



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

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**Committee against Torture**  
**Sixty-eighth session**

**Summary record of the 1796th meeting\***

Held at the Palais Wilson, Geneva, on Tuesday, 19 November 2019, at 10 a.m.

*Chair:* Mr. Modvig

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*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by States parties under article 19 of the Convention** *(continued)*

*Seventh periodic report of Portugal (CAT/C/PRT/7 and CAT/C/PRT/QPR/7)*

1. *At the invitation of the Chair, the delegation of Portugal took places at the Committee table.*
2. **Mr. Macieira** (Portugal) said that his country's report, which had been discussed with civil society organizations prior to its finalization, had been prepared by the National Committee for Human Rights, a body established in April 2010 to serve as the national mechanism for implementation, reporting and follow-up in the field of human rights. The Committee included government representatives and benefited from the participation of the Ombudsman and the Office of the Prosecutor-General. One of its aims was to boost the involvement of non-governmental organizations in the United Nations human rights reporting process.
3. Portugal was up to date with its reporting obligations to all the human rights treaty bodies, and welcomed the fact that its report was being considered under the simplified reporting procedure, which it hoped would become the rule rather than the exception. It was fully committed to the protection, promotion and fulfilment of all human rights without discrimination. Its long-standing commitment to combating torture and all other forms of inhuman or degrading treatment was best illustrated by the fact that it had abolished the death penalty in law and in practice more than 150 years previously, in 1867, thereby putting an end to what it perceived as the worst form of cruel, inhuman or degrading punishment.
4. Portugal had been a party to the Convention against Torture since 1989 and had been devoting great attention to the fulfilment of its obligations thereunder. It shared the Committee's view that the prohibition of torture should be absolute. Respect for human dignity was of paramount importance, and human rights violations should never be allowed to happen, even in the interests of fighting terrorism.
5. **Mr. Mateus** (Portugal) said that his country's commitment to protecting and promoting human rights was reflected in its Constitution, article 1 of which read: "Portugal is a sovereign republic, based on the dignity of the human person and the will of the people and committed to building a free, just and solidary society". In addition to the Convention against Torture, Portugal had ratified a number of other core human rights treaties, including the International Convention for the Protection of All Persons from Enforced Disappearance. A recent example of his country's drive to enact modern legislation to ensure respect for human dignity was a regime introduced earlier that year to govern the legal capacity of persons with disabilities. The regime promoted the autonomy of such persons, in part because it eliminated the concepts of interdiction and incapacitation, in line with the Convention on the Rights of Persons with Disabilities.
6. Public campaigns to raise awareness of domestic violence had been stepped up, and police officers had been instructed to implement victim protection measures as soon as possible once a case was reported, and within 72 hours at the most. Once a complaint was filed, the relevant court was required to impose coercive measures within 48 hours. Such measures could range from the removal of the victim from the aggressor's home to electronic monitoring, which could also be imposed as part of the implementation of restraining orders for persons convicted of domestic violence. In 2018, electronic monitoring had been imposed in 740 cases. The National Strategy for Equality and Non-Discrimination included an action plan aimed specifically at preventing and combating violence against women and domestic violence. The plan provided for a free national 24-hour helpline to facilitate the immediate provision of accommodation to victims in danger and the transportation of victims to shelters in an official vehicle. It also provided for an online system for the submission of complaints, the dissemination of information to victims, the creation of victim support offices, free legal aid for victims and the establishment of an interministerial team to review cases of domestic violence, produce reports and submit recommendations to the relevant government departments. Since 2014, a programme for perpetrators of domestic violence had been attended by 2,400 individuals.

7. In January 2020, four specialized domestic violence departments with nationwide coverage would be opened within the judiciary to ensure that child victims received consistent, coordinated protection. The number of persons imprisoned for domestic violence had risen from 388 in 2017 to 973 in September 2019, of whom 215 had been in pretrial detention.

8. Female genital mutilation had been criminalized, and several steps had been taken to prevent and raise awareness of it in cooperation with local religious leaders. Harassment and forced marriage had also been criminalized, while, for the crimes of rape, sexual harassment and sexual coercion, the requirement of violence or intimidation had been removed through legal amendments, in accordance with the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

9. The national preventive mechanism had recently visited a juvenile detention centre and had subsequently made recommendations concerning the system of communication between inmates and their families. A follow-up visit had confirmed that measures had been taken to increase the number of channels of communication, including through the use of video calls, mobile phones and the Internet. The new model would be applied in all juvenile detention centres as part of a policy of greater openness. A group of experts had been set up to conduct a thorough review of the rules governing the detention of minors, which had recently been amended to ensure that minors were no longer subjected to strip searches or head-shaving upon admission. Since the 1980s, a community policing project had been implemented in schools to promote citizenship and human rights principles. Each year, law enforcement agencies held 17,000 group sessions on citizenship and 8,850 group sessions on human rights for approximately 980,000 children.

10. Scrapping the practice of weekend detention and introducing an electronic monitoring system had made it possible to reduce the prison population by around 2,000 people. Both measures had contributed significantly to alleviating prison overcrowding and limiting the percentage of pretrial detainees to roughly 17 per cent of all inmates, which was well below the 2018 European average of 26 per cent. Moreover, under domestic law, sentences not exceeding 2 years' imprisonment were served in the form of house arrest with electronic monitoring.

11. Telephones would be installed in all prison cells to facilitate communication between inmates and their families and friends. The current limit of one five-minute call per day would be abolished in the hope of reducing isolation and helping to prevent suicides. Thanks to the implementation of an integrated programme for suicide prevention, the number of prison suicides in Portugal had been falling for years, and, at eight per year, was below the European average of nine.

12. The entire prison system had recently been informed that the duration of solitary confinement should not exceed 15 consecutive days, even though the limit under national law was still 21 days. Inmates in solitary confinement were entitled to daily medical check-ups and two hours per day outside.

13. The success rate of the National System of Electronic Monitoring had been calculated at 98.6 per cent. The use of electronic surveillance had increased by 34 per cent between 2018 and 2019, of which 12 per cent was attributable to sentences of imprisonment consisting of house arrest. The system made it possible to monitor the whereabouts of perpetrators and victims of domestic violence through geolocation, which was the safest and most modern technology available. As at 31 October 2019, electronic monitoring had been imposed in 959 cases of domestic violence.

14. As part of efforts to modernize the prison system, plans were in place to build two new prisons, each with a capacity of around 600 inmates, and to close eight old facilities, including Lisbon prison, which had been built more than a century previously. In addition, over the previous three years, €11.3 million had been spent on improving prison infrastructure and sanitation facilities.

15. Following an amendment to article 80 of the Criminal Code, persons who spent up to six hours in custody for identification purposes had one full day deducted from any sentence eventually imposed on them, regardless of the nature of their case, and even if the sentence was rendered in a separate case. The 48-hour deadline for bringing a person in police custody before a judge was fully respected.

16. Between 2012 and 2018, the Inspectorate-General of Home Affairs had conducted 406 unannounced visits to police premises, during which the focus had been on conditions of detention. The recommendations that had come out of those inspections had been in line with concerns voiced by international bodies such as the Committee against Torture and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Unannounced inspections had also been carried out in detention centres operated by the Immigration and Borders Service. In 2019, a new statute of the Public Security Police had been approved. The statute reinforced respect for citizens' rights, freedoms and guarantees.

17. A legal framework for the provision of mental and other health care had recently been approved, and the ministries of justice and health had assumed joint responsibility for accommodating and treating forensic patients in specialized hospitals. In July 2018, 12 additional beds had been made available for forensic patients at a mental health institution in Lisbon, where there were currently 45 beds. On 2 December 2020, a total of 40 beds would be made available for patients who were being held at the Santa Cruz do Bispo psychiatric clinic.

18. Government spending on prison health care had doubled since 2017, and a further 786 health professionals would be hired in that sector in 2020. Steps were being taken to improve cooperation and coordination between ordinary health institutions and prison health services, with a special focus on the computerization of certain services and the promotion of "telehealth" services, which would enable National Health Service doctors to assess and treat inmates remotely. By law, prisoners had a right to receive care from the Service.

19. As noted by the World Health Organization in August 2018, Portugal had introduced a new model of care for prison inmates and planned to diagnose and treat all inmates living with chronic hepatitis C and to eliminate the disease from prisons by 2020. Accordingly, 94 per cent of inmates with hepatitis C were receiving regular treatment, while the remaining 6 per cent were due to begin their treatment in the near future. In 2018, the World Health Organization had recognized Portugal as a source of good practices in the prevention and treatment of tuberculosis in prison settings. Moreover, in 2001, Portugal had decriminalized the use and possession of all illicit drugs; independent evaluations had concluded that the Portuguese model, which involved the provision of harm reduction services, had led to a decrease in cases of HIV and viral hepatitis among drug users.

20. Regarding the protection of the most vulnerable people, including migrants, Portugal had been one of the first countries to approve a national plan for the implementation of the Global Compact for Safe, Orderly and Regular Migration. The plan was aimed at addressing the root causes of migration and enhancing the positive impacts of migration on demographic sustainability and the labour market. Portugal had been cooperating with the European Union in the resettlement of refugees from Greece and Italy and of migrants rescued from the Mediterranean Sea. The legal framework for the entry, residence, exit and expulsion of foreign nationals had been reviewed and strengthened in 2017. The framework prohibited coercive expulsion and expulsion to any country where the person might be harassed or persecuted on grounds that would justify the granting of asylum, or where the person might suffer torture or other inhuman or degrading treatment.

21. Portugal was one of the few countries that, by law, granted a key role to a non-governmental organization within the framework of the International Protection Procedure. The Portuguese Refugee Council, acting on behalf of the Office of the United Nations High Commissioner for Refugees, gave support and legal advice to applicants for international protection. The Portuguese authorities had a duty to refer all asylum applications to the Council immediately.

22. Some years previously, the Social Integration Income had been introduced to help those in serious need of financial support. By the end of 2017, eligibility for the Income had been extended to prison inmates preparing for release, with a view to supporting their social and professional reintegration.

23. The fourth National Action Plan for the Prevention of and Fight against Trafficking in Human Beings, which covered the period 2018–2021, consolidated a multidisciplinary approach and promoted continuous coordination between public institutions and civil society.

24. With regard to forced labour and labour exploitation, the Labour Code had recently been amended in line with the relevant conventions of the International Labour Organization. As a result of the amendments, companies responsible for placing temporary workers were now liable for the workers' social contributions. Moreover, by the end of 2019, an additional 130 labour inspectors should have been recruited. The plan of action for the National Strategy for the Integration of Homeless People had a budget of €131 million and was aimed at, inter alia, improving housing and the provision of vocational training.

25. Portugal was committed to eliminating all forms of discrimination on any grounds, including origin, colour and nationality. Discrimination and incitement to hatred and violence were criminal offences. The Commission for Equality and against Racial Discrimination, which had been created under the High Commission for Migration, had adopted measures to ensure that there were multiple channels for filing complaints. Thanks to those efforts, the number of complaints had increased by 93 per cent in 2018, and 393 complaints had already been lodged in 2019. The Commission had been cooperating with the Regulatory Authority for the Media to promote tolerance and eliminate stereotypes. In that context, a recommendation to adhere to the principle of non-reference to racial and ethnic origin, colour, nationality, ancestry, territory of origin and documentary status had been issued.

26. Portugal was fully aware of the challenges that remained in terms of the prevention of torture and other forms of cruel, inhuman or degrading treatment or punishment, and was steadfastly committed to improving its implementation of the Convention and to promoting and guaranteeing respect for the highest standards of human rights through effective legislative, administrative, judicial, policy and other measures.

27. **Mr. Heller Rouassant** (Country Rapporteur) said that he would appreciate information on any plans to amend article 243 of the Criminal Code to explicitly cover the infliction of pain or suffering for any reason based on discrimination, particularly bearing in mind the situation of the Roma community and other minorities, including persons of African descent, in the State party. In reference to paragraph 2 of the State party's report (CAT/C/PRT/7), he asked why article 118 of the Criminal Code had not been amended to reflect the Committee's view that the crime of torture should not be subject to a statute of limitations. Turning to paragraph 21 of the report, he requested an update on any complaints filed against officials of the Immigration and Borders Service.

28. Noting that, according to alternative reports, the number of deaths from domestic violence in Portugal had doubled between 2018 and 2019, he asked what could be done to prevent a recurrence of the 2017 controversy in which judges Neto de Moura and Maria Luisa Arantes had imposed light sentences on two men who had attacked a woman, on the grounds that her adultery had been a mitigating factor. More generally, he wished to know what steps would be taken to improve the training given to judicial officials with a view to ensuring that punishment was commensurate with the severity of the crime.

29. He invited the delegation to comment on the assertion by the national preventive mechanism that, between 2017 and 2018, the number of recorded victims of human trafficking in the State party had risen from 150 to 168, and on the assertion that Portugal was increasingly a transit country for human trafficking for the purposes of sexual exploitation.

30. He would appreciate clarification of the State party's assertion, in paragraph 84 of its report, that the Immigration and Borders Service made "all possible efforts" to provide renewable residence permits. It was unclear who made the decisions about such permits and on what basis. He would welcome information on the circumstances under which victims of trafficking in persons remained in the State party, as well as data on the number of residence permits that had been granted or refused to such victims.

31. Following the creation of the offence of female genital mutilation, he would appreciate updated statistics on the number of cases reported since 2016.

32. He would be grateful for more information on which authorities were responsible for the granting of refugee status and for up-to-date statistics on the number of asylum applications received since 2016. He wished to hear the delegation's comments on reports that the number of refugees and asylum seekers the State party had accepted fell well below that agreed under the relocation arrangement put in place by the European Union.

33. He wished to know whether there was a mechanism in place to ensure the systematic identification of persons, including asylum seekers, who had been victims of torture, as well as whether the State party applied the provisions of the Istanbul Protocol. The State party had indicated that very few such persons had been identified; it would be useful to know exactly how many there were.

34. He was grateful for the data the State party had provided on the number of nationals of third countries who had been removed between 2014 and 2016; however, he would welcome details of the nationality of those persons and the reasons for their removal. It would be helpful to learn why no information was available on the number of appeals lodged against expulsion or extradition decisions on the basis that applicants might be in danger of being subjected to torture in their country of destination, and on the result of those appeals. He wished to know whether the State party had accepted diplomatic assurances with regard to the risk of torture in connection with any extradition proceedings.

35. The Committee had received reports that asylum applicants held at airports while their applications were considered were not kept informed of the progress of their case. He would welcome confirmation that the authorities adhered to the seven-day deadline for notifying applicants of the outcome of their application.

36. The Office of the United Nations High Commissioner for Refugees had recently recommended that the State party should end the detention of children, particularly unaccompanied and separated children, in connection with immigration matters. It had also recommended the establishment of appropriate support mechanisms for such children and of a national system for the identification of asylum applicants who had been victims of trafficking. He would appreciate the delegation's comments on those issues, as well as on reports that the State party's jurisprudence excluded cases of torture and ill-treatment from the principle of non-refoulement.

37. The Committee had been informed that, in May 2019, a number of police officers had been convicted in connection with a racially motivated attack on six men of African descent in a landmark case known as the Cova da Moura case. He would be interested to hear about the lessons the State party had learned from the case.

38. It would be useful to know how many cases had been dealt with under the procedure set up in 2017 for handling complaints of torture or ill-treatment of persons deprived of their liberty. He would welcome an account of the reasons why only 5 of the 874 administrative procedures handled by the Inspectorate-General of Home Affairs in 2018 had resulted in disciplinary measures. According to information supplied by the State party, the Inspectorate used a very broad definition of torture that went far beyond that contained in the Criminal Code. Did the Government plan to include the broader definition in its legislation? He would welcome the delegation's comments on the CPT recommendation that the State party should ensure the full independence of the Inspectorate-General of Home Affairs in the handling of complaints of torture filed against law enforcement officers. It was unclear how the assertion, in paragraph 223 of the State party's report, that there had been no cases of acts of torture or ill-treatment perpetrated by prison staff could be reconciled with the data the State party had provided on disciplinary measures imposed on prison guards. It would be interesting to hear whether the Government had any plans to extend the use of alternatives to detention as a way of further reducing prison overcrowding.

39. The Committee had received worrying reports of ill-treatment and a lack of appropriate medical care at the psychiatric facility in the Santa Cruz do Bispo prison. It had also been informed of staff shortages at the psychiatric facility in Coimbra. He would welcome the delegation's response to those reports, as well as an update on the status of the plans drawn up by the Audit and Inspection Service to introduce a new complaints system in prisons.

40. Data provided by the State party indicated that there had been numerous deaths in custody between 2010 and 2016 as a result of illness or suicide. It was unclear whether a lack of medical care or poor conditions of detention had contributed to those deaths.

41. The State party had indicated that allegations of racially motivated misconduct by police or immigration officials could be made in "complaints books" kept at Immigration and Borders Service facilities. Given that many of the individuals who might wish to make

such allegations had only a basic level of education, the books might not be the most appropriate mechanism for recording complaints.

42. While noting that the Office of the Ombudsman had been designated as the State party's national preventive mechanism and had enjoyed category A status under the Paris Principles since 1999, the Committee was nevertheless concerned at the absence of a specific budget allocation for the Office and at the lack of differentiation between the mandates of the national preventive mechanism and the national human rights institution.

43. He would appreciate comments on the refusal by a parliamentary committee to grant funding for the national preventive mechanism to hire three staff members in 2015; on the lack of multidisciplinary teams to conduct visits to places of deprivation of liberty; and on reports that the Ombudsman had had difficulties accessing places of deprivation of liberty other than prisons, such as psychiatric institutions and military facilities. Those problems, together with the fact the national preventive mechanism focused mainly on monitoring places of deprivation of liberty despite having a mandate to submit proposals for and comments on draft laws, suggested that there was a need to increase the visibility of the national preventive mechanism by raising awareness of the Optional Protocol and the mechanism's mandate.

44. It would be helpful to have more detailed information on incidents of racial discrimination within the prison service, since the reply given in the State party's report (para. 286) had been rather vague. He was concerned that the Roma community was treated as being separate from the rest of the population, in spite of the fact that they, too, were Portuguese citizens. Noting that the use of Tasers had been prohibited in prisons since 2010, he wondered whether their use outside of prisons was permitted. Lastly, he would be grateful for information related to the implementation of the Convention by the State party in Madeira and the Azores.

45. **Mr. Tuzmukhamedov** (Country Rapporteur) said he wished to know whether any government agencies that fell outside the authority of the Inspectorate-General of Home Affairs had the power to detain persons and, if so, what body was responsible for the oversight of those agencies. The Committee would appreciate clarification as to whether detained persons had access to legal counsel from the moment of detention, given that it was not evident that the safeguard was enshrined in law and respected in practice. It would also be useful to have clarification of the State party's assertion that there was no information available on the number of complaints and on cases initiated for failure to comply with fundamental legal safeguards. Did that mean there had been no violations, no complaints had been lodged, no action had been taken in response to complaints, or data were simply not collected and analysed? He would be grateful for disaggregated data on victims of domestic and gender-based violence, as requested by the Committee in paragraph 3 (a) of the list of issues prior to reporting ([CAT/C/PRT/QPR/7](#)). He wished to know whether an appeal had been filed in the Cova da Moura case. He wondered whether the State party was considering using video surveillance in all police stations and holding cell areas, and providing police officers with body cameras. Noting that the online complaints procedure set up by the Inspectorate-General of Home Affairs was available only in Portuguese, he said it would be beneficial if the website was translated into English in view of the large numbers of foreign residents and tourists in the country.

46. He repeated the request for information contained in paragraph 9 of the list of issues, since there was no information in the State party's report to suggest that State agents involved in holding persons in custody or in the interrogation or treatment of any individual under any form of detention or imprisonment received specific training on the relevant international instruments – a conclusion that had been corroborated by the Ombudsman. He would be interested to hear whether immigration officers were trained on intercultural communication and on identifying signs of both physical and mental suffering. Were detainees who did not speak Portuguese guaranteed access to an interpreter? If so, were the interpreters skilled enough to help medical experts communicate with persons who had been subjected to physical or mental torture?

47. It was regrettable that the State party had not provided a substantive reply to the question in paragraph 10 of the list of issues about specific methodologies that had been developed to evaluate the effectiveness and impact of training on the prevention of torture. He would like to know if any progress had been made in that regard since the submission of

the State party's report. He would appreciate information about training on international law given to recruits at the Military Academy and the National Republican Guard training school, and about training provided to military personnel deployed abroad. In particular, he wished to know whether such personnel were instructed to abide by the Convention and, if so, what specific information was given and by whom, what manuals were used for training and what lessons, if any, had been learned from past international deployments.

48. It would be useful to have updated and substantive information on the measures adopted to ensure that juveniles detained in establishments for adults were accommodated separately and on the steps taken to increase access to mental health services in all prison facilities, as requested in paragraphs 11 (d) and 12 (a), respectively, of the list of issues. He would appreciate clarification as to how many juvenile detention centres there were in the country. He would also be grateful for comments on prison overcrowding, poor conditions in police holding cells, the use of solitary confinement for juvenile offenders, the inadequate treatment of prisoners with mental health issues, and the shortage of prison staff and poor working conditions.

49. The 2018 report of the European Commission against Racism and Intolerance had expressed concern about the excessive detention of asylum seekers and, according to the Portuguese Refugee Council, assessments of asylum seekers' individual situations were not conducted. Furthermore, while migrants detained at airports were advised of their right to counsel, lawyers were apparently reluctant to pay the fee to enter the terminal, which was imposed by a private airport management company. He wondered whether the delegation could respond to those concerns.

50. He would welcome an explanation as to why there was no record of complaints of ill-treatment in prisons. Was it because there had been no violations, because such incidents were not properly recorded, or because they were swept under the carpet? He wished to know what had been the outcomes of the investigations into torture and ill-treatment carried out by the Inspectorate-General of Home Affairs, as mentioned in table 22 of annex III to the State party's report, in terms of redress and compensation. He wondered whether the delegation could account for the relatively light penalties imposed on the police officers in the Cova da Moura case – one prison sentence and seven suspended sentences, with nine acquittals – particularly as the penalties might not dissuade other police officers from engaging in ill-treatment. Had the officers been allowed to continue serving in the police force and had they faced disciplinary proceedings? He had similar questions about the case of the National Republican Guard officer who had been acquitted of ill-treatment by a court in Évora. The court proceedings had lasted for eight years, during which time the officer had been promoted from the rank of corporal to major, which called into doubt the promptness and effectiveness of the proceedings.

51. He asked whether reparations under civil law were available to victims regardless of the outcome of the corresponding criminal proceedings. He wondered how broad the definition of a victim of torture was under Portuguese law for the purposes of redress and compensation. Did it cover the immediate family members and dependants of victims and those who had suffered harm when assisting victims or attempting to prevent victimization, as well as those who had been personally injured?

52. Noting that, in response to the CPT report on its visit to Portugal, the Portuguese authorities had pledged to look into a number of cases in which suspects had allegedly been ill-treated by police officers to force them to confess, he invited the delegation to provide an update on those cases, including details of any disciplinary action taken and any cases that had been discontinued.

53. According to one Portuguese non-governmental organization, complaints of coercion during interrogation submitted by detainees were rarely taken seriously and any investigations that were carried out did not extend to the conduct of superior officers responsible for preventing, investigating and sanctioning misconduct on the part of their subordinates. Furthermore, the European Commission against Racism and Intolerance had questioned the independence of the Inspectorate-General of Home Affairs and its readiness to investigate allegations of police ill-treatment motivated by racism and homophobia. The Committee would therefore like to know what specific measures, in law and in practice, were being taken to ensure that confessions obtained through torture or ill-treatment were not invoked in court and were never accepted as evidence. The delegation should also



explain what was being done to ensure that all allegations of coerced confessions were investigated promptly and impartially; that any persons convicted on the basis of coerced evidence were afforded a new trial and appropriate redress; and that those responsible were prosecuted and punished.

54. Concerns about discrepancies between international and Portuguese standards for the use of firearms by law enforcement officers had been raised by a number of authoritative bodies. Those sources indicated that the use of lethal force was authorized in a number of situations in which there was no imminent threat of either the officers themselves or members of the public being attacked. For example, the use of firearms was apparently permitted when necessary to maintain public order – a condition that was open to very loose interpretation. The delegation's comments and clarifications would therefore be appreciated.

55. The State party had failed to provide a comprehensive response to the Committee's request for disaggregated data on complaints of racial discrimination by police officers and their outcomes, instead referring to tables contained in annex III of the report that lacked key information. However, the European Network against Racism had highlighted increasing police brutality towards Afro-descendants and the European Commission against Racism and Intolerance had noted that it was often the police officers with the poorest track records who were assigned to areas in which large numbers of black persons lived. Detailed comments on those points were needed, as well as the requested figures.

56. The Committee would also like more detailed information about the State party's response to the terrorist threat and the implementation of its new counter-terrorism law.

57. **Ms. Racu** said that, despite commendable efforts to improve material conditions in juvenile detention centres, a number of shortcomings remained. Disciplinary sanctions were a particular area of concern, and more specifically the fact that minors could be placed in solitary confinement for periods of up to 30 days. She would like to know whether any review of the system of discipline was planned and when the law would be amended to prohibit solitary confinement for juveniles. She was also concerned that not all juveniles in detention had opportunities to participate in purposeful activities. An update on the range of psychosocial and educational activities available and on capacity-building activities for staff working in facilities for young offenders would therefore be helpful.

58. **Mr. Rodríguez-Pinzón** said that more information was needed about mechanisms in place to ensure that victims of torture were able to exercise the rights guaranteed under article 14 of the Convention, notably the rights to reparation, compensation and rehabilitation. With regard to the eight police officers convicted of unlawful conduct in the Cova da Moura case, he would like to know whether their sentences were final or still open to appeal; what amounts of compensation had been ordered by the courts; and whether those amounts had already been paid to the victims.

59. **Mr. Hani** said that the prevalence of mental health problems in educational guardianship centres and the lack of specialist therapeutic care to address them, as highlighted by the national preventive mechanism in its alternative report, was a matter of great concern that required urgent attention.

60. He wondered whether the State party had considered contributing to the United Nations Voluntary Fund for Victims of Torture and whether any efforts had been made to raise awareness of the fund among civil society organizations.

61. **The Chair** said that more information was needed about the reasons behind the high mortality rate in Portuguese detention facilities, which had been substantially higher than the European average for more than 20 years. The delegation had indicated that the suicide rate had fallen as a result of a prevention programme but he had been unable to find any figures to corroborate that assertion. He would appreciate clarification, and wondered whether the State party had considered implementing a suicide screening tool of the kind recommended by CPT. He would also like to know whether the cause of death – illness, suicide or homicide – was determined on the basis of a forensic medical examination and autopsy, a police investigation or some other method. The method of determination was important as the underlying cause of death in cases of, for example, an overdose or alcohol poisoning was not always clear. Would the death be attributed to illness in such cases? The

delegation should also confirm whether the figures included deaths in police custody as well as deaths in prison.

62. The high morbidity rate raised doubts as to the efficacy of prison health services. Given how important it was for every inmate to undergo an initial medical examination in order to identify vulnerabilities, potential risks and treatment needs, he wondered whether insufficiently thorough examinations and a failure to conduct those routine checks could be contributing factors to poor prisoner health. Since other possible contributors included addiction and drug use, it would be useful to have background information to explain the content of the tables contained in annex III, some aspects of which were confusing. Detailed explanations were important to help the Committee to understand the reasons for the high mortality rate, and he encouraged the State party to conduct an in-depth analysis, perhaps with the help of a panel of forensic doctors, in order to shed light on a problem that had now existed for over two decades.

63. **Mr. Mateus** (Portugal) said that the Government was acutely aware of the need for a therapeutic care unit to provide specialist medical support for juvenile offenders and was fully committed to building one. A group of experts had been established to study the various options and likely costs, for which provision had already been made in the 2020 budget.

*The meeting was suspended at 12.25 p.m. and resumed at 12.40 p.m.*

64. **Mr. Guinote** (Portugal) said that the use of Tasers was tightly regulated. The devices were distributed only to duly trained and accredited officers on special teams and only when needed to maintain public order, and a report was drawn up whenever they were used. The devices were never deployed in ordinary police operations. Tasers had not been used in prisons since 2012. Video surveillance systems were installed in all police stations and the police were currently piloting the use of body-worn cameras.

65. **Mr. Ataíde** (Portugal) said that the authorities were conscious of the need for an English-language version of the complaint form accessible through the bilingual website of the Inspectorate-General and were working to produce a translation. The translated version would be available soon but he could not give an exact date.

66. **Mr. Xavier** (Portugal) said that the authorities were aware of the logistical problems hampering its psychiatric facilities and had embarked on a three-pronged restructuring programme, encompassing legal provisions, buildings and staffing, in 2018. A new unit would be opened in early December, bringing the restructuring process to a close. The overarching aim was to establish a community-centred model in which halfway houses offered psychiatric patients the chance of a smooth reintegration into society.

67. The authorities had conducted a comparative analysis of national regulations and the 2017 CPT rules for the use of physical restraints and had identified two key divergences. The CPT rules called for any use of constraints to be recorded in a dedicated register and for that register to be available for review by an external audit body, whereas national law made no provision for record keeping. Those divergences would be addressed in the upcoming review of the Mental Health Act. That review would also provide an opportunity to tackle the divergence between the approach to sectioning set out in national legislation and the prohibition established in the United Nations Convention on the Rights of Persons with Disabilities.

*The meeting rose at 12.50 p.m.*