



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

Distr.: General
20 August 2026

Original: English
English, French and Spanish only

Committee against Torture

**Eighth periodic report submitted by Portugal
under article 19 of the Convention, due
in 2023*, **, *****

[Date received: 5 June 2025]

* The present document is being issued without formal editing.

** The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State Party to the Committee's list of issues prior to reporting (CAT/C/PRT/QPR/8).

*** The annexes to the present document may be accessed from the web page of the Committee.



Introduction

1. Pursuant to article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and further to the acceptance of the simplified reporting procedure, Portugal submits the following reply to the list of issues adopted by the Committee in May 2023. This reply constitutes Portugal's eighth periodic report.

Issues identified for follow-up in the previous concluding observations

Reply to paragraph 1 of the list of issues prior to reporting (CAT/C/PRT/QPR/8) and follow-up information relating to paragraph 16 of the concluding observations (CAT/C/PRT/CO/7)

National Preventive Mechanism

2. The legal framework governing the Ombudsperson's Office was recently amended via Decree-Law no. 80/2021, which reorganized the internal structure of the Ombudsperson's Office, with several goals: i) to grant the Ombudsperson effective authority over the internal organization and functioning of the Office, enabling adjustments to ensure compliance with its mandate, in line with the Ombudsperson's constitutional status of independence; ii) to align the labour conditions of staff at the Ombudsperson's Office with the general regulations applicable to civil servants; iii) to enhance the functioning of the Office, enabling it to address citizens' complaints more swiftly and to better reflect its dual role as the National Human Rights Institution (NHRI) and National Preventive Mechanism (NPM).

3. The new organizational structure includes four distinct departments, one of which is the NPM. Regarding financial and personnel resources, the Ombudsperson's Office maintains administrative and financial autonomy, as outlined in Article 28 of the aforementioned Decree-Law. The Office's income and expenditure are managed within its own budget, which is included in Parliament's budget.

4. The NPM is composed of a coordinator and two full-time advisors, supported by a structure which includes an advisory board, a coordination committee and visitors. The advisory board provides guidance on the annual plan and activity report and proposes visits to detention facilities. Its members include representatives of independent bodies and civil society organizations, such as the Portuguese Association for Victim Support and the Jesuit Refugee Service. The NPM may also request the participation of other staff members from the Ombudsperson's Office, as well as external experts offering specialized knowledge, tailored to the goals of specific visits or detention facility types.

5. The NPM enjoys unrestricted access to all places of detention, with no need for prior notice or authorization, as stipulated in Article 66 of the Code for the Implementation of Prison Sentences and Article 125 of the General Regulation of Prison Establishments. The NPM's prerogatives are regularly communicated to law enforcement agencies through meetings with high-level officials of security forces and prison administrations. These meetings aim to clarify its mandate and procedures while fostering collaboration.

Follow-up information relating to paragraph 18 (a) of the concluding observations

Allegations of Excessive Use of Force, Including Racially Motivated Violence

6. On 23 March 2023, a protocol was signed between the Directorate-General for Reinsertion and Prison Services (DGRSP), the Inspectorate-General of Home Affairs (IGAI) and the Inspectorate-General of Justice Services (ISGJ). This protocol aims to enhance the investigations into cases where inmates enter the prison system from police custody with injuries or allegations of ill-treatment. It establishes rules for information sharing, timeframes and communication methods, prioritizing electronic correspondence and videoconferencing.

7. In addition, the Plan for the Prevention of Manifestations of Discrimination in the Security Forces and Services has influenced recruitment, training and interactions between security force personnel and citizens, as well as preventive and monitoring mechanisms. When reports of excessive use of force arise, immediate investigations are conducted, and if warranted, the Public Prosecutor's Office is notified in addition to initiating disciplinary proceedings.

8. The Republican National Guard (GNR) has strengthened preventive measures through staff training to ensure compliance with legal regulations. Circular no. 15/2014, mentioned in the previous national report, addresses the use of force. Additionally, an external complaints channel has been established on the GNR's official website to enrich the monitoring of police activity and streamline the submission of complaints. Also, recommendations from national and international monitoring bodies are analysed and implemented to safeguard service quality and uphold human rights.

9. Law no. 37/2019 enacted the Disciplinary Statute of the Public Security Police (PSP), repealing Law No. 7/90. This statute outlines the duties of police officers, whose breach, whether by action or omission, may result in disciplinary and/or criminal liability. Failure to uphold citizens' rights and freedoms constitutes a violation of the duty to pursue public interest, as enshrined in Article 9 of the Law. Accordingly, police officers are held accountable to their superiors for any disciplinary infractions they commit. Within the defined timeframe and considering that there are approximately 20.000 police officers in the PSP, the total number of cases investigated regarding excessive use of force was 922; the closed investigations were 872 and pending investigations were 50. Concerning disciplinary proceedings, the total number of cases was 3.837; the number of closed cases stood in 2.314; the cases with penalties were 706 (from which 112 were reprimand; 428 resulted in the application of fines; 137 led to suspensions; 20 resulted in dismissal and 9 led to compulsory retirement). Finally, the number of pending disciplinary cases was 817.

Follow-up information relating to paragraph 22 (a) of the concluding observations

Conditions of Detention

10. Portugal continues its efforts to improve detention conditions and address overcrowding in prison establishments through non-custodial measures. Notable initiatives include: i) Law no. 94/2017, which expanded alternatives to imprisonment, such as electronic monitoring at home for sentences up to two years (if not replaced by community sentences); ii) measures implemented during the COVID-19 pandemic, including pardons and long-term leaves, which significantly reduced prison populations; iii) Law no. 38-A/2023, introduced for World Youth Day Lisbon, granted amnesty and pardons to offenders aged 16 to 30, resulting in the release of 255 prisoners and in sentence reductions for hundreds more, that could go up to 8 years (excluding of a selection of the most serious offences); iv) implementation of a plan to renovate prison accommodations, including separation of toilets in shared cells; v) two Council of Ministers Resolutions approving the expenditure to the construction works to close the century-old Lisbon Prison and a Multi-Annual Investment Plan which authorizes expenditure on expansion works of several prison establishments, as well as the construction of a new prison establishment in the Azores and renovation works in all 6 youth detention facilities; vi) Amendments to the General Regulation of Prison Establishments (Decree-Law no. 58/2022), authorizing in-cell landline phones; vii) a secure digital platform for inmates to access websites, submit requests and lodge complaints electronically, piloted in March 2024, in a Woman's Prison, soon to be disseminated to other prisons.

Human resources

11. In the first semester of 2022, 135 new prison officers joined the prison service after completing the Initial Training Course for Prison Guards. A new recruitment already took place and in March 2024 other 102 prison guards completed the nine-month training program and joined the Prison Service. In October 2024, 225 more places were opened and the

recruitment procedure is ongoing. Concurrently, the prison population has decreased, leading to a non-overcrowded system, naturally improving the prisoner-to-guard ratio, which has fallen from 3.4 in 2015 to approximately 2.7.

12. In 2023, authorization was granted for the promotion of 211 prison and probation workers and 150 prison guards, and 205 additional promotions for prison guards were authorized for 2025. A selection process for civil servants to work in the DGRSP headquarters and prison establishments is ongoing. 63 new probation officers were recruited for juvenile detention centres and electronic monitoring teams.

13. In 2022 and 2023, specific training courses on the Bangkok Rules were conducted for staff working in women's prisons. The most recent initial training for prison guards included a Human Rights module, which also encompasses the Bangkok Rules.

Healthcare

14. A working group involving the Ministries of Justice, Health and Science developed an Action Plan to reinforce the full integration of inmates into the National Health Service (NHS). The digitalization of inmates' clinical records was implemented, creating a unified patient file interconnected with the clinical data platform of the Ministry of Health. A system enabling video consultations with all NHS health units has been implemented across all prisons.

Mental health care services

15. The new Mental Health Law (Law no. 35/2023) amended the Criminal Code by eliminating lifelong security measures, which had confined individuals deemed not criminally responsible to psychiatric facilities. Furthermore, the law reduced the interval for reassessments of such measures to one year.

16. Significant efforts have been made to improve conditions at the Psychiatric Clinic of Santa Cruz do Bispo, which is operated by the Prison Service for individuals deemed not criminally responsible. The goal is to enhance both human and material resources, enabling a broader range of psychopharmacological, psychotherapeutic and socio-emotional treatments tailored to each patient's needs. A new therapeutic space was inaugurated within the clinic, featuring a Snoezelen room designed for cognitive stimulation and behavioural stabilization during periods of crisis. A Therapeutic Unit is being established within a Youth Detention Centre in Lisbon to provide specialized mental health care for young offenders serving judicial measures, expected to open in 2025.

Police detention facilities

17. The GNR conducts regular inspections to evaluate the conditions and functioning of detention areas, ensuring compliance with established standards. It also strives to implement recommendations issued by relevant authorities, such as the IGAI, following its inspections. These measures aim to correct identified anomalies and promote standardized procedures and best practices among staff.

18. In 2021, the PSP designated its National Inspector as the institution's Data Protection Officer (DPO). This appointment aligns with Recommendation 03INSP2021, which outlines the legal responsibilities of the DPO in accordance with the National Data Protection Commission (CNPd). The PSP DPO is tasked with adopting appropriate technical and organizational measures to ensure and demonstrate compliance with applicable data protection laws. PSP has installed CCTV systems in 61 locations. Cells in Judiciary Police premises are in the process of being decommissioned.

Articles 1 and 4

Reply to paragraph 2 of the list of issues prior to reporting

19. No recent steps have been taken regarding the definition of torture in the Criminal Code. However, the Criminal Code contains other provisions that impose aggravated punishments on officials who commit serious acts of abuse of authority motivated by racial, religious, political hatred or hatred based on the victim's colour, ethnic or national origin, sex, sexual orientation or gender identity. This is specifically the case for aggravated murder (Article 132) and aggravated bodily harm (Article 145).

20. There have been no legal amendments concerning the statute of limitations. The existing statutes of limitations in Portuguese criminal law are intrinsically linked to the principles of the rule of law. Criminal law serves as a last-resort instrument of social policy and its application is subsidiary. Consequently, criminal sentences, particularly those involving deprivation of liberty, must adhere to strict criteria of necessity. This means that, if a significant period of time has elapsed since the criminal act without a final decision from a criminal court, the need for a criminal sentence diminishes. This includes both the requirements for special prevention (i.e., the need to rehabilitate offenders and prepare them to avoid future criminal behaviour) and general prevention (i.e., restoring the community's confidence in the effectiveness of the criminal justice system). The Constitutional Court has emphasized that there are "constitutionally grounded reasons, arising from the principles of legal certainty and peace, the democratic rule of law and the diminishing need for criminal prosecution over time, considering the purposes such prosecution serves, as well as the very guarantees of the accused's defence, which justify the existence of an institution such as the statute of limitations". Furthermore, as time goes on, the likelihood of miscarriages of justice significantly increases due to the growing challenges in conducting investigations and gathering evidence.

Article 2

Reply to paragraph 3 (a) to (d) of the list of issues prior to reporting

Legal safeguards

21. If an investigation targets a specific individual who is reasonably suspected of committing an offense, that person acquires the status of defendant under certain conditions. This occurs after they are detained and interrogated by any criminal police body or judicial authority, or after a police report or notice is issued naming them as the perpetrator of an offense, provided they are notified of the report. Once a person acquires the status of defendant, they have the right to legal assistance, as specified in Articles 58 and 61 of the Code of Criminal Procedure.

22. Law no. 52/2023 introduced the obligation for the police to provide, at the time of the act or without undue delay, a document identifying the case and detailing the procedural rights and duties of the individual. Additionally, it mandates that if the defendant does not speak Portuguese and the aforementioned document is unavailable in a language they understand, the information shall be conveyed orally, if necessary with the assistance of an interpreter. Also, a written document in a language they comprehend shall subsequently be provided. Non-compliance with these formalities renders any statements made by the individual inadmissible as evidence.

23. Regarding police forces, procedures and best practices ensuring the safeguarding of the right to access a lawyer are incorporated into both initial and continuous training and are also subject to ongoing supervision by the chain of command. In cases of detention, detainees must be informed of the reasons for their detention and their rights. They are required to sign a notification acknowledging this procedure (with the option to decline signing it). Detainees are also informed of their right to contact family members, a lawyer of their choosing, and, for foreign nationals, the consular or diplomatic authorities of their country of origin.

Accordingly, all detainees are guaranteed prompt and confidential access to a lawyer or legal aid services from the very beginning of their deprivation of liberty, including during the investigation and interrogation phases.

The Code of Criminal Procedure

24. No amendment has been made to the Code of Criminal Procedure to include the time spent in custody for identification purposes (a maximum of 6 hours) as part of the 48-hour. Detention for purposes other than those necessary for identification – obtaining dactyloscopy, photographic or other similar evidence under Article 250 – is unlawful. The 48-hour period provided for in Article 254 of the Code of Criminal Procedure and Article 28 of the Constitution begins from the moment the status of defendant becomes mandatory, in accordance with the formalities newly introduced under Article 58 of the Code of Criminal Procedure.

Custody facilities

25. Currently, the Judiciary Police does not have a system for audio or video recording of questionings or interrogations, except in certain hearing rooms designated for child victims. In GNR facilities, detention and investigation rooms are not fitted with CCTV systems.

Legal safeguards of public officials

26. To prevent misconduct, including the ill-treatment of persons deprived of their liberty, procedures have been implemented to ensure that those responsible for detention systematically monitor the physical and mental health of detainees, document any injuries and provide appropriate medical care. Please refer to information above, under Question 1 (Paragraph 18(a), Allegations of Excessive Use of Force).

Reply to paragraph 4 of the list of issues prior to reporting

27. Please refer to information above, under Question 1 (Paragraph 16, National Preventive Mechanism).

28. The security forces, including the GNR and PSP, have granted access to the facilities under their jurisdiction, as stipulated by Council of Ministers Resolution no. 32/2012. In 2022, the NPM published a thematic report on the PSP. National authorities actively strive to comply with the recommendations issued by the NPM. Several measures referenced throughout this report align with these recommendations.

Reply to paragraph 5 of the list of issues prior to reporting

29. Significant efforts have been made to enhance prosecution and conviction rates in cases of gender-based violence against women and children. A strong emphasis has been placed on the training of professionals, as detailed below.

Judges and Public Prosecutors

30. Since 2019, domestic violence and victim protection have been mandatory topics in the training curriculum for Criminal Law and Criminal Procedure, as per Law no. 80/2019, concerning magistrates' training. For magistrates working in criminal, family and juvenile courts, training must address domestic violence, particularly the following topics: the legal status of victims of domestic violence; specific protections for older individuals and particularly vulnerable victims; coercive measures; ancillary penalties; vicarious violence; and the protection of children at risk.

Judiciary Police

31. Since 2019, the number of training modules dedicated to gender-based violence and violence against women has significantly increased in the initial training courses for inspectors. Notably, this includes a police psychology course on homicide in intimate

relationship contexts and seminars and lectures conducted by the Portuguese Association for Victim Support (APAV); International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA Portugal); the Commission for Citizenship and Gender Equality (CIG) and the Commission for Equality and Against Racial Discrimination (CICDR). The 2022 and 2023 state budget laws introduced and reinforced mandatory human rights training for security forces, including LGBTQIA+ issues, gender equality and anti-racism.

Prison Services

32. Between 2017 and 2021, the training division of DGRSP organized various initial and lifelong training courses for staff, particularly prison guards and social workers. Key highlights include: a six-hour module on ‘Gender Equality and Preventing and Combating Domestic and Gender-Based Violence’, inserted in the initial training course for prison guards since 2017; and numerous training courses for technical staff to implement risk assessment tools and treatment programs for both custodial and non-custodial sentences, addressing sex offenders and domestic violence cases. The 2022 state budget law also mandated human rights training for prison guards, focusing on LGBTQIA+ issues, gender equality and anti-racism.

Legislation (Domestic Violence)

33. Law no. 57/2021 expanded the protection of victims of domestic violence. The main updates include: i) broadening the definition of ‘victim’ to include natural persons who suffer harm – whether physical, psychological, emotional, moral or material – directly caused by domestic violence; this includes children up to 18 years old who suffer abuse due to exposure to domestic violence; ii) updates to urgent coercive measures for defendants accused of domestic violence, including amendments on the obligation for defendants to vacate and avoid the family home or crime scene and on the prohibition of contacting victims, specific individuals or attending specific locations, including refraining from contact or visits involving victims’ pets, as well as additions on restrictions on parental responsibilities, guardianship or property administration; iii) courts must immediately notify the Public Prosecutor’s Office about coercive measures affecting parental or familial contact, triggering urgent proceedings to revise custodial arrangements or guardianship; iv) expansion of domestic violence offenses to include acts such as obstructing access to individual or shared property or resources, besides including physical and psychological abuse, deprivation of liberty and sexual offences.

34. The crime now encompasses offenses committed against a child; a spouse or ex-spouse; a person (of the opposite or same sex) with whom the perpetrator currently has or previously had a relationship; or the parent of a common child, even if the perpetrator does not live in the same household.

Legislation regarding other offenses against children

35. Law no. 40/2020 strengthened penalties and procedural rules for sexual crimes against children by extending Portuguese criminal jurisdiction to offenses committed abroad, including child prostitution and grooming. It also updated offenses involving the sexual abuse of particularly vulnerable children and child pornography and introduced a new crime (organizing trips for child sex tourism).

Legislation regarding other offenses

36. Law no. 101/2019 amended the Criminal Code and the Code of Criminal Procedure to align offenses such as sexual coercion, rape and sexual abuse of institutionalized persons with the Istanbul Convention.

37. Law no. 55/2020 (Criminal Policy Law 2020–2022) mandates the Government, together with the Public Prosecutor’s Office, to create support offices for victims of gender-based violence within investigation and prosecution departments specializing in domestic or gender-based crimes.

38. Law no. 51/2023 (Criminal Policy Law 2023–2025) states that two support offices for victims of gender-based violence shall be created each year. Twelve support offices are currently operating.

39. Criminal policy laws prioritize preventing and investigating gender-based and domestic violence. They emphasize victim protection, restitution for damages and effective access to information and support.

Redress (Domestic Violence)

40. The Code of Criminal Procedure provides special redress mechanisms for vulnerable victims, including domestic violence victims and their families. Notably, article 82-A stipulates that, if no civil claim for compensation has been submitted either within the criminal proceedings or separately, the court, upon conviction, may award an amount as compensation for the damage suffered, when the specific circumstances require the protection of the victim.

41. Domestic violence is categorized as a violent or particularly violent crime under procedural law (articles 1 and 63-A state that victims of violent crimes are always considered particularly vulnerable victims).

42. Article 16 of Law no. 130/2015 (Victim's Statute) provides that, in criminal proceedings, victims shall be recognized as having the right to obtain a decision on compensation from the perpetrator within a reasonable period of time. Furthermore, the provisions of article 82-A shall always apply to particularly vulnerable victims, except in instances where the victim explicitly opposes this. Law no. 45/2023 prioritizes victims of domestic and sexual violence for monitoring by support officers. Additionally, Law no. 57/2001 mandates psychosocial support and protection measures for victims, extendable beyond six months if necessary. Additionally, special state redress provisions exist under Law no. 104/2009 for victims of domestic violence, in cases where defendant restitution is not possible.

Statistical Data (Domestic Violence)

43. Disaggregated data on victims by age, ethnicity or nationality is unavailable. However, Table 1 (in Annex) shows data, disaggregated by the victim's sex, regarding victims of spousal homicide in first-instance courts, between 2016 and 2022.

Investigations and Prosecutions (Domestic Violence)

44. Data on investigations and prosecutions focused on domestic violence are collected by the Ministry of Home Affairs and are published in the Annual Domestic Violence Monitoring Report.

45. Table 2 (in Annex) presents data concerning the investigations and prosecutions regarding domestic violence, between 2019 and 2021. It shows the closure rate, the prosecution rate and the provisional suspension rate, as well as the reasons for closure.

Sentencing (Domestic Violence)

46. Data regarding convictions and sentencing on domestic violence are also provided in the aforementioned Annual Domestic Violence Monitoring Report. Table 3 (in Annex) shows disaggregated data regarding convictions on domestic violence, between 2019 and 2021. Other penalties not included in the statistics presented in Table 3 included fines, community service or confinement to forensic psychiatric units (due to mental health conditions precluding criminal responsibility).

47. In the majority of convictions, prison sentences were either suspended (generally for the same amount of time) or subject to probation and/or ancillary penalties. Probation measures included: development of an individual/social rehabilitation plan supervised by probation services; payment of a compensation to victims or contributions to victim-support organizations or humanitarian institutions; mandatory psychiatric or substance abuse treatment; and attendance of specialized offender programs. Ancillary penalties often included: restrictions on contacting the victim, monitored electronically where specified;

removal from the victim's residence or workplace; prohibition on carrying weapons; mandatory participation in domestic violence prevention programs; disqualification from parental responsibility and driving bans.

Statistical Data (Offenses Committed Predominantly Against Women)

48. Official data on convictions for crimes committed more frequently against women between 2016 and 2022 are presented in Table 4 and Table 5 (both in Annex). Table 4 presents data regarding the crimes registered by the police, while Table 5 shows the number of convictions per year concerning each crime.

49. Out of all crimes, 20 offenses were selected based on the criterion that women represented at least 65% of victims compared to men, reflecting the proportionality and severity of these offenses on women. It is important to note that the offenses recorded by the police (complaints) do not align entirely in terms of disaggregation with the offenses categorized by the courts (convictions).

Implementation of the Action Plan on Preventing and Combating Violence Against Women and Domestic Violence (2018–2030)

50. The Action Plan on Preventing and Combating Violence Against Women and Domestic Violence (2018–2030) has driven significant measures, including the adoption of Directive no. 5/2019. This directive was designed to enhance the consistency of prosecutorial action in cases of domestic violence and to improve the operational efficiency of public prosecution in this area. Key provisions of the directive include: guidance on crime processing, reporting and immediate actions; mandatory risk assessments using standardized forms; adoption of victim protection and offender restraint measures within 72 hours; collection of victim statements for potential use as evidence in future proceedings; provision of safe housing or confidential domiciles for victims; notification of victims regarding the application of restraint measures on offenders; access to remote assistance; and coordination between prosecutors handling criminal cases as well as those in family and children's courts.

51. The directive also governs the operations of the Integrated Specialized Sections on Domestic Violence (SEIVD), initially created as pilot projects to foster greater collaboration between criminal and family/children's jurisdictions in domestic violence cases. These specialized Public Prosecution structures operate within the Regional Departments of Lisbon and Porto, consisting of two units: the Unit on Criminal Action (NAP) and the Unit on Family and Children (NFC). In some SEIVDs, Offices for Victim Support (GAV) provide additional assistance. To support these efforts, Specialized Psychology Consultants have been recruited and deployed at Regional Prosecution Offices in Lisbon, Porto, Coimbra and Évora.

Local and National Coordination (Domestic Violence)

52. Public Prosecution local coordinators participate in the National Territorial Network to Support Victims of Domestic Violence, developed by CIG through local protocols. This initiative involves municipal authorities, NGOs and public entities from sectors such as education; employment; law enforcement; justice; health and social security.

Femicide

53. No additional legislative measures have been taken to criminalize femicide as a distinct and specific criminal offense. Instead, it is prosecuted under the aforementioned article 133 of the Criminal Code as an 'aggravated murder', which applies to crimes demonstrating particular culpability or perversity, namely if the crime is committed in the context of domestic violence.

Rape

54. This offense, as defined under Article 164 of the Criminal Code, has undergone multiple amendments since 2015 to align with the Istanbul Convention. Law no. 83/2015, which stated that rape is now defined solely based on the absence of the victim's free consent; acts committed with violence, serious threats or after rendering the victim unconscious or unable to resist are considered aggravated circumstances. Law no. 101/2019 established that

dissent constitutes a core element of the offense and that the notion of constraint is now expressly connected to the will of the victim. Also, Law no. 45/2023 reintroduced the element of ‘suffering’ in Article 164 to encompass cases where the victim assumes a passive sexual position; it also revised §2 b) to include acts where victims either suffer or perform vaginal, anal or oral introductions of body parts or objects under coercion (e.g., violence or serious threat).

Support Services for Women Victims of Gender-Based Violence

55. Protocols signed in 2019 led to the establishment of victim support offices within the Departments of the Public Prosecution Service (DIAP). Currently, as mentioned, there are twelve operational GAV offices across the country, staffed by NGO-deployed victim support officers.

56. A National Strategy for Victims’ Rights (2024–2028) was approved through Council of Ministers Resolution no. 2/2024, consolidating public policies addressing the needs of all crime victims into a single framework, while acknowledging the specific vulnerabilities of certain groups.

Reply to paragraph 6 of the list of issues prior to reporting

57. Directive no. 1/2021 establishes, among other provisions, that human trafficking shall be classified as a crime of priority investigation. It provides for prompt communication of trafficking offences to the Central Department on Investigation and Prosecution (DCIAP), primarily for coordination purposes, and also that special attention must be required for cases involving children, international migration trends or organ removal/use. It sets that victim statements should be collected for future proceedings to prevent re-victimization and to protect their testimony and that smuggling cases must be examined for possible evidence of trafficking. Moreover, it mandates that a Coordinator Prosecutor in each judicial district must establish procedures with social and migrant support entities, as well as the Authority for Labour Conditions (ACT), for the timely detection and report of trafficking crimes. Finally, it sets that coordinating mechanisms should ensure that appropriate measures are implemented for each case, and that human trafficking crimes shall be monitored by the Prosecutor-General’s Office.

58. As a crime of priority investigation, human trafficking takes precedence over non-urgent cases and is subjected to expedited procedures. These include: immediate communication to specialized prosecution units; direct supervision by public prosecutors in coordination with criminal police bodies; establishment of specific communication channels with these bodies; and personal involvement of public prosecutors in significant investigation steps (e.g., questioning of defendants or particularly vulnerable victims).

59. Directive no. 1/2023 (Criminal Policy Law 2023–2024) reinforces swift communication with DCIAP. It includes crimes such as search for illegal labour and employment of aliens in irregular situations for analysis to ascertain any connection to human trafficking. Evaluation, monitoring and follow-up of trafficking cases are entrusted to the Family, Children, Young Persons, Older Persons, and Domestic Violence Office (GFCJIVD) within the Prosecutor-General’s Office.

Statistical Data on Victims (Human Trafficking)

60. Tables 6 to 11 (all in Annex) present data regarding the number of confirmed victims of human trafficking, between 2017 and 2023, disaggregated by different factors: Year (Table 6); Nationality (Table 7); Age Group (Table 8); Sex (Table 9); Country Typology (Table 10) and Sector of Exploitation (Table 11).

Redress (Human Trafficking)

61. Table 12 (in Annex) presents data according to the Observatory on Trafficking in Human Beings (OTSH) for presumed victims of human trafficking sheltered in specific structures (CAP), between 2017 and 2023. This data refers to first entrances and does not

include presumed victims that remain in CAP for more than 1 year. According to the OTSH, the statistical data for the period between 2017 and 2021 corresponds to the information last updated in July 2023. The statistical data for 2022 and 2023 is based on the information provided in the Annual Reports. It is important to note that ongoing criminal investigations may lead to changes in the data presented, which will be reflected in the next annual data update scheduled for the summer of 2024.

62. Victims of human trafficking are entitled to a range of protection and support measures under Law no. 130/2015. These measures include the right to receive information regarding procedural steps, decisions and means of assistance; the right to legal representation (mandatory for children) and, if appropriate, to be accompanied by a person of their choice; the right to be heard in a supportive environment designed to minimize undue repetition and avoid contact with the offender; the right to psychosocial support, remote assistance or referral to relevant support structures; and the right to confidentiality during hearings.

63. Within the Prosecutor-General's Office, the status of all children entering national territory is closely monitored on a monthly basis. This monitoring involves protection measures adopted by the jurisdiction on family and children and is carried out in coordination with the Aliens and Borders Service (SEF) – now replaced by the Agency for Integration, Migrations, and Asylum (AIMA) – and the Institute on Social Security (ISS) to track all cases of unaccompanied foreign children. Additionally, the Prosecutor-General's Office contributed to the creation of a 'Handbook for the Referral of Possible Child Victims of Human Trafficking' and to training law enforcement officers in its use, in collaboration with the Monitoring Centre on Trafficking in Human Beings.

Training (Human Trafficking)

64. The PSP, in collaboration with the EMEs (Multidisciplinary Teams of the Association for Family Planning, specialized in human trafficking), highlights the following initiatives: between 2019–2020 and 2022–2023, the PSP conducted 61 awareness-raising sessions in schools concerning human trafficking, attended by 1.654 students.

65. Additionally, the PSP has provided a human trafficking intervention kit, available at all police stations with public service functions. This kit includes information to clarify and support reported situations. Regarding the activities of the OTSH, the key training actions addressing both the National Referral Mechanism and the National Referral Mechanism for Children Presumed Victims of Human Trafficking (introduced in 2021) include indicators and communication flowcharts.

Centre for Judicial Studies (CEJ)

66. The Prosecutor-General's Office regularly communicates with the CEJ, which is responsible for the initial and ongoing training of judges and prosecutors, to identify areas in which training needs to be enhanced. The CEJ has long provided extensive training on preventing and combating domestic and gender-based violence, as well as human trafficking. The Prosecutor-General's Office also organizes training sessions specifically targeted at prosecutors and law enforcement officers. In addition to this, the Prosecutor-General's Office has participated in the Annual Training Program for Criminal Police Bodies and other public servants, which was implemented between 2020 and 2022.

Institute of Judiciary Police and Criminal Sciences

67. The training programs include the Criminal Investigation Coordinators Course (2022), which covered violent crimes, including kidnapping, abduction and human trafficking. Also, Border Control Course included topics on the 1951 Geneva Convention on refugee status, asylum law, the Dublin Convention's principle of non-refoulement, the FRONTEX Code of Conduct and the non-punishment of victims.

Guidelines on the Non-Punishment Principle

68. The General Prosecutor's Office issued a set of guidelines emphasizing the principle of non-punishment, ensuring that trafficked persons are not prosecuted for violations of

immigration laws or other activities directly resulting from their victimization. The National Referral Mechanism for Victims of Trafficking in Human Beings incorporates this principle, underscoring the need to identify presumed victims to prevent their treatment as offenders. Signalling a presumed victim provides them protection from prosecution or punishment for criminal activities they were coerced into committing as a consequence of their trafficking. Portuguese law also contains several provisions that uphold the principle of non-punishment, including article 280 of the Code of Criminal Procedure and articles 281 and 35 of the Criminal Code.

Other Policies and Legislative Measures (Human Trafficking)

69. Law no. 13/2023 introduced amendments to the Labour Code, criminalizing employers who fail to declare workers to Social Security within six months of employment, including domestic workers. The ACT has also trained inspectors to identify human trafficking for labour exploitation. Training for 150 labour inspectors took place online during the COVID-19 pandemic, with the OTSH participating in two sessions. Ordinance no. 102/2023 ensures that vulnerable migrants, including beneficiaries of temporary protection, are eligible for employment and training measures and receive social support while in training. Language courses are available for those who do not speak Portuguese.

Complaints (Human Trafficking)

70. Statistical data from first-instance courts disaggregated by age, ethnicity or nationality is unavailable. Concerning complaints surrounding human trafficking, in 2019, 81 complaints were presented and in 2020, that number was reduced to 41. In 2021, 89 complaints were lodged, as well as in 2022.

Investigations and Prosecutions (Human Trafficking)

71. Table 13 (in Annex) provides data concerning investigations and prosecutions regarding human trafficking, aiding illegal immigration, slavery and child trafficking, between 2021 and 2023. The data shows that when comparing the four offences, the crimes of slavery and child trafficking have a minimal impact nationwide.

72. Regarding the crime of child trafficking, nine investigations were registered across Coimbra (1), Faro (1), Lisbon (6) and Porto (1). This distribution may be linked to the presence of international airports in three of these four cities, excluding Coimbra. No prosecutions for child trafficking were issued during the period under review, with six cases pending as of December 31, 2023.

73. Concerning the crime of slavery, the majority of investigations were recorded under the jurisdiction of Porto Regional Prosecutor's Office (17), followed by Coimbra (13), Évora (9) and Lisbon (6). The Vila Real and Leiria Offices also stood out, with 6 and 5 investigations, respectively. Prosecutions for slavery were issued only in Setúbal in 2021 and in Leiria in 2022. Nationwide, 15 investigations related to slavery are currently pending.

74. Regarding the offence of human trafficking, 25 prosecutions were issued out of 577 investigations conducted between 2021 and 2023, representing 4,33% of all such investigations. At the national level, there was a marked increase in the number of investigations registered for these offences. Excluding the slight decline observed during the COVID-19 pandemic, in 2023, there were 146 more investigations registered compared to 2017, representing a percentage increase of 160,44%.

75. This upward trend was also reflected in the offence of aiding illegal immigration. In 2023, 400 more inquiries were registered when comparing to 2017, representing a percentage increase of 289,86%. From 2021 to 2023, a total of 62 prosecutions were issued for this offence, which represented 5,67% of the total number of investigations registered during the period. It is important to note that some of the investigations and prosecutions listed above for human trafficking are also reflected in the statistics for aiding illegal immigration. This overlap occurs because the Citius platform only records one or the other type of crime, even though defendants are often charged with both offences.

Sentencing (Human Trafficking)

76. Regarding sentences about human trafficking, data is available in the Annex: Table 14 shows data concerning the number of defendants in criminal cases before the decisions from the first-instance courts, from 2016 to 2022; while Table 15 presents data regarding the number of convictions in criminal proceedings in first-instance courts, also from 2016 to 2022.

Article 3

Reply to paragraph 7 of the list of issues prior to reporting

77. The number of asylum applications received from 2020 to 2024 is detailed in Table 16 (in Annex).

78. Considering the number of persons who have been returned, extradited or expelled (2020–2024):

79. In 2020, 208 removals were carried out by Portugal: border escort (19); judicial expulsions (117); administrative expulsion decisions (72). The expelled persons from Portugal were nationals of the following countries: Brazil (90); Cape Verde (16); Morocco (15); Albania (15); Venezuela (13); Other (59). It is also worth noting that 105 of the expelled persons were associated with the crime of drug trafficking.

80. In 2021, 299 removals were carried out by Portugal: border escort (25); judicial expulsions (198); administrative expulsions (76). The expelled persons from Portugal were nationals of the following countries: Brazil (148); Albania (22); Guinea-Bissau (19); Cape Verde (12); Georgia (11); Other (87). It is also worth noting that 78 of the expelled citizens were associated with the crime of drug trafficking.

81. In 2022, 131 removals were carried out by Portugal: border escort (20); judicial expulsions (56); administrative expulsions (55). The expelled persons from Portugal were nationals of the following countries: Brazil (62); Georgia (15); Albania (7); India (6); Cape Verde (6); Other (35).

82. In 2023, 289 removals were carried out by Portugal: border escort (16); judicial expulsions (76); administrative expulsions (197). The most representative nationalities were Brazil, India, Algeria, Cape Verde, Guinea-Bissau, Morocco. The expelled persons from Portugal were nationals of the following countries: Brazil (6); Guinea Bissau (4); Cape Verde (3); Spain (2); Others (4).

83. In 2024, 155 removals were carried out by Portugal: border escort (4); judicial expulsions (106); administrative expulsions (45). The expelled persons from Portugal were nationals of the following countries: Brazil (92); Albania (9); Morocco (14); China (4); Cape Verde, Colombia, Guinea Bissau e Nigeria (3); Other (24).

Reply to paragraph 8 of the list of issues prior to reporting

84. The Portuguese international protection system, including access to legal assistance and safeguards for people in vulnerable situations, is regulated by a series of policies and legal provisions that aim to ensure a fair and appropriate procedure for all asylum seekers, including migrants in irregular situation and those subject to fast-track procedures, i.e., (i) the right to legal protection (Law No. 34/2004, of July 29, as amended), which provides for the right to legal counselling as well as free legal assistance; (ii) individual analysis of the international protection applications submitted; (iii) identification of vulnerable individuals in order to assess, for example, whether they are victims of human trafficking or torture or ill-treatment; and (iv) the right to appeal.

85. Furthermore, asylum seekers are entitled to legal assistance from the Portuguese Refugee Council (CPR), as provided for in Article 49/1/e of Law 27/08 of June 30, as amended (Portuguese Asylum Law). If the applicant wishes to appeal the decision, the CPR

will help them in the process of applying for legal protection with the Social Security; legal aid is provided for under Article 49/1/f of Portuguese Asylum Law. Once the application for legal protection has been granted, a lawyer will be appointed by the Portuguese State.

86. When submitting an application for international protection, it is the responsibility of the official in charge of screening, at the first contact with the asylum seeker applicant, to identify situations of vulnerability by filling out an internal document created by AIMA's, based on the "UNHCR-IDC Vulnerability Screening Tool - Identifying and addressing vulnerability: a tool for asylum and migration systems".

87. Among those who may be flagged in this document and therefore benefit from special procedural and/or reception guarantees are the 'survivors of torture and trauma', 'survivors of sexual or gender-based violence or other violent crime' and 'victims of trafficking in human beings', or/and 'potential victims of trafficking in human beings. Other factors like age, gender, health conditions may also be flagged.

88. This screening tool is intended to help identify the vulnerabilities of any asylum seeker in Portugal as swiftly as possible, so that the treatment or support given to the applicant with certain special needs is the most appropriate at all times during the procedure, including reception. This may determine a different procedure to be followed in the future as well as referral for ongoing psychological support.

89. Concerning children, within the preventive framework of the Portuguese Promotion and Protection System established by the Law on the Protection of Children and Young Persons at Risk, the National Commission for the Promotion of the Rights and the Protection of Children and Young Persons (CNPDPJ) and the 312 Commissions for the Protection of Children and Young Persons (CPCJ) carry out several awareness-raising activities. These initiatives target children and frontline entities to enhance the identification and reporting of situations of danger. These frontline entities include cultural, recreational and sports associations; community support centres of a religious nature; fire brigades; public services; schools; health centres; social security; security forces; municipalities; local authorities; private institutions of social solidarity; and non-governmental organizations. In the near future, the CNPDPCJ will publish the book "Sexual Abuse – Protecting Children is Everyone's Responsibility", which brings together contributions from experts in relevant fields.

Articles 5–9

Reply to paragraph 9 of the list of issues prior to reporting

90. Article 5 of the Convention deals with the territorial application of criminal law. In Portugal, this is the subject of Articles 4, 5 and 6 of the Criminal Code. The extraterritorial application of Portuguese law has been progressively extended to cover specific crimes. Portuguese criminal law remains applicable to acts committed outside the national territory under the following circumstances: *i*) acts committed against Portuguese nationals by Portuguese nationals who live in Portugal at the time of the offense and are subsequently found within Portuguese jurisdiction; *ii*) acts committed by Portuguese nationals or by foreigners against Portuguese nationals, provided that the offenders are found in Portugal, the acts are also punishable under the law of the location in which they were committed, unless no punitive power is exercised there, and the offenses qualify as extraditable, and extradition is either not granted or the perpetrator is not surrendered under a European Arrest Warrant or another international cooperation instrument binding on Portugal; *iii*) acts committed by foreigners who are found in Portugal and whose extradition is sought for offenses that qualify for it, but the measure is either denied or the offender is not surrendered under a European Arrest Warrant or equivalent international cooperation instrument binding on Portugal; *iv*) acts committed by or against legal persons with their registered office in Portugal.

Obligation to Extradite or Prosecute

91. The Portuguese Criminal Code grants national authorities the competence to initiate criminal proceedings in cases where extradition is not granted. This is particularly relevant in cases involving Portuguese nationals or cases in which adequate assurances regarding the non-application or non-execution of life imprisonment are lacking. Criminal proceedings may initiate immediately upon the issuance of a denial decision. Several international instruments to which Portugal is a State Party enshrine the *aut dedere aut judicare* principle. However, they also recognize the right of the requesting State to withhold proceedings or to not provide enough information to initiate a case in the requested State. This creates challenges, as the evidence required to prosecute often resides with the requesting State, which may not cooperate adequately with the requested State. Therefore, Portugal enforces the *aut dedere aut judicare* principle by establishing national jurisdiction in cases where extradition is not granted, particularly in scenarios involving nationality issues or insufficient assurances.

92. From 2020 to 2022, no extradition requests related to acts of torture or associated offenses were submitted to Portugal. Regarding European Arrest Warrants, their decentralized transmission between EU Member States' judicial authorities means there is no centralized record of potential requests involving acts of torture. Nonetheless, due to the limited grounds for refusal established under Framework Decision 2002/584/JHA, no such cases have been identified.

Extradition Treaties

93. Portugal has concluded 12 bilateral extradition treaties with other State Parties to the Convention Against Torture, all of which classify acts of torture as extraditable offenses. However, such explicit references are absent in treaties concluded with China, the Hong Kong Special Administrative Region of the People's Republic of China, India, Australia, Brazil and the United States of America. Regarding multilateral agreements, Portugal is a State Party to six treaties, all of which provide for extradition in cases involving acts of torture. These include the Agreement on Simplified Extradition between Argentina, Brazil, Spain and Portugal; the Council of Europe Conventions on Extradition and its four additional Protocols; the Convention on Extradition within the Community of Portuguese-Speaking Countries; and the European Union Conventions on Extradition, including those adopted under Article K.3 of the Treaty on European Union.

Treaties and Agreements on Mutual Legal Assistance

94. Portugal is also a party to several international conventions, including the Council of Europe Conventions on Extradition and Mutual Legal Assistance, along with their additional Protocols; the CPLP Conventions on Extradition and MLA; and the United Nations Convention against Transnational Organized Crime and its three Protocols. As a Member State of the European Union, Portugal also implements Framework Decision 2002/584/JHA on the European Arrest Warrant and Directive 2014/41/EU on the European Investigation Order.

Article 10

Reply to paragraph 10 (a) of the list of issues prior to reporting

95. Table 17 (in Annex) provides detailed information regarding the training provided to law enforcement personnel by the Institute of Judicial Police and Criminal Sciences, namely the subjects and the number of trainees, between 2021 and 2024.

96. Table 18 (in Annex) details information concerning the training provided to prison staff, namely the number of sessions and trainees, between 2021 and 2024.

GNR

97. The GNR implemented the Plan for the Prevention of Manifestations of Discrimination in the Security Forces and Services in 2021, approved by Directive no. 2/21. This directive outlines specific areas of intervention focused on preventing discrimination. A key priority of the Plan is training, with its primary objective being the enhancement of GNR course curricula to include content related to human rights. Therefore, all courses include content aligned with the Convention.

98. Regarding Initial Training Courses: i) for Guards and Forest Guards, entry-level courses for personnel beginning their careers in the GNR feature a strong component related to the application of the Convention and include two curricular units of 25 hours each; additionally, other learning objectives align with the respect for rights enshrined in the Constitution, Criminal Code and Criminal Procedure Code; the courses also cover techniques for approaching, immobilizing and detaining suspects, first aid, legal aid and the provision of translation services; the same curriculum applies to civilian professionals within the GNR's Forest Guard category; ii) regarding Officer Training and Technical Officer Training Courses, designed for individuals entering the GNR, encompass an integrated master's degree offering training across several areas; curricular units on the Convention are integral to these programs.

99. Regarding Promotion Courses for Senior Officers, Captains, Master Sergeants and Corporals, as well as Sergeants' Training Courses, these include a curricular unit of 25 hours (40 hours in the case of the Captain's Promotion Course) specifically addressing the Convention.

100. Regarding Specific Training; i) the 'Crime Prevention, Community Policing and Human Rights Course' was developed to provide certified training on the Convention and human rights; ii) the 'Investigation and Support for Specific Victims Course' provides military personnel with comprehensive knowledge of violence impacting specific victim groups, including women, children, the elderly, persons with disabilities and members of ethnic minorities; it ensures the development of skills for delivering assistance, information and protection to victims, thereby guaranteeing high-quality service; iii) the 'Psychological First Aid Course' provides GNR personnel with technical knowledge to identify psychological crises, assess intervention needs, provide immediate support and facilitate referrals in line with GNR's psychosocial model; iv) additional training includes sessions on Human Trafficking, Domestic Violence and Gender Equality.

101. To ensure comprehensive implementation of the Plan, it was mandated that all remaining training courses include at least one lecture on Equality and Human Rights, lasting a minimum of two teaching hours. These lectures, conducted by trained specialists, cover content related to the Convention.

PSP

102. Concerning other Training Activities and following the CAT monitoring visit in 2019, the PSP's national director prioritized human rights in the PSP Strategy 2020–2022, designating the first Ethical Pillar as 'Respect for the rights, freedoms and guarantees of citizens', while the fourth Ethical Pillar was defined as 'Rejection of all forms of extremism and discrimination'. Also, the first objective of the 'Leadership, motivation and communication' strategic axis was defined as: "To promote a culture of excellence in the provision of police service, based on transparency, strict compliance with approved police protocols and respect for the rights, freedoms and guarantees of the citizens we serve". The second goal of the 'Training and physical training' strategic axis was to "Consolidate, through training, the importance of all police activity being based on respect for citizens' rights, freedoms and guarantees". As for objective 5.4 of the strategic axis 'Institutional image', it was highlighted the need to "Fight all forms of extremism, radicalism and discrimination". Finally, the objective 5.5 of the 'Institutional image' strategic axis was defined as "Holding police officers accountable if they deliberately, seriously or grossly violate their legal obligations and hierarchical instructions, particularly to the use of public

force and statements made on social networks”. The PSP Strategy 2023–2025 further reinforces the importance of training all police officers to respect citizens’ rights, freedoms and guarantees.

103. The PSP, in collaboration with civil society, organizes annual human rights training sessions. Between 2020 and 2023, 440 courses were conducted, training 3.738 officers. Key initiatives include Domestic Violence Training (345 sessions from 2021 to 2023, training 2.224 officers); ‘Together For All’ Training (59 sessions held between 2016 and 2021, involving 1.031 officers). The PSP also trained 117 civil technicians as part of the ACM/Programa Escolhas; the ‘Roma History and Culture’ Training (36 sessions delivered by the ACM, training 367 officers); and the Criminal Investigation Training (four sessions in 2023, training 116 officers).

104. In 2022, the Higher Institute of Police Sciences and Internal Security introduced a 75-hour course unit, ‘Contemporary Police Subjects’, addressing topics such as diversity, gender, racism, mental health and LGBTQIA+ issues.

Reply to paragraph 10 (b) of the list of issues prior to reporting

105. Table 19 (in Annex) shows detailed information concerning the training provided to PSP professionals in 2024, by the Institute of Judicial Police and Criminal Sciences.

106. Within the framework of the new responsibilities assigned to the GNR and PSP regarding border management, it became fundamental to enhance training for personnel designated as ‘immigration and border control officers’. Accordingly, specific training courses on this subject have been conducted since January 2024. All personnel serving in the Coastal and Border Control Unit (UCCF/GNR) receive, among other courses, the ‘Border Surveillance and Control’ Course, as well as the ‘Border Control’ Course for Border Officers, specifically designed for those engaged in maritime and land border control tasks. All training programs adhere to the Common Core Curricula of FRONTEX and are aligned with Human Rights principles, in accordance with International Law, including the provisions of the Convention.

107. Concerning airport security and border control, the PSP has provided training to numerous police officers to implement new operational procedures. These include the management and application of Common Entry and Exit Stamps (CCES) and the harmonization of police protocols across all sub-units with border control responsibilities. Additionally, training also addresses the management of temporary installation centres (CIT) or similar facilities (EECIT).

Reply to paragraph 10 (c) of the list of issues prior to reporting

108. The PSP has internally implemented a Permanent Execution Standard (NEP) regarding Limits to the Use of Coercive Means, initially adopted in 2004. This standard is significantly more detailed and restrictive than the provisions of Decree-Law no. 457/99. The NEP specifies which body areas police officers are allowed to intervene in, as well as the tactical means to be employed, all in strict adherence to the principles of legality, proportionality and the prohibition of excess. This standard was updated in 2021 to further emphasize the use of weapons and means of low-lethal potential, alongside the responsible use of coercive measures of high-lethal potential. PSP officers undergo annual theoretical and practical assessments as part of the Annual Training Plan, which currently requires a workload of 35 hours. Additionally, all police officers are subjected to a rigorous biannual accreditation process for the use of firearms. This process includes written and practical tests to ensure compliance with the applicable standards. In the event of a failure, the police officer’s firearm is withdrawn, resulting in suspension from operational duties and the imposition of a corresponding salary penalty.

Reply to paragraph 10 (d) of the list of issues prior to reporting

109. With the support of the National Institute of Legal Medicine and Forensic Sciences (INMLCF), most medical and law schools include subjects related to the detection and investigation of torture and other cruel, inhuman or degrading treatment or punishment. These topics are addressed both at the undergraduate level and within postgraduate education programs, such as master's and doctoral degrees. Also, the INMLCF integrates this subject matter into its specialization courses. In the field of legal medicine, this subject is also comprehensively taught, allowing future specialists to perform examinations in accordance with the provisions of the Istanbul Protocol (the INMLCF currently applies the 2022 edition of the document). It is noteworthy that, in 2021, the law governing forensic expertise was amended to mandate forensic autopsies in cases of deaths occurring in police custody, deaths associated with police or military intervention, or instances in which there is suspicion of torture or cruel, inhuman or degrading treatment (Decree-Law no. 53/2021). In 2023, the INMLCF provided training for prison staff, focused on the identification and documentation of injuries at the time of admission and during confinement in detention facilities, as well as the appropriate procedures to follow in cases of deaths occurring in prison.

Reply to paragraph 10 (e) of the list of issues prior to reporting

110. In 2022, evaluations of the impact of training programs were conducted with trainees and managers for the following courses, which are considered the most significant in this area: DF/32/2021 'Use of Coercive Means: Analysing Cases' (two courses were held in October and November 2021, with positive feedback); DF/39/2021 'Posture and Professional Relationships' (one course was conducted in November 2021, receiving positive evaluations); DF/992/2021 'Human Rights: Everyday Challenges and Case Analyses' (three sessions were held in November and December 2021, all with positive feedback); and DF/PFDS/EES/2021 'Drafting Security Procedures' (one course was held in December 2021, receiving positive evaluations).

111. The Security Forces currently lack indicators that objectively measure the effectiveness of training programs in reducing instances of torture and ill-treatment. However, the PSP can provide indicators of effectiveness through actions carried out in collaboration with the civil society and other partners. Therefore, during the 2022/2023 academic year, as in previous years, the PSP carried out numerous awareness-raising actions on these topics targeting the school community. For a national total of 900.000 students, PSP organized awareness campaigns on topics such as Human Rights; Gender Equality; Citizenship and Non-Discrimination; Intercultural Dialogue; Migrants/Refugees; Prevention of Radicalization and others. In total, regarding this, 15.813 awareness-raising actions were conducted, reaching 311.963 participants. These initiatives underscore the prioritization of these themes, as evidenced by the dissemination of preventive measures and training activities for those involved. Additionally, as part of the 'Safe School' Special Policing Program, the PSP carried out the operation 'Young People in Defense of Human Rights', as a result of Strategic Directive 61/2023, targeting audiences in the 1st and 2nd educational cycles (aged 6 to 12). The operation aimed to promote respect for children's rights and to prevent child sexual abuse, involving 401 police officers. In this context, a total of 579 awareness-raising actions were conducted, reaching 15.733 participants, in 378 different educational establishments.

Article 11

Reply to paragraph 11 of the list of issues prior to reporting

112. Provisions for custody are outlined in the Regulation on Material Conditions of Detention in a Police Establishment (Order no. 5863/2015 applicable to the entire PSP provision). The Code of Criminal Procedure also outlines safeguards for the accused during interrogations, including article 103 (interrogations cannot occur between midnight and 7 a.m., except immediately after an arrest; each interrogation is limited to four hours, with a

minimum 60-minute break before resumption, allowed only once per day) and articles 140 and following (require the presence of legal counsel when the accused is deprived of liberty and ensure interpretation and translation services if needed). Articles 243 to 245 of the Criminal Code criminalize torture and other cruel, inhuman or degrading treatment, with penalties ranging from five to sixteen years of imprisonment; and punish the omission of reporting such acts by a superior officer.

113. Concerning measures to monitor and prevent ethnic and racial profiling by law enforcement officials, Determination 2-INSP-2020 mandates police officers to report discriminatory practices based on racial or ethnic origin, color, nationality, ancestry or territory of origin to the PSP Inspectorate.

114. Aligned with the Recommendation of the European Commission against Racism and Intolerance (ECRI), specifically ECRI General Policy Recommendation no. 11 on Combating Racism and Racial Discrimination in Policing, the PSP issued PSP Communication Strategy No. ASDDN/GDN/01/01, dated August 2020. This strategy standardizes internal and external communication, restricting ethno-racial references to situations where they are deemed necessary and appropriate for the outcome, when dealing with suspected criminals.

115. In addition, under the ‘Together for All’ Program, six awareness-raising actions on the subject of ‘Roma History and Culture’ were conducted in 2020 and 2021 by the ACM, which sensitized a total of 211 police officers. These efforts, together with the training programs mentioned above and undertaken by the PSP, contribute to fostering greater understanding and mutual respect between culturally diverse communities, while enhancing public knowledge of the rights and duties of all citizens.

Reply to paragraph 12 of the list of issues prior to reporting

116. Please refer to the measures outlined above, in response to Question 1 (Paragraph 22(a), Conditions of Detention), which contributed to the reduction of the prison population.

117. Regarding material detention conditions, the establishment of more facilities for conjugal visits, with 24 prisons equipped for this purpose as of 2020, as well as the progressive installation of CCTV systems as a preventive measure against abuse should be highlighted.

118. Table 20 (in Annex) provides data regarding the Portuguese prison system as of December 31, 2023. Regarding pre-trial detainees, Table 21 (in Annex) shows data disaggregated by sex and country of origin. Concerning occupancy rates by prison, Table 22 (in Annex) presents detailed information as of December 31, 2023.

Duration of Pre-Trial Detention

119. Pre-trial detention, as the most severe coercive measure, is governed by the subsidiarity principle. Therefore, it is only applied when alternative measures (including home detention) are deemed insufficient or inappropriate for the specific case, as outlined in articles 27 and 28 of the Constitution and articles 193 and 201 of the Code of Criminal Procedure. Indeed, pre-trial detention is only allowed when the criteria in Article 202 of the Code of Criminal Procedure are met.

120. Concerning alternatives to pre-trial detention and imprisonment, Table 23 provides data on the number of non-custodial sentences and measures being implemented as of December 31, 2023.

121. The DGRSP has established internal guidelines and provided technical advice to sentencing and implementation courts. This advice aims to enable the use of alternative sentences and measures to imprisonment and to reduce the duration of the incarceration period. Professional training and coordination with the judiciary have remained consistent priorities for the probation service. Since 2019, several working groups, studies and initiatives have been established in this field. The manual “Technical Guidelines for the Promotion of Sentence Adjustment Mechanisms” was developed to promote a coordinated

and complementary approach among professionals involved in sentence implementation. It provides strategies and tools to standardize technical criteria, refine methodologies and improve operational practices, enhancing professional performance.

Police Detention Facilities

122. The IGAI is particularly committed to preventive measures, demonstrated by a significant increase in unannounced inspection visits (UIVs) to GNR posts, PSP police stations and SEF Temporary Installation Centres (TIC) or similar facilities (STIC), currently managed by the PSP. Through its annual UIV, the IGAI surveys and records the material conditions of the inspected GNR posts, PSP stations, and TIC/STIC facilities, as recorded in the 2021 Annual Report on UIV to GNR Posts, PSP Police Stations, and SEF Temporary Installation Centres (TICs).

Reply to paragraph 13 of the list of issues prior to reporting

123. Concerning prison staff, please refer to the measures outlined in response to Question 1 (Paragraph 22 (a), Conditions of Detention).

Vulnerable detainees

124. The Programme for Suicide Prevention (PiPS) ensures that inmates undergo an ‘alert checklist’ (conducted by surveillance staff), an ‘intake screening’ (performed by prison social workers) and a clinical assessment (carried out by a clinical psychologist). High-risk cases are promptly referred for psychiatric appointments within the prison, the community and/or mental health interventions via the 24-hour line of the Prison Hospital. Immediate measures are taken to ensure increased vigilance and monitoring of at-risk inmates, besides close psychiatric and psychological care. Alongside with the PiPS, the Emotional Stabilisation and Institutional Integration Programme and the Personal and Emotional Skills Promotion Programme (Generating Social Pathways – GPS) should also be noted.

125. In 2021 and 2022, specific measures were adopted at the five prison establishments with the highest incidence of suicides, including: i) mandatory application of the procedures outlined in the PiPS, particularly in Wing F of the Lisbon Prison and all entry facilities (whether from liberty, transit or transfers from other prisons); ii) obligatory recording and reporting of all incidents of suicidal or para-suicidal behaviour, including suicide attempts, self-mutilation, ingestion of foreign objects or other self-harm, to the Surveillance Central Department; reports must include the *modus operandi*, relevant clinical and monitoring information from the services and relapse prevention proposals; iii) reinforced mechanisms for early detection of signs and symptoms of suicide risk in all wings of the prison, particularly in the following cases: a. upon entering the prison and during the first seven days of deprivation of liberty, as this period represents the highest risk of suicide; b. first-time offenders, remand prisoners and individuals indicted for crimes with a significant impact on the victim, the community or that have gathered media attention – particularly domestic violence, sexual offenses and homicides – which statistically face a higher risk of suicide; c. prisoners with a history of suicide attempts and/or those at key moments during their sentence, such as at the time of conviction, during re-entry into prison after being granted a reprieve, or when experiencing significant life events (the death of a family member or the breakdown of emotional/social-family support bonds); d. the afternoon and evening are the periods most associated with suicidal or para-suicidal behaviour; therefore, monitoring and follow-up protocols for individuals identified as at risk of suicide should be intensified during these times.

126. Measures planned for 2024 to 2026 include the revision and updating of the PiPS procedures and the evaluation of its effectiveness; training sessions for professionals on the updated program; and establishing a protocol with the Portuguese Society of Suicidology to monitor and assess the phenomenon of suicide in prisons.

127. Regarding prisoners with particular needs, pharmacological programs for opioid substitution and antagonists are coordinated with NHS structures to ensure continuity for prisoners entering the system already undergoing such treatments. Certain prisons are staffed

by experts who initiate these treatments for prisoners deemed eligible to receive them. Prisoners requiring these treatments are referred for specialized consultations at local Integrated Response Centres. Drug-Free Units operate in Lisbon and Porto prisons as part of abstinence-oriented programs. Within the framework of the ‘Specific Rehabilitation Programmes’, all responses currently available and implemented in prisons are detailed in the ‘Catalogue of Programmes’ of the Prison Service. This includes a programme specifically designed to prepare prisoners for drug addiction treatment, known as the ‘Treatment Motivation Programme’. These programmes use cognitive-behavioural intervention methodologies and are exclusively delivered by DGRSP professionals, the majority of whom are trained in psychology. Consequently, no protocols or agreements have been established with external entities for the implementation of specific rehabilitation programmes.

Inter-prisoner violence

128. Incidents of inter-prisoner violence are addressed through disciplinary actions, secure regime assignment, or, when necessary, transfer to another establishment. Prisoners at risk of aggression are reassigned to ensure safety.

Prison Services

129. Regarding the efforts made to prevent and combat violence between prisoners, including measures taken to recruit Prison Guard Corps officers, a comprehensive training programme has been implemented by the Training Division to develop and solidify skills in the prevention of violence involving or directed towards prisoners. For guards and managers, it included topics such as professional conduct, interpersonal relationships and dynamic security. For trainee guards (two courses were conducted in 2021 and 2023) in addition to the regularly scheduled subjects, new topics have been introduced, along with international principles and standards applicable to the execution of sentences and measures involving deprivation of liberty, strategies for combating domestic and gender-based violence, dynamic security and multiculturalism.

130. In parallel, the Prison Service has been intensifying previously established measures, while also implementing new strategies. These include actions directed at reducing and preventing the entry and circulation of illicit substances and prohibited goods, thereby mitigating conflicts that arise from illicit trade and associated debts. Table 24 (in Annex) shows disaggregated data regarding the number of interventions, accommodations and inmates covered by these measures, between 2020 and 2023.

131. To allow the early identification of vulnerable inmates, address incompatibilities and detect group leadership or activities that may conflict with prison security or pose threats to the physical integrity of inmates or staff, a prisoner security assessment tool is being developed. This initiative includes the reorganisation of the research, recording and analysis system, aiming to standardise and operationalise the criteria for prisoner security assessments. During the period in question, several recruitment procedures were initiated for senior legal officers. Between 2020 and 2024, a total of 43 legal officers were incorporated into the DGRSP’s staff, specifically within prisons.

Reply to paragraph 14 of the list of issues prior to reporting

132. Concerning deaths in custody during the period under consideration, Tables 25 to 28 (all in Annex) provide disaggregated data according to different criteria, between 2020 and 2023. Table 25 focuses on sex, year and cause of death, while Table 26 details information disaggregated by nationality. Table 27 shows disaggregated data by age distribution and Table 28 provides disaggregated data concerning the locations of deaths due to illness.

133. The death of an inmate is mandatorily reported to the Public Prosecution’s Office, the police, the IGJS, the internal Audit and Inspection Service of the DGRSP and health authorities (Article 63 of the General Regulation of Prison Establishments). The prison director is responsible for ensuring that the scene and any evidence are preserved. By an Ordinance of the Minister of Justice dated 11 March 2022, all deaths in custody with an unknown cause or involving evidence of violence must be reported to the Judiciary Police.

Additionally, Circular no. 1/GDG/2024, approved on 21 February 2024, systematises the type and format of communications required in the event of an inmate's death, to enable more prompt and well-supported investigations.

Reply to paragraph 15 of the list of issues prior to reporting

134. Regarding the issue of the maximum duration of disciplinary sanctions involving solitary confinement which, according to international standards, should not exceed 14 to 15 days, an ordinance issued by the Director-General on 8 November 2019 remains in effect. This ordinance recommends that prison directors ensure such sanctions do not exceed 15 days. Furthermore, the Ministry of Justice is committed to aligning national practices with international recommendations, by reducing the statutory maximum duration for these sanctions as part of the ongoing revision of the Code governing the Implementation of Prison Sentences.

135. The numbers on measures involving disciplinary sanctions from 2020 to 2024 are as follows: 15 cases of internment in a single room for a period of up to one month; 1.019 cases regarding compulsory stay in accommodation; 3.597 cases regarding internment in a disciplinary cell; and 136 cases concerning reduced daily free time in the open air (for a period not exceeding 30 days).

Reply to paragraph 16 of the list of issues prior to reporting

136. Currently in the final stages of drafting, a proposal to revise the Regulations on the Use of Coercive Means in Prisons, in effect since 2009, aims primarily at refining the framework governing coercive measures, particularly the application of physical coercion or legally authorized actions in situations involving a risk of aggression. Whenever the application of coercive means is reported, specific investigative procedures are conducted to evaluate the appropriateness of the force used in restraining or immobilizing aggressive or violent prisoners. It is mandatory to open an investigation into such incidents, with its conclusions forwarded to the Audit and Inspection Service for review and potential disciplinary action.

137. Portuguese law governing body searches is explicit, and its application has been consistent, particularly under the provisions of Article 89 of the Code of Criminal Procedure and Articles 5, 152 and 187 of the General Regulation. In 2018, Circular no. 1/2018 was issued to clarify the legislation, by requiring that strip searches be conducted in two stages to ensure that the prisoner is never completely undressed, thereby aligning with international recommendations. It is important to emphasize that strip searches are only conducted when there are well-founded suspicions that the prisoner is concealing an object within their body and such measures are taken strictly to mitigate risks.

Reply to paragraph 17 of the list of issues prior to reporting

138. As of 31 December 2023, 347 individuals deprived of their liberty were in psychiatric units for committing criminal offenses but deemed not criminally responsible (*inimputáveis*). Of these, 166 were placed in psychiatric clinics under the Ministry of Justice, while 181 were assigned to psychiatric units within the Ministry of Health.

139. New legislative and structural measures have been introduced in this matter: the Decree-Law no. 70/2019 regulates the operation of forensic units belonging to the Ministry of Health, covering procedures from admission to patient discharge. The aforementioned New Mental Health Law also establishes requirements for informed consent, user participation in therapeutic planning and criteria for involuntary hospitalization.

140. Regarding measures to prevent the institutionalization of individuals with intellectual or psychosocial disabilities and to increase community-based mental health services, the two remaining psychiatric hospitals (Hospital Júlio de Matos and Hospital Miguel Bombarda) were integrated into general hospitals. As of January 2024, there are no longer any standalone

psychiatric hospitals in Portugal. Community Mental Health Teams are being established nationwide, funded by the Recovery and Resilience Plan. The National Long-Term Mental Health Care Network is expanding, with an additional 1.500 places planned by 2026. The previously mentioned Ordinance no. 3625/2024 which also aims to prevent individuals with mental health conditions from remaining deprived of liberty solely due to a lack of autonomy or family support.

141. Within the framework of deinstitutionalization for individuals with disabilities, the Independent Life Support Model (MAVI) was established as a regular social response measure under the Portuguese Social Protection System, following a series of successful pilot projects. Ordinance no. 415/2023 formalized the model by setting the rules for creating, organizing, managing and operating Independent Life Support Centres (CAVI). It also regulates personal assistance activities, defining beneficiaries and eligibility and financing criteria.

142. Regarding complaint mechanisms, grievances can be directed to the Management Boards of hospitals; the General Inspection of Health and/or the General Inspection of Justice Services; the Ombudsperson/NPM and the Courts. It is also noteworthy that no complaints of torture have been recorded.

Reply to paragraph 18 of the list of issues prior to reporting

143. It is important to note the adaptation of the World Health Organization Toolkit on Mental Health Rights for Dissemination within Mental Health Services (2023–2024), as well as the measures to reduce the application of coercive measures, scheduled to initiate in 2024. Additionally, there has been a procedural change at the Santa Cruz do Bispo Psychiatric Clinic: nurses are now prohibited from administering SOS medication without prior authorization from a doctor.

Reply to paragraph 19 of the list of issues prior to reporting

144. Please refer to the measures outlined in response to Article 10, regarding ‘Other Training Activities’ promoted by GNR and PSP, concerning airport security and border control. As a public institution, the PSP’s mission is to uphold the constitutional rights, freedoms and guarantees of all individuals, whether migrants or not. PSP’s aforementioned NEP no. AUOSACF/DGIF/04/01 establishes that, for Temporary Settlement Centres or Equivalent Spaces (CIT/EECIT), it is the PSP’s duty to support the basic needs of foreign citizens housed in these facilities and, therefore, regulates this area accordingly.

Articles 12 and 13

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145. There were no complaints concerning torture, as mentioned. Regarding complaints about ill-treatment or the use of force, the IGSJ received 27 in 2020, 21 in 2021, 29 in 2022 and 52 in 2023.

Investigations, Disciplinary and Criminal Proceedings and Convictions (Torture, Ill-Treatment and Excessive Use of Force)

146. To provide an overview of the total number of cases opened by IGAI, Table 29 (in Annex) shows data from 2019 to 2023, disaggregated by type of case. Specifically concerning investigation cases, enquiry cases and disciplinary cases, and to summarize the procedural developments at IGAI in 2023, Table 30 presents the cases carried over from previous years, as well as the cases registered in 2023, cases concluded, and cases carried forward to 2024. Regarding strictly disciplinary cases, Table 31 (in Annex) reflects the status as of December 31, 2023. These cases remain pending the conclusion of associated criminal proceedings for the same facts.

Prison Staff (Torture, Ill-Treatment and Excessive Use of Force)

147. Within prison staff, a total of 140 disciplinary proceedings were initiated following allegations of excessive use of force and mistreatment within prisons, along with 362 inquiries concerning the application of coercive measures. Of these, 10 led to disciplinary proceedings, resulting in 7 disciplinary sanctions against prison guards.

Redress (Torture, Ill-Treatment and Excessive Use of Force)

148. No data is available regarding the number of requests for compensation for torture submitted to first-instance courts or the amounts awarded.

Convictions and Sanctions (Torture, Ill-Treatment and Excessive Use of Force)

149. Concerning the number of convicted individuals in criminal cases before the first-instance courts for torture offences (between 2016 and 2022), there are 5 cases registered, all in 2020, all of which resulted in suspended sentences, after the final judgement stage.

Independent and Effective Mechanism for Addressing Complaints of Torture and Ill-Treatment

150. Decree-Law no. 22/2021 established the IGAI as a supervisory and inspection body for all services under the jurisdiction of the government's Home Affairs portfolio. The IGAI adhered to internationally recognized principles for external oversight of police activities, including standards set by the Council of Europe's Committee for the Prevention of Torture, as well as recommendations 2 and 11 of the European Commission against Racism and Intolerance.

151. Any citizen can formally file a written complaint in person at a PSP Police Station, GNR Post or Court. If unable to do so, due to illness or other circumstances, a trusted representative or lawyer may lodge the complaint. Alternatively, complaints can be submitted through the Ministry of Home Affairs' *Queixa Eletrónica* portal. The GNR's external complaints channel, previously mentioned and accessible via its official website, enhances police activity oversight and facilitates complaint submission. It is also relevant to mention the protocol signed between DGRSP, IGAI and ISGJ, mentioned above.

Reply to paragraph 21 of the list of issues prior to reporting

152. All military personnel authorized to use this equipment are thoroughly trained, ensuring they understand the conditions for its application while adhering to the guiding principles of the GNR's current use-of-force model. Also, the use of such equipment must be documented in a detailed report, under penalty of disciplinary action, specifying the context, necessity and method of use, along with the accompanying case file.

153. No officer, regardless of rank or position, is allowed to use these devices without proper accreditation. Furthermore, electrical immobilizing devices are exclusively distributed to officers in specialized teams, responsible for maintaining and restoring public order and are not available to officers engaged in general policing. Consequently, tasers are never transported to detention areas. To date, there have been no recorded cases of abusive use of this equipment. It is important to emphasize that the use of electrical equipment is regarded as a tactical and technical measure that does not guarantee the success of police intervention. Rather, it is considered a supplementary tool to support police actions when resistance to police presence, verbal communication and hands-free techniques are insufficient to ensure the safety and control of suspects or third parties. As of now, the PSP has no ongoing disciplinary proceedings, investigations or inquiries against police officers related to the use of electrical immobilizing devices.

Reply to paragraph 22 of the list of issues prior to reporting

154. Regarding situations suspected to fall within the outlined assumptions, such cases are reported by the Security Forces to the Public Prosecutor's Office and are addressed internally

through the opening of investigations or disciplinary proceedings to determine the potential responsibility of the perpetrators, as previously mentioned. Depending on the facts under investigation, precautionary measures may be imposed, including the possibility of removal from office.

155. IGAI began publishing disciplinary reports on its website, which include summaries, reports and decisions from disciplinary proceedings investigated and processed by its inspectors. Currently, these publications encompass 39 disciplinary proceedings covering significant cases and facts that occurred between 2016 and 2023. IGAI also disseminates statistics on proceedings initiated and concluded, and has also started publishing monitoring reports on planned police field action as well as reports on forced return monitoring.

156. Training initiatives were conducted both in collaboration with Police Forces and internally for IGAI staff, namely regarding monitoring of forced returns and innovative monitoring of planned police field actions. This approach is designed to contribute to the excellence of police interactions with citizens in several situations, including traffic control; religious celebrations; sporting events; musical performances and public demonstrations. Training sessions were also conducted for the GNR on the role of the IGAI, as mentioned before. Additionally, the Military Academy provided training on the organization of police forces, specifically for the GNR, which included an educational visit to the Inspectorate General. At the PSP, sessions focused on preventing discriminatory behaviour and practices. IGAI provided four training sessions for ISCPSI (PSP Police Academy) cadets. Furthermore, the IGAI facilitated training on 'Forced returns and Fundamental Rights' for various members of police forces. In 2023, under the aforementioned Plan, training sessions were held in Setúbal, Lisbon (3 sessions), Vila Real, Bragança, Ponta Delgada, Angra do Heroísmo, Porto (2 sessions), Funchal, Beja, Évora and Santarém. These sessions reached 360 police officers with command responsibilities at the territorial detachment/post (GNR) and division/station (PSP) levels. Additional training sessions are planned for 2024, aiming to include approximately 300 more participants by June.

Article 14

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157. Victims of torture are entitled to the same protection afforded to other victims of violent crimes, as previously mentioned, and redress is always guaranteed by the State. Currently, no data is available regarding the number of requests for compensation for torture submitted to first-instance courts or the amounts ordered in such cases.

158. The Victim Support Offices, previously mentioned, are local offices that provide support services to victims and their families within their communities. Each VSO establishes a strong presence in its local community, fostering close and consistent relationships within local networks. These relationships are designed to optimize available resources to deliver the best possible response to victims. Each VSO is composed of a manager, who oversees the administrative and technical operations of the office, and a team of Volunteer Victim Support Technicians, along with other volunteers who provide direct support to citizens and assist in various activities. The Migrant Victim Support Unit (UAVM) is a specialized support unit established by APAV and co-funded by the European Fund for the Integration of Third-Country Nationals. The primary aim of this unit is to address the specific challenges faced by migrant populations, who, due to their heightened vulnerability, are often targeted by various forms of crime requiring specialized support.

Article 15

Reply to paragraph 24 of the list of issues prior to reporting

159. The Ministry of Justice does not maintain data on the number of cases in which courts have declared evidence inadmissible on the grounds that it was obtained through torture, nor

on the number of cases where law enforcement officers involved in such unlawful interrogation techniques were investigated and prosecuted. For further reference, please consult the decision regarding torture crimes mentioned above.

Article 16

Reply to paragraph 25 of the list of issues prior to reporting

160. Public Prosecution services throughout the country have been alerted to the importance of raising awareness regarding the need of formally and properly register and reflect the aggravating circumstances of all such crimes. These phenomena are monitored and addressed at the national level by the General Prosecutor's Office, specifically through its Office on Family, Children, Youngsters, the Elderly and Domestic Violence (GFCJVD), which collects data from the judicial system's official database (CITIUS). In the latest update, a significant increase in the registration and criminal prosecution of hate-based crimes is evident.

161. Furthermore, in accordance with the Prosecutor General's Directive 1/2023/PGR, crimes, even non-violent ones, committed within school environments or health services, and motivated by hatred or racial, religious, ethnic, sexual orientation, gender identity, or physical or psychological disability factors are to be classified as 'priority investigation' crimes. These cases shall receive special attention from public prosecutors. Communication and referral channels should be established with schools, health units and criminal police bodies to expedite the reporting of such crimes to public prosecution services. Moreover, if warranted, such incidents should be immediately reported to prosecutors with jurisdiction over family and children matters and coordination mechanisms should be implemented to ensure that appropriate and necessary measures are adopted in each case.

162. In 2023, the General Prosecutor's Office disseminated the key Concluding Observations from the Committee on the Elimination of Racial Discrimination (CERD), following the Committee's examination of Portugal's latest report on implementing the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). These observations were shared within a secure network for prosecutors. Additionally, the High Council of Public Prosecutors was informed about training needs identified by the Committee to ensure effective understanding and practical application of ICERD norms by judiciary members.

163. The General Prosecutor's Office has also participated in Project 'Hate No More', undertaken in partnership with the APAV and funded by the European Commission, under the European Union Programme on Rights, Equality and Citizenship. This initiative led to the creation of a comprehensive handbook on supporting victims of hate crimes, which has been widely distributed and publicized.

Data on Reported and Investigated Hate Crimes

164. No disaggregated data is available regarding hate crime victims based on sex, age group, ethnic origin or nationality. However, Table 32 (in Annex) presents data on the investigation about hate crimes carried out between 2020 and 2023, disaggregated by type of crime.

Results of Investigations

165. In 2020: in investigation No. 386/19.3 PBCVL (Castelo Branco district), the defendant was acquitted for a discrimination and incitement to hatred and violence offence; in investigation No. 216/19.6 T9AGH (Azores district), indictment rejected; in investigation No. 551/19.3 PBAGH (Azores district), the defendant was convicted for a racial discrimination offence and sentenced to three months' imprisonment, suspended for a period of one year.

166. In 2021: in investigation No. 282/20.1 PAVFR (Aveiro district), the defendant was convicted for a discrimination and incitement to hatred and violence offence and sentenced

to eight months in prison, replaced by a 150-day fine of €6.50 per day; in investigation No. 2629/20.1 T9GMR (Braga district), the defendant was convicted for a discrimination and incitement to hatred and violence offence and sentenced to eight months in prison, replaced by a 240-day fine at a daily rate of €6 and an accessory sentence of a 12-month ban on access to sports venues (an appeal has been lodged and a decision from the higher court is pending); in investigation No. 6655/20.2 T9LSB (Lisbon district), the defendant was convicted for a discrimination and incitement to hatred and violence offence and sentenced to six months in prison, replaced by an 80-day fine of €6 per day.

167. In 2022: in investigation No. 759/20.9 T9CTB (Castelo Branco district), the defendant was convicted for a discrimination and incitement to hatred and violence offence and sentenced to one year and two months' imprisonment, suspended for the same period; in investigation No. 215/21.8 GARMR (Santarém district), the defendant was accused of a discrimination and incitement to hatred and violence offence, but after requesting the investigation be opened, it was decided not to bring charges; in investigation No. 2144/19.6 T9LSB (Lisbon district), the defendant was convicted for a discrimination and incitement to hatred and violence offence and sentenced to two years in prison, suspended for the same period (an appeal has been lodged and a decision by the higher court is pending).

168. In 2023: in investigation No. 127/22.8 T9NLS (Viseu district), the defendant was charged with a discrimination and incitement to hatred and violence offence. No trial date has been set; in investigation No. 22/21.8 JBLSB (Lisbon district), the defendant was convicted for a discrimination and incitement to hatred and violence offence and sentenced to two years and four months in prison, suspended for the same period; in investigation No. 439/23.3 T9LSB (Lisbon district), the defendant was accused of committing a discrimination and incitement to hatred and violence offence; in enquiry No. 5489/20.9 T9LSB (Lisbon district), the defendant was charged with a discrimination and incitement to hatred and violence offence; in enquiry No. 1439/22.6 PBFUN (Madeira district), the defendant was charged with a discrimination and incitement to hatred and violence offence.

169. As for decisions to close investigations, 92 were issued in 2020, 130 in 2021, 194 in 2022 and 214 in 2023.

Amendment to Article 240 of the Criminal Code

170. Law no. 4/2024 introduced significant amendments to Article 240, enhancing protections against discrimination and incitement to hatred. The expanded scope now includes language; nationality; territory of origin; gender expression or sexual characteristics; political or ideological opinions; education; and economic situation or social status. It also eliminated the previous restriction that incitement must involve organized propaganda activity. Article 240(1) criminalises the establishment of racist organisations and participation in their activities with the intent to incite hatred or violence. Additionally, Article 240(2) imposes penalties on any individual or legal entity who intended for dissemination. In addition, when these offences are committed through a computer system, the court may order the deletion of computer data or content, as well as the interruption, cessation or blocking of access to a specific service provider or to computer data that exclusively or predominantly disseminates the discriminatory content.

Other issues

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171. To address terrorism threats, various measures have been implemented over the years, including: Anti-Terrorism Legislation (Law no. 52/2003), which has undergone several changes, providing for all types of terrorist offenses; the Anti-Terrorism Coordination Unit (UCAT), which facilitates the sharing of terrorism-related information among all national security forces and conducts weekly meetings to discuss such information. Additionally, it is noteworthy the development of a National Counter-Terrorism Strategy (ENCT). The ENCT outlines a unified approach to combating terrorism, requiring adoption and adherence by all entities involved in counter-terrorism efforts. All actions strictly comply with the rights

enshrined in the Constitution and general laws and also align with the principles of the Universal Declaration of Human Rights and the European Convention on Human Rights. Additionally, the counter-terrorism measures implemented nationally adhere to the recommendations and requirements set forth in United Nations Security Council Resolutions and European Union Framework Decisions.

Judicial Outcomes

172. In 2019, a 65-year-old Moroccan national was convicted by a Portuguese court for terrorism offenses. He was sentenced to 12 years of imprisonment for recruiting and financing terrorism in support of an international terrorist organization (Islamic State/DAESH) in Syria. In 2020, two Portuguese nationals (aged 45 and 49) were convicted for terrorism offenses by a Portuguese court. One was sentenced to 8 years and 6 months, and the other one to 10 years, both for providing support to the same international terrorist organization in Syria. In 2024, two Iraqi brothers (aged 36 and 34) were convicted by a Portuguese court for terrorism offenses and war crimes. The older brother was sentenced to 16 years for participating in the same international terrorist organization, a war crime committed in Iraq (illegal deprivation, torture and inhumane treatment) and aggravated threats. The younger brother was sentenced to 10 years for participating in the same terrorist organization. This decision was rendered by a first-instance court and both defendants, as well as the Public Prosecutor, retain the right to appeal the sentences to a higher court.

173. Legal remedies and safeguards available to individuals subjected to counter-terrorism measures are identical to those afforded to any individual undergoing formal investigation and judicial proceedings, as stipulated by the Portuguese Constitution and general law. No complaints regarding these measures have been registered.

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174. In 2020, following the onset of the pandemic, the Directorate-General of Health developed a national guideline for implementation within mental health services. This guideline addressed the dissemination of information, protection measures, access to healthcare, treatment and the operational continuity of mental health services. The measures implemented proved highly effective, particularly in ensuring the continuity of care for individuals with severe mental health conditions.

Prisons (during the COVID-19 pandemic)

175. Comprehensive contingency plans were enacted, including mandatory mask use for staff and prioritizing inmates for vaccination. Notably, there were no COVID-19-related deaths reported in Portuguese prisons: in fact, Portugal's measures to prevent the dissemination in prisons were recognized in the Report of the Special Rapporteur on Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (A/HRC/55/52), which highlighted Portugal's success in avoiding COVID-19 prison deaths through preventive hygiene measures, prophylactic isolation and vaccine administration.

Police Forces (during the COVID-19 pandemic)

176. PSP issued Strategic Directive no. 13/2020, also known as the PSP National Contingency Plan – COVID-19. This directive provided a framework for internal security while maintaining operational response levels and ensuring the regular exercise of citizens' rights, freedoms and guarantees. Order 16GDN2020 outlined operational and security procedures for various incidents.

177. During the State of Emergency, initiated on March 19, 2020, several *modus operandi* employed by fraudsters were informally reported, primarily targeting older persons. These fraudulent activities included impersonating utility service technicians to gain access to homes under the pretence of service replacements; posing as NHS doctors conducting COVID-19 support or screening visits; and offering fraudulent 'support services' from clinics claiming to perform free diagnostic COVID-19 tests at home. In response, police commands

were instructed to coordinate with Municipal Security Councils and municipalities to establish mechanisms for managing Informal Support Networks (RIA).

178. To monitor individuals subject to mandatory confinement, criminal investigation units cross-referenced data on confined persons with records of individuals involved in domestic violence cases. High-risk situations, particularly those where victims continued to live with their aggressors, were prioritized. This proactive strategy facilitated the early identification of escalating domestic violence cases, enabling the PSP to appropriately adjust and strengthen protective measures for victims.

Social Institutions (during the COVID-19 pandemic)

179. Several measures were implemented to bolster resilience during the pandemic, including providing financial aid; reorganizing teams and reallocating staff from closed care services; establishing a Temporary Human Resources Pool and rapid intervention teams; enhancing the provision and delivery of meals; as well as disseminating knowledge to allow the implementation of measures based on technical and scientific evidence. These resources comprised scripts, guides, standards and technical guidelines issued by public and private entities, including social security authorities, the ACT and civil society organizations. Also, residential solutions were implemented for individuals who had been clinically discharged but could not return to or remain in their homes due to a lack of autonomy or family support.

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

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180. IGAI has issued formal recommendations addressing critical topics, such as ‘Body Searches Conducted by Police Officers’, ‘Mandatory Front-Facing Identification for Police Officers in Special Units of Security Forces’ and ‘Use of Handcuffs’.

181. In 2020, Portugal approved its first National Strategy on the Rights of the Child (Council of Ministers Resolution no. 112/2020) which was implemented through two Biennial Action Plans: 2021–2022 and 2023–2024. It aimed to implement strategic objectives to prevent and address all forms of violence in various contexts, including the digital sphere. Within this framework, it is noteworthy that the National Commission for the Promotion of the Rights and Protection of Children and Young Persons (CNPDPJ) is a partner in a 10-month national campaign launched on February 14, 2024, which aims to prevent and break the intergenerational cycle of violence and includes the dissemination of posters and videos. In August 2022, the CNPDPCJ updated its Safeguarding Policy for the Promotion of the Rights and Protection of Children and Young Persons. This internal policy instrument applies to all CNPDPCJ activities, as well as to anyone working with or collaborating on its projects, whether on a permanent or temporary basis. A child-friendly version of this policy is available in English.

182. In 2023, Law no. 23/2023 amended the Law on the Protection of Children and Young Persons at Risk, to provide for the possibility of resumption of residential care measures that had been ceased at the child/young person’s own initiative, as well as the establishment of autonomy programmes for children and young persons at risk.