



Suggested recommendations to Portugal for its consideration during the 33rd session of the Universal Periodic Review, 6 – 17 May 2019

RIGHT TO ADEQUATE HOUSING AND PROHIBITION OF FORCED EVICTIONS

- Ensure that the National Housing Framework Bill¹ before parliament complies with international and regional human rights law and standards on the right to adequate housing and establishes adequate monitoring and accountability mechanisms in line with international standards;²
- Prohibit forced evictions in law and practice and ensure that evictions are only carried out as a measure of last resort, after all alternatives to evictions have been considered in consultation with those affected, and only when all safeguards against forced evictions have been complied with in line with international and regional law and standards;³
- Undertake a genuine consultation with the residents of *Bairro 6 de Maio*, in the municipality of Amadora, to prevent their forcible eviction,⁴ and ensure adequate alternative housing in line with international and regional law and standards to those who cannot provide for themselves, leaving no individual homeless or vulnerable to the violation of other human rights;
- Allocate adequate financial resources to guarantee the right to adequate housing, including by increasing the availability of affordable housing to meet current needs;
- Make available adequate resources to improve housing conditions, in line with international standards on adequacy of housing, for the 25,762 families identified in the First National Survey on Rehousing Need as living in sub-standard housing conditions.⁵

TORTURE AND OTHER ILL-TREATMENT AND EXCESSIVE USE OF FORCE BY POLICE

- Establish without delay an independent external oversight mechanism to investigate misconduct by

¹ Draft bills No. 843/XIII, available at:

<<https://www.parlamento.pt/ActividadeParlamentar/Paginas/DetailIniciativa.aspx?BID=42502>>, No. 1023/XIII, available at: <<https://www.parlamento.pt/ActividadeParlamentar/Paginas/DetailIniciativa.aspx?BID=43114>>, and No. 1057/XIII, available at:

<<https://www.parlamento.pt/ActividadeParlamentar/Paginas/DetailIniciativa.aspx?BID=43242>>

² Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context – Mission to Portugal, February 28, 2017, A/HRC/34/51/Add.2, Para. 86.(a), available at: <<https://undocs.org/A/HRC/34/51/Add.2>>

³ ECRI, Report on Portugal (fifth monitoring cycle), published on October 2, 2018, CRI(2018)35, Para. 82 and 83, available at: <<https://rm.coe.int/fifth-report-on-portugal/16808de7da>>, and UN Committee on Economic, Social and Cultural Rights, General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, May 20, 1997 (E/1998/22), available at: <https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f6430&Lang=en>.

⁴ A/HRC/34/51/Add.2, Para. 43, and CRI(2018)35), Para. 58.

⁵ IHRU, “National survey on rehousing needs”, February 2018, available at: <https://www.portaldahabitacao.pt/opencms/export/sites/portugal/pt/portaldahabitacao/levantamento_necessidades_habitacionais/Relatorio_Final_Necessidades_Realojamento.pdf>

law enforcement officials, including torture and other ill-treatment and excessive use of force;⁶

- Ensure that all activities by law enforcement agencies are carried out in a non-discriminatory manner;⁷
- Ensure effective training of law enforcement officials to prevent torture and other ill-treatment;⁸
- Establish adequate supervision, including increased use of cameras, in police stations, police vehicles and on police uniforms, in line with international and regional human rights law and standards.⁹

DETENTION AND PRISON CONDITIONS

- Take measures to prevent overcrowding and ensure full implementation of the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules);¹⁰
- Ensure immediate, thorough, impartial and effective investigation of allegations by prisoners of human rights violations, including ill-treatment by prison officers and violence by other prisoners;¹¹
- Ensure that the National Preventive Mechanism under the Optional Protocol to the Convention Against Torture is adequately resourced to carry out its mandate.¹²

DISCRIMINATION, RACISM AND XENOPHOBIA

- Increase measures to combat discrimination and social exclusion and segregation of Roma, people of African descent, migrants, refugees, LGBTI people and other minority and marginalized individuals and groups,¹³ and provide support and information to victims to defend their rights and

⁶ As long been advocated by Amnesty International: <https://www.amnistia.pt/amnistia-internacional-portugal-reitera-portugal-deve-maior-urgencia-observar-cumprir-as-obrigacoes-legais-direitos-humanos-comprometeu/> and <https://www.amnistia.pt/amnistia-internacional-portugal-leva-3-pedidos-a-reuniao-com-ministra-da-administracao-interna/>. Also recommended by the Council of Europe Committee for the Prevention of Torture (CPT), Report on Portugal, published on February 2018, Para. 21, available at: <https://www.coe.int/bs/web/cpt/portugal?desktop=true>; and ECRI, Report on Portugal (fifth monitoring cycle), published on October 2, 2018 (CRI(2018)35), available at: <https://rm.coe.int/fifth-report-on-portugal/16808de7da>, Para. 53 to 64

⁷ Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, April 20, 2015, A/HRC/29/46, Para. 19 and 66, available at: <https://undocs.org/A/HRC/29/46>; CRI(2018)35), Para. 12 and 19; and Council of Europe Committee for the Prevention of Torture (CPT), Report on Portugal, published on February 2018, available at: <https://www.coe.int/bs/web/cpt/portugal?desktop=true>, Para. 10

⁸ CPT, Report on Portugal, Para. 12; Human Rights Council, A/HRC/29/46, Para. 56 and 71; CRI(2018)35, Para. 67; and Committee on the Elimination of Racial Discrimination, Concluding observations on the fifteenth and sixteenth periodic reports of Portugal, January 31, 2017 (CERD/C/PRT/CO/15-17), Para. 18 to 19, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/021/40/PDF/G1702140.pdf?OpenElement>.

⁹ A/HRC/29/46, Para. 56 and 71; CRI(2018)35, Para 65; and CERD/C/PRT/CO/15-17, Para. 18 to 19.

¹⁰ Council of Europe Committee for the Prevention of Torture, Report on Portugal, published on February 2018, available at: <https://www.coe.int/bs/web/cpt/portugal?desktop=true>, Para. 34, and General Directorate of Reintegration and Prison Services (DGRSP), Prison population, by type of establishment, according to the penal situation on March 1 and 15, 2019, available at: <https://dgrsp.justica.gov.pt/Portals/16/Est%C3%A1ticas/Área%20Prisional/Quinzenais/2019/1q03-2019-sitpen.pdf?ver=2019-03-18-125248-950>

¹¹ Council of Europe Committee for the Prevention of Torture (CPT), Report on Portugal, Para. 38-40, 42, 44, 67, 69 and 77.

¹² Committee on Enforced Disappearances, Concluding observations on the report submitted by Portugal under article 29 (1) of the Convention, November 19, 2018 (CED/C/PRT/CO/1), Para. 10 and 11, available at: https://tbinternet.ohchr.org/Treaties/CED/Shared%20Documents/PRT/CED_C_PRT_CO_1_33065_E.pdf

¹³ CRI(2018)35, Para. 91, 93, 101 and 107; and CERD/C/PRT/CO/15-17, Para. 20 to 25.

encourage reporting of discriminatory treatment;¹⁴

- Make resources and mechanisms available to encourage dialogue between communities, law-enforcement officials and the judiciary as a measure to improve and promote trust, as suggested by CERD;¹⁵
- Strengthen the training provided to public officials on the prevention of discrimination, racism and xenophobia;¹⁶
- Ensure broader policy measures are undertaken to tackle the root causes of intolerance, including by promoting intercultural dialogue, education on diversity and pluralism, and empowerment of minorities to exercise their right to freedom of expression.

MIGRANTS, ASYLUM SEEKERS AND REFUGEES

- Increase the number of places for refugees and asylum-seekers who can be resettled or relocated to Portugal under resettlement, alternative pathways and other relevant programmes;
- Make available a well-resourced and funded integration package to refugees;
- Ensure timely processing of asylum applications and reduce waiting time for asylum-seekers;
- Ensure that relevant integration indicators are adequately and regularly monitored in consultation with stakeholders with a view to implementing any adjustments promptly to strengthen the quality of integration.¹⁷

GENDER-BASED VIOLENCE

- Take all appropriate measures to address gender-based violence in law, policy and practice, including through prompt, thorough and impartial investigation into all allegations of gender-based violence and prosecution of suspected perpetrators in fair trials, and reparations to survivors;¹⁸
- Ensure that the draft laws before parliament, aimed at amending the Criminal Code in relation to sexual crimes,¹⁹ clearly define rape based on the absence of consent, in compliance with Istanbul Convention;²⁰
- Criminalize all forms of sexual violence, in line with international and regional human rights law and standards including the Istanbul Convention, including by ensuring that any form of sexual harassment, defined as unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, is subject to criminal or other legal sanction as per art.40 of the Istanbul Convention;²¹

¹⁴ CRI(2018)35, Para. 15 and 41; and CERD/C/PRT/CO/15-17, Para. 12 and 13.

¹⁵ CERD/C/PRT/CO/15-17, Para. 13.

¹⁶ A/HRC/29/46, Para. 56 and 71.

¹⁷ According to the 2017 High Commission for Migration's (ACM) Evaluation Report of the Portuguese Reception Policy for Relocated Refugees, a total of 1,520 persons had been hosted, 51% of whom subsequently left the country – see Evaluation Report, ACM, December, 2017, pages 27-28, available at: https://www.acm.gov.pt/documents/10181/27754/Relatorio_Acolhimento+Pessoas+Refugiadas_Dez.2017.pdf/d21546b3-7588-483d-92a3-fa8185d61b5b

¹⁸ GREVIO – Group of Experts on Action against Violence against Women and Domestic Violence, Evaluation Report – Portugal, published on January 21, 2019 (GREVIO/Inf(2018)16), Para. 188, 191 and 200, available at: <https://rm.coe.int/grevio-reprt-on-portugal/168091f16f>

¹⁹ Draft bills No. 1047/XIII/4, available at: <https://www.parlamento.pt/ActividadeParlamentar/Paginas/DetalheIniciativa.aspx?BID=43200>, and No. 1058/XIII, available at: <https://www.parlamento.pt/ActividadeParlamentar/Paginas/DetalheIniciativa.aspx?BID=43243>

²⁰ GREVIO/Inf(2018)16), Para. 173, 175.a.

²¹ GREVIO/Inf(2018)16), Para. 173 to 175.

- Ensure that the Criminal Code includes a range of aggravating circumstances for all forms of violence covered by the Istanbul Convention, as per Article 46 of the Convention;
- Ensure that policy-making in the field of gender-based violence is victim-centred and that adequate protection of the rights and interests of survivors of violent crimes is guaranteed;²²
- Ensure specialized support for survivors and child witnesses in the run-up to, during and following investigations and criminal proceedings;²³
- Make available and ensure correct implementation of restraining and protective orders;²⁴
- Ensure adequate training to all law-enforcement and healthcare professionals and judges dealing with survivors of gender-based violence or with perpetrators;²⁵
- To address the low conviction rates in cases of violence against women, ensure a more focused and outcome-based approach to perpetrators' accountability;²⁶
- Continue to promote awareness-raising campaigns to inform all survivors of gender-based violence of their rights, especially with regard to lodging complaints and actions to bring perpetrators to justice.

²² GREVIO/Inf(2018)16), Para. 119, 122, 123, 126, 129, 136, 137, 144 and 148.

²³ GREVIO/Inf(2018)16, Para. 119, 122, 123, 126, 129, 136, 137, 144 and 148.

²⁴ GREVIO/Inf(2018)16), Para. 219 and 220.

²⁵ GREVIO/Inf(2018)16), Para. 92 to 99.

²⁶ GREVIO/Inf(2018)16), Para. 193 to 195.