



**International Covenant on
Civil and Political Rights**

Distr.: General
4 February 2020

Original: English
English, French and Spanish only

Human Rights Committee

128th session

2–27 March 2020

Item 4 of the provisional agenda

**Consideration of reports submitted by States parties
under article 40 of the Covenant**

**Replies of Portugal to the list of issues in relation to its fifth
periodic report***

[Date received: 24 January 2020]

* The present document is being issued without formal editing.

GE.20-01608(E)



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Constitutional and legal framework within which the Covenant is implemented (art. 2)

Reply to paragraph 1 of the list of issues (CCPR/C/PRT/Q/5)

The Covenant provisions have been referred to by domestic courts in the following cases:

- <http://www.dgsi.pt/jstj.nsf/954f0ce6ad9dd8b980256b5f003fa814/65bf5173f33e24378025849c0052198d?OpenDocument>
- <http://www.dgsi.pt/jtrp.nsf/56a6e7121657f91e80257cda00381fdf/0de9845958fe82758025842e0054b47b?OpenDocument&Highlight=0,PACTO,INTERNACIONAL,S OBRE,OS,DIREITOS,CIVIS,E,POL%C3%8DTICOS>
- <http://www.dgsi.pt/jtre.nsf/134973db04f39bf2802579bf005f080b/2d9a21f620ba00e68025843100361543?OpenDocument&Highlight=0,Pacto,Internacional,sobre,os,Di reitos,Civis,e,Pol%C3%ADticos>

1. The Centre for Judicial Studies (CJS) continues to include in its initial and lifelong training human rights issues. Thus, judges and public prosecutors receive training on topics such as torture, freedom of religion, racial discrimination, migrations, gender equality issues, right of association and trafficking in human beings, as well as on procedural guarantees. Many of its training sessions are open to other legal practitioners.

2. The Portuguese Bar Association is also involved on human rights training. The training of young lawyers on this topic is an access requirement to practice the profession. Additionally, within the Commission on Human Rights of the Bar, several activities include human rights' conferences and seminars.

3. Regarding the implementation of the recommendations reflected on CCPR/C/PRT/CO/4 please refer to the answers here provided.

Reply to paragraph 2 of the list of issues

4. Please refer to the latest update on the Common Core Document § 235–238 and § 253–254.

5. The procedures in place and the measures taken depend on the provision of the Covenant that has not been respected. Until this date, only Communication No. 1123/02 (*Carlos Correia de Matos v. Portugal*) has demanded action, whose latest developments can be found on the 5th periodic report.

Reply to paragraph 3 of the list of issues

6. The duties of the Ombudsman's Office (Provedoria de Justiça) are financed by the Portuguese State budget, with an annual allocation of 5 million Euros.

7. The Ombudsman (Provedor de Justiça) is appointed by the Parliament (Assembleia da República), by qualified majority.

8. According to the Organic Law of the Ombudsman's Office, the Ombudsman may appoint two deputies of his/her choice. The position of Deputy Ombudsman is assigned to someone who is selected among qualified individuals with the appropriate higher education (University degree) and a proven reputation of integrity and independence, for a period of 2 years, which may be renewed or not ("comissão de serviço", meaning the appointment of someone for a position for a period of 2 years).

9. Therefore, it is clear from the Statute of the Ombudsman (Article 16) that he/she may appoint and dismiss the two Deputy Ombudsmen at any time.

Anti-corruption measures (arts. 2 and 25)

Reply to paragraph 4 of the list of issues

10. The existing legal framework was reinforced in 2015 through the ratification of the Additional Protocol to the Criminal Law Convention on Corruption of the Council of Europe (CoE) and the adoption of a legal instrument, which, inter alia, complies with the recommendations of the Group of States against Corruption of the CoE and the Organisation for Economic Cooperation and Development (OECD).

11. The Resolution of the Council of Ministers no. 53/2016, of 21 September, approved the Governmental Code of Conduct which clarifies under which conditions and to what extent Government members may accept offers or invitations from private entities. These rules apply to senior managers of Public Administration.

12. The recommendation of the Council for the Prevention of Corruption (CPC) determines that all public sector institutions must create and approve their respective Risk Management Plan against Corruption and other related offences. CPC, created by Law no. 54/2008, of 4 September, is an independent administrative institution headed by the President of the Portuguese Court of Auditors with a nationwide mandate for the prevention of corruption and related infractions.

13. As National Contact Point to OECD Guidelines for Multinational Enterprises, the Ministry of Economy promotes them among economic operators to highlight the importance of eliminating corruption in the value chain and emphasize enterprises' central role in establishing anti-corruption mechanisms in their codes of conduct and business plans.

14. In 2019 two laws were adopted in order to increase transparency in public life. One regarding the performance of duties of high-ranking public and political officeholders (Law No. 52/2019, of 31 July) and the other one concerning the appointment of cabinet members of political officeholders, public administration managing directors and public managers (Law No. 78/2019, of 22 September). Moreover, Organic Law No. 4/2019, of 13 September, created the Transparency Entity, an independent body within the Constitutional Court, which is responsible for assessing and supervising the income declaration, assets and interests of high-ranking public and political officeholders. Moreover, Council Ministers Resolution No. 184/2019, of 3 December, approved the Government's Code of Conduct applicable, inter alia, to the XXII Constitutional Government and its respective cabinets' members.

15. Lastly, at the Ministers Council of 5/12/2019, the Government decided to establish a working group, under the direct supervision of the Ministry of Justice, aimed at, inter alia, drafting a national anti-corruption report, assessing the permeability of laws to the risks of fraud, reducing legal complexities and bureaucratic burdens, compelling administrative bodies to follow a code of conduct or adopt its own code, providing some administrative entities with an internal control department to ensure the transparency and impartiality of procedures and decisions, improving public procurement processes, enhancing the transparency of political party accounts and obliging medium and large companies to have plans to prevent corruption risks and related infringements.

16. All Ministries develop several mechanisms and measures to promote good governance, such as:

- The General Inspection for Health (IGAS) is an active partner of the European Healthcare Fraud & Corruption Network (EHFCN), a non-profit organisation of healthcare and counter-fraud, counter-corruption and/or counter-waste organisation in Europe. IGAS created the Antifraud Unit, along with an innovative methodology based on intelligence-led approach to inspections and audits, resorting to criminal techniques adapted to non-criminal research and planning. This project was presented to EHFCN, in a conference held in Berlin, november 2019, where it was distinguished with the "New Way and Innovation Award 2019";

- The High Commission for Migration (ACM) established a data protection culture and has a Data Protection Officer (DPO). This DPO has been conducting training sessions with all units who work with data collection and processing. Following this training, units have mapped out the potential risks of breaching the personal data protection of their procedures and clear measures have been defined to ensure data protection specially of vulnerable populations. These measures are subject to control, evaluation and audit by the DPO;
- The General Inspection Service of the Ministry of Labour, Solidarity and Social Security (MTSSS) is part of the Internal Control System of the State Financial Administration and has a strong predominance of the audit function. In the development of the management systems related to the several areas of responsibility of the Ministry (national social security/welfare, employment and vocational training, industrial relations, working conditions inspection, and others) improvements have been introduced to establish a less bureaucratic administration, notably through the implementation of electronic information management systems.

Non-discrimination (arts. 2, 7, 24, 25 and 26)

Reply to paragraph 5 of the list of issues

17. Under Article 240 (1) anyone who creates an organisation or engages in organized propaganda activities that incite to discrimination, hate or violence against a person or group of persons due to their race, colour, ethnic or national origin, religion, sex, sexual orientation, gender identity or physical or mental disability, or that encourages it, or participates in such organization or activities, including their funding, is punishable with imprisonment from 1 year to 8 years.

18. Article 240 (2) punishes with 6 months up to 5 years of imprisonment, whoever publicly, by any mean aimed to disclosure, namely through the apology, denial or gross minimization of crimes of genocide, war or crimes against peace and humanity, gives rise to acts of violence against a person or group of persons because of race, colour, ethnic or national origin, ancestry, religion, sex, sexual orientation, gender identity or physical or mental disability, defames, reviles, threatens a person or group of persons for the reasons stated above or incites to violence or hate towards a person or group of persons for the reasons stated above.

19. Portugal has ratified Protocol No. 12 of the Convention for the Protection of Human Rights and Fundamental Freedoms, which covers among other grounds of discrimination, language, and therefore, it is bound to ensure that the enjoyment of any right set forth by law is secured without discrimination on the grounds established therein.

20. Following the latest amendments, Article 240 covers the following grounds of discrimination: race, color, ethnic or national origin, ancestry, religion, gender, sexual orientation, gender identity or physical or mental disability.

21. Between 2015 and 2018 the data regarding criminal proceedings, defendants and convictions related to this provision is covered by statistical secret in order to safeguard the privacy of citizens.

Reply to paragraph 6 of the list of issues

22. Portugal does not have statistical information disaggregated by ethnic/racial origin. A working group was created in 2018 to reflect and produce recommendations on including questions regarding ethnic/racial origin in the Portuguese Census 2021 survey. This working group was composed of experts from the academia, representatives from anti-racism, afro-descents, Roma communities, migrant communities' associations, the Commission for Equality and Against Racial Discrimination (CICDR), the Observatory for Migration (OM), the Observatory for Roma Communities (ObCig) and Statistics Portugal (INE).

23. Due to a legal constraint, Portugal does not collect official data disaggregated by race or ethnic origin., and, besides, technical issues are complex – understanding discrimination and inequality in Portuguese society implies considering several dimensions and requires as well as the assurance of monitoring the phenomena overtime. Statistics Portugal recognizes the relevance of this thematic and will take into account the contribution of relevant actors in society to carry out such a project and the experiences of other countries in this respect.

24. Several studies have been undertaken regarding, inter alia, the living conditions, education profiles, health, housing and discrimination faced by certain groups.

Observatory for Migration (OM)

25. ACM maintains an essential strategic collaboration with Academy and Research Centres through its OM, whose mission is the study and scientific monitoring of migration, as well as the production, collection, analysis and dissemination of statistical information on immigration and the flow of refugees to Portugal, thus contributing for evidence-based migration policies.

National Roma Communities Integration Strategy (ENICC)

26. ENICC was initially approved for 2013–2020. ENICC had a 94,1% implementation rate between 2013 and 2016. Its monitoring process showed the need to review the Strategy's definition and the identification of priority intervention areas. As a result, its implementation was extended to 2022 to allow a deeper intervention and to introduce new measures (Resolution of the Council of Ministers no. 154/2018). The guiding principles of ENICC's revision are interculturality, non-discrimination, cooperation and participation, territorialisation, and gender equality.

Observatory for Roma Communities (ObCig)

27. ObCig seeks to capitalize networks of academic, scientific and institutional cooperation, for a precise and profound knowledge about the reality of life of Roma communities in Portugal, to combat myths and stereotypes. The Observatory offers two collections of studies: the ObCig Studies Collection and the Olhares Collection. Three studies were held in December 2019 on digital inclusion, employability of ex-convict Roma women and Portugal's Social Integration Income and Special Re-housing Programme as integration policies.

Commission for Equality and Against Racial Discrimination (CICDR)

28. CICDR, created by Law No 134/99, of 28 August, publishes an Annual Report on Equality and Non Discrimination on ground of racial and ethnic discrimination, colour, nationality, ascendancy and territory of origin, which compiles the available data on equality and racial and ethnic discrimination provided by all entities entitled to work on this issue. This Report is submitted to the Portuguese Parliament.

29. In March 2018 it was approved the National Strategy for Equality and Non-Discrimination 2018–2030 coordinated and monitored by the Commission for Citizenship and Gender Equality (CIG). It includes:

- An Action Plan to Combat Discrimination on the Grounds of Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (for the first time in Portugal);
- An Action Plan to Promote Equality Between Women and Men;
- An Action Plan to Prevent and Combat Violence Against Women and Domestic Violence.

30. The Action Plan to Combat Discrimination (Council of Ministers Resolution 61/2018). establishes concrete measures to be developed in the first four years of implementation (2018–2021) to be revised every four years. It pursues three main strategic objectives:

- Promote knowledge on the needs of LGBTI people and on discrimination based sexual orientation, gender identity and expression, and sex characteristics;
- Ensure the mainstreaming of policies and measures against discrimination based on sexual orientation, gender identity and expression, and sex characteristics;
- Combat all forms of discrimination and violence against LGBTI people in public and private life.

31. This Action Plan includes 20 specific measures with indicators and benchmarks. An Expert Committee was established to monitor the plan, including civil society organizations, which meets at least twice a year.

32. The bill on LGBTI people's rights, presented before the Parliament in April 2018, was approved as Law no. 38/2018, of 7 August, became immediately in force and established the right to self-determination of gender identity and gender expression, as well as the right to the protection of each person's sex characteristics. The law reflects contributions from civil society organisations representing trans persons, health professionals and social science experts, as well as experiences from other countries.

33. This is the first integrated legal framework to protect the rights of trans and intersex persons in Portugal, including new measures to prevent discrimination as in legal documents. For those aged 18 or older, the procedure is requested by the individual at the civil registry. For minors (aged 16 or 17), the procedure is requested at the civil registry through their legal guardians, together with a medical or psychological report confirming that the minor is fully informed and capable of making decisions.

34. Based on the principle of self-determination, this law:

- Distinguishes legal and social rights from medical procedures, eliminating the requisite of a medical diagnosis for legal gender recognition;
- Ensures respect for the diversity of trans identities, namely regarding body changes or gender expression;
- Forbids treatments and interventions at any age without the person's consent except in cases of proven risk for the person's health;
- Recognizes the right of trans persons to be officially identified by the adopted name regardless of any change in legal documents – very important, for instance for those under 16 at school.

35. This Law expressly states that the practice of any discriminatory act, including by omission, grants the injured person the right to be compensated for pecuniary and non-pecuniary damages under the general civil liability regime. Any act of retaliation against a person who presented a complaint, claim or action to defend their right to gender identity and gender expression self-determination shall be void.

36. In July 2019 it was launched the first volume of the first Health Strategy for LGBTI Persons, produced by the General Directorate of Health, dedicated to the promotion of trans and intersex persons' health.

37. Order 7247/2019 was adopted in August 2019 establishing the administrative measures to guarantee the free development of all children's and youth's personality and non-discrimination at school.

Reply to paragraph 7 of the list of issues

38. Law no. 93/2017, of 23 August, modified CICDR legal framework on the prevention, prohibition and combat of discrimination based on racial and ethnic origin, colour, nationality, descent and place of origin. New forms of discrimination were for the first time included, such as discrimination based on descent and place of origin, multiple discrimination and discrimination by association.

39. The Law foresees the possibility for the parties in conflict to find a solution through a "mediation procedure at their request or by indication" from CICDR "with the consent of the aggressor and of the victim or of his or her legal representatives".

40. The scope of CICDR's intervention was increased with the mandate to manage the administrative offence procedures, determining the fines and additional sanctions to be applied.

41. CICDR meets every three months, is chaired by ACM and has thirty advisers, among whom are Members of the Parliament, governmental representatives, civil society, including immigrant, anti-racist and human rights associations, as well as Roma communities' representatives.

42. The administrative procedure starts with a filed complaint regarding a discriminatory act or practice by a public authority, service or by an individual person. Once the complaint is received, CICDR's Chair officially initiates procedures through the opening of an administrative infraction proceeding. If there are no grounded reasons for launching proceedings, CICDR's Chair notifies the complainant of the reasons for such impediment, presents further information or makes additional comments.

43. If all the requirements are fulfilled to proceed, ACM conducts the investigative proceedings and may request collaboration (inter alia, inspective actions, report issuances) to a series of public and private bodies and entities, police forces or even to the parties involved if lack of information may arise from the analysis of documents or from the complaint itself. It is during these proceedings that the defendant is notified of a formal accusation and is given a deadline of 10 days to present a statement of defence, collection of evidence and, if wanted, to request complementary evidence.

44. If proven that the discriminatory practice has occurred, a report is submitted to CICDR's Standing Committee proposing the defendant to be convicted and a deliberation is taken. It may include the imposition of a fine (for nature persons, from a minimum of €435,76 up to €4.357,60 and for legal persons, from a minimum of €1.743,04 up to €8.715,20) or just a formal admonition, according to the profile of the offender. Additional penalties may also be decided depending on the seriousness of the offence and the amount of the fine imposed. Attempted offences and negligence are also punishable, being the fines reduced to its halves.

Complaints received by CICDR in the last five years and outcomes

<i>Complaints Developments</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>
Complaints converted into Administrative Procedure	31.7%	17.9%	16.0%	25.1%	16.2%
Analysis, preparation and referral to other authorities with specific legal jurisdiction	25.0%	39.3%	61.3%	39.7%	28.6%
Mediation	10.0%	8.3%	4.2%	8.9%	-
Incomplete/Incorrect/Ungrounded complaints	33.3%	13.1%	7.6%	10.1%	38.7%
Waiting for further information from the complainants	-	21.4%	10.9%	16.2%	16.5%
Total number of administrative complaints	60	84	119	179	346

Reply to paragraph 8 of the list of issues

45. CICDR has been developing several activities regarding information on rights, laws and available means to address hate speech and discrimination:

- "The role of the media in raising public awareness about racial discrimination" – CICDR Plenary Session, in July 2018, with the participation of the Portuguese Regulatory Authority for the Media;
- "Recommendation to adhere to CICDR Principle of non-reference of racial origin, ethnicity, colour, nationality, descent, territory of origin and legal status" – Recommendation unanimously approved in September 2018 that strives for the media, often used to convey prejudice and racism, to converge efforts assuming its role in the fight against racial discrimination, xenophobia and other demonstrations of intolerance;

- Campaign to deterrent online hate speech on ACM’s Facebook page with the dissemination of digital posters regarding, inter alia, means of complaint about offensive content in that social network, to celebrate the first national day for the elimination of racial discrimination in Portugal, on 21 March 2019;
- International workshop “Preventing and Combating Online and Facebook Hate Speech”, held by ACM jointly with the Facebook, in July 2019, in Lisbon and Porto. With a total of 159 participants, these sessions targeted decision-making and experts from Immigrant’s Associations, Roma Associations, professionals from ACM’s National and Local Support Centres for the Integration of Migrants and from the Choices Programme (which aims to promote the inclusion of vulnerable children and youth, and foster equality and social cohesion).

46. The statistics of the Directorate General of Justice Policy comprise 63 cases of discrimination, hatred or violence in 2018 registered by police authorities (2017: 48, 2016: 25; 2015: 19). With respect to data on criminal proceedings, defendants and convictions on this crime (i.e. on Article 240) please refer to the answer provided for in the Reply to paragraph 5 of the list of issues.

Reply to paragraph 9 of the list of issues

47. ACM elaborated a national plan of activities to mark the International Decade for People of African Descent 2015–2024. The activities are divided under four axes: Recognition, Justice, Development and Multiple and Intersectional Discriminations.

48. The Plan includes various publications of multiple forms (brochures, flyers, campaigns, DVDs), as well as different moments to celebrate the African presence in Portugal, such as exhibits and an international conference. It is an open document aiming to promote the discussion on further measures and activities to be developed, following the recommendations to Portugal within the framework of the United Nations’ Committee on the Elimination of Racial Discrimination.

49. The activities developed in 2019 included:

- Meeting-Debate “Erased, Silences, Invisibilities”, on 28 of March, that promoted the discussion through the work marked by narratives of histories and identities of the artist Yto Barrada, in her relationship with the colonial and post-colonial past, and her relationship with the West;
- International seminar “Intersectionality: the situation of black women and women of African descent” on 27 of May in Lisbon, signalling Africa Day which is celebrated on the 25 of May. The keynote speaker was Ms. Dalia Leinarte, former Chair of CEDAW. 81 participants attended the seminar;
- Call under the Asylum, Migration and Integration Fund in June 2019 for studies on third country national women to integrate the collection of studies published by OM;
- Three publications from an expert in African culture, Professor Isabel Castro Henriques: “African women in Portugal: discourse through images (XV – XXI Centuries)”, “African presence in Portugal, a secular history: prejudice, integration, recognition (XV-XX Centuries)” and an “Historical guide of an African Lisbon XV – XXI Centuries”.

50. The Portuguese Constitution and laws do not allow registering people according to their ethnic origin. It is only possible to distinguish between unemployed nationals and foreigners/immigrants by country of origin.

<i>Registered unemployed (December 2018)</i>						
	<i>Total PT</i>	<i>Norte Region</i>	<i>Centro Region</i>	<i>Lisbon Region</i>	<i>Alentejo Region</i>	<i>Algarve Region</i>
Registered unemployed nationals from an African country	4 383	390	231	3 007	118	637

<i>Registered unemployed (December 2018)</i>						
	<i>Total PT</i>	<i>Norte Region</i>	<i>Centro Region</i>	<i>Lisbon Region</i>	<i>Alentejo Region</i>	<i>Algarve Region</i>
Angola	1 076	151	75	753	24	73
Cape Verde	1 393	86	48	995	29	235
Guinea-Bissau	816	45	19	573	13	166
Morocco	101	27	19	24	2	29
Mozambique	154	19	18	88	8	21
S. Tomé and Príncipe	472	27	27	401	2	15
Others	371	35	25	173	40	98

Source: Institute of Employment and Vocational Training (IEFP).

<i>Nationals of an African country</i>	<i>2018</i>
Benefitting from employment, training and rehabilitation measures	5 353
Placed in job offers	1 171

Source: IEFP.

51. The unemployed descendants of Africans may have Portuguese nationality or a residence permit. The public policies to promote vocational training and employment are universal. Specific measure towards vulnerable publics take into account people's needs and not their ethnic origin.

52. Targeting specifically immigrants employed or unemployed over 18 years of age that are permanent residents in the country, IEFP runs the program "Portuguese for all" aiming to enhance their knowledge of the Portuguese language and the understanding of the basic rights of citizenship, therefore promoting their integration into the Portuguese society.

53. The right to primary and secondary education in Portugal is universal for all children irrespective of their legal status. Educational policy measures defined at central level are applied in a non-discriminatory way. Access of migrant children and descendants to compulsory education is actively promoted. Enrolment in the school system can be used as a proof of residence and permanence in the country to apply to and acquire Portuguese citizenship. Compulsory education is free, and there is no payment of fees whatsoever for enrolment, attendance or issuance of certificates.

54. Since 2016 a new set of policies is being implemented including the National Programme to Promote School Success and the Specific Tutorial Support, while previous key measures as School Social Action and Educational Territories of Priority Intervention were updated and reinforced, enabling a decrease of 35% in retention rates.

Reply to paragraph 10 of the list of issues

55. Police officers are required in their daily activities to respect fundamental rights.

56. In fulfilling its duty, members of the security forces promote, respect and protect human dignity, the right to life, liberty, security and other fundamental rights of every person, whatever their nationality or origin, their social status, their political opinions or religion.

57. It is mandatory to report to the Public Prosecution Service all reports or complaints filed with law enforcement. The internal control system allows strict compliance with the ethical principles, rules of conduct, good practices and values pursued by the police institution. In addition to the criminal process, there is a disciplinary procedure.

58. Open files against police officers (Public Security Police) and the current status:
- 2018:
 - 3 investigation proceedings closed with no further action;
 - 2 disciplinary proceedings closed with no further action.
 - 2019 – up to date:
 - 1 investigation proceeding closed with no further action;
 - 1 proceeding still under investigation;
 - 3 disciplinary proceedings, 2 still under investigation and one closed with no further action.

Reply to paragraph 11 of the list of issues

59. A medical board assesses the degree of disability based on the criteria established on the National Disability Table. The assessment is registered in the Multipurpose Medical Disability Certificate (AMIM). This document is generally used as evidence for access to tax benefits and social benefits for persons with disabilities. The Portuguese law provides for several specific benefits for people with a disability level of 60% or more, according to the National Disability Table, proven by the AMIM.

60. Law No 16/2007, of 17 April, which legislates on the exclusion of unlawfulness in cases of voluntary termination of pregnancy, states in article 142, paragraph 5, that “In the event that a pregnant woman is under 16 years of age or psychically incapable, and successively, as the case may be, consent is given by the legal representative, ascending or descending or, failing that, by any relatives of the collateral line”.

61. In cases of minors or psychologically incapable, irreversible sterilization methods always imply prior judicial consent.

Equality between men and women (arts. 2, 3, 7, 24, 25 and 26)

Reply to paragraph 12 of the list of issues

62. Portugal approved legislation to accelerate a balanced representation of women and men in decision-making positions:

- Law 62/2017, of 1 August, defines minimum thresholds of women and men in boards and auditing bodies of public companies (33.3% as of 1 January 2018) and listed companies (20% as of 1 January 2018; 33.3% as of 1 January 2020). Since the publication of the Law until the 1st semester of 2019 the number of women in boards rose from 12% to 19% in listed companies, from 28% to 35% in State companies, and from 20 to 31% in local public companies;
- Law 26/2019, of 28 March, defines a minimum 40% threshold of women and men among top civil servants in public administration, and in public higher education institutions and public associations. According to provisional data for the second quarter of 2019, women top civil servants (first and second levels) amounted to 39% in June 2019;
- Organic Law 1/2019, of 29 March, rises from 33.3% to 40% the minimum threshold of women and men in electoral lists to the national and European parliaments, elective bodies of municipalities, and members of the Parish Councils. 9 Portuguese women were elected (43% of the Portuguese delegation) to the European parliament in 2019. In the October 2019 national elections, a record number of 89 women were elected to the national parliament (38.7%) and the Government has a record 40% of women ministers and 36% of women secretaries of state.

63. The Ministry of Foreign Affairs (MFA) is committed to further increase the representation of women in decision-making positions.

64. Currently, besides the Minister, the MFA is ruled by three women Secretaries of State, of the existing 4 Secretary of State Cabinets'. Ms Ana Paula Zacarias is the Secretary of State for European Affairs, Ms Teresa Ribeiro is the Secretary of State for Foreign Affairs and Cooperation and Ms Berta Nunes is the Secretary of State for Portuguese Communities.

65. In December 2019 the Ambassador Madalena Fischer became the first woman Director-General of Foreign Affairs and in 2018 it ended the mandate of the Ambassador Ana Martinho as the first woman Secretary-General of Foreign Affairs.

Violence against women, including sexual and domestic violence (arts. 2, 3, 6, 7 and 26)

Reply to paragraph 13 of the list of issues

66. Continuous efforts have been undertaken to implement the National Strategy for Equality and Non-Discrimination/Action plan to prevent and fight violence against women and domestic violence.

67. In March 2019 it was created a Multidisciplinary Technical Commission for the Improvement of the Prevention and Combat of Domestic Violence (Resolution of the Council of Ministers No 52/2019, of 6 March). Based on its conclusions, the Council of Ministers adopted Resolution no. 139/2019, of 19 August, which identifies a set of priority actions to be developed and the means to do so, focusing with equal intensity on the prevention, reaction and repression. The following ongoing actions can be highlighted:

- Development of technical procedures to ensure regular collection, harmonization and processing of official data on homicides and other forms of violence against women and domestic violence (VAWDV);
- Development of an annual training plan which includes modules that are common to the various sectors and values analysis of concrete cases;
- Development of a manual by the Republican National Guard (GNR), Public Security Police (PSP) and the Criminal Police (PJ), in cooperation with the Centre for Judicial Studies and the Prosecutor-General Office;
- Revision of the templates to report the crime of domestic violence (DV) and granting the victim's statute;
- Creation of emergency intervention networks through pilot projects;
- Evaluation of the model Victims' Support Offices aiming for their expansion;
- Revision of the victim's assessment and risk management model to include also indicators regarding children, youngsters and other vulnerable victims;
- Creation of a national health programme for the prevention of violence throughout the life cycle;
- Creation of the Violence against Women and Domestic Violence Database.

68. This database managed by the Ministry of Home Affairs will be an extension of the current DV database to include other crimes (e.g. murder, rape, serious physical offense, female genital mutilation and stalking) and a greater number of data and indicators from a wider range of entities (law enforcement agencies, public prosecution service, courts and other entities). It will enable a more comprehensive and integrated view regarding the reality of violence, particularly homicides in the context of DV and homicides of women.

69. Upon receiving a complaint of DV, police authorities conduct mandatorily a risk assessment to determine relevant protection measures as flagging the victim for the tele-assistance protection programme and the case to the Commission for the Promotion of the Rights and Protection of Children and Youngsters when children are involved.

70. Any complaint of DV is immediately forwarded to the Public Prosecution Office to open a criminal inquiry, together with the above-mentioned risk assessment. Prosecutors

shall also ensure the completion of the risk assessment forms and its careful analysis, as well as inquire on the existence of prior offences, in order to fully assess the protection demands of the victim and determine the application of the necessary measures.

71. Once the suspect is constituted defendant in the criminal proceedings, the court considers, within 48h, the application of coercive measures, including the prohibition of remaining in the residence where the crime was committed or where the victim lives or contacting with the victim. These measures are applicable at various procedural moments besides as a coercive measure: as an injunction in the context of the provisional suspension of the procedure; as an obligation inherent in the suspension of the execution of the imprisonment sentence; or as an accessory penalty.

72. Since 2015 protection and restraint orders have increase significantly. In May 2019 there were 2274 victims of DV with tele-assistance protection measures. Between January and September 2019 there were 511 monitored offenders under electronic surveillance (347 in 2018, for the same period).

73. An EEA Grants call was launched in 2019 for a study to assess the efficacy of measures applied to perpetrators and identify needs for improvement.

74. Under Law No. 112/2009 a set of urgent coercive measures was established such as not to acquire or use and to immediately surrender weapons in the possession of the defendant that may facilitate the continuation of criminal activity as well as the prohibition to contact the victim, certain persons or attending certain places, including any contact between parents. These coercive measures are cumulative with those established in the Code of Criminal Procedure (CCP).

75. Law No. 101/2019, of 6 September amended the CCP and extended the availability and application of barring and restraining and protection orders to victims of stalking. As stalking is many times associated with situations of DV this expansion shall improve protection granted to these victims. To ensure the victim's safety, the prohibition imposed on the defendant of contacting by any means a particular person or frequenting certain places may be monitored by technical means of remote control. To this effect, the prior hearing of the defendant may be dispensed.

76. The Portuguese National Support Network for Domestic Violence Victims (RNAVVD) has 40 shelters (3 more than in 2015) with a total of 677 vacancies: 654 vacancies for women and dependent children throughout the country (including autonomous regions). Since 2017, this includes a shelter for men, and since 2018 shelters for disabled women and women with mental illness. Additionally, there are a total of 176 vacancies (46 more than 2015) for emergency situations: 165 for women, 4 for men, 7 for LGBTI people. There are also 166 support centres (46 more than in 2015) throughout the country and new specialized services for the support of victims of sexual violence (in Lisbon and Porto), for men victims of DV and sexual abuse, and for LGBTI people. All these responses must provide legal, psychological and social support, free of charge.

77. In 2018, new regulations concerning the organization and functioning of these services and structures in the RNAVVD were adopted (Regulatory Decree 2/2018, of 24 January and Ordinance 197/2018, of 6 July), improving the effectiveness and operation of the network in accordance with the Istanbul Convention.

78. 7 March 2019, the eve of the international Women's Day, was declared for the first time national day of mourning in honour of domestic violence victims. Government buildings run up flags at half-mast to mark the date.

79. The training and qualification of professionals in critical areas of intervention was reinforced through the establishment of several cooperation protocols between the CIG, responsible for coordinating the implementation of VAWDV policies, and other entities, such as the Prosecutor's General Office, police forces, the Directorate General for Justice Administration, the Portuguese Bar Association, and CEJ in charge of training judges and prosecutors.

80. Fostering the implementation of VAWDV policies at local level, CIG has protocols with municipalities across the country, always including civil society organizations and

other local authorities. Since 2019, these protocols have guaranteed that more than 70% of Portuguese municipalities have structures to support victims of DV included in the national victims' support network.

81. On 6 September 2019 it was launched a Guide of Good Practices for the media in the prevention and fight of VAWDV, prepared in collaboration with the main media representatives, competent Regulatory Authority, and civil society organizations working in the field.

82. In 2019 it were launched lines of public funding to reinforce intervention as, for example, the implementation of an information management system within RNAVVD and local intervention projects to prevent and fight VAWDV in vulnerable groups.

83. Under Law No. 96/2017, of 23 August, which set the goals, priorities and criminal policy guidelines for the biennium 2017–2019, DV continues to be considered as a crime of priority prevention and investigation. Moreover, the cooperation and coordination between family and criminal courts has been improved with the adoption of Law No. 24/2017, of 24 May, that establishes the urgent regulation of the exercise of parental responsibilities in case of DV among parents.

84. Furthermore, Law No. 80/2019, of 2 September, establishes that training on human rights and on DV is mandatory for judges and prosecutors who exercise functions in criminal or family and children courts covering the following subjects: the statute of the victim of DV, specific forms of protecting elderly or especially vulnerable victims, coercive measures, ancillary penalties, secondary victimization and promotion and protection of children. Integrated Specialized Domestic Violence Sections within Lisboa, Seixal, Porto e Matosinhos courts will be set up on January of 2020 as pilot projects. These Sections include criminal and family Public Prosecutors with a view to providing greater effectiveness in combating DV.

85. Victims of DV have priority (among other vulnerable groups) accessing vocational guidance and employment measures and programs.

86. The following table shows victims of DV attended at job centers and integrated into the labour market or employment/training measures 2014 – 2018.

<i>National plans</i>	<i>Years of implementation</i>	<i>Victims attended</i>	<i>Number of Employment integrations *</i>
Action Plan on preventing and combating violence against women and domestic violence 2018–2030	2019 (by 30 Sep.)	292	100
	2018	637	209
V National Plan for Preventing and Combating Violence Domestic and Gender 2014–2017	2017	581	184
	2016	608	231
	2015	705	327
	2014	514	295

Source: IIEFP, I.P.

87. On 22 November 2019 it was presented the Good Practices Guide for the prevention and fight of VAWDV in companies as a tool with concrete internal measures and practices that can be implemented by these organizations.

88. In 2018, the Social Security Institute (ISS) financed 31 countrywide shelters (€ 4.833.053, 82) as shown below.

<i>Social Security City District</i>	<i>Shelter homes</i>		
	<i>Number of Social Responses/ Cooperation Agreements</i>	<i>Current number of victims</i>	<i>Capacity</i>
Aveiro	4	106	106
Beja	2	37	37

<i>Social Security City District</i>	<i>Shelter homes</i>		
	<i>Number of Social Responses/ Cooperation Agreements</i>	<i>Current number of victims</i>	<i>Capacity</i>
Braga	2	16	16
Bragança	1	5	10
Castelo Branco	0	0	0
Coimbra	0	0	0
Évora	3	40	42
Faro	2	28	32
Guarda	0	0	0
Leiria	1	16	16
Lisboa	4	92	92
Portalegre	0	0	0
Porto	5	126	135
Santarém	1	10	10
Setúbal	4	69	71
Viana do Castelo	1	15	15
Vila Real	1	19	19
Viseu	0	0	0
Total	31	579	601

Source: ISS, I.P.

89. Over time several awareness raising and information campaigns were developed as the Campaign #VamosGanharALutaContraAViolência (let's win the fight against violence) on the occasion of the International Day for the Elimination of violence against Women 2018. The campaign was conducted in partnership with NGOs and called for all people, not only the victims, to denounce violence against women.

90. The Campaign on Dating Violence – Campaign #NamorarMemeASério, on 14 February 2019, had a strong impact among youth: each NGO participating in the campaign (8) reached an average 15 thousand people; each students' association (14) reached an average 20 to 25 thousand people; wide dissemination in the media.

91. On 13 September 2019 the campaign #DitadosImpopulares# (“unpopular sayings”) challenge and deconstruct popular sayings that support the idea that DV is a private issue. The campaign informed on the services in RNAVVD and appeals to all people, not only victims, to denounce and ask for support.

92. National criminal justice statistics on domestic violence are collected by the Ministry of Justice and are available on the website <https://estatisticas.justica.gov.pt/sites/siej/en-us/pages/default.aspx>, which gathers all statistical information related to the justice sector collected by courts, registrars and police authorities.

93. Under the Justice Statistics System (JSS) data on DV gathered comprises: number of crimes (disaggregated by three categories), suspects (disaggregated by sex) and injured/offended identified in crimes recorded by police (disaggregated by sex); number of convicted persons and of criminal proceedings (at the trial stage) ended in courts of 1st instance. It is also possible to provide data regarding number or persons convicted (courts of 1st instance) by homicide disaggregated by the context (intimate partner violence/ other situations).

94. The Statistics Division of the Directorate General of Justice Policy has conducted a study with the aim to identify other relevant indicators to better understand the crimes of DV and its victims, namely the victim's age, sex, and whether they were granted the statute

of victim of domestic violence. The study concluded that JSS needs amendments and its implementation is under analysis.

95. The project “Healthy practices – an end to Female Genital mutilation” (FGM) was launched in November 2018 as a pilot intervention for two years to establish the necessary links at both national and local level and between different public actors and civil society involved in the fight against FGM, optimizing the existing tools and networks in various dimensions: health, equality, migration, violence, education, sexuality, religion or beliefs.

96. This project is coordinated by CIG, ACM and Health Administration of Lisbon and Tagus Valley. At local level the activities of the project are conducted by the Public Healthcare Centers of the five areas with the highest prevalence rates of FGM in Portugal: Almada-Seixal, Amadora, Arco Ribeirinho, Loures-Odivelas and Sintra.

97. Two types of activities are carried out:

- Training of professionals in key positions to prevent, detect and assist victims of FGM, with a focus on healthcare, education, social security, police forces and local administration;
- Community actions with local partners such as migrant associations, women’s groups, religious communities, schools and others, in order to inform people about the harms of FGM, raise awareness, and empower women and girls.

98. Important outcomes have been achieved, as the creation of the Network of Healthcare Professionals with a Post-Graduation Degree on FGM gathering currently 60 professionals (doctors and nurses), the financial support to 8 NGOs since March 2019 working at local level with public services involved in the project and the allocation of 50.000 euros to projects fighting FGM. This funding represents a restructuring of the prize Against FGM – Change the future now awarded biannually since 2012.

99. A new national campaign (Campaign Do Not Cut the Future) was launched on 6 February 2019 with the participation of public services and 10 NGOs.

Right to life, prohibition of torture and cruel, inhuman or degrading treatment, conduct of the security forces and treatment of persons deprived of their liberty (arts. 6, 7 and 10)

Reply to paragraph 14 of the list of issues

100. Whenever lethal or potentially lethal coercive means are used, scrutiny of the action taken is carried out internally and externally by multiple agencies and stakeholders. This scrutiny may start with the reporting of the facts or the mandatory reporting on the use of coercive means by the executing policeman, giving hierarchical knowledge (occurrence reporting system) to a superior for validation and further evaluation.

101. All actions carried by policeman which result in serious injury or death of a citizen are investigated by the Inspectorate General of Home Affairs (IGAI), an independent and external service to the police that reports directly to the Minister of Home Affairs, who can validate or refer to the Public Prosecution Service, which works under the Minister of Justice, for possible criminal proceedings.

102. Misuse of force or coercive means by the police may lead to: internal disciplinary proceedings, which in the event of conviction may lead to reprimand, fine, suspension of duty, compulsory retirement or dismissal; a criminal offense in court, which in the event of conviction may lead to a suspended sentence, effective imprisonment, dismissal or expulsion. Both proceedings are independent.

103. In addition, the Portuguese Ombudsman Office, political parties, NGOs and a very active media also compete in the external evaluation of police procedures, which makes police action one of the most scrutinized activities in Portugal.

104. The Permanent Execution Standards on Limits on the Use of Coercive Means is mandatory and includes the guidelines for various situations, as in identification and warning and pursuit and forced immobilization of motor vehicles.

105. PSP implemented and follows the Common Assessment Framework (CAF), which standardizes internal procedures, documents, training and manuals that are accessible to all its police and civil servants, where the limits of use of coercive means are encompassed.

106. PSP has an Annual Shooting Training Plan – PFT, which provides theoretical and practical training for the use, maintenance and practice of firing range shooting to all officers, whose annual individual certification is compulsory to keep the right to carry police firearms while on duty. This is a mandatory requirement for patrol duty, where there is contact with the public, without which the officer is removed from duty.

107. At international level, the Security Forces are present on several stages, with its procedures for the use of coercive means constantly being evaluated, for example, in the the European Union Agency for Law Enforcement Training (CEPOL), the European Border and Coast Guard Agency (FRONTEX) and the European Union’s Law Enforcement Agency (EUROPOL).

108. There is no update to the number and outcome of the proceedings indicated under the fifth report. Under Portuguese law there is no immunity or special protection for law enforcement officials when they have used force.

109. The use of firearms by PJ officers and prison guards is framed by Decree-Law No. 457/99, of 5 November, which has correspondence with several of the provisions of the UN Basic Principles of 1990. For instance, the application, as far as possible, of non-violent means before resorting to the use of force and firearms is reflected on Article 2 (1) which establishes that the use of firearms is only permitted in case of absolute necessity, as an extreme measure, when other less dangerous means prove to be ineffective, and provided they are proportionate to the circumstances.

Reply to paragraph 15 of the list of issues

110. Detention procedures and condition of detention are duly framed by international and national laws as Order No 5863/2015, of 2 June, on the Regulation of Material Conditions of Detention in Police Establishment), CPC and the Portuguese Constitutional Law.

111. Regarding detention and use of police detention rooms, in addition to the provision of rights and duties, both the Portuguese Criminal Law and CPC require safeguard measures such as:

- Need for written information about the detention and full explanation about rights and duties;
- Access to a state attorney even if the detainee cannot afford it;
- Provision of an interpreter for those detainees who do not understand the Portuguese language;
- Presentation of the detainee to a judge without exceeding 48 hours after detention;
- Validation of the detention by the judiciary authority;
- Detention rooms must meet a wide set of requirements prior to the accommodation of detainees.

112. Regarding the reports of ill-treatment at the prison establishments quoted, an extensive and detailed information was provided on the CPT visit to Portugal from 27 September to 7 October 2016.

113. Those allegations can be forward to the Office of Audit and Inspection (SAI) of the General Direction of Reinsertion and Prison Services (DGRSP), which is coordinated by a judge or a Public Prosecutor. SAI exercises its responsibilities ex officio, but also based on prisoners/prisoners families’ complaints or from news media. These complaints are properly investigated, as an inquiry is always open to assess whether the allegations are true.

PJ has also a similar internal structure and headed too by a judge or a Public Prosecutor, which may be called to deal with this type of allegation. The General Inspection of Justice Services can also deal with this type of complaints and it is possible to lodge an online complaint at: <https://igsj.justica.gov.pt/Servicos/Apresentar-queixa/Formulario-de-queixa-reclamacao-ou-denuncia>. The Ombudsman, as the National Prevention Mechanism under OPCAT, may also intervene in this field. With respect to data on complaints, investigations and prosecutions and convictions, please refer to the answers provided for question 6 and 8. Concerning the compensation awarded in the past five years, there is no statistical data collection on this matter.

114. The legal framework of medical-legal and forensics expertise (Law No. 45/2004, of 19 August) establishes the realization of any urgent expertise through an on duty schedule to be executed by experts from the National Institute of Legal Medicine and Forensic Sciences. Thus, prompt forensic examinations are guaranteed. Additionally, Circular 1/2017, mentioned at the fifth report, contributes to swiftly evaluate any allegation of ill-treatment.

115. Under Article 32 (8) of the Constitution of the Portuguese Republic (CPR), all evidence obtained by torture, coercion, infringement of personal physical or moral integrity is null and void. The CCP enshrines the same principle (Article 126).

Reply to paragraph 16 of the list of issues

116. The adoption of Law No. 94/2017, of 23 August (please refer to the answer provided in Reply to para 24.a of the list of issues) has contributed to tackle prison overcrowding.

117. On the construction of new prison facilities, a multi-annual strategy for requalification and modernization of the prison system was defined in 2017 to rationalize and modernize the prisons' network and the national network of Educational Centres. Following a report disclosed in September 2017, eight prison establishments are to be closed (Lisboa, Caxias, Ponta Delgada, Setúbal, Leiria (regional), Viseu (regional), Odemira and Silves). Currently, there are in place advanced plans to build two new prisons for around 600 inmates each.

118. An inmate is a user of the National Health Service like any other citizen.

119. Intervention policies in the context of Addictive Behaviours and Dependencies in prison setting are in national policies and follow the guidelines of the General-Directorate for Intervention on Addictive Behaviours and Dependencies (SICAD) and the different Regional Health Administrations.

120. Access to substitution programs is guaranteed through protocols in 61% of prisons and in liaison with the National Health Service via the Addictive Behavior Intervention Divisions (and their Integrated Response Center Treatment Teams) within the geographical area of the prison facility. Those Divisions assure any intervention whenever necessary, even without a protocol, in the remaining 39%.

121. All inmates are screened when admitted in a Prison Establishment and then at least once a year. The detection of addictive behaviours and dependencies is part of the evaluation protocol of entry, particularly in its clinic medical history.

122. All prisons elaborate yearly plans for health promotion and disease prevention, which include associated awareness and training actions on infectious diseases, both drug addiction and addictive behaviours, focusing on the relationship between these two phenomena. Such initiatives aim the early prevention of consumption and the promotion of treatment, including themes such as: healthy behaviours, consumption of psychoactive substances/polyconsumption and the risks associated with the practice of body piercings and tattoos.

123. The referral for treatment is encouraged inside prisons. All new inmates are ensured the continuity of pharmacological treatments initiated before admission and it is encouraged the referral to different responses of existing treatments in Prisons: abstinence-oriented programs and pharmacological programs. The first include the six drug-free units inserted in prisons (Santa Cruz do Bispo; Porto; Paços de Ferreira, Tires, and Lisbon).

124. All prison establishments provide health care services of General Medicine and Nursing. The provision of other services, as Psychiatry, Medicine, Dentistry, Psychology, Gynecology, Pharmacy, is available according to the size and degree of complexity of the establishment and the specificity of the inmate population.

125. DGRSP carried out methodological changes in the register of data on infectious diseases in the inmate population, which allowed in 2013, for the first time, disaggregated data related to inmates in drug treatment.

126. The Ministries of Health and Justice have shown considerable leadership in implementing evidence-informed, human rights-based, protective and comprehensive packages of health services, among people incarcerated, in particular HIV and viral hepatitis treatment.

127. The Working Group, created by Order No. 1278/2017 of the Ministers of Justice and Health, is in charge of assessing the access of young and adults imprisoned to the National Health Service. This Working Group defined a model free of charge for infectious diseases prevention, diagnosis and treatment of inmates, which advocates displacement of health professionals from hospitals to prisons, eliminating complex security issues. The network for the provision of hospital healthcare for HIV and viral hepatitis B and C in prison context was established through Order No. 283/2018, of January 5. The Order also recommended the implementation of innovative methodologies for the prevention of addictive behaviors and harm reduction programmes, namely the needles and syringes exchange programme.

Reply to paragraph 17 of the list of issues

128. According to a recent recommendation issued in November 2019 by the DGRPS General Director, prison establishments' directors are exhorted not to impose a disciplinary punishment superior to 15 days.

129. With respect to solitary confinement, the Code of Execution of Sentences and Custodial Security Measures (CESCSM) does not establish a different regime for minors under the age of 18. Nevertheless, its application is very exceptional and usually does not exceed 15 days.

Forced labour, contemporary forms of slavery and trafficking in persons (arts. 6, 7, 8, 13, 24 and 26)

Reply to paragraph 18 of the list of issues

130. All national plans are subject to an evaluation by an external entity (usually a university) at the end of their implementation. The evaluation of the III National Plan against Trafficking in Human Beings (2014–2017) was released in 2018 and is available at <https://www.cig.gov.pt/wp-content/uploads/2018/11/Relatório-de-Avaliação-Externa.pdf>.

131. Portugal is implementing the IV National Action Plan to Prevent and Combat Trafficking in Human Beings 2018–2021 (NAPPCTHB). Several actions are being developed, as:

- Strengthening and deepening political commitment as well as interinstitutional cooperation among various structures that combat THB;
- Better monitoring of the formal and informal labor market and workers' recruitment agencies;
- Involvement of the Ministry of Economy to raise awareness and detect exploitation practices in the supply chain of goods and services, also promoting good practices in public procurement.

132. Regarding the integrated system of procedural information, the Public Prosecution Service has applied for European funding in order to implement this system, which was approved for a two-year project (June 2019 to May 2021). This IT application will enable the access of all evidence of criminal proceedings in a simple and swift manner, regardless

of their complexity. A public tender has already been launched to hire an undertaking responsible for developing the IT application. The evaluation phase is ongoing and it is expected to be completed by May 2021.

133. The reasons for the low number of complaints, prosecutions and convictions are unknown, as this question will always be hypothetical and a matter of perception.

134. Only victims of a crime of trafficking in persons are able to explain the reasons why they have not complained to the authorities. Therefore, it seems extremely difficult, if not impossible, to assess the reasons – if any – for the low number of complaints. This low number of complaints, prosecutions and convictions may be interpreted by the fact the crime of trafficking in persons has, in fact, a very low incidence in Portugal or due to the fact that the legal framework and the intervention of law enforcement authorities is sufficiently dissuasive.

135. Article 160 of the Criminal Code criminalizes THB and is applicable to the investigation, prosecution and conviction of persons involved in the commission of the illicit conduct.

136. Therefore Portugal considers that the current legal framework, where CCP and special legislation such as Law no. 101/2001, of 25 August (approving the legal regime for undercover actions in the framework of criminal prevention and investigation), as well as Law no. 96/2017, of 26 August, (defining the objectives, priorities and guidelines for criminal policy and giving and classifying THB as a crime of priority prevention and investigation) are included, is sufficient for an adequate investigation, prosecution and punishment for the crime of THB.

137. The updated information on data regarding trafficking in persons crimes is the following:

<i>Crime of trafficking in persons</i>	2011	2012	2013	2014	2015	2016	2017
Number of victims	7	5	12	86	23	36	36
Number of suspects	21	17	36	43	30	20	30
Number of registered crimes	25	22	28	48	53	51	40
Number of proceedings	--	3	6	4	3	5	3
Number of defendants accused of this crime	10	14	28	31	6	19	10
Number of convicted perpetrators	--	10	9	22	--	10	9

* --: Information under statistical secrecy.

Reply to paragraph 19 of the list of issues

138. In 2014 Portugal revised its National Referral Mechanism (NRM) and widely disseminated it during 2015. This NRM (for both national and foreigner victims and for all forms of trafficking in human beings – THB) foresees guidelines to help the identification of presumed victims and the cooperation between actors in all its stages. Those guidelines were implemented accordingly to each form of exploration. In 2018 it was redesigned for the exchange of information in case of detection of situations of TSH defined in the scope of the Support and Protection of the Victims of Trafficking Network.

139. The Observatory on Trafficking in Human Beings (OTSH) as the managing body of the national monitoring system, collects data and information (both quantitative and qualitative) from a broad network of governmental, non-governmental (NGOs) and intergovernmental organizations. The monitoring system is thus an integrated system aimed at collecting statistical information of human trafficking.

140. In 2019 OTSH signed a Protocol with the Department of Migration Management of the International Organization for Migration/Geneva in the framework of exchange of information into the Counter Trafficking Data Collaborative.

141. On an annual basis the OTSH elaborates, 3 trimestral reports and an Annual statistical report, 1 Thematic Bulletin, a Report on the update of the “Confirmed Victims of

Trafficking” and cooperates with the Ministry of Justice on a Statistical bulletin on THB Justice Statistics.

142. Under the IV above mentioned Plan it were created three specialized teams from SEF with criminal investigation and border control competencies for integrated THB intervention at all international border posts.

143. Portugal has 5 Specialized Multidisciplinary Teams for the Support to Victims’ of Trafficking managed by the NGO Family Planning Association (one in the north; one in the centre; one in Lisbon region; one in Alentejo; and one in Algarve). Each team includes local governmental and non-governmental partners, such as NGOs, law enforcement agencies, health entities, employment agencies, children’s protection structures, among others.

144. In August 2018 Akto – Human Rights and Democracy opened a Shelter and Protection Center (CAP) to accommodate 6 children victims of trafficking (VoT) ensuring temporary care and support in a safe place. The operation of this CAP is based on three key principles: confidentiality regarding its location, cross-functional and specialized technical support and the provision of a 24/7 Help Line.

145. In 2018 Portugal reinforce the Shelter for male VoT with 2 more vacancies. In 2019 Portugal opened a new Shelter for male VoT via a Protocol between the Secretariat of State for Citizenship and Gender Equality, and the Family Planning Association (APF). This new shelter is the 2nd one targeting men victims of THB and the 5th in Portugal (2 for women and their minor children, 2 for men and their minor children, and 1 for children VoT);

146. Portugal has now 5 Shelters Protection Centres (CAP’s) – two for women and their children, and two for men and one for children. These CAP provide support for victims of trafficking, regardless of their nationality, age, religion, ethnicity, sexual orientation, disability, marital status, political orientation or socio-economic condition. CAP ensure temporary shelter in a secure environment and promote the victim’s physical and emotional recovery.

147. It was created a “Transit Residence” via a Protocol between the Municipality of Matosinhos (North of Portugal) and the Specialized Multidisciplinary Team/North. It aims to promote and support the empowerment of THB victims after leaving the specialized shelters.

148. It is under development a “Protocol for the Detection, Identification and Assistance to children Victims of THB” aiming to create a specific National Referral Mechanism for

149. The film “Cargo” was internationally launched in November 2018 with the objective to raise awareness about human trafficking among society, and the fact that this reality also happens in Portugal. The film is spoken in three languages to reflect the reality of just how global the tragedy of human trafficking is.

150. The Immigration and Borders Service (SEF), jointly with Europol, held the International Conference “Trafficking of non-EU children: Ensure the best interest of the child: Learn to Act”, held in Lisbon, on 18 and 19 October 2018.

151. In the framework of this Conference, on 18 October, it was launched the European campaign to fight THB, whose main purpose is to alert potential victims of the main channels where they might seek help, protection and information. This campaign was disseminated through media (radio; regional press), Mupis (namely at railway stations); TV; cable channels; news and broadcast advertising, namely on shopping centres. In Portugal, the campaign materials are available in Portuguese, Czech, Mandarin, Hindi, Romanian, Russian and Ukrainian, distributed by the entities included in the National Network for Support and Protection of Victims of Trafficking.

152. With the Normative Order No. 3/2019, of 8 February, an amount of € 44.665,40 per year was channeled to support victims of THB in order to become autonomous.

153. Under the Victims Statute (Law No. 130/2015, of 4 September) crime victims benefit from a range of rights, inter alia, the right to claim for compensation.

154. In the context of criminal proceedings, and as a rule, in order to receive a compensation injured parties must have brought *partie civile* proceedings. However, in special situations and in case of conviction, the court may award a compensation, even if such proceeding has not brought, where it considers that the victim's particular protection requirements demand it (Article 82-A CCP).

155. Moreover, victims who have suffered serious damage to their physical or mental health directly resulting from violent acts are entitled to an advance payment of compensation by the State in accordance to the requirements set forth in Law No. 104/2009, of 14 September, even if they have not brought *partie civile* proceedings.

Treatment of aliens, including refugees and asylum seekers (arts. 7, 9, 10, 13, 24 and 26)

Reply to paragraph 22 of the list of issues

156. As previously mentioned in former replies, the Portuguese law does not allow for the detention of minors, under the age of 18, except in cases where a person over 16 commits certain criminal offenses.

157. Hence, minors are not detained while seeking asylum. Asylum applications by unaccompanied minor are immediately communicated by SEF to the Public Prosecution Service, which becomes the entity responsible for ensuring the defense of the child's best interests.

158. In recent years the international protection mechanism has been used by criminal networks to bring minors into Europe. With the main purpose of ensuring children's safety, SEF is responsible to ascertain and take all necessary steps to prove the relationship declared by a minor and his/her alleged guardian. If this link is not carefully proven, minors could be handed over criminal networks.

159. During these important operational and safety procedures minors stay in Temporary Settlement Centers no more than 6 days after the asylum application. After the admission process is completed and the minors' protection is guaranteed, minors may leave the Centers.

Liberty and security of person and administration of justice (arts. 9, 14 and 24)

Reply to paragraph 23 of the list of issues

160. There is no update on this matter concerning the information provided in the fifth periodic report (CCPR/C/PRT/5, paras. 148–156).

161. Upon detention, the electronic platform where all reports are filled, automatically creates a legal document where all rights and duties of a detainee are detailed. Detention done by police requires validation by judiciary authority. All police officers receive initial and continuous training on detention procedures.

162. All detainees have the right to a lawyer. If a detainee cannot afford a private lawyer, one will be appointed immediately and paid for by the state. When necessary an interpreter is provided for those detainees who do not speak/understand the Portuguese language.

Reply to paragraph 24 of the list of issues

163. Following the adoption of Law No. 94/2017, of 23 August, a decrease of pretrial detainees was registered. This Law has introduced the possibility to enforce prison sentences up to 2 years through house arrest with electronic monitoring. Thus, since the entry into force of that Law until September 2019, a total of 1,451 requests for serving a custodial sentence in housing permanence were received and of this total, 890 (61,34%), i.e., more than half of those requests related to the initial sentence regime. Regarding the duration of pretrial detention, there are no amendments to report.

164. It entails from Article 205 (1) CRP that court decisions are reasoned except those purely administrative. Under the CPC, court decisions are written, always reasoned and list all the specific factual and legal grounds [Articles 94 (1) (6) and 97 (5)].

165. Over the past decade, an array of measures was adopted to increase the effectiveness and efficiency of the judicial system, especially in the area of enforcement of civil and commercial claims. Amendments to civil procedure code were introduced, re-designing of the judicial map, development of e-Justice tools, review of the status of several legal professions, are some of those measures.

166. There is no pretrial detention statistics disaggregate by length periods legally admissible; only the total of the pretrial detainees with gender and nationality disaggregation.

Freedom of expression (art. 19)

Reply to paragraph 25 of the list of issues

167. Within the framework of its national criminal policies, Portugal does not currently consider the suppression of the crime of “Defamation”.

168. The available information on the application of defamation laws by Portuguese courts is as follows:

<i>Convicted persons by crime</i>	<i>2017</i>	<i>2016</i>	<i>2015</i>	<i>2014</i>	<i>2013</i>	<i>2012</i>	<i>2011</i>
Defamation	143	140	154	121	179	172	198
Aggravated defamation	64	53	62	46	72	64	74
Slander	442	465	466	438	581	669	658
