



**Remarks for the Committee against Torture to take into account during the consideration of Portugal's periodic report – 68<sup>th</sup> session of the Committee Against Torture**

by the **Portuguese League for Human Rights – Civitas**

(“Liga Portuguesa dos Direitos Humanos - Civitas”)

We appreciate the opportunity to send the League's remarks as well as the work the Committee has done and its important role in promoting the advancement of the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Remarks and suggestions:

- We would like to mention the historic sentencing on the 20<sup>th</sup> of May, 2019, in what was known as the “Cova da Moura Trial” (Cova da Moura is a problematic and low-income neighbourhood inhabited mostly by people of African origin). After more than 4 years from the date of occurrence, 8 Police officers (out of 17) were sentenced for the crimes of aggravated kidnapping, physical maltreatment, insult, malicious denunciation and false testimony.
- We suggest the adoption and enforcement of video surveillance in police stations and cell areas, as well as the use of personal video cameras on police officers, to safeguard everyone: both the alleged victims as well as the police officers accused. The implementation of this measure would need to be done in close cooperation with the National Commission for Data Protection (“CNPD”) in order to safeguard and minimize privacy issues.
- We call for a larger involvement of civil society entities by public entities in order to help increase transparency and openness and the attribution of the necessary support for these types of initiatives to take place. As an example, the Portuguese Ombudsman which operates the National Torture Prevention Mechanism (“Mecanismo Nacional de Prevenção de Tortura”) has included 2 members of civil society NGOs in its Advisory Council in 2019, following external recommendations, in order to stimulate transparency and openness.
- The 2018 activities' report from IGAI mentions there was a total of 874 administrative processes concluded in 2018, out of which, only 5 originated disciplinary procedures and infraction procedures, meaning only 0.57% of the complaints processed originated some sort of consequence for the involved parties. It is a figure which we are not entirely sure to translate reality and with which we are not at ease. The report should also have an analysis of at least the 5 last years in order to give a better view of the evolution and results.
- In IGAI's website there is an online procedure for the submission of a complaint, instituted in 2019, which is a very welcomed and meritorious feature but it does not allow, as far as we are aware, for the submission of anonymous complaints. It is also only available in Portuguese and we would suggest



for it to also be made available in English, given the increasing high number of tourists that visit Portugal each year as well as to better serve non-Portuguese speakers living in Portugal.

- We also suggest a change to the Organic Law regulating IGAI (“Decreto-Lei n.º 58/2012, de 14 de março”), in number 1 of article 5 “Inspector-general”:

Subparagraph e) refers that the Inspector-general of IGAI must submit the disciplinary processes and proceedings instituted by IGAI to a ministerial decision. We can find no reason why this capacity must be subjected to a ministerial decision. Independence of action is vital for the multi-level safeguard of control mechanisms.

As an alternative, we would suggest removing the requirement of receiving a ministerial approval and creating an advisory committee to assist the Inspector-general in making its final decisions, composed of 3 or 5 members. This advisory committee should also involve private NGOs (another example is the High Commissariat for Migrations which also has advisory bodies composed of public entities, private NGOs and distinguished personalities).

- We suggest a bigger investment be made in the training of police forces in what relates to fundamental rights and liberties of citizens, at least, for those involved in IGAI complaints/procedures. This should not be seen as a penalization but rather as important training to provide a better service overall.

Lisbon, 10<sup>th</sup> of October, 2019.

For the Portuguese League for Human Rights – Civitas,



Vitor Graça

President of the Board