



**Convention against Torture  
and Other Cruel, Inhuman  
or Degrading Treatment  
or Punishment**

Distr.  
GENERAL

CAT/C/PRT/Q/6  
20 January 2010

Original: ENGLISH

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COMMITTEE AGAINST TORTURE  
Forty-third session  
2-20 November 2009

**List of issues prior to the submission of the sixth periodic report of  
PORTUGAL (CAT/C/PRT/6)\***

**Specific information on the implementation of articles 1 to 16 of the Convention, including  
with regard to the previous recommendations of the Committee\*\***

**Articles 1 and 4**

1. In light of the Committee's previous concluding observations, please provide updated information on any steps taken by the State party to amend article 243 of the Penal Code to explicitly include discrimination as a possible motive for acts of torture as defined under article 1 of the Convention (para. 6).
2. Please provide information on the mandate of the Provedor de Justiça as related to the Convention, the number of complaints received related to violations of the provisions of the Convention, the actions taken and their outcome.

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\* The present list of issues was adopted by the Committee at its forty-third session, according to the new optional procedure established by the Committee at its thirty-eighth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

\*\* Paragraph numbers in brackets refer to the previous concluding observations adopted by the Committee, published under symbol CAT/C/PRT/CO/4.

## Article 2

3. Please provide updated information on steps taken to guarantee that the time spent in custody for identification purposes (six hours maximum) is deducted from the total period of custody, if applicable, as recommended by the Committee in its previous concluding observations (para. 7 (b)).
4. With reference to the Committee's previous concluding observations and the comments made by the State party to these observations, please provide further details on the safeguards in place to ensure that a forensic report is ordered, either by the police or the Public Prosecutor's office, in all cases where a detainee alleges having been subjected to ill-treatment (para. 7 (c)).
5. Please describe steps taken to distinguish pretrial detention from detention of persons who have been tried in a court of first instance and have appealed their sentence.
6. Please provide information on the amendment of the Penal Code concerning the length of pretrial detention and its impact on reducing the length of time persons are detained before trial and the average length of pretrial detention.
7. Please provide detailed information on:
  - (a) Steps taken to ensure that detention incommunicado prior to appearance in court in cases of terrorism or organized violence is explicitly and strictly regulated by law;
  - (b) The provisions regulating detention incommunicado, including which authority is competent to order it;
  - (c) The remedies available to this procedure.

Please provide statistics, disaggregated by sex, age and ethnicity, on the persons held in detention incommunicado and the number of cases of detention incommunicado that have taken place since the consideration of the previous report.

8. Please provide information on steps taken by the State party to further ensure that the juvenile justice system is in full compliance with international standards, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice.

## Article 3

9. Please indicate any requests for extradition received and provide detailed information on all cases of extradition, return or expulsion that have taken place since the previous report.
10. Please elaborate on the status and the possible outcome of the judicial investigation into the alleged United States Central Intelligence Agency "rendition flights" through Portugal, especially the Azores.

11. Please provide data disaggregated by age, sex and ethnicity on:
- (a) The number of asylum applications registered;
  - (b) The number of applicants in detention;
  - (c) The number of applicants whose application for asylum was accepted;
  - (d) The number of applicants whose application for asylum was accepted on grounds that they had been tortured or might be tortured if returned to their country of origin;
  - (e) The number of cases of refoulement or expulsion.

#### **Articles 5 and 7**

12. Please indicate whether the State party has rejected, for any reason, any request for extradition by another State of an individual suspected of having committed an offence of torture, and started its own prosecution proceedings as a result since the consideration of the previous report. If so, please provide information on the status and outcome of such proceedings.

#### **Article 10**

13. Please provide information on:
- (a) Measures taken to address the concerns of the Committee and the European Committee for Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) about reports of excessive use of force by the police (para. 13, and CPT/Inf (2009) 13, para. 12). In this respect, please provide information on this issue, including further training programmes developed and implemented to raise awareness among police forces with respect to compliance with the provisions of the Convention.
  - (b) Measures undertaken to ensure that all relevant personnel receive specific training on how to identify signs of torture and ill-treatment. Please indicate whether the Istanbul Protocol of 1999 effectively has become an integral part of the training provided to physicians?
  - (c) Whether the State party has developed and implemented a methodology to evaluate the implementation of these training programmes, and its effectiveness and impact on the incidence of cases of excessive use of force by law enforcement officials. If so, please provide information on the content and implementation of such methodology, as well as on the results of the measures implemented.
  - (d) Steps taken to carry out a thorough, comprehensive and independent study into the prevalence of ill-treatment by law enforcement officials. In this respect, please elaborate on the status and possible outcome of the inspection by the Inspectorate-General for Judicial Services into the prevalence of ill-treatment by law enforcement officials.

### **Article 11**

14. Please provide information on any new interrogation rules, instructions, methods and practices, as well as arrangements for custody that may have been introduced since the consideration of the last periodic report. Please also indicate the frequency with which these are reviewed.

15. In light of the previous CPT report on Portugal (CPT/Inf (2009) 13, paras. 43-44), please provide updated information on further efforts undertaken to:

- (a) Prevent ill-treatment by prison staff against prisoners and prosecute or sanction the offender;
- (b) Prevent violence among inmates, including sexual violence, and suicide by prisoners;
- (c) Ensure that the physical and psychological integrity of prisoners is respected under all circumstances.

Please provide updated information on the impact of these measures in reducing cases of ill-treatment by prisons staff and inter-prisoner violence.

### **Articles 12 and 13**

16. Please provide information, including statistics, on the number of complaints of torture and ill-treatment filed since the previous report, their investigation and prosecution and results of the proceedings, both at the penal and disciplinary levels. This information should be disaggregated by sex, age and ethnicity of the individual filing the complaint.

17. In light of the Committee's previous concluding observations, please provide information on measures taken by the State party to explicitly include torture in the list of crimes for which the judicial police is responsible and ensure that a prompt, effective and impartial investigation is initiated in all cases where there are grounds for believing that an act of torture has been committed in any territory under its jurisdiction (para. 12). Please describe any steps taken to ensure that the alleged perpetrators of such acts are brought to justice and, if found guilty, given appropriate sentences.

### **Article 14**

18. In its previous concluding observations, the Committee recommended that the State party ensure that victims obtain adequate redress, including the means for physical and psychological rehabilitation (para. 12). Please provide information on redress and compensation measures ordered by the courts and actually provided to victims of torture, or their families, since the examination of the last periodic report in 2007. This information should include the number of requests made, the number granted, and the amounts ordered and those actually provided in each case.

### Article 16

19. Please provide information on measures taken to relinquish the use of electric “TaserX26” weapons, as recommended by the Committee’s in its previous concluding observations (para. 14). If, however, such weapons are in use, please provide information on the training and instructions given to the law enforcement officers to which they have been distributed.

20. CPT reiterated, in the report on its visit to Portugal in January 2008, its concern at the unsatisfactory conditions in some prisons, including defects of sanitary facilities and the practice of “slopping out” (CPT/Inf (2009) 13, paras. 46 and 53-58). Please provide updated information on steps taken by the State party to address these concerns. In this respect, please provide information on the implementation of the prison reform plan “Reform of the Penitentiary Setting” and on its impact on prison conditions and maintaining an appropriate prison occupancy rate.

21. Please provide information on steps taken to ensure that minors detained are not held with adult prisoners.

22. Please provide information on steps taken by the State party to ensure adequate health-care services in all penitentiary institutions, including that prison staff do not screen requests for access to health-care services and that health-care staffing levels are strengthened.

23. In light of the previous concluding observations of the Committee on the Elimination of Discrimination against Women, please provide information on measures taken to ensure the full implementation of legislation prohibiting female genital mutilation, including the prosecution of perpetrators, and to design and implement targeted prevention strategies, as well as education, awareness-raising programmes and culturally sensitive information campaigns (CEDAW/C/PRT/CO/7, paras. 30-31). Furthermore, comprehensive data should be provided on the prevalence of the practice of female genital mutilation in the territory of the State party and the impact of the measures taken to eradicate this practice.

24. Pursuant the Committee’s previous concluding observations (para. 15), please provide detailed information on steps taken by the State party to:

(a) Prevent and combat domestic violence against women and children. In this respect, please provide updated information on the implementation of legislation on violence against women and the national plan against domestic violence and on its impact in reducing cases of domestic violence. Please describe the legislative measures taken to prohibit corporal punishment of children in the family.

(b) Disseminate information on domestic remedies available against acts of violence against women and children and guarantee that women and children who have been victims of violence have access to these complaint mechanisms.

- (c) Ensure that a sufficient number of safe crisis centres and shelters are available to women victims of violence in all parts of the State party, staffed by expert personnel and provided with adequate financial resources for their effective functioning.
- (d) Ensure that the perpetrators of these acts are punished in an appropriate manner.
- (e) Facilitate the physical and psychological rehabilitation of the victims.
- (f) Further expand its training activities and programmes for public law enforcement agents on the issue of violence against women and children.

Please provide detailed information on the impact of these measures in reducing cases of domestic violence against women and children. Statistical data should be provided on the number of complaints relating to domestic violence and the related investigations, prosecutions, convictions and sanctions, as well as on compensation provided to victims.

25. In light of the Committee's previous concluding observations (para. 16), please provide:

- (a) Updated information on efforts undertaken to adequately prevent and further combat human trafficking. In this respect, please indicate steps taken to ensure the prosecution and penalization of traffickers, as well as the protection and rehabilitation of the victims of traffickers.

- (b) Further information on the implementation and the resources available for the implementation of these measures. Furthermore, information should be provided on the impact of these measures in reducing cases of human trafficking.

- (c) Updated statistical data on the incidence of trafficking, since the consideration of the previous report. Statistical data should also be provided on the number of complaints relating to human trafficking and on the related investigations, prosecutions, convictions and sanctions, as well as on compensation provided to victims.

26. With reference to the Committee's previous concluding observations (para. 17), please provide information on:

- (a) Measures taken to effectively combat acts of violence based on any form of discrimination and to punish the perpetrators appropriately.

- (b) The impact of these measures in reducing cases of violence based on discrimination. Statistical data should also be provided on the number of complaints relating to violence based on discrimination, and on the related investigations, prosecutions, convictions and sanctions, as well as on compensation provided to victims.

- (c) Steps taken by the State party to include representatives of minorities residing in its territory in the police forces.

### **Other issues**

27. The Committee notes that it has not received the follow-up information from the State party as requested by the Committee in paragraph 22 of the previous concluding observations. Please provide the information requested.
28. Please indicate the measures taken in view of the ratification of the Optional Protocol to the Convention since the previous concluding observations.
29. Please provide updated information on measures taken by the State party to respond to any threats of terrorism and please describe if, and how, these measures have affected human rights safeguards in law and practice and how it has ensured that those measures taken to combat terrorism comply with all its obligations under international law. Please describe the relevant training given to law enforcement officers, the number and types of convictions under such legislation, the legal remedies available to persons subjected to anti-terrorist measures, whether there are complaints of non-observance of international standards, and the outcome of these complaints.

### **General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention**

30. Please provide detailed information on the relevant new developments on the legal and institutional framework within which human rights are promoted and protected at the national level that have occurred since the previous periodic report, including any relevant jurisprudential decisions.
31. Please provide detailed relevant information on the new political, administrative and other measures taken to promote and protect human rights at the national level since the previous periodic report, including on any national human rights plans or programmes, and the resources allocated thereto, their means, objectives and results.
32. Please provide any other information on new measures and developments undertaken to implement the Convention and the Committee's recommendations since the consideration of the previous periodic report in 2007, including the necessary statistical data, as well as on any events that have occurred in the State party and are relevant under the Convention.

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