



International Covenant on Civil and Political Rights

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Human Rights Committee

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List of issues to be taken up in connection with the consideration of the fourth periodic report of Portugal (CCPR/C/PRT/4)

Constitutional and legal framework within which the Covenant is implemented (art. 2)

1. Please state whether the provisions of the Covenant have ever been invoked before domestic courts. If so, please provide information on all cases during the period under review in which this was done.
2. Please clarify whether the Ombudsman plays a role in the implementation of the Covenant in the State party. If so, please provide examples from the period under review in which the provisions of the Covenant have been expressly invoked by the Ombudsman.
3. Please indicate what procedures are in place for the implementation of the Committee's Views under the Optional Protocol. Please indicate what concrete steps have been taken to implement the Committee's Views adopted in respect of the State party in which the Committee found a violation of the Covenant, bearing in mind that obligations under the Covenant may at times be stricter than obligations under another human rights treaty.

Non-discrimination and equal rights of men and women (arts. 2, para. 1, 3, 25 and 26)

4. Please provide information on the impact of the implementation of the Third National Plan for Equality – Citizenship and Gender (2007–2010), as well as steps taken to overcome the structural difficulties to implement gender-equality policies, identified through research, as mentioned in paragraph 47 of the fourth periodic report.
5. Please provide information on measures taken to increase the proportion of women in decision-making positions in the public sector, including in the Foreign Service. Please indicate what measures are being taken to increase the number of women in the regional legislative assemblies in the Azores and Madeira, and to ensure that the Parity Law 2006 is applied in the autonomous regions.
6. Please provide information on the steps taken, as well as their measured impact, to guarantee equal pay for work of equal value for women and men.

7. Please provide information on steps taken, and their measured impact, to address and prevent racial discrimination against immigrants and ethnic minorities, including the Roma minority, in access to employment, education, equal wages, shops, housing, health care and loans. What measures have been taken to prevent racist and discriminatory conduct by law enforcement personnel?

Counter-terrorism measures

8. Please clarify which safeguards are in place to ensure that counter-terrorism measures, based on the Penal Code and Code of Penal Procedure provisions, do not infringe the rights laid down in articles 9, 15 and 17 of the Covenant.

9. Please clarify whether measures have been taken to ensure that incommunicado detention ordered by the Public Prosecutor's Office, under article 143, paragraph 4, of the Code of Criminal Procedure, in cases of terrorism or violent or highly organized crime is strictly regulated, and that detainees held under this provision have access to legal counsel and are under judicial supervision.

10. Please provide information on the status of the judicial investigation into suspected rendition flights that was opened in February 2007, and whether its findings have been made public.

Prohibition of torture and cruel, inhuman or degrading treatment or punishment, right to liberty and security of person, and treatment of persons deprived of their liberty (arts. 7, 9, 10)

11. Please provide information on the definition of pretrial detention in domestic legislation. Please specify how many individuals are currently held in pretrial detention, as well as the average length of pretrial detention. Please also clarify whether pretrial detainees are kept separate from convicted criminals.

12. Please clarify whether guarantees are in place to ensure that time spent in custody for identification purposes is counted toward the period of 48 hours within which a detained person must be brought before a judge.

13. Please clarify whether detained persons have an effective right of access to legal counsel during police custody, and whether law enforcement officials are under a legal duty to inform all persons deprived of their liberty of their rights. Please clarify whether persons held by the Judicial Police, for reasons other than identification purposes, are guaranteed the right to notify their detention to a third party.

14. Please provide information on steps taken, legislative or otherwise, to prevent the excessive use of force, mistreatment and abuse by law enforcement officials and members of the security forces. Please also provide information on the number of complaints since 2009, investigations carried out by the Inspectorate General of Internal Administration and internal investigation departments of local police services, and punishments handed down in each case.

15. Please indicate which steps are being taken, and their impact measured, to address the problem of overcrowding in some prisons. What measures have been taken to address inadequate facilities, availability of drugs and drug dependence, and high rates of HIV/AIDS and hepatitis C in correctional institutions? Please also provide information on the status of the draft code on the execution of sentences and security measures (Bill 252/X)? To what extent has the implementation of any of these measures been adversely affected by the recent adoption of austerity policies?

16. Please provide information on steps taken to guarantee that incarcerated juveniles are held separately from adults.

17. Please provide information on measures taken to ensure that acts of domestic violence against women and children are effectively prohibited and laws enforced, that perpetrators are prosecuted and sanctioned, and that victims have access to physical and psychological rehabilitation. Please also provide information on the impact of the Third National Plan against Domestic Violence (2007–2011).

18. Please provide information on steps taken to ensure that the legal provisions prohibiting corporal punishment of children are respected.

Elimination of slavery and servitude (art. 8)

19. Please provide information, on an annual basis since 2008, on the number of victims of the crime of trafficking for sexual and other exploitative purposes, such as forced labour, as well as the number of prosecutions and convictions of perpetrators. Please report on the impact measured of the implementation of the First National Plan against Trafficking of Human Beings (2007–2010).

Measures for the protection of minors (arts. 24 and 26)

20. Please provide information on steps taken to develop programmes, including community-based programmes, to promote alternatives to institutionalization of children with disabilities and allow these children to stay at home with their families.

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

21. Please provide information on the steps taken to disseminate information on the Covenant and the two Optional Protocols, the submission of the fourth periodic report of the State party, and its forthcoming examination by the Committee. Please also provide more information on the involvement of representatives of ethnic and minority groups, civil society, non-governmental organizations and the national human rights institution in the preparatory process of the report.
