities. In the last three years the Portuguese Ombudsman received the following number of complaints: 195 (2014); 168 (2015); 178 (2016). These complaints were motivated mainly by three key issues: transfer requests; healthcare; security and discipline.

258. As the NPM designated under the OPCAT since 2013, the Ombudsman has developed extensive work in the prevention of torture and ill-treatment in places of detention. Between 2014 and 2017 the NPM made a total of 144 visits, namely to prisons, police stations, psychiatric wards in hospitals, detention facilities in airports, detention facilities in courts and educational centers for young people in conflict with the law. In these visits the NPM has the opportunity, not only to verify the living conditions and treatment dedicated to the detainees, to interview guards, police officers, staff members, but also to hear the detainees about their situation, in conditions that ensure the respect for confidentiality.

259. In all its activities the NPM has the opportunity to raise awareness to its role, facilitating information regarding its mission and the different ways through which a complaint may be submitted.

**(b) Measures taken to guarantee the confidentiality of complaints and the protection of the complainants and the victims, particularly in cases where the victims are deprived of their liberty;**

260. Please see answer to §18 a).

261. GNR abides by the scrupulous fulfilment of the procedures laid down in the CCP, which have been enhanced through the approval of internal regulations – Circular Letter 8/200-C and Circular Letter 06/200-P. These regulations define the procedures for the appointment of a defender within the scope of criminal investigations as well as the rules regarding contacts within GNR territorial posts, whereby the right to communicate with a defender is guaranteed in case the victim so desires. This procedure takes place through the Bar Association Information System.

262. IGAI and its professionals are bound by very strict rules and duties, including a duty of secrecy with regard to matters they become aware of while performing their functions or because of them (Article 21 of Decree-Law 276/2007, of 31 July). The breach of professional secrecy is subject to disciplinary sanctions without prejudice to civil or criminal liability as applicable.

**(c) Measures taken to sensitize detainees and the population at large about the existence of complaint mechanisms regarding cases of torture or ill-treatment by State officials. Please clarify whether complainants are always informed of the outcome of their complaints;**

263. Please see answer to §18 a).

264. According to IGAI, the population at large is now well aware of its role as a centralized independent body entrusted with the competence to receive all types of information, including complaints concerning serious violations of the citizens' fundamental rights by State officials comprised within MAI.

265. As such, IGAI has stepped into a new institutional development phase in which it no longer needs to proactively and regularly publicize and broadcast awareness-raising information on its competences. Instead, a new strategy has been adopted, which encompasses its participation in training activities of junior and senior professionals of security forces, as well as in the academic program of the Master Degree in Law of the University Nova de Lisboa. In these interventions, IGAI incorporates the dimension of human rights and fundamental rights and seeks to foster the debate, namely on the consolidation of the compatibility of police action with the defense of human rights.

266. Nonetheless, among the information available on IGAI's Internet website, IGAI's competence to receive complaints is mentioned as an integral part of its mission and IGAI's physical coordinates, office hours and contacts are provided.

267. Upon receipt of a complaint and after the case proceedings are instated, the standard procedures determine that the complainant is informed of the case kick-off and that investigation steps were set off and are underway. At the end of the case, the results of the investigation and the rendered decision are communicated to the complainant.

**(d) Measures taken to strengthen the monitoring functions of the existing bodies, such as the supervisory judge and the ombudsperson, including in forensic psychiatric hospitals.**

268. Please see answer to §18 a).

269. In 2016 and 2017 the Portuguese Ombudsman developed the project "Ombudsman, prisons and the 21st century" in which the Ombudsman conducted unannounced visits to 13 prison facilities each of them resulting in a report that was sent to the Minister of Justice and made publicly available. As a result, two special procedures were opened, one regarding the quantity and quality of the food distributed in prisons, and another concerning visiting rights for inmates who are in high security facilities or wards.

270. In addition, the Portuguese Ombudsman, has elaborated two special reports as NPM: in 2015, following the visits made to all 8 educational centers for young people in conflict with the law, resulting in recommendations made to the Minister of Justice, Minister of Health, High Council of the Judiciary, Attorney General and DGRSP; in 2017, following the visits made to the temporary detention centers for foreign nationals in an irregular situation or asylum seekers in Portugal. This report describes the living conditions of those who were temporarily deprived of or limited in their liberty. Among several aspects, the NPM examined the compliance with the maximum length of stay in temporary detention centers and the treatment provided to foreign nationals such as health care, the quantity and quality of the food served, the resources available for leisure time, contact with the outside world and respect for religious beliefs. Following these visits, the NPM addressed recommendations to the MAI and to the Director of SEF.

271. The Portuguese Ombudsman will continue to monitor closely all the issues concerning the respect for human rights of people limited or deprived of their liberty.

## **Article 14**

- 19. With reference to the Committee's previous concluding observations (para. 16) and paragraph 46 of the Committee's general comment No. 3 (2012) on the implementation of article 14 by States parties, please provide information on:**

**(a) Redress (restitution, satisfaction, including restoration of dignity and reputation, and guarantees of non-repetition) and compensation measures ordered by the Commission for the Protection of Crime Victims and the courts to victims of torture and ill-treatment and their families since the consideration of the last periodic report. This should include the number of requests for compensation that have been made, the number granted and the amounts ordered and actually provided in each case;**

272. Please see answer to §4b)

273. Future guarantees of non-repetition are difficult to ensure. All the victims were foreigners, from Eastern Europe or South America. All of them wanted to return to their countries, where they have their roots and family, making it impossible to keep track.

**(b) Any rehabilitation programmes for victims of torture and ill-treatment, specifying whether they include medical and psychological assistance;**

274. There are no specific programmes in place, because there are no records of torture complaints by inmates, nor third parties complaints related to acts of torture.

**(c) Protective measures available to victims of torture or ill-treatment and members of their families, indicating the number of protective measures that have been made available to victims of torture in relation to the number of requests made. Please also state whether victims of torture have access to free legal aid.**

275. There is no record of complaints and/or accusations regarding the practice of torture in the Prison Services. Please also refer to the information provided in §13b) and d).

276. Regarding measures to ensure the safety of the victim, the investigating judge may prohibit the defendant to contact by any means with a particular person, or to go to certain places or environments. This measure thus allows for the removal of the defendant from both the victim and the defendant's residence, even if this residence is also that of the defendant.

277. The prohibition of contacts can be cumulated with the application of the measure of compulsory permanence at home (Article 201 (2) CCP).

278. Compliance with these measures is ensured through electronic surveillance by geo-location.

279. The breach of the coercive measures imposed to the offender may determine the application of a more serious measure (Article 203 CCP), and the offender may also incur in the crime of disobedience, provided for in Article 348 of the CC.

280. Victims are granted procedural rights in accordance with the CCP, and may participate in the hearing, as victims as well as a witnesses, impart their views, needs and concerns and provide criminal evidence. Law 90/1999, of 14 July, on the Protection of Witnesses is applicable.

281. Contact between victims and their family members and suspected or accused persons in all places that involve the presence of one or the other in the context of the criminal proceedings, in particular in courts, should be avoided, without prejudice to the established in the CCP (Article 15 (2) of the Victim's Statute).

282. Free legal aid to victims is foreseen in Articles 13 and 14 of the Victim's Statute. The State shall ensure, free of charge, in accordance with Law 34/2004, of 29 July, the victim's access to legal consultation and, if necessary, to the subsequent judiciary support. Expenses resulting from the victim's participation in criminal proceedings, may also be reimbursed subject to certain conditions.

## Article 16

20. **With reference to the Committee’s previous concluding observations (para. 18) and the information received from the State party on follow-up to the concluding observations, please provide information on:**

**(a) Annual statistical data from 2013 onwards, disaggregated by offence or crime and ethnicity, age and sex of the victim on: (i) the number of complaints filed against police officers concerning racist or racially discriminatory acts; (ii) the number of investigations initiated as a result of those complaints and by which authority; (iii) how many were dismissed; (iv) how many led to prosecutions or disciplinary action; (v) how many led to convictions; and (vi) which penal and disciplinary sanctions were applied;**

283. Please see Table XXII and Table XXIII of Annex III for cases investigated by IGAI.

**(b) Measures taken to monitor attacks and abuses, including racist comments and materials through the Internet, and excessive use of force by the police on members of the Roma community, and to ensure effective investigations and prosecution of perpetrators of those attacks, including any alleged discriminatory motives that may provoke those actions;**

284. Several important measures have been taken in this regard:

- Article 240 of the CC, regarding racial or religious discrimination, was amended by Law 94/2017, of 23 August, in order to fully comply with the Framework Decision 2009/913/JHA on combatting certain forms and expressions of racism and xenophobia by means of criminal law;
- Decree Law 81/2016, of 28 November, established the National Unit to Fight against Cybercrime and Technological Crime (UNC3T) within the functional and hierarchical structure of the criminal police. The Unit is responsible for the prevention, detection, criminal investigation and assistance to the judicial authorities with regard to the crimes provided for in Law 109/2009, of 15 September (on cybercrime) and crimes committed through technology or computer means;
- In compliance with the Code of Conduct approved in June 2016 between the EU Commission and service providers (Facebook, Twitter, Google and Microsoft), the Criminal Police designated a Single Point of Contact in order to ensure the quality of outgoing requests to remove or block the access to hate contents and build relationships of confidence with service providers.

285. Please also see answer to §18 a) on training at the Criminal Police School.

286. With reference to the Prison Services, there are few situations of racial discrimination between the employees and the inmates or between inmates reported since 2016 up to date. This may be due to the fact that they occur in within the context of other facts that lead to more severe disciplinary measures, which are recorded in a file. While bearing in mind that these references are statistically insignificant, a register will be made in the future to isolate this topic from the context of broader procedures.

287. The Initial Training Courses for Prison Guards, includes seminars on international human rights principles and norms (3 hours) and multiculturalism (4 hours). Human rights issues are also addressed throughout the course under different topics, with special attention to the principle of non-discrimination.

288. In addition, a training module on “Human Rights and International Principles on the Enforcement of Sentences and Deprivation of Liberty Measures” (10 hours) and a seminar on Persons Deprived of Liberty and Human Rights Defenders (4 hours) were held, including communications from the Portuguese member of the CPT, Amnesty International, the Human Rights Commission of the Bar Association, and the NPM (Ombudam).

289. Please also refer to the information provided in §20 c).

**(c) Measures taken to effectively protect members of the Roma community against threats and attacks to which they may be exposed on account of their ethnic origin and to encourage reporting of ill-treatment by the police, including through awareness raising campaigns on complaint mechanisms;**

290. Portugal adopted a new anti-discrimination law (Law n. 93/2017, 23 August<sup>18</sup>) which entered into force on 1 September 2017. This new law establishes the legal framework for the prevention, prohibition and combat of discrimination based on racial and ethnic origin, colour, nationality, descent and place of origin.

291. The Law revises the legal framework on the combat and prevention of racial discrimination, and centralizes, in practice, all the different phases of the administrative offences processes in the Commission for Equality and Against Racial Discrimination (CICDR), with a view to improve the reporting of discriminatory actions and assure a timelier and more efficient response to the complaints received.

292. The new legislation has reinforced the concept of discriminatory practices: in addition to the prohibition of discrimination based on race, colour, nationality and ethnic origin, new forms of discrimination are for the first time included, such as discrimination based on descent and place of origin, multiple discrimination (offense on more than one characteristic under protection) and discrimination by association (“*based on relation and/or association to a person or group of persons*” possessing criteria under protection).

293. The Commission for Equality and Against Racial Discrimination is now able to collect evidence in cases of racial discrimination and to handle the entire procedure from beginning to end, increasing the efficiency of this body. Additionally, the value of the maximum fines has been raised. The revision of the anti-discrimination law aims to improve the reporting of discriminatory action and assure a timelier and more efficient response to the complaints received.

294. Please also refer to the answer provided in §18 a).

**(d) Measures taken to publicly condemn attacks against Roma and other minorities and to increase the awareness-raising measures, including among the police, to promote tolerance and respect for diversity;**

295. The High Commission for Migration (ACM) has promoted several activities to combat discrimination and promoting intercultural dialogue, for different target groups including the police, during the last years.

296. In July 2016, ACM signed a Protocol with PSP to implement the “TOGETHER FOR ALL Programme”. This programme aims “to contribute to the prevention of conflict in multicultural communities who may have some vulnerabilities, and also for the safety of all citizens regardless of their nationality or cultural belonging.” Under the protocol, PSP trains ACM professionals on the legal framework that manages the police action and articulation of communication strategies with the PSP and, in turn, ACM trains PSP on the immigration phenomenon in Portugal, the national and cultural groups living in the country, diversity and intercultural dialogue (stereotypes, discrimination and ways to deal with difference).

297. The training activities foresee the participation of 1000 officers. Over half of this target has been accomplished to date, and 29 sessions in the area of integration and cultural diversity have taken place, with the participation of 571 police officials and agents from the Lisbon region.

298. In addition, various activities have been developed by ACM in combating racism and discrimination, namely through the following campaigns:

- The internet campaign “Discover your color!” launched in 2015, using a special website<sup>19</sup> and also Facebook. This campaign was very successful, having received 45.000 viewings on the first day;

<sup>18</sup> <https://dre.pt/application/file/a/108039214>

<sup>19</sup> <http://www.descobreatuacor.pt>

- A national campaign launched in 2016 targeting children between 3 and 5 years old that attend the pre-school system. The concept of this campaign was to gather in a toolbox a set of 6 color pencils with different skin tones and also a book with the story “The colors of the grey city” (“As cores da cidade cinzenta”). It invites children to color the book and to listen and reflect about the main message of the story: the city receives new citizens that bring with them new colors, new ideas and perspectives;<sup>20</sup>
- In 2017, actions at public schools, in four cities across the country, with a theatre play, discussions and reflections among the students about the fight against discrimination and a collaborative work between some artists and the children doing some murals.<sup>21</sup>

299. ACM has conducted 101 awareness-raising sessions in 2017 in the areas of interculturality and migration, reaching around 2 000 participants, through schools, municipalities, social security and immigrants’ associations.

300. Please also see the answer provided in §18 a).

**(e) Measures adopted to enhance training for law-enforcement personnel, judges and prosecutors on combating crimes against minorities and to consider the racist aspect of an offence;**

301. Please also see the answer provided in §18 a).

302. The CEJ has set up a course dedicated to fundamental rights, including relevant case law of the European Court of Human Rights and of the Court of Justice of the European Union on these matters.

303. In addition to the training it provides (please see answer provided in § 4 d)), SEF underscores and raises awareness on the principles of impartiality and non-discrimination enshrined in its Code of Ethics and has drawn up a risk prevention plan. This plan is duly monitored, especially concerning the breach of ethical and functional duties in SEF procedures. The Anti-Corruption and Related Infringements Risk Plan, which has a horizontal nature, is also relevant in this regard.

**(f) The impact of the National Roma Communities Integration Strategy 2013- 2020 in improving relations between law enforcement officials and the Roma community.**

304. Roma communities in Portugal have been Portuguese for five centuries, and have benefited, without discrimination, from all measures in place for the general population, including social protection.

305. The National Roma Communities Integration Strategy (ENICC),<sup>22</sup> was approved on 27 March 2013 through Council of Ministers Resolution n°25/2013. The Strategy was designed around the four axis defined in the European Union’s Communication on “An EU Framework for National Roma Integration Strategies up to 2020” – COM (2011) 173 – Housing, Healthcare, Education and Employment – as well as a fifth transversal axis, with mediation, valuing Roma history and culture, combat against discrimination and gender equality among the priority areas. The Strategy is a result of the contribution of various ministries, municipalities, civil society organizations, associations and Roma communities’ representatives, research centres and experts, among others. It highlights 40 priorities and 148 objectives.

306. According to the information collected from the Strategy’s Focal Points in 2016, a total of 605 actions were reported as the result of the implementation of the priorities and measures. This number surpassed the results from the previous year.

<sup>20</sup> [http://www.acm.gov.pt/documents/10181/167771/As+Cores+Da+Cidade+Cinzenta\\_BR.pdf/c740288d-4832-49ff-8cfc-75d14d9b5f9f](http://www.acm.gov.pt/documents/10181/167771/As+Cores+Da+Cidade+Cinzenta_BR.pdf/c740288d-4832-49ff-8cfc-75d14d9b5f9f)

<sup>21</sup> <http://www.acm.gov.pt/-/dia-internacional-para-a-eliminacao-da-discriminacao-racial-acm-promove-campanha-de-sensibilizacao-em-escolas-do-1-ciclo>.

<sup>22</sup> <http://www.acm.gov.pt/-/estrategia-nacional-para-as-comunidades-ciganas-enicc-concig>.

307. The global data on the ENICC's execution indicate a completion rate of 94,1% of the Strategy's objectives.

308. The creation of the Support Fund to the National Strategy, launched in 2015, (FAPE)<sup>23</sup>-was decisive in achieving this result. The Fund provides for access to financial support in the area of the promotion and combat to discrimination of Roma communities. It has financed 11 projects in 2015 and 21 in 2016, from all over the country.

309. Moreover, a Consultative Group for the Integration of Roma Communities (CONCIG) was created in 2013 under the National Strategy for the Integration of Roma Communities. It offers an important contribution for the improvement of the quality of the Strategy's monitoring and evaluation process, as well as for the monitoring of the Roma Communities situation. CONCIG integrates 22 representatives of Governmental Departments (MAI, Ministry for the Environment, Ministry of Education, Ministry of Justice, Ministry of Health, Ministry of Labour, Solidarity and Social Security, Madeira and Azores Regional Governments) and other public and private entities (such as universities and research centres), as well as representatives of the Roma Communities. It is important to highlight the participation of the Security Forces (PSP and GNR) in the composition of this Consultative Group.

310. A revision of the National Roma Communities Integration Strategy is under discussion, in order to provide clearer and more effective measures and indicators. Consultations with associations were held on this revision in 2017. ACM strongly emphasizes the active participation of the Roma communities in the entire process of the Strategy and has so far promoted two consultation workshops in Lisbon. The Portuguese Government is committed to proceed with the revision of the National Strategy intended to be concluded in 2018.

**21. In the light of the Committee's previous concluding observations (para. 16) please provide information on the measures taken to ensure that electric discharge weapons (Tasers) are not part of the equipment of custodial staff in prisons or any other place of deprivation of liberty. Please also provide information on the measures taken to monitor the use of electric discharge weapons through mandatory reporting and reviews and to limit their use to extreme situations where there is a real and immediate threat to life or risk of serious injury.**

311. Please see answer to §18 a).

312. Since 2010, there is no use of electric discharge weapons in prison (Tasers).

313. The use of electric discharge weapons is regulated by Article 11 of RUMPEC. Order No. 5801/2011, of 28 March, of the Minister of Justice has further restricted the use of these weapons.

314. With regard to police forces, Circular Letter 15/2014-P, on the use of force in police interventions, the Handbook of Operations and MOP Handbook are applicable. All unjustified irregular situations reported trigger appropriate legal procedures and disciplinary action.

**22. Please provide information on the measures taken since the last review, including awareness-raising campaigns and parenting education programmes, to end the practice of corporal punishment in all settings, including in the home.**

315. Criminalization of corporal punishment under article 152-A of the CC has induced the progressive rejection of violent forms of discipline. Recent jurisprudence clearly states that parents and educators are not allowed to use corporal punishment as a means of education (*Acórdão do Tribunal da Relação de Lisboa* 413/15.3PFAMD.L1-3).

316. In an effort to raise awareness on violence against children, the Ministry of Justice, in collaboration with the NCPRPCY, has undertaken a legal review of the Portuguese

<sup>23</sup> <http://www.acm.gov.pt/-/fundo-de-apoio-a-estrategia-nacional-para-a-integracao-das-comunidades-ciganas-fape>.

translation of General Comment 13 of the Committee on the Rights of the Child, on “The right of the child to freedom from all forms of violence”.

317. The development of parental responsibilities is one of the goals of the National Child and Youth Health Program and primary healthcare services include care groups on preparation for parenting that promote positive skills related to parenting.

318. The Ministry of Health also collaborates with other ministries and institutions in campaigns to promote children’s rights (namely with NCPRPCY on the subject of corporal punishment).

### **Other issues**

23. **Please provide updated information on the measures taken by the State party to respond to threats of terrorism, and describe if and how those anti-terrorism measures have affected human rights safeguards in law and in practice. Please explain how the State party has ensured that those measures comply with all its obligations under international law, especially the Convention, in accordance with relevant Security Council resolutions, in particular resolution 1624 (2005).**

**Please provide information on the relevant training given to law enforcement officers; the number of persons convicted under such legislation; the legal safeguards and remedies available to persons subjected to anti-terrorism measures in law and in practice; whether there have been complaints of non-observance of international standards; and the outcome of those complaints.**

319. With reference to “fundamental safeguards” the answer provided in the context of the 5th and 6th reports remains valid.

### **General information on other measures and developments relating to the implementation of the Convention in the State party**

24. **Please provide detailed information on any other relevant legislative, administrative, judicial or other measures taken since the consideration of the previous report that implement the provisions of the Convention or the Committee’s recommendations. This may include institutional developments, plans or programmes. Please indicate the resources allocated and statistical data and provide any other information that the State party considers relevant.**

320. Since 2013, relevant legislative and policy updates include:

- The publication of Law 26/2014, of 5 May-that amended Law 27/2008, of 30 June, establishes the conditions and procedures leading to the concession of asylum and refugee status and subsidiary protection. This new instrument provides better protection of human rights, ensuring special rights to particularly vulnerable applicants, as disabled people, concerning medical and medication assistance as well as health care and social support;
- The publication of the Joint Ministerial Order 11838/2016, of 4 October, of MAI and of the Minister of Justice, approves a mechanism of mandatory mutual reporting and sharing of information regarding all the complaints made detainees, prisoners or internees at the arrival to prison, may they have been injured or claiming to have been victims of physical violence while in police custody. This mechanism ensures that both ministries have at their disposal, at any time, all the necessary information to protect prisoners’ human rights;
- The publication of Ministerial Order 5863/2015, of 2 June, that approves the new regulation of the material conditions of detention in prisons;
- The publication of the Ministerial Order 10728/2015, that approves a new regulation applicable to inspection procedures of temporary installation centers located in Portuguese airports;

- The publication of a new anti-discrimination law, Law n. 93/2017. Please refer to the answer provided in §20 c);
  - The implementation of the *WHO Quality Rights* project in Portugal, initiated in October 2017 by the National Programme for Mental Health in partnership with the Lisbon Institute of Global Mental Health, which aims at assessing the quality of care and respect for human rights in institutions providing for long-term care for adults with psychosocial disabilities. The project assesses, among other dimensions, the prevalence of maltreatment phenomena and violence against dependent persons (people with institutionalized mental illness), including the detection, signalling, protection practices and case solving.
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