

Responses to Recommendations

PORTUGAL

Review in the Working Group: 4 December 2009
 Adoption in the Plenary: 18 March 2010

Portugal’s responses to recommendations (as of 01.04.2010):

In the Report of the Working Group:	In the Addendum:	During the plenary:	Summary:
71 REC accepted (among which 21 are considered already implemented); 1 rejected; 17 pending	Out of the 17 REC pending, 15 were accepted (among which n°2, 5, 6, 7, 9, 10, 12, 15, 16, 17 are considered to be already implemented); 2 rejected	No additional information provided	Accepted: 86 Rejected: 3 No clear position: 0 Pending: 0

List of recommendations contained in Section II of the Report of the Working Group A/HRC/13/10:

“101. The following recommendations listed below enjoy the support of Portugal:

A - 1. Become a party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Argentina);

A - 2. Consider ratifying (Mauritius)/ratify (Argentina, Brazil, Chile, Czech Republic, Spain) as soon as possible (France)/in the near future (United Kingdom) the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

A - 3. Begin a national consultation process with governmental and nongovernmental actors on the most appropriate national preventive mechanism (United Kingdom)/and establish its national preventive mechanism accordingly (Czech Republic)/and set up an independent national mechanism for the monitoring of detention facilities, which complies with the criteria laid down in the same protocol (France);

A - 4. Ratify (Argentina, Japan) as soon as possible (France) the International Convention for the Protection of All Persons from Enforced Disappearance;

A - 5. Develop new plans to ensure that persons with disabilities can exercise their rights on an equal basis under the Action Plan for the Integration of Disabled Persons 2006–2009 (Canada);

A - 6. Continue efforts to raise public awareness of human rights and effectively combat racism, racial discrimination and intolerance (Azerbaijan);

- A - 7. Intensify its efforts to create a culture of tolerance in society through, inter alia, the use of public and private media (Bangladesh);
- A - 8. Strengthen efforts and measures to counter the dissemination of racist, xenophobic and anti-Semitic propaganda, which generate incitement to racial hatred (Mauritius);
- A - 9. Closely monitor developments relating to extreme right and racist movements, including skinhead groups, and reinforce efforts to counter the dissemination of racist and xenophobic propaganda by a section of the population through the Internet (Nigeria);
- A - 10. Strengthen measures aimed at combating racial profiling and discriminatory practices towards racial/ethnic minorities and immigrants, particularly by police and border control authorities (Brazil);
- A - 11. Continue efforts to strengthen a culture of tolerance to eliminate all forms of discrimination against vulnerable groups (India);
- A - 12. Intensify efforts to strengthen programmes, projects and other measures to prevent discrimination against vulnerable groups, including some Roma women, asylum-seekers and migrants (Argentina);
- A - 13. Undertake a comprehensive set of measures to tackle racism and racial discrimination and to combat more resolutely all its forms and manifestations (Islamic Republic of Iran);
- A - 14. Continue strengthening efforts to ensure respect for the right to nondiscrimination of children in the country, in particular children and families living in poverty and children of minority groups, including the Roma (Malaysia);
- A - 15. Strengthen efforts to prevent, combat and punish violence against women (Brazil);
- A - 16. Consider strengthening efforts to combat violence against women, including domestic violence and trafficking in women and children, by, inter alia, ensuring the full implementation of related laws and legislation (Malaysia);
- A - 17. Strengthen its efforts to ensure that the laws prohibiting violence against women and children are enforced (Sweden);
- A - 18. Enhance efforts to combat domestic violence (Philippines);
- A - 19. Ensure effective implementation of its programmes and policies against domestic violence, inter alia, through the continued provision of adequate funding and the creation of a monitoring mechanism (Austria);
- A - 20. Implement educational measures from early childhood rejecting all types of domestic violence and promote the reporting of cases of domestic violence (Spain);
- A - 21. Set up strategies and establish mechanisms which encourage victims of marital violence to denounce their aggressors before the judicial authorities (Angola);
- A - 22. Provide special training to police officers and prosecutors dealing with cases of sexual and domestic violence against women (Austria);
- A - 23. Disseminate information on the available remedies and expand its training programmes for judiciary and public officials to sensitize them to all forms of violence against women and measures to protect victims (Slovenia);
- A - 24. Establish mechanisms to disseminate information about the consequences of acts of violence against children (Angola);
- A - 25. Continue to build up comprehensive efforts aimed at eliminating trafficking in persons, both at the national and international levels (Belarus);

- A - 26. Take measures to improve the efficiency of existing legislation in the area of trafficking in persons (Italy);
- A - 27. Strengthen efforts to prevent and punish the crimes of child prostitution, pedophilia and child pornography (Argentina);
- A - 28. Continue and strengthen the efforts of the Government to ensure that law enforcement officials and prison guards do not use excessive force or mistreat inmates, by conducting thorough investigations into all such allegations and ensuring that perpetrators are brought to justice (Sweden);
- A - 29. Adopt further measures to provide police, prison and judicial staff with human rights training with specific focus on protection of human rights of women, children, ethnic or national minorities as well as of persons of minority sexual orientation or gender identity and strengthen the accountability of such personnel for their proper conduct, particularly when dealing with cases of hate crimes (Czech Republic);
- A - 30. Encourage the Government to ensure prompt and independent investigations and accountability for any violations of human rights as well as adequate compensation for the victims thereof (Republic of Korea);
- A - 31. Further increase its efforts to ensure prompt, thorough and impartial investigations into all allegations of ill-treatment or excessive use of force by law enforcement officials, in order to bring those responsible for such acts to justice (Norway);
- A - 32. Strengthen human rights training programmes for the different categories of police staff and ensure that all cases of excessive use of force are promptly investigated (Italy);
- A - 33. Provide better health provisions in prisons (Sweden);
- A - 34. Continue the implementation of plans to reduce schools desertion rates, particularly at the secondary level (Chile);
- A - 35. Improve effective access to education for children with disabilities (Czech Republic);
- A - 36. Take into account the situation and special needs of the Roma and migrants in the elaboration and implementation of all programmes and projects aimed at improving living conditions and the opportunities of the population in general (Cuba);
- A - 37. Seek to ensure effective participation of the Roma in the process of ensuring their equal and non-discriminatory treatment (Finland);
- A - 38. Continue to take measures to improve the socio-economic and educational situation of the Roma in order to enable them to emerge from social exclusion and marginalization (Ghana);
- A - 39. Develop a comprehensive strategy to effectively improve the situation of the Roma community in areas such as housing, education, employment and health care (Islamic Republic of Iran);
- A - 40. Intensify its efforts to expand and strengthen the training of law enforcement officials and to enhance public awareness in relation to respect for the human rights and fundamental freedoms of immigrants, refugees and ethnic minorities (Republic of Korea);
- A - 41. Continue efforts to promote the integration of immigrants in Portugal (Ukraine);
- A - 42. In line with its commitment to the human rights of migrants, implement or strengthen existing measures to prevent and sanction acts of discrimination against migrants (Mexico);
- A - 43. Remove the bureaucratic obstacles to rendering prompt assistance to immigrants (Nigeria);
- A - 44. Share its experiences in promoting human rights education with other countries (Philippines);

A - 45. Continue its efforts to promote human rights at the international level, particularly in the field of the right to education, and continue to integrate human rights education and training in these efforts (Morocco);

A - 46. Share at the international level its national experience as well as the different initiatives it has taken in the field of human rights education (Morocco);

A - 47. Further address the human rights challenges, strengthen the mechanisms and take appropriate measures to reduce the level of domestic violence, increase the representation of women in the decision-making bodies and provide human rights training for target groups like jurists, police, migrants, minority groups and media as a means of human rights promotion (Bosnia and Herzegovina);

A - 48. Continue the role it plays in multilateral fora in support of the promotion and protection of economic, social and cultural rights (Egypt);

A - 49. Establish an effective and inclusive process to follow up on the recommendations of the Working Group (Norway);

A - 50. Facilitate the active involvement of civil society stakeholders, including human rights non-governmental organizations, in the follow-up to this review (United Kingdom).

102. The following recommendations enjoy the support of Portugal, which considers that the recommendations below are either already implemented or in the process of implementation:

A - 1. Take more concrete steps to improve the situation of persons with disabilities and ratify (Islamic Republic of Iran)/ratify (Chile)/as early as possible (China) the International Convention on the Rights of Persons with Disabilities;

A - 2. Ensure the full implementation of all rights enshrined in the Constitution and in the existing legislation (Libyan Arab Jamahiriya);

A - 3. Take concrete steps towards the establishment of a national human rights institution in conformity with the Paris Principles (Egypt); consider establishing a separate national human rights institution at the very earliest (India); respect the Paris Principles and put in place national mechanisms and institutions to monitor and follow up on the implementation of its international obligations (Libyan Arab Jamahiriya); intensify (Malaysia)/strengthen (Mexico) efforts to implement its express commitment to establish a national human rights institution in accordance with the Paris Principles;

A - 4. Develop a comprehensive national strategy soon on the implementation of the Convention on the Rights of the Child, as highlighted by the Committee on the Rights of the Child (Islamic Republic of Iran);

A - 5. Undertake to study the underlying causes of the street children phenomenon, including the scope of the problem, and consider developing comprehensive measures to address those causes (Malaysia); take all necessary measures to prevent children from living on the streets and protecting them against child labour and other risks they are exposed to (Netherlands);

A - 6. Strengthen cooperation with human rights mechanisms, particularly treaty bodies (Chile); extend the implementation of the recommendations issued by United Nations treaty bodies and by the Human Rights Council (Libyan Arab Jamahiriya); regularly and in due time deliver reports to the respective treaty bodies regarding the implementation of conventions and optional protocols to which Portugal is a party (Slovenia);

A - 7. Take measures to address the problem of discrimination and racially motivated acts (Ghana);

A - 8. Closely monitor the situation relating to direct or indirect racial discrimination and ensure that complaints in this area are duly dealt with in the most effective manner possible (Mauritius);

A - 9. Introduce appropriate law to prohibit racially motivated activities and to punish perpetrators of such acts, including law enforcement agents (Bangladesh);

A - 10. Continue and strengthen efforts carried out by the High Commission for Immigration and Intercultural Dialogue, particularly efforts to raise awareness of the need to combat racism, discrimination and intolerance (Brazil);

A - 11. Eliminate all forms of discrimination against the Roma, migrants and asylum-seekers and ensure equal opportunities for the enjoyment of their economic, social and cultural rights (Bangladesh);

A - 12. Continue enforcing measures to reduce violence against women (Chile);

A - 13. Continue to combat domestic violence with a policy of prevention as a priority for its Government programme for 2009–2013 (Canada);

A - 14. Facilitate prosecution of domestic violence and implement improved measures for protection of victims (Sweden);

A - 15. Establish a system for clear registration of victims of trafficking in persons and spare no efforts to combat this evil (Russian Federation);

A - 16. Evaluate measures taken with regard to the action plan concerning combating human trafficking and share its experiences and best practices with the international community (Netherlands);

A - 17. Enhance efforts to provide appropriate assistance to victims of human trafficking and utilize the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking as a reference (Philippines);

A - 18. Ensure a clear definition in the law on internal security of appropriate and proportionate use of force by law enforcement officials in line with international standards (Norway);

A - 19. Adopt further measures to ensure the protection of the human rights of the children of persons in detention or prison (Czech Republic);

A - 20. Follow up on its commitment to modernize the justice system and the prison system to address reports of ill-treatment of prisoners (Canada);

A - 21. Strengthen the integration of migrants through increased dialogue at the local level (Angola).

103. The following recommendations will be examined by Portugal, which will provide responses in due time. The response of Portugal to these recommendations will be included in the outcome report to be adopted by the Human Rights Council at its thirteenth session:

R - 1. Develop a national human rights plan in accordance with the Vienna Declaration and Programme of Action (Islamic Republic of Iran);

A - 2. Have the Ministry of Labour and Social Solidarity examine further measures to prevent unlawful child labour, including the possibility of sector specific enforcement policies that target vulnerable populations, such as Roma street children (United States);

A - 3. Extend policies and strategies of gender equality to all levels of the public administration, including affirmative measures for women in all ministries (Spain);

A - 4. Collect and generate disaggregated data on actual manifestations of racism and discrimination with a view to evaluating the situation regarding different racial, ethnic and minority groups (Brazil);

A - 5. Continue (Bulgaria)/maintain and intensify (Mauritius) efforts and ensure (France) the full implementation of legislation regarding violence against women and prosecute and sanction those responsible for such acts in line with the recommendation made by the Committee on the Elimination of Discrimination against Women;

A - 6. Strengthen its efforts to fully implement legislation on violence against women and children and prosecution and convictions of perpetrators and to ensure that all programmes, projects and measures to combat violence against women also reach Roma women (Norway);

A - 7. Continue efforts to combat trafficking in human beings and prosecute traffickers (Ukraine);

R - 8. Strengthen measures to prevent the disproportionate use of force by the police through the incorporation of representatives of ethnic minorities in the security forces and to punish such acts (Argentina);

A - 9. Take further measures to improve the situation in prisons, to provide human rights training to prison personnel and to effectively investigate and prosecute all cases of alleged violence against prisoners (Austria);

A - 10. Implement the 2004 guidelines and reforms in the prison system in Portugal and resolve the serious problems in prisons in an expeditious manner (United States);

A - 11. Continue efforts in relation to the reform of the penal code aimed at reducing the duration of preventive detention and to limit its use in conformity with the principle of presumption of innocence (Mexico);

A - 12. Take additional measures notably in the areas of housing, employment, education and access to social services, particularly to benefit the Roma (Algeria);

A - 13. Implement additional specific measures with a view to the total eradication of the phenomenon of street children and to ensure conditions for their full enjoyment of all human rights, particularly with regard to health, education, housing, food and others (Cuba);

A - 14. Prepare, in consultation with concerned communities, a national strategy to ensure better integration of the Roma in society (Belgium);

A - 15. Take appropriate measures to improve the relations between law enforcement officials and the Roma to prevent the risk of excessive violence by law enforcement officials, notably through the establishment of an independent institution responsible for supervising the acts of the police (Belgium);

A - 16. Strengthen its efforts to integrate Roma communities through positive action in the area of housing, employment, education and social services (Australia);

A - 17. Continue efforts to promote and protect rights of minorities, especially with regard to the Roma (Netherlands).

104. The following recommendations did not enjoy the support of Portugal:

R - 1. Sign and ratify (Egypt)/consider ratifying (Algeria, Nigeria, Philippines)/ratify (Argentina) the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families as a way of allowing immigrants to enjoy all of the rights provided for in this international legal instrument (Algeria)/and hold national consultations in this regard (Philippines).

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