

19th Session of the Human Rights Council

**Universal Periodic Review
Mid-term progress report on the recommendations
accepted in March 2010**

Portugal

Geneva, February 2012

United Nations Human Rights Council Universal Periodic Review

Portugal

Mid-term progress Report

The situation of human rights in Portugal was reviewed at the 6th session of the Universal Periodic Review (UPR) Working Group, in December 2009. A total of 89 recommendations were addressed to Portugal, which accepted 86 thereof or considered they were already being implemented. Portugal attaches great importance to the UPR process and found its review a very useful exercise to address challenges faced and discuss the best ways to improve its human rights record.

This mid-term progress report is submitted in line with the voluntary commitment of Portugal to keep the Council informed of the status of implementation of accepted recommendations. It was elaborated within the National Commission for Human Rights, established in April 2010 in accordance with commitments undertaken within the UPR process.

RATIFICATION OF INTERNATIONAL INSTRUMENTS

Become a Party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights | Argentina (101.1)

Portugal is fully committed to becoming a Party to, and to the early entry into force of, this Optional Protocol. The respective process of ratification is expected to be completed soon.

Become a Party to the Optional Protocol to the Convention against Torture (OPCAT) and establish a national preventive mechanism accordingly | Argentina, Brazil, Chile, Czech Republic, France, Mauritius, Spain, United Kingdom (101.2-3)

We are equally committed to becoming a Party to OPCAT and the process of ratification thereof should also be completed soon. The Ombudsman shall be appointed as the national preventive mechanism given its vast experience in inspecting places of detention and the fact that it meets the requirements set out in the Protocol

Become a Party to the International Convention for the Protection of All Persons from Enforced Disappearance | Argentina, France, Japan (101.4)

We are also fully committed to becoming a Party to this Convention and expect that its process of ratification will soon be completed.

RACISM, RACIAL DISCRIMINATION, INTEGRATION OF MIGRANTS AND MARGINALIZED GROUPS

Continue and intensify efforts, including those undertaken by the Office of the High Commissioner for Immigration and Intercultural Dialogue (ACIDI), to raise public awareness to human rights, effectively combat racism and racial discrimination and create a culture of tolerance in society, inter alia by using the media | Azerbaijan, Bangladesh, Brazil (101.6-7/102.10)

Awareness-raising to human rights and the fight against racism and intolerance continues to be a priority for Portugal and many activities in these areas have taken place over the reporting period, including the continuation of efforts by ACIDI and notably within the II Plan for Immigrant Integration (2010-2013). Actions undertaken include TV and radio programs and the establishment of two annual prizes for media works promoting human rights and tolerance. Several publications on migration and asylum-related issues were launched and distributed, including the Portuguese versions of IOM Glossary on Migration and of "A Diversity toolkit for factual programs in public service television", produced by the EU Agency for Fundamental Rights and based on which Portuguese public television (RTP) has developed a code of ethics.

Specific workshops for media professionals on how to address migration issues were held throughout the country, as well as seminars for journalists on such areas as disabilities, immigration, diversity, asylum/refugees and violence. Furthermore, a list of migrants with

prominent work in several areas, such as doctors, artists and lawyers, has been prepared and disseminated to media professionals. In 2011, the Commission for Equality and against Racial Discrimination (CICDR), which examines complaints of racial discrimination and issues recommendations thereon, publicly reaffirmed its 2006 recommendation for the media and law enforcement agencies to, *inter alia*, refrain from revealing a subject's nationality, ethnicity, religion or immigrant legal status in official communications.

A training team on intercultural issues has been created to help public schools – and other actors – deal with an increasingly diverse student population by providing free-of-charge support to awareness-raising activities at the local level. The curricula of science and humanities courses now cover such topics as citizenship, health and sexuality. Other measures include the adoption of specific strategies on intercultural issues for, *inter alia*, high level public officers and educators and the introduction of a post-graduation course for local staff working with migrants (2009), as well as the implementation of a pilot project to help clarify the role of intercultural mediation agents (2011).

Strengthen measures, including legislation, to combat acts of discrimination and racism and to punish perpetrators, including law enforcement agents, as well as to counter the dissemination, including through the Internet, of racist, xenophobic and anti-Semitic propaganda, which generate incitement to racial hatred, and closely monitor developments relating to extreme right and racist movements | Ghana, Mauritius, Nigeria (101.8-9/102.7/102.9)

Portuguese law specifically establishes the crime of racial, religious or sex discrimination, which covers organized propaganda activities inciting to discrimination on the basis of race, color, ethnic or national origin, religion, sex or sexual orientation, as well as acts of violence, threats or defamation on the same basis and the denial of war crimes, crimes against peace or crimes against Humanity. Furthermore, racist motivation can be taken into account in the determination of the measure of penalty in relation to all crimes, thereby constituting a sort of general aggravating circumstance. All such offences are considered crimes of priority prevention and investigation. Police regularly monitors websites, web chatting rooms and other *fora* associated with violent extreme right groups. A special tool has been made available in CICDR website to facilitate complaints and speed up action against any blog or site disseminating racism.

Strengthen measures aimed at combating racial profiling and discriminatory practices towards racial/ethnic minorities and immigrants, particularly by police and border control authorities | Brazil (101.10)

Police authorities follow the above mentioned CICDR recommendation (see 101.6-7/102.10). They are bound by the prohibition of discrimination and the breach of such duties may lead to, *inter alia*, disciplinary responsibility. A code of ethics for police staff is pending approval and it shall reaffirm the principles of equality and non-discrimination.

Continue and intensify efforts to strengthen programs, projects and other measures to create a culture of tolerance and prevent discrimination of vulnerable groups, including some Roma women, asylum-seekers and migrants, combat more resolutely racism and racial discrimination in all its forms and improve relations between law enforcement officials and the Roma | Argentina, Belgium, India, Islamic Republic of Iran (101.11-13/103.15)

In addition to measures outlined above, a series of measures was undertaken in 2010 and 2011 to sensitize against discrimination, including a national photo and video contest, the display of banners in soccer stadiums, a symposium on immigration and intercultural dialogue and the publication of a book on racist discourse in Portugal.

The police is training agents to act as mediators in Roma communities, including as a means to encourage their civic participation, promote education and find appropriate response to the needs of Roma women. The Immigration and Borders Service (SEF) develops outreach programs to provide a whole range of services to such vulnerable groups as sick persons,

children and the elderly ("SEF in Motion"), as well as to provide information to irregular migrant children attending school ("SEF goes to school"). The Ministry of Internal Affairs has adopted its first Sectorial Plan on Gender Equality, a main focus of which is to raise the awareness of staff (including police officers) to gender and sexual orientation issues. A working group on violence and hate crimes against LGBT people was established in partnership with security forces.

Continue efforts to promote and protect the rights of persons belonging to minorities and develop a comprehensive and participatory strategy to counter the social exclusion and marginalization of Roma communities, namely in such areas as housing, education, employment and health care, inter alia through positive action and by taking into account the specific needs of such communities in the elaboration and implementation of programs and projects for the general population | Australia, Belgium, Cuba, Finland, Ghana, Islamic Republic of Iran, Netherlands (101.36-39/103.14/103.16-17)

A Pilot Project for Municipal Mediators was launched in October 2009, whereby mediators, preferably of Roma origin and locally resident, are placed in local services or facilities and adequately trained, with the view to improve the access of the Roma communities to such services or facilities and prevent conflict situations. Roma communities obviously benefit from many of the measures in place for the general population, including Social Integration Allowance, housing programs, social protection schemes, including in school context, and access to the National Health Service. A Portuguese Strategy for the Inclusion of Roma Communities is now in preparation, focusing on 4 main areas: education, health, housing and employment.

Implement or strengthen measures to prevent and punish discrimination against, and facilitate assistance to, immigrants, asylum-seekers and the Roma, continue efforts to promote their integration, including through increased dialogue at the local level, and ensure equal opportunities for the enjoyment of their economic, social and cultural rights | Angola, Bangladesh, Mexico, Nigeria, Ukraine (101.41-43/102.11/102.21)

ACIDI is continuing its comprehensive work in these areas, namely under the II Plan for Immigrant Integration (2010-2013) approved in September 2010. It provides support to immigrants and victims of racial discrimination through, inter alia, 3 national and 85 local immigrant support centers throughout the country (CNAI and CLAI), as well as through an Immigrant Legal Support Office (GAJI) that provides free of charge legal advice and mediation services in such areas as nationality, employment, social security, exercise of rights and access to justice. The NGO APAV (Portuguese Association for Victim Support) runs a Victim Support Unit to Immigrants and Victims of Racial and Ethnic Discrimination (UAVIDRE), which, with the support of ACIDI, provides free of charge, legal and psychological assistance to such victims.

Furthermore, Program "Choices" is now in its fourth phase (2010-2013): it is a public program, coordinated by ACIDI, aimed at promoting the social integration of children and young people aged 6 to 24 from disadvantaged social backgrounds, many of which are of migrant descent or members of the Roma community. Programs "SEF in Motion" and "SEF goes to School" (see 101.11-13) also contribute to promote the rights of those persons.

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 (102.8)

There is an administrative complaints procedure for cases of racial discrimination, managed by CICDR, which can lead to the imposition of fines. The Ombudsman can also receive complaints of racial discrimination perpetrated by public authorities (and, in more limited cases, by private entities) and can address to competent bodies such recommendations as may be necessary to prevent or remedy any illegal or unfair practices. See also 102.3.

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 (103.4)

Portugal has accepted this recommendation "in so far as the data to be collected is on actual manifestations of discrimination, including racial discrimination, but not on race and according to what is prescribed in its Constitution." In 2010, CICDR received 89 complaints of racial discrimination, but only in 44 cases was the nationality of the complainant identified: in 10 of the cases, alleged victims were of African origin; the largest number (18) related to Brazilian citizens. Concerning penal matters, data is collected on crimes of racial, religious or sexual discrimination and on people convicted for murder and assault crimes with racist motivation. In recent years there have been less than 3, or even zero, cases per year. Data is disaggregated by victim's nationality or origin and by type of crime, not by race due to legal constraints.

GENDER EQUALITY AND COMBATTING VIOLENCE AGAINST WOMEN

Continue and enhance efforts to prevent, combat and punish violence against women, including domestic violence and trafficking in women and children, namely by ensuring the full implementation of relevant legislation as a priority, prosecuting and sanctioning those responsible for such acts and ensuring that all programs, projects and measures in this regard also reach Roma women | Brazil, Bulgaria, Canada, Chile, France, Malaysia, Mauritius, Norway, Philippines, Sweden (101.15-18/102.12-13/103.5-6)

The IV National Plan against Domestic Violence (2011-2013), whose implementation is coordinated by the Commission for Citizenship and Gender Equality (CIG), was approved in December 2010, comprising 50 measures in 5 areas: information, protection, prevention, qualification and investigation. It must be read in conjunction with other recently launched Plans, namely the IV National Plan for Equality (2011-2013), the II National Plan against Trafficking in Human Beings (2011-2013) and the II Plan for Immigrant Integration (2010-2013).

Prevention efforts include measures to reduce social acceptance of domestic and gender violence, promote equality, eliminate gender stereotypes and empower women and girls, such as annual information campaigns for specific target groups, the promotion of local groups of juvenile animators to prevent violence in courtship, the dissemination of best practices of businesses in the area, and the granting of annual prizes to literature, theatre, cinema and journalism works. The involvement of different actors, including at the local level, is encouraged. Prevention of re-offending through work with perpetrators is an innovative area of intervention, and a 36-month pilot program in this area has been undertaken.

Domestic violence, specifically punished under the Criminal Code (CC), is prosecutable *ex officio* and a prevention and investigation priority. Concerning issues of "prosecution and punishment", we recall that Portugal has accepted recommendations 103.5 and 103.6 "on the understanding that they are to be interpreted as meaning that the Government accepts to facilitate prosecution and sanction through the enactment and implementation of legislation and other administrative measures". Protocols have been signed in order to facilitate and streamline experts' reports on victims of domestic violence, and guidelines were developed to help courts assess the risk of re-occurrence of such violence (courts are receiving technical assistance in this area). Furthermore, data on the relationship between defendant and victim in murder crimes are now being processed.

Several awareness-raising campaigns have been carried out to inform victims of their rights and promote their ability to report, including a national campaign entitled "Show the Red Card To Domestic Violence" launched in April 2010. Specific training sessions have been undertaken, or are still ongoing, with specialized staff, such as social workers, security forces and teachers. See also 101.20-21.

On 8 February 2011, the II Program of Action for the Elimination of Female Genital Mutilation (FGM) was adopted, involving new entities in the fight against this scourge and providing for measures in the areas of awareness-raising and prevention, support and integration, training,

research and advocacy. Activities undertaken include the publication of a leaflet on FGM and the training of relevant professional groups. See also 101.24 (children), 101.25 (trafficking in persons) and 102.14 (protection of victims).

Ensure effective implementation of its programs and policies against domestic violence, inter alia, through the continued provision of adequate funding and the creation of a monitoring mechanism | Austria (101.19)

A mechanism managed by CIG has been put in place to provide technical and financial support to measures aimed at achieving equality between women and men, including NGO initiatives to prevent and combat gender-based violence, provide training to relevant groups and assist victims.

Implement educational measures from early childhood rejecting all types of domestic violence and promote the reporting of cases of domestic violence | Spain (101.20)

The IV National Plan Against Domestic Violence foresees measures, including preventive measures (see above) targeted at children and youngsters and, in this regard, several initiatives were undertaken in articulation with the education system and youth associations, including awareness-raising initiatives in schools to combat violence within courtship relationships and the introduction in school curricula, from the earliest grades, of modules and references relating to gender equality and to domestic and gender-based violence. Guidelines on community policing address awareness-raising activities in school communities to prevent and combat all forms of violence against women.

Set up strategies and establish mechanisms which encourage victims of marital violence to denounce their aggressors before the judicial authorities | Angola (101.21)

A nationwide prevention and victim protection strategy was implemented in the last decade, in partnership with civil society, with the view to create support structures for victims, namely counseling services and shelters. An Office was created to provide legal aid and counseling on alternative dispute resolution and access to law and courts; it signed protocols with different entities to ensure an appropriate implementation of legislation in this regard. A specific campaign aimed at encouraging the reporting of domestic violence was launched on November 2010 ("Who commits the crime of domestic violence is punished. Report"). This led to an empowerment of victims and consequent increase in the number of complaints registered by police forces: 27743 in 2008; 30543 in 2009; and 31235 in 2010.

Facilitate prosecution of domestic violence and implement improved measures for protection of victims | Sweden (102.14)

Combatting violence against women remains a priority for Portugal, as reaffirmed by Parliament in 2009 and reflected, inter alia, in the IV National Plan against Domestic Violence. The Council of Europe Convention on preventing and combating violence against women and domestic violence was signed by Portugal on 11 May 2011 and its process of ratification is underway.

The consolidation of the victim protection system is sought through such measures as: enhanced coordination between civil and criminal courts in divorce or child custody cases and in cases of domestic violence, with the view to prevent re-victimization; standardization of procedures for reporting and collecting information, including the creation of a database; improvement of screening and diagnostic mechanisms, namely for pregnant women; dissemination of pilot projects in the areas of health, remote assistance to victims and mutual support groups; provision of shelters to victims within existing social responses; and facilitation of victims' access to housing (such cases are already considered a priority in some re-housing schemes, eg. in Azores).

Other measures include the priority access of children of victims of domestic violence to child support services, the development of intervention strategies for particularly vulnerable victims such as elderly persons, migrants, children, persons with disabilities and LGBT, and the

promotion of victims' access to professional training and the labor market through the appointment of focal points in employment centers. There are also measures to prevent the recurrence of domestic violence by working with perpetrators (the National Plan requires that prisons implement specific individualized programs to this effect), providing adequate training to all relevant professionals, and researching on and monitoring the problem of domestic violence.

The II Plan for Immigrant Integration seeks to guarantee that migrants victims of, inter alia, domestic violence receive legal support, and that autonomous residence permits can be granted to members of reunified families who are victims of domestic violence. It also aims at preventing all forms of gender violence, including domestic violence and FGM, namely by providing information to men and women, producing information materials in several languages, creating discussion *fora* and using the media.

A number of measures have been introduced to regulate aspects covered by the Act on the prevention of domestic violence, and on the protection of and assistance to its victims, adopted in September 2009 and an important milestone since it introduces such important measures as: the recognition of the status of victim (to all alleged victims no sooner than domestic violence is reported, provided that there is no strong evidence that such claim is unfounded); the urgent nature of domestic violence proceedings; the use of technical means to remotely control perpetrators and assist victims; the possibility to arrest the perpetrator even if not caught in the act; the right of victims to redress; and the provision of legal, medical, social and labor support. Legal counseling to victims of domestic violence shall be provided by a lawyer appointed by the Bar Association, upon request from social security services.

The Code of Criminal Procedure now expressly requires that Public Prosecution informs victims of, inter alia, domestic violence of available public and private support services and of compensation options at their disposal. A Commission for the Protection of Crime Victims has been created in October 2010 with the mandate to ensure advance payment of compensation by the State to victims of violent crimes and domestic violence. The victim shall be informed of the main judicial decisions affecting the aggressor's status. The use of video surveillance methods (both as an injunction and a penalty) shall take into account the compatibility of such methods with the victim's circumstances, and victim support services shall be informed of relevant details concerning the implementation of such methods. Police forces are also making efforts to closely monitor the problem of domestic violence and a national project (Project IAVE) is being implemented with the view to protect and support, inter alia, women, children, the elderly and persons with disabilities.

Extend policies and strategies of gender equality to all levels of the public administration, including affirmative measures for women in all ministries | Spain (103.3)

Mainstreaming gender equality at all levels of Public Administration remains a strong political commitment, as established, inter alia, in the IV National Plan for Equality. In 2011, all ministries approved gender equality plans with the view to include a gender perspective in all their internal and external activities. Several protocols were signed with local authorities, leading to the adoption of municipal plans for equality (comprising, for instance, the creation of shelters for victims of domestic violence). Equality advisors are being appointed in each Ministry and local authority. Since 2009, books have been published with guidelines for equality plans adopted by central and local authorities and by business companies, and on language promoting equality between women and men in Public Administration.

CHILDREN

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 (101.14)

Program "Choices" (see above 101.41-43/102.11/102.21) plays an important role in this regard and 66 projects thereunder are being implemented throughout the country, including with a

view to provide alternative curricula, find new school approaches for children of itinerant and/or migrant background, and enhance the benefits of intercultural living (eg. through the organization of holiday camps, project exchanges, parental training activities, school and family mediation and thematic meetings).

Establish mechanisms to disseminate information about the consequences of acts of violence against children | Angola (101.24)

A bill aimed at criminalizing school violence, including bullying, was recently adopted. Various public bodies and NGO active in the area of childhood develop awareness-raising and information activities, as well as other measures to prevent risk situations. A Guide for Law Enforcement Officers on the approach to abuse and other dangerous situations was prepared. Police forces participate in awareness-raising activities on the rights of the child within the *Safe School* and *SEF goes to School* programs and support local child and juvenile protection commissions. Specific awareness-raising and training actions are undertaken to prevent drug addiction. See also 101.15-18, 102.12-13, 103.5-6.

In 2010, the annual statistical report of the Observatory on Trafficking in Human Beings has begun to include a specific chapter on children. This Observatory has also participated in workshops for students and other professional groups, organized a conference on beggary and other forms of exploitation associated with children, and undertook awareness-raising initiatives on trafficking in women and children and sexual exploitation via the Internet, radio and TV.

Strengthen efforts to prevent and punish the crimes of child prostitution, pedophilia and child pornography | Argentina (101.27)

Sex crimes against children have a specific criminal framework and are considered crimes of priority prevention and investigation. Adequate premises for the examination of victims of such crimes are being established in police stations. Early-warning procedures have been put in place for cases of disappearance of children under 14. Portuguese legislation has been amended in accordance with Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, to require that any person applying for a job or activity, paid or unpaid, that involves regular contacts with children, exhibits his or her criminal record.

Casa Pia, public institution dedicated to the protection of children and youngsters at risk, developed an Integrated Project on the Prevention of Sexual Abuse (PIPAS), involving 2800 children and youngster and comprising the publication of a handbook with guidelines for action in cases of evidence of sexual abuse of children.

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 (102.4)

The Initiative for Childhood and Adolescence 2009-2010 (INIA) is the national mechanism responsible for covering the full range of children's rights in an integrated way, providing technical support with the participation of all concerned actors, including all ministries, key departments and organizations with competence on childhood and adolescence. An extensive consultation process was held prior to the establishment of INIA, with public online hearings and the participation of children, parents, caregivers and relevant professionals, as well as public services and other relevant organizations. Ten strategic goals were defined, taking into account the basic tenets of the Convention on the Rights of the Child: participation and citizenship; awareness-raising, training and access to information; family and alternative families; health; economic resources; social services; housing, urban planning and environment; education, leisure and cultural activities; and special protection.

NGO also continue to play an important role in the promotion and protection of the rights of the child, including with the support of public authorities: the Institute for Child Support (IAC), for instance, has continued to operate a SOS hotline for children at risk (*SOS Criança*), as well as a hotline for reporting cases of missing children. It also develops school mediation activities by supporting Student and Family Support Offices in schools.

Undertake to study the underlying causes of the street children phenomenon, including the scope of the problem, and develop measures to prevent and totally eliminate it, including by addressing its causes, and to protect children from child labor and other risks and ensure their full enjoyment of all human rights, particularly with regard to health, education, housing, food and others | Cuba, Malaysia, Netherlands (102.5/103.13)

Portugal has developed and implemented a comprehensive policy to address the causes of children living on the streets, including by assisting families and addressing concerns related to adequate housing and access to education and health care. *Project Rua*, run in partnership with the NGO Institute for Child Support, continues to be implemented with a flexible approach aimed at effectively reaching, supporting and reinserting children, their families and communities, with a particular focus on situations of drug abuse and child prostitution. As a result, the phenomenon of children living on the streets has been gradually decreasing and is presently limited to few cases mainly in Lisbon. See also 101.14-18, 101.24 and 103.5-6.

Adopt further measures to ensure the protection of the human rights of the children of persons in detention or prison | Czech Republic (102.19)

Efforts are underway to provide juvenile detention centers with adequate conditions to accommodate and assist young pregnant women and those who give birth while in detention, including the elaboration of a procedural guide for centers with female residential units. Detainees can stay with their children up until 3 years of age or, exceptionally, until 5, provided that the other parent consents thereto and that this is deemed to be in the best interest of the child. Children cannot be subject to administrative detention, although they can be placed in temporary accommodation centers if staying with a caregiver. Units that receive children have special facilities and average stay therein is of 3 days.

Have the Ministry of Labour and Social Solidarity examine further measures to prevent unlawful child labour, including the possibility of sectorspecific enforcement policies that target vulnerable populations, such as Roma street children | United States (103.2 WG)

Overall, the evolution of child labor in Portugal has been positive: 233 cases were detected in 4736 visits carried out in 1999, compared with 6 cases detected in 804 visits undertaken in 2010. Until 2010, most cases were found in the building industry and, more recently, in commerce. An inspection campaign was recently undertaken to the entertainment industry, comprising 202 inspecting visits and finding 20 breaches, which lead to fines and reports to competent monitoring and social support services.

This evolution was possible only due to the creation of specific structures in the area, such as the Plan for the Elimination for Child Labour, as well as to general support measures such as the Social Insertion Income. The Integrated Program for Education and Training, which aims at enabling children to obtain a school and/or professional training certificate, also plays an important role in this regard, as one of its top priorities are children working illegally. In July 2011, 189 classes with a total of 2852 students were registered under this Program in continental Portugal; 17% of students (478) were of Roma origin.

TRAFFICKING IN PERSONS

Continue to build up comprehensive efforts with the view to eliminate trafficking in persons, both at the national and international levels, prosecute traffickers and provide appropriate assistance to victims, including by improving relevant legislation, establishing a system for clear registration of victims, evaluating measures taken and sharing best practices in this regard, namely using the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking as a reference | Belarus, Italy, Netherlands, Philippines Russian Federation, Ukraine (101.25-26/102.15-17/103.7)

The implementation of the I National Action Plan against Trafficking in Human Beings 2007-2010 was the subject of internal and external evaluations that concluded that it significantly contributed to sensitize public opinion and decision-makers to the scourge of human trafficking. Evaluation reports were published¹. The II Plan is now in implementation under the lead of CIG, providing for increased support to projects developed by NGOs.

A system to facilitate the identification of, and assistance to, victims of trafficking is currently being implemented, including the development and wide dissemination of a "Victims Flagging Card" to help law enforcement officers and others identify and assist such victims. A standardized form or signaling guide must be filled out in any suspected cases of trafficking and such cases are reported to a multidisciplinary team or focal point, in person or via the SOS Immigrant support hotline.

Data obtained is forwarded to the Observatory of Trafficking in Human Beings (OTSH), which runs the national monitoring system comprising a platform where users can obtain information on national victim support structures. In 2011, 14 protocols were signed with governmental and non-governmental organizations on data collection and other forms of collaboration, and several NGOs are receiving training in this regard. In January 2012, OTSH started to collect data to enable tracking alleged trafficking cases throughout the entire legal and judicial process. Its website contains a wealth of information on human trafficking in Portugal.

Training activities are also being held to build the capacity of relevant professional groups (including law enforcement officers, labor inspectors, staff of national and local migrant support centers and social workers) to combat trafficking in persons and assist victims, including under the project UNODC Anti-Human Trafficking Manual for Criminal Justice Practitioners. Training activities for criminal justice practitioners from Portuguese-speaking countries are foreseen for 2012. Furthermore, the OSCE Mission to Serbia/Astra Anti-Trafficking Manual for Journalists was translated and adapted, and a book with relevant legal instruments on trafficking in persons and violence against women is in preparation. The documentary film "Affected for Life" was translated into Portuguese and is used as an educational tool.

Finally, projects to enhance national and international cooperation in this area are being developed, namely on the prevention of, and response to, trafficking from Brazil to EU member States, and on the protection of the rights of migrants particularly against exploitation and trafficking in human beings. Concerning the prosecution of traffickers, we recall that Portugal has accepted recommendation 103.7 "on the understanding that it is to be interpreted as meaning that the Government accepts to facilitate prosecution and sanction through the enactment and implementation of appropriate legislation and other administrative measures."

PERSONS WITH DISABILITIES

Take more concrete steps to improve the situation of persons with disabilities, develop new plans to ensure that these persons can exercise their rights on an equal basis under the Action Plan for the Integration of Disabled Persons 2006 – 2009 and ratify the International Convention on the Rights of Persons with Disabilities | Canada, Chile, China, Islamic Republic of Iran (101.5/102.1)

The National Strategy on Disability (2011-2013) was approved in December 2010, based upon the UN Convention on the Rights of Persons with Disabilities, which Portugal ratified, together with its Optional Protocol, on 23 September 2009. This Strategy establishes a set of measures, targets and indicators in 5 areas: multiple discrimination; justice and exercise of rights; autonomy and quality of life; accessibility and universal design; modernization of administrative and information systems.

In October 2010, a project was launched with the view to create an independent observatory of the implementation of the Convention in Portugal, with the involvement of public and private partners (private Foundations, academic institutions). Research is being undertaken, and handbooks published, on such areas as women with disabilities, deinstitutionalization of children

¹ Reports are available at: http://195.23.38.178/cig/portalcig/bo/documentos/Relatorio_final_I_PNCTSH_jan.pdf and http://195.23.38.178/cig/portalcig/bo/documentos/Relatorio_interno_IPNCTSH.pdf.

with disabilities, accessible tourism, availability of information on disability from public bodies and implementation of the International Classification of Functioning, Disability and Health (ICF) in health and social security inquiries. In 2011, a long term project on "Media and Disability" was launched, with the creation of a working group on the matter, the organization of a seminar, the launching of a website and a Facebook page, and the publication of a report.

Improve effective access to education for children with disabilities | Czech Republic (101.35)

The National Strategy on Disability foresees measures to improve access to education of children with disabilities, including by promoting the inclusion of persons with disabilities in the education system, ensuring the training of specialized staff and disseminating good practices.

POLICE VIOLENCE AND LAW ENFORCEMENT

Continue and strengthen efforts to improve the situation in prisons, including by modernizing the justice system and implementing the 2004 guidelines and reforms in the prison system, ensure that law enforcement officials and prison guards do not use excessive force or mistreat inmates, provide human rights training to prison staff and effectively investigate and prosecute all cases of alleged violence against prisoners | Austria, Canada, Sweden, United States (101.28/102.20/103.9-10)

In April 2010, building on the work initiated in 2004 on prison system reform, the Code on the Enforcement of Sanctions and Measures involving Deprivation of Liberty entered into force, clearly indicating the ordinary and special security measures admitted in prison facilities for the maintenance of order and security. It was complemented by the General Regulation on Prison Facilities, approved in April 2011 and containing detailed provisions on the use of security measures. This new legislation has reinforced protection mechanisms for persons deprived of their liberty. Prisons are inspected by competent departments within the Ministry of Justice, namely coordinated by Public Prosecutors which open inquiries whenever there is any suspicion of excessive use of force or ill-treatment.

Special safeguards apply to inmates in particularly vulnerable situations. The judiciary police (PJ) has a disciplinary and inspection unit especially sensitive to problems related to the fight against serious and highly organized crime, and an inspection was carried out to PJ detention facilities in November 2010. Concerning the prosecution of offences, we recall that Portugal has accepted recommendation 103.9 "on the understanding that it is to be interpreted as meaning that the Government accepts to facilitate prosecution and sanction through the enactment and implementation of appropriate legislation and other administrative measures."

Further increase its efforts to prevent ill-treatment or excessive use of force by law enforcement officials and ensure prompt, thorough and impartial investigations into all such allegations, notably through the establishment of an independent institution responsible for supervising the acts of the police, with the view to bring those responsible for such acts to justice and ensure adequate compensation for victims | Belgium, Italy, Norway, Republic of Korea (101.30-32/103.15)

In addition to the above information, we recall that police stations are inspected by the Inspectorate General of Home Affairs (IGAI), which also receives complaints of illegal practices allegedly committed by police officers. We continue to believe that this body performs these duties with the necessary degree of independence. From January 2010 to June 2011, 45 unannounced inspecting visits were carried out, and no significant violations were found. Over the same period, 440 complaints of ill-treatment were received, 347 of which were dismissed after investigation; the others are still pending. There were also six complaints of racial discrimination, all of which dismissed after investigation. The Ombudsman also carries out inspections to places of detention and investigates cases, pursuant to complaints or on his own initiative. See also 101.41-43/102.11/102.21, 101.3 and 102.3.

Provide better health provisions in prisons | Sweden (101.33)

An inmate is, for all purposes, a user of the National Health Service and there is a Prison Hospital. Prison staff must include doctors and nurses and the latter must be present on a daily basis. General practitioners and experts in various medical areas must assist regularly.

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 (102.18)

The principles of legality, necessity and proportionality must be respected in the execution of any policing measure, including concerning the use of force, as provided for, inter alia, in the Constitution. Such principles are also guaranteed, inter alia, by the regulation on the use of coercive means in prison services, approved in September 2009.

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 (103.11)

The electronic surveillance system has greatly developed in recent times in accordance with legislation approved in September 2010, in particular regarding the implementation of house arrest measures in pre or post-trial phases. A plan to promote the use of such measures, including by raising the awareness to that tool of courts and pre-trial detainees, has been developed.

HUMAN RIGHTS EDUCATION, INFORMATION AND TRAINING

Adopt further measures to provide different categories of police, prison and judicial staff, as well as the media, with specific human rights training on the empowerment and human rights of women, children, migrants, refugees and persons belonging to ethnic or national minorities or with minority sexual orientation or gender identity, on protection against sexual and domestic violence and on available remedies for victims | Austria, Bosnia and Herzegovina, Czech Republic, Italy, Republic of Korea, Slovenia (101.22-23/101.29/101.32/101.40/101.47)

Efforts are underway to provide training on gender mainstreaming to senior public officials and legislators working in ministerial cabinets, and a Protocol to this effect was signed in 2009 with the institute responsible for providing training to Portuguese civil servants. Human rights issues are covered in the initial and ongoing training of, inter alia, judges and public prosecutors, police and border officers, prison staff and social workers.

Furthermore, specific training on domestic and/or sexual violence is provided to police agents, magistrates, education and health professionals, social workers, conflict mediators, intercultural mediators (under the II Plan for Immigrant Integration) and journalists, and such topics are also addressed in courses on humanities, social, criminal and health sciences. A significant number of police agents are receiving training on victim protection and risk assessment, and special premises are being assigned to interview victims in police stations. Training actions for law enforcement officers have also been undertaken on violent crimes, sex crimes and hate crimes against LGBT persons. Efforts are ongoing to develop a reliable risk assessment tool for security forces in cases of domestic violence.

Specific training has been provided to judges and public prosecutors on child protection, combatting cybercrime, family law, international protection of foreigners and the jurisprudence of the European Court of Human Rights, and information on relevant human rights topics has been made available in the internal web network for public prosecutors. In 2011, training activities for social workers have been organized on, inter alia, the rights of persons with disabilities and social services intervention in criminal proceedings. Staff of registry and notary departments has received training on service provision to persons with disabilities.

Share at the international level its national experience as well as the different initiatives it has taken in promoting human rights education | Morocco, Philippines (101.44/101.46)

The importance of the Internet as a platform for the diffusion of information has continued to increase, which facilitates the sharing of information in the field of human rights education. Many public departments, including the Office of the High Commissioner for Immigration and Intercultural Dialogue and the Commission for Citizenship and Gender Equality run websites with a wealth of information on instruments and activities relevant in their areas of work. The Media Office also runs Facebook and Twitter pages and regularly sends the most important documents directly to the media. On 15 December 2011, a new platform was launched at www.gddc.pt, where Portuguese-speaking users from around the world can obtain detailed information on all existing universal and regional human rights protection systems, Portuguese versions of the main international instruments and other education materials, as well as daily human rights news.

THE RIGHT TO EDUCATION AND OTHER ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Continue the implementation of plans to reduce schools desertion rates, particularly at the secondary level | Chile (101.34)

Several measures have been taken to reduce school drop-out rates, including curricular reform to improve basic skills (reading, mathematics and sciences) and the extension of compulsory schooling to 18 years of age (Program "Education 2015" was launched to achieve these goals). Also important is the implementation of projects on priority intervention in the field of education (Program TEIP), improvement of school performance ("More Success at School"), definition of learning goals and of alternative curricula, namely with increased focus on vocational training, as well as the re-organization of the school network and closer collaboration of education authorities with child protection commissions. Portugal has established as a national target a school drop-out rate of 10% by 2020, and an interim target of 15% by 2014.

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 (101.45)

Portugal is very committed to the international realization of the right to education and, as such, annually presents a draft resolution on such right to the HRC, with cross-regional support. We have also supported the adoption of the UN Declaration on Human Rights Education and Training.

Furthermore, education is a major focus of Portugal's development aid strategy in Portuguese speaking countries in Africa and East Timor. Portugal is involved in teacher training, curricula and education policy development, cooperation with universities and budget support. Our training programs to these countries' judiciary, police forces and prison guards have a strong human rights perspective. Portuguese universities have been involved in supporting the legislative process in these countries, hence contributing to building modern juridical systems that comply with international human rights standards.

Continue the role it plays in multilateral *fora* in support of the promotion and protection of economic, social and cultural rights (ESCR) | Egypt (101.48)

The position of Portugal in multilateral human rights *fora* is guided by the principles of universality, indivisibility, interrelatedness and interdependence of all human rights, the full realization of which is a long-standing commitment of the Portuguese State. Besides the resolution on the Right to Education referred to in 101.45, we are the main sponsors of a resolution on ESCR regularly presented to the HRC, as well as of a resolution on Programs and Policies involving Youth biennially presented (with Senegal and Moldova) to UNGA and to the Commission for Social Development. We are also traditional co-sponsors of most of ESCR-related resolutions at UNGA and HRC and intend to maintain this high level of commitment to ESCR in international *fora*.

Take additional measures notably in the areas of housing, employment, education and access to social services, particularly to benefit the Roma | Algeria (103.12)

Housing programs are promoted in cooperation among central, regional and local authorities and guided by, inter alia, the principle of non-discrimination. A National Roma Integration Strategy in the field of housing is in preparation since September 2011. See also 101.36-39 and 103.16-17.

A strategy was implemented in recent years to reduce inequalities in the areas of education and training, promote educational success and better manage available resources. In addition to measures indicated under 101.34, provisions were taken to provide pre-school education to all children under 5, certify skills obtained outside the school system, equip schools with new technologies, promote reading (by implementing a national plan in this regard and developing a school libraries network), evaluate teachers and enhance the role of regional and local authorities, as well as the autonomy and accountability of education institutions. Furthermore, initiatives were taken to reform education for pupils with special needs and promote the professional qualification of persons with disabilities, including regarding the recognition and certification of skills and the testing of methods adapted to specific audiences.

HUMAN RIGHTS MACHINERY

Establish an effective and inclusive process to follow up on the recommendations of the Working Group, with the involvement of civil society, and strengthen cooperation with human rights mechanisms, inter alia treaty bodies, in particular by reporting regularly and in due time to these bodies and promoting the implementation of their recommendations | Chile, Libyan Arab Jamahiriya, Slovenia, United Kingdom (101.49-50/102.6)

A National Human Rights Commission (NHRC) was created in March 2010, as announced in the UPR review of Portugal in December 2009, in order, inter alia, to work as a permanent structure to prepare national reports and examination processes by international human rights bodies, and to ensure continuous follow-up to recommendations addressed to Portugal by human rights mechanisms. This Commission coordinated the elaboration of the present mid-term review report, as well as of seven overdue reports to UN human rights treaty bodies, including the common core document, all of which have already been submitted. It also disseminates human rights information through a specific section created in the MFA website.

NHRC is an intergovernmental body composed by representatives of 12 government branches, but other public bodies participate in its work, including the Ombudsman (in its capacity as national human rights institution) and the Prosecutor General's Office (through the Office for Documentation and Comparative Law - GDDC). The involvement of civil society has also been a priority, and thus NCHR meets at least once a year in plenary format with NGO representatives, as was the case in January 2012 to discuss the follow up to UPR recommendations and the content of the present report.

Establish a national human rights institution in conformity with the Paris Principles to monitor and follow up on the implementation of its international obligations | Egypt, India, Libyan Arab Jamahiriya, Malaysia, Mexico (102.3)

The Ombudsman is a National Human Rights Institution, with A-status accreditation since 1999, constitutionally and legally mandated to defend and promote citizens' rights, freedoms, guarantees and legitimate interests, taking as a reference the Constitution, relevant laws and regulations and the various international instruments binding upon Portugal. The Ombudsman works primarily by investigating cases, either pursuant to complaints or on his own initiative, and may carry out inspection visits and issue recommendations to administrative or legislative bodies. He may also request Constitutional Court review. In 2010, the Ombudsman received 6488 complaints, mostly related to social rights, the rights of workers and administration of justice. It issued 22 recommendations (10 accepted by the end of the year), requested Constitutional Court review in 2 cases and carried out 4 inspections: to child support institutions in Madeira; to detention centers for migrants; to elderly homes; and to employment centers. Public entities have a strong duty to cooperate with the Ombudsman.

The Ombudsman also provides information and advice, namely through toll-free hotlines for children and elderly persons (and experimentally also for persons with disabilities).

Furthermore, it is specifically mandated to promote human rights education and thus organizes and participates in seminars and conferences, undertakes awareness-raising activities in schools (a protocol to this effect was signed in May 2011), publishes studies and reports, and distributes information materials. Efforts are made to promote the establishment of Ombudsmen or other national human rights institutions in Portuguese-speaking countries, if applicable. See also 101.30-32.

OTHER MEASURES

Ensure the full implementation of all rights enshrined in the Constitution and in the existing legislation | Libyan Arab Jamahiriya (102.2)

Other measures undertaken during the reporting period include the publication of a book on the fundamental rights enshrined in the Portuguese Constitution and the development of a project to facilitate birth registration shortly after birth. Measures were also taken in order to facilitate contacts with public administration and other services, including on the part of persons with disabilities and migrants: this includes inspection visits and signing of Protocols to facilitate access to registries and notary offices, the installation of central civil registry desks at National Immigrant Support Centers, and the creation of online registry services, of a registry support hotline and of single service points for real estate, inheritance and divorce purposes.

Portugal has actively promoted equal access to, and enjoyment of, cultural goods and services, namely by supporting the arts and by investing in cultural infrastructures, such as public libraries and theatres, also outside the main urban centers. Furthermore, instruments have been developed to facilitate widespread access to cultural heritage, such as projects "Espelho Meu" (providing children with books to facilitate museum exploring) and "MATRIZ" (enabling online access to tangible and intangible heritage items in museum collections). A Program (INOV-ART) is in implementation to promote international internships for young people in the fields of the arts and culture. Various cultural initiatives have been developed in partnership between public bodies and civil society, namely involving groups such as the Roma and persons with disabilities. Equally relevant has been the production of cultural materials in line with a spirit of inclusiveness.