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Portugal must protect human rights in its austerity programmes and combat discrimination

Human Rights Council adopts Universal Periodic Review outcome on Portugal

Amnesty International is concerned that the austerity measures introduced by the government in the context of the international financial and economic crisis have had a negative impact on the enjoyment of human rights, in particular, on the realization of economic and social rights, by the most vulnerable groups in Portuguese society.¹ Several states raised these concerns during the review and Amnesty International welcomes Portugal's support of recommendations to mitigate the effects of the financial crisis, including by observing its human rights obligations.² To that end, the organization calls on Portugal to carry out a human rights assessment of its economic recovery plans and policies and to establish a national monitoring mechanism to ensure that these plans and policies conform with its human rights obligations, including with respect to the principle of non-discrimination.

Amnesty International is also concerned at reports of overcrowding in prisons and of excessive use of force by law enforcement officials against detainees, as raised by a number of states during the review. The organization urges Portugal to act swiftly on recommendations to pursue measures to combat overcrowding and improve conditions in prisons,³ while also ensuring prompt and thorough investigations into all allegations of excessive use of force and ill-treatment by police or prison guards.⁴ Amnesty International further calls on the government to establish a central mechanism for processing all complaints of torture and other ill-treatment.

A large number of states raised concerns about discrimination, including racial discrimination and discrimination based on sexual orientation.⁵ Amnesty International welcomes Portugal's support of these recommendations and further calls on the government to establish a national data gathering system to assess the extent of discrimination in the country, and to revise the Criminal Code to ensure an explicit legal basis for the prosecution of hate crimes.⁶

¹ Amnesty International, 2014, "Bringing ESC Rights Home: the case for legal protection of economic, social and cultural rights in Ireland", chapter on Portugal, pages 102-105, available at: https://www.amnesty.ie/sites/default/files/news/2012/04/AI_ESC_Rights_Report.pdf.

² A/HRC/27/7, recommendations 127.53 (Angola), 127.55 (Malaysia), 127.56 (Turkey), 127.57 (Ukraine).

³ Ibid, recommendations 127.27-127.33 (Netherlands, France, Hungary, Mexico, Norway, Russian Federation, Uzbekistan).

⁴ Ibid, recommendations 127.20-127.26 (Canada, USA, Iran, Uzbekistan, Norway, Italy).

⁵ Ibid, recommendations 126.13-126.28 (Algeria, Bangladesh, Poland, Palestine, Macedonia, Uzbekistan, Senegal, Bolivia, Brazil, Iran, Kyrgyzstan, Tunisia, Venezuela), 126.49-126.58 (Nicaragua, Albania, Australia, Czech Republic, India, Indonesia, Kenya, Spain, Thailand, Venezuela), 127.9-127.16 (Bangladesh, DRC, Egypt, Iran, South Africa, Iran, Slovenia, FYR Macedonia, Sierra Leone).

⁶ According to the Portuguese Criminal Code, perpetrating a murder or an assault on the basis of a discriminatory motive, based on the race, religion, ethnic or national origin, sex, sexual orientation or gender identity of the victim, constitutes an aggravating circumstance (Articles 132, nr. 2 e, and 146, nr. 2). However, there is no explicit legal basis in domestic law for investigating and prosecuting any discriminatory motive associated with other crimes.

The organization is, however, very disappointed that Portugal rejected a recommendation to allow the adoption of children by same-sex couples.⁷ In 2010, Portugal adopted a law to allow same-sex partners to enter civil marriage, however, the law explicitly ruled out the possibility for same-sex couples to adopt children. Amnesty International calls on Portugal to reconsider this issue and to allow the co-adoption of children by same-sex couples, in line with the right to found a family, as set out in international human rights standards.

Amnesty International notes that Portugal is a candidate in this year's elections to the Human Rights Council and welcomes its pledges in this regard, including to use the UPR as a collaborative mechanism to improve respect for human rights.

Background

The UN Human Rights Council adopted the outcome of the Universal Periodic Review of Portugal on 18 September 2014 during its 27th session. Prior to the adoption of the review outcome, Amnesty International delivered the oral statement above.

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⁷ A/HRC/27/7, recommendation 127.51 (Brazil).