



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

www.ohchr.org • TEL: +41 22 917 9000 • FAX: +41 22 917 9008 • E-MAIL: registry@ohchr.org

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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Portugal and welcome the constructive engagement of your Government during the 33rd session of the UPR Working Group in May 2019.

As the final outcome report on the review of Portugal has been recently adopted by the Human Rights Council at its 42nd session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Portugal – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and/or recommendations made by 94 delegations and the presentation made and responses provided by the delegation of Portugal. I have also considered the actions taken by the Government to implement the 139 recommendations supported during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome the adoption of a national human rights action plan and encourage Portugal to continue implementing it effectively in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate the preparations for Portugal's fourth cycle of the UPR. My advice to all Member States is to implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office.

I also encourage Portugal to pursue efforts to strengthen its national mechanism for comprehensive reporting and follow-up in relation to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking this to the Sustainable Development Goals. I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

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H.E. Mr. Augusto Santos Silva
Minister of Foreign Affairs
Portugal



Please, kindly note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting them with the implementation of the recommendations, following the review. An important measure that can contribute positively to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice of Portugal to submit mid-term reports and encourage the Government to do so again on follow-up to the third cycle of the review, by 2022.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Portugal in relation to the areas identified in this letter and its annex.

Please, accept, Excellency, the assurances of my highest consideration.

A handwritten signature in blue ink, which reads "Michelle Bachelet", is written over a horizontal line.

Michelle Bachelet
High Commissioner for Human Rights

cc: H.E. Ms. Teresa Ribeiro
Secretary of State for Foreign Affairs and Cooperation
Portugal

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Considering the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
- Implementing the recommendations of the Committee on Economic, Social and Cultural Rights to reduce unemployment and of the Committee on the Elimination of Discrimination against Women concerning efforts to implement the Convention on the Elimination of All Forms of Discrimination against Women throughout the territory, including in the autonomous regions of the Azores and Madeira, and to combat trafficking in persons.

National human rights framework

- Continuing to support the Ombudsman's Office with the necessary financial, material and human resources so that it can fulfil its mandate in compliance with the Paris Principles.
- Continuing to promote the strengthening or creation of a national mechanism for reporting and follow-up and for the implementation of recommendations.
- Strengthening the implementation of policies, programmes and strategies to promote and protect the rights of ethnic minorities, migrants and refugees, and improving programmes of dialogue between civilizations, including the programmes of the Working Group on Interreligious Dialogue.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and non-discrimination

- Intensifying efforts to prevent and combat racism, racial discrimination, racial or ethnic profiling, xenophobia and intolerance, hate speech, and the spread of racism and stereotypes that promote a negative image of minorities, especially of Roma, migrants, Muslims and persons of African descent in the media and civil society at large.
- Reinforcing the enactment of policies, programmes and strategies to fight and punish hate speech, expressions of racism, racial discrimination and xenophobia by politicians, civil servants and media against migrants, refugees, Muslims, persons of African descent and Roma people; and strengthening awareness of cultural diversity and inter-ethnic understanding.
- Continuing efforts towards the adoption of a comprehensive strategy to implement measures to eliminate discriminatory gender stereotypes concerning roles and responsibilities in the family and society.
- Strengthening the implementation of the National Strategy for Equality and Non-Discrimination "Portugal + Equal" (2018-2030), and reviewing the mechanisms dealing with complaints on discrimination.

Development, the environment, and business and human rights

- Reinforcing institutional frameworks through the provision of measures, planning and budgeting to address the causes and effects of climate change at all levels.
- Pursuing the promotion of sustainable economic and social development in Portugal, as well as efforts to steadily increase development assistance abroad.
- Ensuring that policies, legislation, regulations and enforcement measures serve to prevent and address the heightened risk of business involvement in abuses in conflict situations.

B. Civil and political rights

Right to life, liberty and security of person

- Taking further measures to ensure that cases of gender-based violence, notably in the domestic sphere, are reported, perpetrators prosecuted, victims provided with adequate support, and root causes tackled.
- Ensuring the effective implementation of all legal and policy frameworks intended to combat and prevent domestic violence against women and children, with particular attention to obstacles that may prevent victims from accessing justice.
- Adopting an action plan to decrease the number of female victims of domestic violence, in line with Sustainable Development Goal 5.

Administration of justice, including impunity, and the rule of law

- Taking meaningful steps to shift the focus of the penitentiary system from retribution to rehabilitation and to eliminate prison overcrowding, ensuring full compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), keeping juveniles out of adult facilities, separating pre-trial detainees from convicted criminals, and maintaining adequate sanitary and health conditions in prisons.
- Taking measures to ensure investigations and appropriate punishment for police and prison guards responsible for ill-treatment and abuse in custody.
- Continuing to provide for training for law enforcement and public officials as well as effective and accessible remedies to respond to complaints of racial discrimination.

Prohibition of all forms of slavery

- Continuing to strengthen efforts to combat all forms of trafficking, including for sexual and labour exploitation, while ensuring the identification and protection of victims, including among refugees, asylum seekers and migrants.

C. Economic, social and cultural rights

Right to work and to just and favourable conditions of work

- Continuing to take specific measures to reduce the wage gap and ensure equal pay for women and men for equal work in all sectors of the economy.

- Increasing efforts to reduce unemployment and improving access to the labour market for young persons, notably women, including migrants.

Right to an adequate standard of living

- Stepping up efforts to combat poverty and taking measures to further reduce precariousness and economic inequality, particularly for the most vulnerable groups and those most at risk of poverty and exclusion.
- Continuing to address the negative impact of the economic crisis, especially on disadvantaged groups, by making available adequate resources to ensure the rights to work and to adequate housing.
- Strengthening efforts to eliminate discrimination in access to housing; and ensuring the right to adequate housing for Roma and people of African descent living in substandard conditions.

Right to health

- Intensifying efforts to enhance access to sexual and reproductive health, reviewing related national laws and policies, and implementing comprehensive sexuality and reproductive education.

Right to education

- Strengthening efforts to ensure equal access to education, including for members of ethnic minorities, women and girls, migrants and their families and other disadvantaged groups.
- Reducing the school dropout rate, including by tackling its root causes.

D. Rights of specific persons or groups

Women

- Continuing efforts to prevent violence against women and girls, especially in the domestic space, and providing psychosocial and legal support for victims.
- Pursuing efforts to improve women's professional empowerment, notably by increasing their representation in political life, legislative bodies at all levels, in the executive branch, the diplomatic service, the Supreme Court of Justice and other public institutions.

Children

- Finalizing the national strategy on children's rights.
- Ending the immigration-related detention of children, particularly for those unaccompanied and separated, and providing appropriate care arrangements and community-based programmes to adequately support children and their families.
- Strengthening mechanisms to combat child trafficking and child exploitation; and improving specialized support for child victims.



- Pursuing measures to empower youth and promoting the full enjoyment of human rights by young people.

Persons with disabilities

- Continuing to promote the rights of people with disabilities, by ensuring inclusive education and accessibility of welfare services and facilities.

Minorities

- Taking further measures to combat all forms of discrimination and segregation against minorities, notably of Roma and persons of African descent in their access to education, housing, employment and health care.
- Continuing efforts to ensure that Roma children attend and remain within the educational system, through an intercultural approach, and to put an end to the placement of Roma pupils in separate classes.
- Pursuing efforts to ensure the economic and social integration of Roma people, notably through the strengthening of the implementation of the National Roma Communities Integration Strategy 2013-2020.

Migrants, refugees and asylum seekers

- Pursuing efforts to provide free access to education for migrant girls and boys.
- Continuing to protect the rights of migrants, by providing free access to health and social services, including to adult literacy programmes.
- Pursuing the strengthening of the institutions responsible for the integration of refugees.
- Sustaining efforts for the elaboration of a national plan for the implementation of the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees.