

20 April 2009

Public

amnesty international

Portugal
Submission to the UN Universal
Periodic Review

Sixth session of the UPR Working Group of the
Human Rights Council
November - December 2009



Executive summary

In this submission, Amnesty International provides information under sections B, C and D as stipulated in the *General Guidelines for the Preparation of Information under the Universal Periodic Review*:¹

- Under section B, Amnesty International raises concern at outstanding ratification of key international human rights standards.
- Section C highlights Amnesty International's concerns over reports of ill-treatment and excessive use of force and firearms by the police, prison conditions, domestic violence, and counter-terrorism measures.
- In section D, Amnesty International makes a number of recommendations for action by the government.

¹ Contained in Human Rights Council Decision 6/102, Follow-up to Human Rights Council resolution 5/1, section I adopted 27 September 2007.

Portugal

Amnesty International submission to the UN Universal Periodic Review

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B. Normative and institutional framework of the State

Ratification of international human rights standards

Portugal has yet to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Convention sets standards for the protection of foreign individuals working in countries that are states parties.

Portugal has not yet ratified the International Convention for the Protection of All Persons from Enforced Disappearance, although it has already signed it.

C. Promotion and protection of human rights on the ground

Ill-treatment and excessive use of force and firearms by the police

For a number of years Amnesty International has raised concerns regarding allegations of ill-treatment and excessive use of force and firearms by Portuguese law enforcement officers. The organization notes the pattern of apparent impunity resulting from the failure to hold officers to account through effective disciplinary and/or criminal investigations, and that as a result, justice for victims is denied. Inadequate training in the use of firearms is often blamed for fatal shootings, and representatives of police professional associations (*Associação Sócio-Profissional da Polícia de Segurança Pública* and *Associação dos Profissionais da Guarda*) have urged better training for officers. Amnesty International shares this concern, and is also concerned at the recent acquisition of electro-shock weapons by law enforcement agencies.

In March 2009, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published its most recent report on Portugal, based on its visit in January 2008. The CPT noted that it had received numerous allegations of ill-treatment by law enforcement officials, including slaps, punches and blows with various objects such as batons and telephone books; it had also received allegations of verbal intimidation, including in one case a threat made with a firearm. The CPT observed that the allegations received indicated an increase of such ill-treatment in recent years.

In 2008, the Court of Appeal in Lisbon ordered a retrial in the case of Albino Libânio, who was assaulted by prison guards in Lisbon Prison in 2003. The Court granted a request by Mr. Libânio's lawyers for the Portuguese state to be named as a defendant on the grounds that his injuries occurred while he was in the care of the prison system and consequently the state should be held liable even if it was impossible to prove which prison officers were responsible for the attack. The original trial had recognized the injuries suffered by Mr. Libânio, but acquitted all seven prison officers of assault because of lack of evidence proving their personal responsibility.

In October 2008, the trial began of four police officers charged with torturing Leonor Cipriano in 2004 to obtain a confession that she had killed her daughter. Medical reports and photographs of Leonor Cipriano recorded extensive injuries after two days in police custody in Faro. Police officials claimed she fell down a flight of stairs in the police station; however, expert medical witnesses stated that her injuries were not consistent with such an incident and more in keeping with an assault. Leonor Cipriano said that she was punched, kicked, forced to kneel on glass ashtrays, and had a plastic bag placed over her head. The trial is continuing.

Prison conditions

The conditions inside Portuguese prisons continue to be of concern, with numerous allegations of physical abuse of inmates by prison guards.

The CPT noted in its March 2009 report on Portugal that it had received a number of allegations of physical ill-treatment of prisoners by custodial staff at Monsanto High Security Prison and Coimbra Central Prison, and, to a lesser extent, at Oporto Central Prison. These allegations concerned punches, kicks and blows with batons, after the prisoners concerned had been brought under control; in some instances the prisoners apparently required medical treatment as a result.

The 2009 CPT report also welcomed a significant decrease in overcrowding of prisons in Portugal, but continued to express concern at overcrowding in certain prisons, such as Angra do Heroísmo Regional Prison (Açores), where occupancy stood at nearly 200 per cent at the time of the visit.

Domestic violence

Amnesty International continues to be concerned at reports of violence against women, including domestic violence. A large and growing number of cases are reported to the authorities every year. The Portuguese Association of Victim Support received 16,832 complaints concerning domestic violence in 2008, including seven murders. This represents an increase from 14,534 complaints of domestic violence received in 2007. According to statistics compiled by the NGO Women's Union, at least 48 people died as a result of domestic violence in 2008.

Counter-terrorism measures

On 14 February 2007 the European Parliament approved the report of its temporary committee of inquiry into alleged flights by the US Central Intelligence Agency (CIA) operating in Europe as part of the USA's programme of renditions. The report found there had been stopovers by flights operated by the CIA in Portuguese territory, believed to be part of the network involved in renditions, on 91 occasions and evidence of an additional 17 suspect flights travelling to or from Guantánamo Bay that had stopped over in Portugal between 11 January 2002 and 24 June 2006. The current president of the European Commission, José Manuel Durão Barroso, is named in the document as former Prime Minister of Portugal and it is alleged that his government must have been aware of the nature of the CIA flights stopping over in Portuguese territory. The current Minister for Foreign Affairs, Luís Amado, claimed that the committee had gone beyond its mandate and that the allegations that Portuguese officials had been aware of the nature of the illegal flights were not supported by any real evidence.

Despite these assertions from the government, a judicial investigation into suspected CIA rendition flights was opened in February 2007, and is still in progress.

Information from the Ministry of Public Works given to Parliament in May 2008 stated that 56 CIA-operated flights originating from or heading to Guantánamo Bay passed through Portuguese territory between July 2005 and December 2007. No information was made public about the details of the passengers on these flights.

D. Recommendations for action by the State under review

Amnesty International calls on the government:

Ratification of international human rights standards

- To immediately ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance.

Ill-treatment and excessive use of force and firearms by the police

- To 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 such as the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials;
- To conduct prompt, thorough, impartial and effective investigations into all allegations of ill-treatment or excessive use of force by law enforcement officials, in order to bring those responsible for such acts to justice.

Counter-terrorism measures

- To ensure that a full, effective, independent investigation into the possible role of Portuguese officials and the use of state territory in connection with human rights violations associated with the programme of CIA renditions or other unlawful transfers is conducted and the findings made public;
- To ensure that no part of Portuguese territory, including its airspace and all airports and military bases, is used to carry out or facilitate renditions and other unlawful transfers, including through the implementation of effective preventive measures.

Appendix: Amnesty International documents for further reference²

Portugal before the Human Rights Committee: summary of Amnesty International's concerns, Amnesty International 8 August 2003, AI Index: EUR 38/001/2003

Portugal: Attack on a prisoner in Lisbon Prison, July 2004, AI Index: EUR 38/001/2004

Europe and Central Asia: Summary of Amnesty International's Concerns in the Region, January – June 2006, AI Index: EUR 01/017/2006

Europe and Central Asia: Summary of Amnesty International's Concerns in the Region, January-June 2007, AI Index: EUR 01/010/2007

Europe and Central Asia: Summary of Amnesty International's Concerns in the Region, July- December 2007, AI Index: EUR 01/001/2008

Amnesty International Report 2007: The State of the World's Human Rights, POL 10/001/2007

Amnesty International Report 2008: The State of the World's Human Rights, POL 10/001/2008

² All of these documents are available on Amnesty International's website: <http://www.amnesty.org/en/region/portugal>