



A PROVIDORA DE JUSTIÇA

Gabinete da Provedora

## **NHRI STATEMENT**

**3<sup>rd</sup> reporting cycle of the Universal Periodic Review**

**Pre-session**

**April 2019**



Distinguished members of the Human Rights Council,  
Distinguished members of the Permanent Missions  
Distinguished Representatives from Civil Society,  
Ladies and Gentlemen,

The Portuguese Ombudsman welcomes this opportunity to address the human rights community and to share its assessment regarding the implementation of the recommendations made by the Human Rights Council in the last reporting cycle.

At the outset it is important to stress that the Portuguese Ombudsman is a fully independent state body with its statute enshrined in the Constitution and in the Law, recognised by the international community as the National Human Rights Institution in full compliance with the *Paris Principles*. Its judgements and views are, therefore, entirely free and acknowledged as such by the national authorities and by the people.

Portugal has a longstanding commitment towards the recognition of human rights and throughout the last decades has made efforts to be in line with international standards. During the reporting period the Portuguese State worked to address the issues raised in the second Universal Periodic Review cycle.

The Portuguese Ombudsman highlights the ratification, on January 27<sup>th</sup> 2014, of the International Convention for the Protection of All Persons from Enforced Disappearance; and the ratification of the International Labour Organization Convention on Domestic Workers, on July 2015.

As also specified in the State's report, since its last UPR, the Portuguese authorities established several policy instruments namely, the 3<sup>rd</sup> and 4<sup>th</sup> National Plans against Trafficking of Human Beings (2014-2017 and 2018-2021), the Strategic Plan for Migration (2015-2020); the National Strategy for the Integration of Roma Communities (2013-2022) and the National Strategy for Equality and Non-Discrimination (2018-2030).

The Portuguese Ombudsman perceives these measures as an illustration of the above mentioned Government's concern to accomplish the country's human rights international obligations.



Nonetheless, the Portuguese Ombudsman, in order to fulfil its mandate as National Human Rights Institution, has the duty to point out some shortcomings that still persist. Due to time constraints, this statement will focus on key issues that intersect the Ombudsman's multiple mandates and the recommendations delivered by the Human Rights Council on the last reporting cycle.

Firstly, within the scope of the economic, social and cultural rights, the Ombudsman – in its capacity of a complaints handling mechanism – witnessed throughout the last years the worrying situation experienced by many people who are waiting for long months, and in many cases more than a year, by the provision of various social benefits, such as old-age and disability pensions and survivors' pensions. This situation deeply affects, by default, people more vulnerable to the negative impacts of the weaknesses detected in the welfare system, as are the cases of older persons and persons with disabilities.

Secondly, as the National Human Rights Institution, the Portuguese Ombudsman has to make a particular reference to domestic violence. The Ombudsman welcomes the efforts and measures, either legislative or policies implemented, in order to raise awareness, to prevent and to protect victims of domestic violence. However, it is still deeply concerned with the extremely high numbers of domestic violence cases reported in the last years. According to official data, since the beginning of the year until February, eleven women and a child were killed in domestic violence contexts; and one hundred and twenty six persons were detained as suspects of domestic violence offenses. Against this backdrop it is crucial to promote the necessary organization of services and to ensure the communication between all the competent authorities in order to achieve an effective preventive and restorative intervention.

Finally, the Ombudsman, in its capacity of the National Preventive Mechanism, must address the well-known and well documented deficiencies of the Portuguese penitentiary system. The Portuguese Ombudsman recognizes the important step made by the Government with the elaboration of the Report on the Penitentiary and Juvenile System that outlines a 10 year strategy for the reform and rehabilitation of the penitentiary establishments and juvenile educational centres. This report not only acknowledges many of the deficits of the prison system, but also es-



establishes a roadmap for overcoming them. However, throughout the numerous visits made by the National Preventive Mechanism and the contacts established directly with inmates and with civil society organizations, systemic problems still persist that affect their lives. Subjects like the physical conditions of many penitentiary establishments, access to health and education – which is not specific of the prison system but encompasses particular impacts on the people that live in it – overcrowding in some facilities and lack of staff remain, at the present, problems that urgently need to be addressed. These problems were recently intensified by labour conflicts between prison guards and the Government, which resulted in increased layers of restriction of fundamental rights during the pendency of those labour disputes.

In closing, the Portuguese Ombudsman – in line with the 2030 Agenda for Sustainable Development – wishes to stress its strong commitment to keep working closely and thoroughly with the Portuguese authorities, civil society and with the international and regional mechanisms, in order to achieve a better standard of promotion and protection of Human Rights, reinforcing Portugal's accomplishments and reacting to the challenges that are still present.