



Suggested recommendations to Portugal for its review during the 45th session of the UPR Working Group, November 2024

Torture and other ill-treatment and excessive use of force by law enforcement officials

- Ensure all allegations of torture, ill-treatment and unnecessary or excessive use of force by law enforcement officials are subjected to prompt, independent, impartial, effective and thorough investigations. Where violations are found to have been committed, ensure that victims have access to effective remedies and suspected perpetrators are brought to justice in fair trials and subjected to penalties reflecting the gravity of the crime.¹
- Establish without delay an independent external oversight mechanism to investigate misconduct by law enforcement officials, including torture and other ill-treatment and any misuse of force, including in the context of policing assemblies.²

¹ The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment of Punishment (CPT), in the report on its visit to Portugal in 2022 noted: “15. After its two most recent visits to the country, in 2016 and 2019, the CPT reported to the Portuguese authorities that, in its view, ill-treatment by police officers is ‘not an infrequent practice’. The CPT’s findings during this 2022 visit to Portugal suggest that such a state of affairs has not changed significantly.” [Council of Europe anti-torture Committee \(CPT\) publishes report on Portugal - CPT \(coe.int\)](https://www.coe.int/en/web/anti-torture/committees/cpt-reports/cpt-report-on-portugal-2022)

² The CPT recommended the creation of such a body in the Report on Portugal, published in February 2018, para. 21, available at: <https://www.coe.int/bs/web/cpt/portugal?desktop=true>; and so did ECRI, in Report on Portugal (fifth monitoring cycle), published in October 2018 (CRI(2018)35), paras. 53 to 64, available at: <https://rm.coe.int/fifth-report-on-portugal/16808de7da>. In the report on its visit to Portugal in 2022, however, the CPT acknowledged that the Portuguese authorities were not supportive of this recommendation, citing constitutional and financial reasons, and noted that they had instead adopted some measures to strengthen the existing system (paras. 28 to 39). The CPT concluded that: “39. Taken as a whole, the findings of the CPT during its 2022 periodic visit suggest that the current system for investigating alleged ill-treatment by police officers in Portugal remains flawed from beginning to end.” The CPT finally recommended: “39. [...] a fully independent review of their current system for the investigation of allegations of ill-treatment by police officers, with a view to ensuring that it complies fully with the procedural requirements of Article 3 of the European Convention on Human Rights and Fundamental Freedoms.” The CPT report on the 2022 visit to Portugal is available at: [Council of Europe anti-torture Committee \(CPT\) publishes report on Portugal - CPT \(coe.int\)](https://www.coe.int/en/web/anti-torture/committees/cpt-reports/cpt-report-on-portugal-2022)
Amnesty International has long been advocating for the creation of an independent police oversight



- Ensure that all activities by law enforcement agencies are carried out in a non-discriminatory manner and take steps to prevent racial discrimination and address any racism and discriminatory policing.³
- 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.⁴
- Ensure that the requirement for police to wear identification badges is upheld and that adequate sanctions are applied for non-compliance.⁵
- Ensure law enforcement officials are properly trained on non-violent de-escalation and on the use of force, in accordance with the UN Basic Principles on the Use of Force

mechanism: <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/>. Amnesty International supports the commissioning of the review recommended by the CPT, however, the organization considers that the establishment of an independent police oversight mechanisms remains the best solution to ensure police accountability for torture and other ill-treatment

³ The Committee on the Elimination of Racial Discrimination (CERD), in its Concluding Observations of May 2023, expressed deep concern at persisting racially motivated violence, ill-treatment, racial profiling, abuse of authority and excessive use of force by police officers against ethnic minorities and migrants, Roma and Africans and people of African descent. The CERD was also concerned by the lack of accountability and impunity of law enforcement officials for such abuses. See paras 23 and 24 CERD/C/PRT/CO/18-19 [g2309795.pdf \(un.org\)](https://www.unhcr.org/refugees/pdf/g2309795.pdf). Previously, other international mechanisms had expressed similar concerns and made recommendations in this regard, see Human Rights Council, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, April 20, 2015 (A/HRC/29/46), paras. 19 and 66, available at: <https://undocs.org/A/HRC/29/46>; ECRI, Report on Portugal (fifth monitoring cycle), published in October 2018 (CRI(2018)35), available at: <https://rm.coe.int/fifth-report-on-portugal/16808de7da>, paras. 12 and 19; and Council of Europe Committee for the Prevention of Torture (CPT), Report on Portugal, published in February 2018, available at: <https://www.coe.int/bs/web/cpt/portugal?desktop=true>, para. 10

⁴ A/HRC/29/46, Para. 56 and 71; CRI(2018)35, Para 65; and CERD/C/PRT/CO/15-17, Para. 18 to 19

⁵ According to article 10 of Ministerial Order no. 422-A/2021 (the police uniform regulation): "Police officers are obliged to wear the following items of identification: (...) b) Personal identification plate (figs. 172 and 173) - with white letters in Arial type, with the first name and last name (...)"

<https://diariodarepublica.pt/dr/detalhe/portaria/422-a-2021-171958629> See also p.151 of [Europe: Under Protected and Over Restricted: The state of the right to protest in 21 European countries - Amnesty International](#)



and Firearms by Law Enforcement Officials and other international standards on the use of force and firearms, including on the appropriate use of less-lethal weapons.⁶

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).⁷
- 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.⁸

Discrimination, racism and xenophobia

- Promptly, effectively and impartially investigate any instances of discrimination and violence on grounds of race, gender, gender identity, gender expression, sexual orientation and sex characteristics. Investigations must establish any discriminatory motive associated with those attacks.⁹
- Increase measures to combat discrimination and social exclusion and segregation of Roma, people of African descent, migrants, refugees, LGBTI people and other individuals belonging to minority and marginalized groups; and provide support and information to victims to defend their rights to facilitate and encourage reporting of discriminatory treatment.¹⁰

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

⁶ [Europe: Under Protected and Over Restricted: The state of the right to protest in 21 European countries - Amnesty International](#)

⁷ In a 2023 report commissioned by the Council of Europe, Portugal was described as being “on the edge” of suffering from prison overcrowding, [Prison overcrowding remains a problem in Europe: Council of Europe’s annual penal statistics for 2023 - Portal \(coe.int\)](#)

⁸ Report to the Portuguese Government on the periodic visit to Portugal carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 May to 3 June 2022, Para. 38-40, <https://rm.coe.int/1680adcb76>

⁹ See Concluding observations on the combined eighteenth and nineteenth periodic reports of Portugal, CERD/C/PRT/CO/18-19, [g2309795.pdf \(un.org\)](#)

¹⁰ See Concluding observations on the combined eighteenth and nineteenth periodic reports of Portugal, CERD/C/PRT/CO/18-19, [g2309795.pdf \(un.org\)](#) See also: Human Rights Committee Concluding observations on the fifth periodic report of Portugal, 28 April 2020, CCPR/C/PRT/CO/5, [CCPR/C/PRT/CO/5 \(un.org\)](#)



allegations of gender-based violence and prosecution of suspected perpetrators in fair trials, and reparations to survivors.¹¹

- Further amend the definition of rape in the criminal code to bring it fully in line with the Istanbul Convention.¹²
- Ensure that all cases of female genital mutilation are effectively investigated and prosecuted, as recommended by the Committee on the Elimination of Discrimination against Women in 2022.¹³

Sexual and reproductive rights

- Ensure universal access to abortion and post-abortion care to all those who require it throughout the territory of the state, ensuring all laws and policies are in line with international laws and standards including the WHO Guidelines on Safe Abortion. In

¹¹ In March 2024, the UN Committee on Economic, Social and Cultural Rights (CESCR) expressed concern at the “persistent high level of domestic violence” in Portugal, coupled with low prosecution rates for suspected perpetrators of domestic violence, and aggravated also by the insufficient provision of shelters for victims seeking safety, see Concluding Observations on the fifth periodic report of Portugal, paras. 24 and 25, E/C.12/PRT/CO/5. See also the concerns expressed in 2022 by the Committee on the Elimination of Discrimination against Women (CEDAW), including about the lack of gender-sensitive protocols to deal with victims of gender-based violence and of a “permanent mechanism to ensure efficient cooperation and coordination between family courts and criminal courts to ensure that women have immediate access to civil protection orders and injunctions against abusive partners”, at paras. 22 and 23, Concluding observations on the tenth periodic report of Portugal, CEDAW/C/PRT/CO/10. See also GREVIO – Group of Experts on Action against Violence against Women and Domestic Violence, Evaluation Report – Portugal, published in January, 2019 (GREVIO/Inf(2018)16), para. 188, 191 and 200

¹² At the third cycle of the UPR, Portugal rejected recommendation 138.5, requiring it to “Take the necessary measures to adequately address sexual violence in laws and policies, and ensure that all forms of non-consensual sexual acts are included in the definition of rape under the Criminal Code.” See Report of the Working Group on the Universal Periodic Review, Portugal, Addendum - Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, 10 July 2019, A/HRC/42/7/Add.1, [g1921253.pdf \(un.org\)](https://www.un.org/document/e-library/2019/190710_1921253.pdf) See also the views expressed by the CoE Commissioner for Human Rights in December 2020, regarding the need to further amend the definition of rape to ensure the focus is firmly on absence of consent, at paras. 74 and 75 of [Memorandum on combating racism and violence against women in Portugal \(coe.int\)](https://www.coe.int/t/Document/Portugal/Memorandum_on_combating_racism_and_violence_against_women_in_Portugal_(coe.int).pdf)

¹³ See paras. 20 and 21 of the Committee on the Elimination of Discrimination against Women (CEDAW) Concluding observations on the tenth periodic report of Portugal, CEDAW/C/PRT/CO/10, [CEDAW/C/PRT/CO/10: Concluding observations on the tenth periodic report of Portugal | OHCHR](https://www.ohchr.org/en/hrbodies/cedaw/concluding-observations-on-the-tenth-periodic-report-of-portugal)



addition, take measures to address the obstacle to women and girls accessing abortion care due to medical staff refusing to carry out the procedure.¹⁴

Freedom of expression, association and peaceful assembly

- Review Decree-law 406/74 regulating the right to public assembly and demonstration to ensure that the right to peaceful assembly is fully protected, in line with international law and standards and the Portuguese Constitution.¹⁵
- Ensure that notification requirements are treated only as a notice of the intent to hold a protest and not a request for permission, nor as grounds to determine that an assembly is unlawful or to allow for its dispersal. Any notification process must be transparent, free of charge, coherent, non-bureaucratic and non-discriminatory.¹⁶
- Ensure that any restrictions on acts of civil disobedience are considered and assessed within the framework of national legislation, in accordance with international law and standards relating to the rights to freedom of conscience, expression and peaceful assembly.¹⁷
- End all stigmatizing speech and rhetoric, fuelling harmful stereotypes and portraying peaceful protesters in a way that is likely to foment hostility and division in society.

¹⁴ In 2022, the Committee on the Elimination of Discrimination against Women (CEDAW), in its Concluding observations on the tenth periodic report of Portugal, recommended that Portugal “Ensure the effective implementation of the abortion law in all regions and for all women”, see para. 33, CEDAW/C/PRT/CO/10, [CEDAW/C/PRT/CO/10: Concluding observations on the tenth periodic report of Portugal | OHCHR](#)

¹⁵ The review should include repealing or substantially amending the provisions placing burdens and liabilities on the organizers of peaceful assemblies and the vaguely formulated provisions criminalizing acts “disturbing public order and tranquillity” (art.1(1)), see pp. 81-82 and 160, [Europe: Under Protected and Over Restricted: The state of the right to protest in 21 European countries - Amnesty International](#)

¹⁶ For Amnesty International’s concerns about the rights to freedom of expression, association and peaceful assembly in Portugal, see relevant references in [Europe: Under Protected and Over Restricted: The state of the right to protest in 21 European countries - Amnesty International](#). See also [A liberdade como bandeira - Amnistia Internacional Portugal](#)

¹⁷ Amnesty International has documented nine sit-ins by the climate justice group Climáximo that involved the blocking of roads between October 2023 and March 2024. All the sit-ins were dispersed by police, resulting in 50 activists being detained. Subsequently, 46 were charged. So far, 10 activists have been sentenced to imprisonment for one year for endangering road transport safety and disobedience. The imprisonment was converted to a fine of between 600-1000 EUR per activist. Other cases are ongoing. See pp. 160-162, [Europe: Under Protected and Over Restricted: The state of the right to protest in 21 European countries - Amnesty International](#)



This includes characterizing protesters as "criminals", "terrorists", threats to the public order and security or a nuisance that must be crushed.¹⁸

- Ensure that the policing of protests and the use of police powers, criminal law and sanctions in relation to protests are not discriminatory and do not constitute an unnecessary and/or disproportionate restriction on the rights to freedom of expression and peaceful assembly.
- Review police training and protocols to ensure that they are in line with international law and standards on protest policing, including the principles of prevention, deterrence and non-discrimination.¹⁹

Right to adequate housing and prohibition of forced evictions

- Ensure that the 2019 Basic Housing Law,²⁰ which strengthened guarantees in case of evictions, is interpreted in line with international law and standards;²¹ and 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, including the UN Basic Principles and Guidelines on Development-Based Evictions and Displacement. This should apply also throughout the planning and preparation for the co-hosting of the World Cup in 2030.²²
- Make available adequate resources to improve housing conditions, in line with international law and standards on adequacy of housing, for the 86,000 families the government has identified as currently living in sub-standard housing.²³

¹⁸ For example, Portuguese politicians have spoken of “climate extremism”, “activists normalizing violence”, “climate terrorists, criminal behaviour, criminal association”, and the need for “activists [to] be arrested for terrorism, social alarm, modern terror”. See p. 41, [Europe: Under Protected and Over Restricted: The state of the right to protest in 21 European countries - Amnesty International](#)

¹⁹ See p.132, [Europe: Under Protected and Over Restricted: The state of the right to protest in 21 European countries - Amnesty International](#)

²⁰ Law 83/2019, at [doc.pdf \(parlamento.pt\)](#)

²¹ See Ecri Conclusions on the implementation of the recommendations in respect of Portugal subject to interim follow-up, adopted on 30 March 2021, [1680a27d88 \(coe.int\)](#). Ecri welcomed the adoption of the law but noted that there was insufficient information regarding its implementation with respect to groups of concern to Ecri

²² See [Playing a Dangerous Game? Human Rights Risks Linked to the 2030 and 2034 FIFA World Cups - Amnesty International](#)

²³ Declarations of Marina Gonçalves, former Minister for Housing, to RTP (National Portuguese Television) in October 2023: <https://www.rtp.pt/play/p11147/e719636/grande-entrevista>



Labour rights

- Ensure the enforcement of the highest standards of labour rights without discrimination, in line with ILO conventions.²⁴
- Increase the number of labour inspectors to at least meet ILO benchmarks and ensure an adequate inspection system.²⁵
- Address racial discrimination at work in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and combat violence and harassment in the world of work in line with ILO Convention 190.²⁶

Migrants, asylum seekers and refugees

- Fully uphold the right to asylum, including by ensuring access to information and legal advice, the timely processing of applications, and dignified reception conditions and make available a well-resourced and funded integration package to refugees.²⁷
- Ensure that migration detention is used only as a last resort and implemented in line with international law and standards; in particular, ensure that no one is held for prolonged periods in unsuitable places, such as Lisbon airport transit area.²⁸

²⁴ See Amnesty International's concerns regarding labour rights in relation to Portugal's co-hosting of the 2030 World Cup at pp.28 and 29, [Playing a Dangerous Game? Human Rights Risks Linked to the 2030 and 2034 FIFA World Cups - Amnesty International](#)

²⁵ See pp.28 and 29, [Playing a Dangerous Game? Human Rights Risks Linked to the 2030 and 2034 FIFA World Cups - Amnesty International](#)

²⁶ See pp.28 and 29, [Playing a Dangerous Game? Human Rights Risks Linked to the 2030 and 2034 FIFA World Cups - Amnesty International](#)

²⁷ In May 2024, the Portuguese Council for Refugees provided a detailed overview of the challenges and measures needed to uphold the rights of asylum-seekers and refugees in Portugal, [84 Recomendações Prioritárias para o Sistema de Asilo Português em 2024 - CPR](#)

²⁸ See the chapter on Portugal, [Conditions in detention facilities - Asylum Information Database | European Council on Refugees and Exiles \(asylumineurope.org\)](#)