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**Human Rights Committee**

Concluding observations on the initial report of Portugal

Concluding observations on the combined third and fourth periodic reports of Portugal

Concluding observations on the fifth periodic report of Portugal[[1]](#footnote-1)\*

1. The Committee considered the initial report of Portugal (CCPR/C/PRT/RQ/5) at its 3696th and 3697th meetings (see CCPR/C/SR.3696 and 3697), held on 5 and 6 March 2020. On 27 March 2020, the Committee adopted the present concluding observations.

The Committee considered the combined third and fourth periodic reports of Portugal (CCPR/C/PRT/RQ/5) at its 3696th and 3697th meetings (see CCPR/C/SR.3696 and 3697), held on 5 and 6 March 2020. On 27 March 2020, the Committee adopted the present concluding observations.

The Committee considered the fifth periodic report of Portugal (CCPR/C/PRT/RQ/5) at its 3696th and 3697th meetings (see CCPR/C/SR.3696 and 3697), held on 5 and 6 March 2020. On 27 March 2020, the Committee adopted the present concluding observations.

The Committee considered the initial report of Cabo Verde (CCPR/C/CPV/1) at its 3661st and 3662nd meetings (CCPR/C/SR.3661 and 3662), held on 22 and 23 October 2019. At its 3678th meeting, held on 4 November 2019, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of Cabo Verde and the information presented therein.

The Committee welcomes the submission of the initial report of Cabo Verde, which was over 20 years overdue, and the information presented therein.

The Committee welcomes the submission of the initial report of Cabo Verde, albeit over 20 years late, and the information presented therein.

The Committee welcomes the timely submission of the combined third and fourth reports of Portugal and the information presented therein.

The Committee welcomes the submission of the fifth report of Portugal, albeit somewhat late, and the information presented therein.

3. It expresses appreciation for the opportunity to initiate a constructive dialogue with the State party’s delegation on the measures taken by the State party since the entry into force of the Covenant to implement its provisions.

It expresses appreciation for the opportunity to initiate a constructive dialogue with the State party’s high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant.

4. The Committee is also grateful to the State party for its written replies (CCPR/C/CPV/Q/1/Add.2) to the list of issues (CCPR/C/CPV/Q/1/Add.1), which were supplemented by the oral responses provided by the delegation.

The Committee is also grateful to the State party for its written replies (CCPR/C/CPV/Q/1/Add.2) to the list of issues (CCPR/C/CPV/Q/1/Add.1), which were supplemented by the oral responses provided by the delegation, and for the supplementary information provided to it in writing.

5. The Committee is grateful to the State party for having accepted the simplified reporting procedure and for submitting its sixth periodic report in response to the list of issues prior to reporting prepared under that procedure (CCPR/C/TUN/QPR/6). It expresses appreciation for the opportunity to renew its constructive dialogue with the State party’s high-level delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for the oral responses provided by the delegation and for the supplementary information provided to it in writing after the dialogue.

B. Positive aspects

6. The Committee welcomes the following legislative and institutional measures taken by the State party:

The Committee welcomes the following institutional and policy measures taken by the State party:

The Committee welcomes the following legislative, institutional and policy measures taken by the State party:

The Committee welcomes the legislative and institutional measures taken by the State party during the reporting period in the area of civil and political rights, including:

The Committee welcomes the adoption by the State party of the following legislative and policy measures：

7. The Committee welcomes the State party’s accession, on 29 June 2011, to the Optional Protocol to the Covenant. The Committee also welcomes the ratification of, or accession to, the following international instruments by the State party:

(a) The Convention on the Rights of Persons with Disabilities, on 23 September 2008;

(b) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 23 September 2008;

(c) The International Convention for the Protection of All Persons from Enforced Disappearance, on 24 September 2010;

(d) The Rome Statute of the International Criminal Court, on 29 June 2011;

(e) The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, on 29 June 2011;

(f) The United Nations Convention against Corruption, on 23 September 2012;

(g) The Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, on 23 June 2014;

(h) The Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, on 18 July 2017.

8. The Committee welcomes the State party’s declaration made on 7 August 2018, under article 41 of the Covenant, recognizing the competence of the Committee to receive and consider inter-State communications*.*

9. The Committee also welcomes the State party’s withdrawal of its reservation to article 18of the Covenant on 5 October 2017*.*

10. The Committee further welcomes the information provided by the State party concerning instances in which provisions of the Covenant were invoked and applied by the national courts.

C. Principal matters of concern and recommendations

Views under the Optional Protocol

**Domestic implementation and dissemination of the Covenant**

**Applicability of the Covenant in the domestic legal order**

**National human rights institution**

**The fight against impunity and past human rights violations**

**Combating racial discrimination**

**Discrimination on grounds of sexual orientation and gender identity**

**Gender equality and discrimination against women**

**Violence against women**

**Harmful practices against women and girls**

**Sexual and reproductive rights and voluntary termination of pregnancy**

**State of emergency and counter-terrorism**

**Torture and other cruel, inhuman or degrading treatment or punishment**

**Solitary confinement**

**Pretrial detention**

**Conditions of detention**

**Liberty and security of person**

**Independence of the judiciary and administration of justice**

**Freedom of expression and protection of human rights defenders**

**Freedom of peaceful assembly and excessive use of force by State agents**

**Forced evictions**

11. The Committee takes note of article 80 of the Constitution, which enshrines the primacy of international treaties over domestic legislation.

12. With a view to ensuring the primacy of the Covenant and realizing fully the rights enshrined therein, the State party should step up measures to raise awareness of the Covenant among judges, prosecutors and lawyers, so as to ensure that its provisions are taken into account before and by the national courts. It should also consider acceding to the first Optional Protocol to the Covenant, which establishes an individual complaint mechanism.

13. The State party should take all necessary measures to bring the Human Rights Commission into line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), ensure a clear, transparent and participatory process for the selection and appointment of its members, and provide it with adequate resources and capacity and full autonomy.

14. The State party should expedite the adoption and ensure the implementation of legislation in line with the Covenant by incorporating a definition of direct and indirect discrimination, including in the private sphere, which contains an exhaustive list of the grounds for discrimination enumerated in the Covenant and covers sexual orientation and gender identity. It should also ensure that this legislation provides sufficient guarantees of effective civil, administrative or other remedies for any type of discrimination, including multiple discrimination.

15. The State party should amend its legislation to provide safe access to abortion in order to protect the lives and health of pregnant women and girls in situations in which carrying a pregnancy to term would cause the woman substantial suffering, especially when the pregnancy is the result of rape or incest or is not viable. Furthermore, it should ensure that women and girls who have abortions, and the physicians assisting them, are not subject to criminal penalties.

16. The State party should:

(a) Enforce the absolute ban on torture and ensure that anybody who commits or orders such acts, is an accomplice to their commission or tacitly allows them to be committed is held personally accountable before the law;

(b) Ensure that prosecutors properly monitor the measures taken by the security officers in charge of investigations;

(c) Ensure that complaints of torture or ill-treatment are investigated promptly, impartially and with due diligence by independent judicial officials, that persons suspected of such acts are duly tried and, if found guilty, are punished in a manner commensurate with the gravity of their acts, and that victims are granted adequate reparation;

(d) Put in place an independent, effective, confidential and accessible mechanism to facilitate the submission of complaints by victims of torture or ill-treatment;

(e) Ensure that statements obtained under torture cannot be invoked as evidence against the accused.

17. The State party should:

(a) Limit the crimes punishable by the death penalty to the most serious crimes involving intentional killing, in accordance with article 6 (2) of the Covenant;

(b) Commute the sentences of prisoners currently on death row to prison sentences;

(c) Ensure the abolition of the death penalty through public awareness-raising measures in favour of abolition;

(d) Consider acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.

18. The State party should:

(a) Ensure that legislative and regulatory provisions governing the use of force comply with the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, that law enforcement officials apply non-violent measures before any use of force when conducting demonstration control operations and that law enforcement officials respect the principles of legality, necessity, proportionality and accountability;

(b) Ensure that all allegations of excessive use of force and extrajudicial killings by State agents during demonstrations are investigated promptly, thoroughly and impartially, that those responsible are prosecuted and, if found guilty, are punished, and that the victims obtain redress.

D. Dissemination and follow-up

19. The State party should widely disseminate the Covenant, its first Optional Protocol, its combined third and fourth periodic reports, and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the report and the present concluding observations are translated into the official language of the State party.

The State party should widely disseminate the Covenant, its two Optional Protocols, its fifth periodic report, the written replies to the Committee’s list of issues and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public, including members of minority communities and indigenous peoples. The State party should ensure that the report and the present concluding observations are translated into the other official language of the State party.

20. In accordance with rule 71, paragraph 5, of the Committee’s rules of procedure, the State party is requested to provide, within one year of the adoption of the present concluding observations, information on the implementation of the recommendations made by the Committee in paragraphs 8 (Constitutional Court), 30 (State of emergency and counter-terrorism) and 48 (Freedom of peaceful assembly) above.

In accordance with rule 75, paragraph 1, of the Committee’s rules of procedure, the State party is requested to provide, by 26 July 2021, information on the implementation of the recommendations made by the Committee in paragraphs 33 (trafficking in persons), 37 (unaccompanied minors) and 41 (pretrial detention) above.

In accordance with rule 71, paragraph 5, of the Committee’s rules of procedure, the State party is requested to provide, within two years of the adoption of the present concluding observations, that is, by 8 November 2021, information on the implementation of the recommendations made by the Committee in paragraphs 19 (right to life and security of person), 23 (impunity) and 43 (freedom of expression and association).

21. The Committee requests the State party to submit its next periodic report by 26 July 2025 and to include in that report specific up-to-date information on the implementation of the recommendations made in the present concluding observations and of the Covenant as a whole. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country, as well as minority and marginalized groups. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. Alternatively, the Committee invites the State party to agree, by 26 July 2022, to use its simplified reporting procedure, whereby the Committee transmits a list of issues to the State party prior to the submission of its report. The State party’s response to the list of issues will constitute the next periodic report to be submitted under article 40 of the Covenant.

22. In accordance with the Committee’s planned review cycle, the State party will in 2026 receive from the Committee the list of issues prior to submission of the report and will have one year to submit its replies to the list of issues, which will constitute its sixth periodic report.

In accordance with the Committee’s predictable review cycle, the State party will in 2026 receive from the Committee the list of issues prior to submission of the report and will be expected to submit within one year its replies to the list of issues, which will constitute its sixth periodic report.

The Committee also requests the State party, in preparing its report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2028.

23. Given that the State party has accepted the simplified reporting procedure, the Committee will transmit to it a list of issues prior to the submission of the report in due course. The State party’s replies to that list will constitute its fifth periodic report. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words.

1. \* Adopted by the Committee at its 128th session (2–27 March 2020). [↑](#footnote-ref-1)