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**Human Rights Council**  
**Working Group on the Universal Periodic Review**  
**Forty-seventh session**  
Geneva, 4–15 November 2024

## **Summary of stakeholders' submissions on Portugal\***

### **Report of the Office of the United Nations High Commissioner for Human Rights**

#### **I. Background**

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review and the outcome of the previous review.<sup>1</sup> It is a summary of 12 stakeholders' submissions<sup>2</sup> for the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

#### **II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles**

2. The Ombudsman reported that findings from a 2023 survey revealed that 17.0% of Portugal's residents had been living at risk of poverty in the preceding year. The at-risk-of-poverty rate for the unemployed population amounted to 46.4% in 2022, which was significantly higher than that of the employed population, which was 10.0%. For the retired population, the at-risk-of-poverty rate stood at 15.4% and for the remaining inactive persons it was 31.2%. Income from retirement and survival pensions contributed in 2022 to a decrease of 20.6 pp in the risk of poverty, thus resulting in an at-risk-of-poverty rate after pensions and before social transfers of 21.2%. Social transfers, related to illness and disability, family, unemployment, and social inclusion, contributed to an additional reduction in the risk of poverty of 4.2 pp (from 21.2% to 17.0%), although this contribution was lower than in previous years. In 2023 (2022 incomes), 2,104 thousand people in Portugal were at-risk-of-poverty or social exclusion.<sup>3</sup>

3. The Ombudsman was alarmed by the low level of public investment in prison buildings and facilities that had contributed to the deterioration of the material conditions, affecting the adequate climatic, heating and ventilation requirements of accommodations or resulting in the deactivation of cells and dormitories. Furthermore, and considering the high occupancy rate of the prison system — 98% in December 2022, according to official data — the closing of cells and dormitories has led to overcrowding: in 2022, 25 of the existing 49

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\* The present document is being issued without formal editing.



prisons were overcrowded. In this context, Portugal has been condemned by the European Court of Human Rights for violating Article 3 of the European Convention on Human Rights in relation with inadequate detention conditions.<sup>4</sup>

4. The Ombudsman encouraged the installation of comprehensive video surveillance systems in all places of deprivation of liberty's common areas, assuring full compliance with the duty to preserve video surveillance images.<sup>5</sup>

5. The Ombudsman also recommended raising awareness of prison staff and law enforcement officials of their duty to report to the Public Prosecutor's Office all allegations of violence or ill-treatment they become aware of in the exercise of their duties and/or as a result thereof.<sup>6</sup>

6. There were systemic deficiencies seriously affecting the inclusion of persons with disabilities. According to the law, buildings and establishments open to the public, public spaces, and residential buildings must comply with accessibility requirements. However, inaccessibility persisted as many buildings as possible, governmental facilities and other institutions fail to meet those requirements. Also, barriers to living independently and participating fully in all aspects of life, namely when accessing pedestrian and transport infrastructures, were a major problem. The National Strategy for the Inclusion of Persons with Disabilities (2021–2025) had not been implemented to a satisfactory degree, coupled with a lack of sense of urgency on the matter.<sup>7</sup>

7. There had been delays in obtaining equipment (such as wheelchairs, and elevating platforms). Excessive bureaucracy, involvement of several public entities and insufficient funds to finance all approved requests were among the reasons for the delays. The law provides for the issuance of disability certificates to persons with disabilities or with a serious medical condition which enable the granting of multiple social, tax and economic benefits to its holders. Yet there was a long waiting time for granting these certificates (by a medical board of three doctors at the health center within the NHS).<sup>8</sup>

8. The Ombudsman recommended strengthening efforts to ensure timely response to the requests for certificates of disability.<sup>9</sup>

9. There was no general rule prohibiting the immigration-related detention of children. In 2018, an Order was issued by the Minister of Home Affairs, according to which “the maximum stay in Detention facilities at the border (Lisbon Airport) of minors under the age of 16, when accompanied, was identical to that of unaccompanied minors, that was, 7 days”. The Ombudsman recommended identifying situations of unaccompanied minors, from the first contact at the border zone and providing appropriate care arrangements and community-based programs to support them and their families; considering abolishing the possibility of detaining children.<sup>10</sup>

10. The Ombudsman also recommended guaranteeing adequate conditions at support centres for migrants' integration and preventing overcrowding in detention centres, whenever detention is inevitable.<sup>11</sup>

### **III. Information provided by Stakeholders**

#### **A. Scope of international obligations<sup>12</sup> and cooperation with human rights mechanisms**

11. The International Campaign to abolish Nuclear Weapons (ICAN) urged the Government of Portugal to sign and ratify the Treaty on the Prohibition of Nuclear Weapons as a matter of international urgency.<sup>13</sup>

## B. Promotion and protection of human rights

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

#### *Equality and non-discrimination*

12. Just Atonement Inc. (JA) recommended that Portugal should do more to combat racism in the country. The Roma people and people of African descent in particular faced pervasive racism, and this racism intersected with climate change and human rights concerns.<sup>14</sup>

13. The Council of Europe Commissioner for Human Rights (CoE) noted a number of assaults on people of African descent and other persons perceived as foreigners, as well as against anti-racist and other civil society activists in Portugal. The incidents reported culminated in July 2020 with the murder of Bruni Candé, a Portuguese citizen of African descent who was shot dead on the streets of Lisbon. His aggressor reportedly shouted racist slurs before killing him. The alleged perpetrator had since been indicted by the prosecution authorities for murder with racist motives and was awaiting trial.<sup>15</sup>

14. The Council of Europe Commissioner for Human Rights (CoE) noted reports pointing to an increasing number of cases of racially motivated misconduct by police. She also noted the growing use of force in police operations targeting areas with large populations of persons of African descent, migrants and Roma. She further noted the lack of a clear acknowledgement by the authorities, including high-level police management, of the existence of racism within the police and of the racist motives behind many cases of misconduct, as well as the lack of a firm and public condemnation of racism and discrimination within the police. The persistent denial that there may be more than isolated cases of abuse led to a perception of impunity for racially motivated abuse, which reflected an overall feeling of impunity for any kind of police misconduct.<sup>16</sup>

15. The Council of Europe Commissioner for Human Rights also noted that the reported feeling of impunity within police forces was exacerbated by weaknesses in the system of investigating and sanctioning police misconduct. There was a lack of effective investigations into cases of police misconduct, irrespective of whether a racist motive was alleged.<sup>17</sup>

16. The Council of Europe Commissioner for Human Rights (CoE) called on the Portuguese authorities to address more resolutely the increasing level of racism in the country.<sup>18</sup>

17. CoE also mentioned high levels of hate speech and threats online against anti-racist activists who had spoken out to denounce racist acts or speech. CoE also stated that, up until the murder of Bruno Candê, the authorities' reaction to hate speech, including in politics, and to racist attacks had been limited and somewhat belated and that the authorities tended to downplay the racist motive behind attacks.<sup>19</sup>

18. CoE mentioned how racist rhetoric was increasingly used in the political arena, in particular by the "Chega" political party, set up in 2019, whose representatives were said to often play on xenophobia, Afrophobia and anti-gypsyism to garner public support and votes.<sup>20</sup>

#### *Right to life, liberty and security of person, and freedom from torture*

19. The Council of Europe Commissioner for Human Rights reported about a serious case of excessive use of force by law enforcement officials in March 2020, against a Ukrainian man in the custody of the border and immigration police (SEF) at Lisbon airport. He died after two days of detention during which three police officers allegedly repeatedly beat him and kept him tightly handcuffed to a chair for 15 hours. The Commissioner was informed that the police officers responsible had been taken into custody, that criminal proceedings were under way and that an extra-judicial scheme was put in place to offer compensation to the victim's family. It appeared from initial investigations that, in addition to the three police officers directly responsible for the death of the victim, 12 other officials had witnessed the

ill-treatment inflicted on the victim at different stages of his detention but had not intervene or report what was going on.<sup>21</sup>

20. Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) indicated that ill-treatment of apprehended persons by officers of the PSP (Public Security Police) and GNR (National Republican Guard) was still a frequent practice. The alleged ill-treatment concerned primarily slaps, punches, strikes with a baton and kicks to the body after the person had been brought under control. The CPT urged the Portuguese authorities to reinforce their efforts to eradicate police ill-treatment.<sup>22</sup>

21. The CPT recommended that the Portuguese authorities should undertake an independent review into the way in which investigations of allegations of ill-treatment by police officers are carried out.<sup>23</sup>

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

22. JS3 noted that no progress had been observed since UN-CCPR's reprimands regarding IGM (Intersex Genital Mutilation) in Portugal, particularly on the topics of specific criminalization and lack of effective access of courts and reparations for victims. of resources. JS3 urged to improved access of courts and reparations for victims.<sup>24</sup>

23. The Portuguese Platform for Women's Rights (PpDM) urged to mend the Criminal Code's article on rape replacing "cognoscible will" (vontade cognoscível) by "consent".<sup>25</sup>

24. The Portuguese Platform for Women's Rights (PpDM) urged to include femicide as a specific criminal offense as well as all forms of sexist and sexual cyberviolence in the Criminal Code and to consider rape as a crime of public nature.<sup>26</sup>

25. CPT noted the conditions under which mothers and their children were kept at both Santa Cruz do Bispo and Tires Prisons and recommended their improvement. The CPT also underlined that the presence of a prison officer during childbirth was totally unacceptable.<sup>27</sup>

26. PpDM stressed the necessity to implement a monitoring mechanism on prosecution, conviction, and effective prison rates for perpetrators of all forms of violence against women, including pimping and sexual exploitation, as well that Family courts must be prohibited to resort to the "parental alienation syndrome".<sup>28</sup>

27. PpDM suggested to take appropriate measures to assure that judges screen cases related to the determination of custody and visitation rights for domestic violence and adopt legislative measures to prevent the granting of parental responsibility, including custody and visitation, to abusive parents.<sup>29</sup>

*Fundamental freedoms and the right to participate in public and political life*

28. JS2 recommended Portugal to promote more widespread training in various ministries and government departments so that all public servants can effectively comply with the Religious Freedom Law without discrimination. JS2 mentioned that Portugal should promote equal and fair access to all religious communities to chaplaincies in prisons, hospitals, and military forces.<sup>30</sup>

29. OSCE-ODIHR recommended that standardized training for all lower-level commission members should be provided in advance of election day to ensure consistent application of election procedures. This training aimed to enhance the competence and preparedness of those involved in administering the elections, ensuring uniformity in the application of rules and procedures.<sup>31</sup>

30. The Portuguese Platform for Women's Rights (PpDM) suggested a real parity law which should apply equally to lists, outcomes and in all national territory: new amendment of the Parity Law including 50/50 in the lists, zipper system and assuring that parties have 50/50 women as leaders of all the lists.<sup>32</sup>

31. OSCE-ODIHR recommended harmonizing the legal framework with international standards by removing restrictions on electoral rights based on intellectual or psychosocial disability. Additionally, it was noted that prospective electoral coalitions should have the

same rights as other contestants to correct technical mistakes in registration documents within a reasonable timeframe, promoting fairness in the electoral process.<sup>33</sup>

32. OSCE-ODIHR suggested that to maintain the impartiality and professionalism of polling station commissions (PSCs), the authorities should review the process of their appointment. Specific measures could be considered, such as mechanisms for mayors to maintain a roster of qualified persons, trainings for prospective PSC members, and eliminating the obligation of citizens to serve on PSCs without prior consent.<sup>34</sup>

33. OSCE-ODIHR urged that any measures impacting the exercise of voting rights and the conduct of voting procedures, including with respect to temporary measures such as health-related adjustments, should be adopted well in advance of elections.<sup>35</sup>

34. OSCE-ODIHR mentioned that the authorities should amend the election legislation to guarantee access for citizen and international observers to follow all stages of the election process. The National Election Commission could consider raising election stakeholders' awareness of the benefits of permitting non-partisan observation of elections as an additional safeguard for the overall integrity of the process.<sup>36</sup>

#### *Right to marriage and family life*

35. JS3 noted that although Portugal legalized same-sex marriage and adoption by same-sex couples in 2016, bureaucratic hurdles still impeded the full realization of these rights. Same-sex couples often faced discriminatory practices and administrative obstacles when trying to marry or adopt children. These barriers violated the right to marriage and family life, as enshrined in both national and international human rights laws.<sup>37</sup>

36. PpDM urged to raise the legal minimum age of marriage to 18 years for women and men without any exceptions.<sup>38</sup>

#### *Prohibition of all forms of slavery, including trafficking in persons*

37. The European Centre for Law and Justice (ECLJ) recognised Portugal's efforts and concern surrounding human trafficking, especially its efforts work with NGOs. It was also promising that Portugal realized the depth of the problem and the need to address it. To combat human trafficking, increased resources must be allocated to authorities and the government must utilize awareness campaigns to educate the population on the dangers of human trafficking. ECLJ encouraged Portugal to continue its efforts to combat the growing problem of human trafficking and forced labor in the country.<sup>39</sup>

38. The Portuguese Platform for Women's Rights (PpDM) recommended to improve criteria for the identification of victims of trafficking for sexual exploitation.<sup>40</sup>

39. The Council of Europe's expert group on human trafficking (CoE-GRETA) urged the Portuguese authorities to improve trafficking victims' access to legal aid and to guarantee their effective access to compensation.<sup>41</sup>

40. CoE-GRETA mentioned that Portuguese human trafficking numbers remained low compared to the number of identified victims and requested the authorities to take additional steps to ensure that human trafficking cases are investigated proactively, prosecuted and lead to effective sanctions.<sup>42</sup>

41. CoE-GRETA urged the Portuguese authorities to ensure that victims of trafficking can benefit in practice and in a timely manner from the right to obtain a residence permit when their personal situation warrants it or when they are co-operating with the authorities in criminal investigations or proceedings.<sup>43</sup>

42. PpDM urged to discourage sexual exploitation, offline and online, by implement educational, social, and criminal measures targeting users and potential users and to as well secure proper investigations, prosecution and convictions of all perpetrators involved in the trafficking of women and girls, including those on the demand side.<sup>44</sup>

*Right to work and to just and favourable conditions of work*

43. The Portuguese Platform for Women's Rights (PpDM) stated the concept of discrimination based on sex prevailed in legislation and politics. The Portuguese Platform recommended to eliminate the gender pay gap and eliminate the gap in pensions namely through care credits.<sup>45</sup>

44. The Portuguese Platform for Women's Rights (PpDM) recommended to guarantee maternity and paternity leave of equal duration (excluding the time needed for women's recovery) paid at 100% and not transferable.<sup>46</sup>

45. The European Organisation of Military Associations and Trade Unions (EUROMIL) emphasized that trade union rights were supported by various international instruments, including Article 8 of the International Covenant on Economic, Social and Cultural Rights, Article 22 of the International Covenant on Civil and Political Rights, and ILO Conventions No. 87 and 98. At the European level, these rights are protected by Articles 12 and 28 of the European Charter of Fundamental Rights.<sup>47</sup>

46. In this context, EUROMIL noted that Portuguese military associations were denied trade union rights, violating Articles 5 and 6 of the revised European Social Charter and were therefore banned from collectively representing their members and making binding agreements.<sup>48</sup>

47. EUROMIL recommended that Portugal align its national legislation with international human rights standards regarding the rights of military personnel to freedom of association and collective bargaining.<sup>49</sup>

48. EUROMIL recommended Portugal to allow military personnel to engage in trade union activities and collective bargaining, so as to ensure that military professional associations are actively consulted and allowed to advocate for the interests of their members.<sup>50</sup>

*Right to an adequate standard of living*

49. JS3 noted that comprehensive reforms in the social housing provision were necessary. This included advocating for inclusive housing policies, increasing funding for LGBTI shelters and support services, expanding capacity, fostering partnerships among stakeholders, raising public awareness, and ensuring legal protections against discrimination.<sup>51</sup>

*Right to health*

50. PpDM recommended an effective implementation of the law on abortion in all the territory and to ensure that obstetric emergency services are widely and equally available in all territory. PpDM recommended to implement a mechanism to monitor the WHO recommendations in maternity hospitals.<sup>52</sup>

*Right to education*

51. Broken Chalk noted that scholars from various disciplines widely agreed that the current organization of the school system for integrating disabled children was inadequate and that there was a clear inconsistency in inclusion practices.<sup>53</sup>

52. Broken Chalk noted that to strengthen legislation enforcement in Portugal, it was imperative to ensure schools comply with inclusive practices as mandated by Decree-Law No. 54/2018. This entailed consistently implementing corrective actions to apply inclusive education principles across all educational establishments<sup>54</sup>. Broken Chalk recommended establishing regular review mechanisms such as periodic evaluations to assess the effectiveness of inclusive education policies, identifying areas of success and challenges, and making necessary adjustments to enhance the overall inclusivity in the education system.<sup>55</sup>

53. Broken Chalk emphasized the need to focus on resource allocation and support to promote inclusive education, in particular increasing funding to meet the needs of children with disabilities, securing resources for materials, specialized teachers, technicians, and school assistants. Additionally, ensuring schools receive adequate funding for facilities and

infrastructure improvements was crucial to create an inclusive environment. This could be achieved through the aforementioned review mechanisms.<sup>56</sup>

54. Broken Chalk affirmed that to improve the quality of education in Portugal, it was essential to invest in teacher pedagogical training, curriculum reform, and media literacy. Broken Chalk advised that teachers participate in workshops to learn modern pedagogical approaches tailored to students' needs. Reforming the educational curriculum was also recommended to integrate modern teaching methods that foster critical thinking and engage students with citizenship content, such as human rights and sexual education.<sup>57</sup>

55. Broken Chalk recommended enhancing schools' technology infrastructure through nationwide investments and providing workshops to improve digital literacy skills for both teachers and students is necessary.<sup>58</sup>

56. Broken Chalk suggested implementing urgent teacher recruitment plans, especially for critical subjects like IT, Portuguese, history, and mathematics. Additionally, sustainable workforce policies were needed to attract and retain educators by revising salaries and introducing incentives to make the teaching profession more attractive. This included developing policies for improved wages and working conditions and promoting initiatives to attract younger individuals to teaching.<sup>59</sup>

57. Broken Chalk noted that providing incentives or financial support programs, such as scholarships and grants, could encourage young individuals to pursue teaching careers, alleviating the economic burden associated with it.<sup>60</sup>

#### *Development, the environment, and business and human rights*

58. Just Atonement Inc. (JAI) commended Portugal for its climate goals to date. JAI noted that Portugal had completely removed coal from its energy production and had made global news for running entirely on renewable energy for one week in November of 2023. JAI noted that accomplishments like these demonstrated the country's capacity for climate leadership.<sup>61</sup>

59. JAI recommended that Portugal should continue to strengthen its climate policies and goals. Due to the significant climate impacts it was experiencing, Portugal must work to implement the robust climate laws it has created and create stronger systems for coping with increasingly severe environmental dangers such as fires.<sup>62</sup>

60. JAI noted that Portugal should do more to consider the consequences of its colonial legacies, and how such colonial legacies intersected with current-day environmental and climate challenges. As a former empire, Portugal had a complex colonial past with residual effects. The country must grapple with this while addressing climate change and promoting justice.<sup>63</sup>

## **2. Rights of specific persons or groups**

### *Women*

61. The Portuguese Platform for Women's Rights (PpDM) recommended to establish a focal point on public services (on legal documents, fiscal regimes, employment, discrimination, etc.) available to women, including survivors of all forms of violence against women, migrant and refugee women, old women, women with disability, women with low educational background.<sup>64</sup>

62. The Portuguese Platform for Women's Right (PpDM) suggested to create a structure within the Council of Ministers Presidency to focus only on women's human rights and equality between women and men. Its competencies should be at the same level as the European Affairs were in terms of governmental architecture.<sup>65</sup>

63. PpDM recommended to fully and consistently implement gender budgeting in the next State Budgets.<sup>66</sup>

64. PpDM called to put in place the required conditions to raise the participation of women in economic and political life, such as dignified working conditions, equal pay for work of equal value and parity in decision-making.<sup>67</sup>

65. PpDM suggested to grant immediate free legal aid and exemption of court fees to women victims of all forms of violence, as an individual right and not based on the household's income.<sup>68</sup>

66. PpDM suggested to implement measures precluding private commercial services for surrogacy in Portugal and as well special measures according to the specific needs of women and girls from disadvantaged groups.<sup>69</sup>

67. PpDM urged to increase the funding and number of specialised support services for survivors of sexual violence, including exit services and programmes to enable women to leave prostitution.<sup>70</sup>

68. PpDM recommended to adopt special temporary measures to prevent Roma girl's early dropout of schools.<sup>71</sup>

69. The Council of Europe Commissioner for Human Rights called on the Portuguese authorities to take additional steps to prevent and combat violence against women and domestic violence.<sup>72</sup>

70. The Portuguese Platform for Women's Rights (PpDM) suggested to stop considering domestic violence as a gender-neutral crime and adopt a legal framework on violence against women and domestic violence (according to the Istanbul Convention and the (by now proposal of) EU Directive).<sup>73</sup>

71. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) noted some allegations of ill-treatment, mainly consisting of verbal abuse and threats, and more rarely, of acts of physical violence.<sup>74</sup>

72. CPT recommended to improve the treatment of women placed under a strict security regime, to provide more purposeful activities and better access to the outside world and to reinforce the healthcare services, notably concerning gender specific screening upon admission to prison.<sup>75</sup>

#### *Children*

73. JS3 recommended that Portugal should shift from arbitrary age criteria to maturity considerations, affording children the opportunity to be heard. Procedural safeguards should be incorporated to protect the child's right to the unhindered development and protection of their gender identity.<sup>76</sup>

74. JS1 recognized Portugal's efforts to address the needs of children with disabilities, as well as its participation in an inclusive educational system. However, regarding access to education, JS1 understood that further steps could be taken to make this access easier and more effective for children with disabilities.<sup>77</sup>

75. JS1 observed that Portugal lacks specific legislation exclusively regulating toy libraries. However, JS1 recognized that the establishment of such regulations would undoubtedly be beneficial in setting standardized models for quality, safety, and operation of these spaces dedicated to children's development and enjoyment. Moreover, JS1 noted that such regulations could ensure the accessibility of play centres for all children, regardless of their physical, mental, social, or economic abilities.<sup>78</sup>

76. JS1 recommended specific measures to ensure the rights of children and young people living in residential centers. These recommendations included prioritizing socialization spaces both within and outside residential centers, providing the means for these children to meet with their peers. JS1 also suggested implementing more comprehensive mental health care plans, with an increased number of professionals dedicated to this issue.<sup>79</sup>

#### *Persons with disabilities*

77. OSCE-ODIHR urged the Elections administration to consider additional measures, in collaboration with disabled persons organizations, to ensure voters with disabilities can vote independently. The premises and layout of polling stations should be accessible, and detailed information about the electoral process should be provided in formats accessible to persons



with various disabilities. Contestants were also encouraged to make their campaign materials and messages accessible to persons with disabilities.<sup>80</sup>

78. JS1 recognized that Portugal established and launched an Observatory on Disability and Human Rights. This body, integrating various public agencies and organizations representing persons with disabilities, aimed to monitor the implementation of disability policies and promote participatory processes for the follow-up and development of human rights for persons with disabilities<sup>81</sup>.

79. JS1 urged the Portuguese government to continue working towards ensuring easier access to basic social services for people with disabilities, particularly those with less support from family and/or other institutions<sup>82</sup>.

80. JS1 recommended that Portugal include guaranteeing ease of mobility by funding the purchase of adapted equipment and vehicles for travel, as well as adapting spaces, JS1 also suggested providing persons with disabilities with greater educational and economic resources to meet their specific needs. Furthermore, JS1 advocated for establishing a national plan that includes specific education for preparing for adult life and creating residential spaces for adults with disabilities that ensure the best living conditions<sup>83</sup>.

*Lesbian, gay, transgender and intersex persons*

81. JS2 urged to review all legislation regarding gender self-determination to identify social and religious perspectives that do not accept personal gender self-determination.<sup>84</sup>

82. JS3 expressed that a comprehensive training for existing institutions and collaborative initiatives were essential steps toward creating inclusive and supportive environments for LGBTI youth, ensuring they receive the care and assistance needed.<sup>85</sup>

83. JS3 recommended that those who manage and support the housing structures must ensure that language used is inclusive regarding SOGIESC, avoiding pathologizing language and adapting their communication to better integrate and accept vulnerable LGBTI youth.<sup>86</sup>

84. JS3 noted that housing structures must actively ensure the rights of LGBTI individuals through the compliance with existing legislation. JS3 recommended to stimulate cooperation with LGBTI-focused institutions to improve the professional's understanding with regards to LGBTI issues. LGBTI residents should also be aware about existing legislation to empower them and ensure they understand their rights and protections within society.<sup>87</sup>

85. JS3 urged Portugal to develop initiatives to empower vulnerable LGBTI youth to achieve independence upon transitioning out of these housing structures.<sup>88</sup>

86. JS3 recommended all institutions must provide gender-neutral bathrooms and inclusive spaces that can ensure privacy and allow for LGBTI youth to exist in a safe space. The professionals who support the space must be LGBTI-friendly to not cause further harm to the individual and further marginalise them.<sup>89</sup>

87. JS3 noted that the norm concerning Trans and gender diverse individuals, was still pending publication. Furthermore, the Law 38/2018 was not widely enforced neither within the NHS nor within the Private Health System regarding the use of social name, appropriate gender identity and pronouns. JS3 urged to publish the norm and to enforce it as soon as possible.<sup>90</sup>

88. JS3 recommended that training on LGBTI issues must be provided for healthcare professionals and staff providing assistance at reception centers, who often end up discriminating or not ensuring confidentiality.<sup>91</sup>

89. JS3 recalled that the government was to ensure the existence and access to specialised healthcare in the public health system for medical interventions in the context of physical transition for trans people. To this date, no such regulations had been published. JS2 recommended that the norm must be published as soon as possible<sup>92</sup>.

90. JS3 strongly recommended that the LGBTI Health Strategy's Monitoring Group continued operating under its new format. JS3 indicated it was imperative that the healthcare norms be promptly published, along with the implementation of other pivotal initiatives

aimed at training professionals in LGBTI-related matters and LGBTI health literacy campaigns.<sup>93</sup>

91. JS3 mentioned that LGBTI youth must be able to exercise their right to education without discrimination from school staff, supported by guidelines that clearly support their right to self-determination and autonomy.<sup>94</sup>

92. JS3 recommended training with regards to LGBTI topics to support school staff in making the schools truly inclusive.<sup>95</sup>

93. JS3 believed that the monitorization of the processes mentioned above would further ensure their application and thus the quality of the education provided in Portuguese schools, contributing to the safety and well-being of LGBTI students.<sup>96</sup>

94. JS3 suggested to start the application and subsequent monitorization of the existing legal provisions in school contexts and their improvement to give youth more autonomy in social transitioning, training of professionals (teachers, staff, secretariat, security) on LGBTI issues, revision of schoolbooks and curricula, and mandatory mainstreaming of gender issues, in schools, with professionals.<sup>97</sup>

95. JS3 noted that the legal framework in Portugal allowed for the legal recognition of gender identity for citizens who were of legal age, not incapacitated due to a mental anomaly, and whose gender identity differed from their sex at birth. The process involved applying at any civil registry office. However, practical implementation had faced challenges, with some registry offices requiring multiple hearings or refusing the procedure, causing inconsistencies across different regions. This had forced individuals to travel for legal recognition. To address these issues, JS3 recommended to establish regulations ensuring uniform application of the law across the country.<sup>98</sup>

96. The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) proposed additional measures to better support transgender persons, notably around access to hormonal and other treatment while in prison.<sup>99</sup>

#### *Migrants, refugees and asylum-seekers*

97. CoE-ECRI mentioned that the restructuring of the Foreigners and Borders Service (SEF) into the new Agency for Integration, Migration and Asylum (AIMA) had been fraught with administrative delays and inefficiencies, impacting the timely processing of residence permits and family reunification cases.<sup>100</sup>

98. JS1 advocated for increasing and expediting food aid for migrants and refugees, particularly in educational centers, and extending it to holiday periods.<sup>101</sup>

99. JS1 emphasized the importance of developing an urban plan that ensures the availability of leisure spaces in all neighborhoods, with a particular focus on enhancing these areas for migrants and vulnerable groups.<sup>102</sup>

#### *Notes*

<sup>1</sup> A/HRC/42/7 and A/HRC/42/7/Add.1; and A/HRC/42/2].

<sup>2</sup> The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: [www.ohchr.org](http://www.ohchr.org) (one asterisk denotes a national human rights institution with A status).

#### *Civil society*

##### *Individual submissions:*

Broken Chalk	The Stichting Broken Chalk, Amsterdam (Netherlands)
ECLJ	European Centre for Law and Justice, The, Strasbourg (France)
EUROMIL	European Organisation of Military Associations and Trade Unions, Brussels (Belgium)
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland)
JAI	Just Atonement Inc., New York (United States of America)
PPDM	Portuguese Platform for Women's Rights, Lisboa (Portugal)

*Joint submissions:*

- JS1 **Joint submission 1 submitted by:** Marist International Solidarity Foundation, Rome (Italy); La Fundación Marista para la Solidaridad Internacional (FMSI), La Fundação Champagnat (FCH), El Lar Marista de Ermesinde (LME);
- JS2 **Joint submission 2 submitted by:** World Evangelical Alliance, Geneva (Switzerland); Aliança evangélica portuguesa (AEP) European Evangelical Alliance (EEA);
- JS3 **Joint submission 3 submitted by:** Coalition of LGBTI NGOs for UPR-Country Portugal, Lisboa (Portugal); 1. rede ex aequo – associação de jovens lésbicas, gays, bissexuais, trans, intersexo e apoiantes2. Opus Diversidades3. Casa Qui - Associação de Solidariedade Social4. Associação ILGA Portugal.

*National human rights institution:*

- PdJ Provedor de Justiça, Lisboa (Portugal)

*Regional intergovernmental organization(s):*

- CoE Council of Europe, 67075 Strasbourg Cedex (France)
- OSCE-ODIHR Office for Democratic Institutions and Human Rights/Organization for Security and Co-operation in Europe, Warsaw (Poland)

<sup>3</sup> Submission from the Ombudsman, para 1.

<sup>4</sup> Submission from the Ombudsman, para 7.

<sup>5</sup> Submission from the Ombudsman, para 9.

<sup>6</sup> Submission from the Ombudsman, para 11.

<sup>7</sup> Submission from the Ombudsman, para 24.

<sup>8</sup> Submission from the Ombudsman, paras 25–26.

<sup>9</sup> Submission from the Ombudsman, para 27.

<sup>10</sup> Submission from the Ombudsman, paras 31–32.

<sup>11</sup> Submission from the Ombudsman, para 35.

<sup>12</sup> The following abbreviations are used in UPR documents:

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| ICERD      | International Convention on the Elimination of All Forms of Racial Discrimination                             |
| ICESCR     | International Covenant on Economic, Social and Cultural Rights  |
| OP-ICESCR  | Optional Protocol to ICESCR   |
| ICCPR      | International Covenant on Civil and Political Rights  |
| ICCPR-OP 1 | Optional Protocol to ICCPR  |
| ICCPR-OP 2 | Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty                               |
| CEDAW      | Convention on the Elimination of All Forms of Discrimination against Women                                    |
| OP-CEDAW   | Optional Protocol to CEDAW  |
| CAT        | Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment                      |
| OP-CAT     | Optional Protocol to CAT  |
| CRC        | Convention on the Rights of the Child   |
| OP-CRC-AC  | Optional Protocol to CRC on the involvement of children in Armed Conflict                                     |
| OP-CRC-SC  | Optional Protocol to CRC on the sale of children, child prostitution and child pornography                    |
| OP-CRC-IC  | Optional Protocol to CRC on a communications procedure  |
| ICRMW      | International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD       | Convention on the Rights of Persons with Disabilities   |
| OP-CRPD    | Optional Protocol to CRPD   |
| ICPPED     | International Convention for the Protection of All Persons from Enforced Disappearance                        |

<sup>13</sup> ICAN, page 1.

<sup>14</sup> JAI, para.3.

<sup>15</sup> CoE, page 2. (Memorandum on combating racism and violence against women in Portugal, para.5).

<sup>16</sup> Council of Europe Commissioner for Human Rights, Memorandum on combating racism and violence against women in Portugal, 24 March 2021, paras. 24, 26, 28–29, 32.

<sup>17</sup> Council of Europe Commissioner for Human Rights, Memorandum on combating racism and violence against women in Portugal, 24 March 2021, paras. 29, 32,35,36,56.

- 18 CoE, page 2. (Memorandum on combating racism and violence against women in Portugal, paras.2 and 14).
- 19 CoE, page 2. (Memorandum on combating racism and violence against women in Portugal, paras.7,9,11,15,21,39,40).
- 20 CoE, page 2. (Memorandum on combating racism and violence against women in Portugal, paras.8 and 44).
- 21 CoE, page 2. (Memorandum on combating racism and violence against women in Portugal, para.33).
- 22 CoE, page 2. Prevention of Torture (CPT) Report,13 December 2023.
- 23 CoE, page 2. Prevention of Torture (CPT) Report,13 December 2023.
- 24 JS3, paras 68–69.
- 25 PpDM, page 9.
- 26 PpDM, page 9.
- 27 CoE, page 2.
- 28 PpDM, page 9.
- 29 PpDM, page 9.
- 30 JS2, page 5. para.18.
- 31 OSCE-ODIHR, page 2. para.7.
- 32 PpDM, page 6.
- 33 OSCE-ODIHR, page 2. para.7.
- 34 OSCE-ODIHR, page 2. para.9.
- 35 OSCE-ODIHR, page 2. para.9.
- 36 OSCE-ODIHR, page 2. para.9.
- 37 JS3, paras.60–61.
- 38 PpDM, page 12.
- 39 ECLJ, para.16.
- 40 PpDM, page 11.
- 41 CoE, page 3. GRETA Evaluation Report (3rd evaluation round).
- 42 CoE, page 3. GRETA Evaluation Report (3rd evaluation round).
- 43 CoE, page 3. GRETA Evaluation Report (3rd evaluation round).
- 44 PpDM, page 11.
- 45 PpDM, page 6.
- 46 PpDM, page 13.
- 47 EUROMIL,page 2.
- 48 EUROMIL, page 3.
- 49 EUROMIL, page 3.
- 50 EUROMIL, page 3.
- 51 JS3, para.7.
- 52 PpDM,page 13.
- 53 Broken Chalk, para 12–13.
- 54 Broken Chalk, para.26.
- 55 Broken Chalk, para.27.
- 56 Broken Chalk, paras.28–29.
- 57 Broken Chalk, paras.30–31.
- 58 Broken Chalk, para.32.
- 59 Broken Chalk, para.33-35.
- 60 Broken Chalk, para.35.
- 61 JAI, para.1.
- 62 JAI, para.2.
- 63 JAI, para 4.
- 64 PpDM, page 6.
- 65 PpDM, page 5.
- 66 PpDM, page 6.
- 67 PpDM,page 6.
- 68 PpDM, page 9.
- 69 PpDM, page 10.
- 70 PpDM, pages.5 and 10.
- 71 PpDM, page 12.
- 72 CoE, page 2. (Memorandum on combating racism and violence against women in Portugal, para.61).
- 73 PpDM, page 9.
- 74 CoE, page 2. Prevention of Torture (CPT) Report,13 December 2023.
- 75 CoE, page 2. Prevention of Torture (CPT) Report,13 December 2023.
- 76 JS3, paras.58–59.

- 77 JS1, para.25.  
78 JS1, paras.16–17.  
79 JS1, para.31.  
80 OSCE-ODIHR, page 2. Para.7.  
81 JS1, para.8.  
82 JS1, para.25.  
83 JS1, para.27.  
84 JS2, page 5. para.18.  
85 JS3, para 11.  
86 JS3, para. 16.  
87 JS3, para.17.  
88 JS3, para.14.  
89 JS3. para.15.  
90 JS3, para.18.  
91 JS3, para.27.  
92 JS3, para.28.  
93 JS3, para.33.  
94 JS3, para.40.  
95 JS3, para.43.  
96 JS3, para.45.  
97 JS3, para.54.  
98 JS3, paras.60–63.  
99 CoE, page 2. Prevention of Torture (CPT) Report,13 December 2023.  
100 CoE, page 2. Fight against racismo and intolerance (ECRI). page 11.  
101 JS1, para.36.  
102 JS1, para.36.
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