



COMMISSIONER FOR HUMAN RIGHTS  
COMMISSAIRE AUX DROITS DE L'HOMME



Ref: CommHR/FK/sf 088-2012

**Mrs Paula Teixeira da Cruz**  
Minister of Justice  
Portugal

Strasbourg, 8 June 2012

Dear Minister,

Following our meeting in Lisbon on 8 May, I would like to take the opportunity to follow up on our discussion relating to certain issues concerning human rights protection in Portugal.

Let me first address the issue of anti-discrimination. I very much welcome your statement during our meeting that Portugal stands ready to ratify Protocol No 12 to the European Convention on Human Rights, which provides for a general prohibition of discrimination. I believe that a swift ratification of this instrument would strengthen domestic law and practice as regards combating discrimination.

As you know, my visit to Portugal focused on financial austerity measures and the enjoyment of human rights by certain particularly vulnerable social groups, such as children, the elderly and Roma. I was pleased to be informed by you that new legislation is envisaged in order to better respond to the growing problem of abuse, including violence, suffered by older persons. In a society which is ageing, it is essential that older persons are adequately and effectively protected, in law as well as in practice, from all forms of abuse. I would welcome further information on the progress of your work in this domain.

Budgetary stringency also has an impact on the functioning of national justice systems. I have noted with concern that out of the 165 judgments against Portugal which were delivered by the European Court of Human Rights (the Court) by the end of 2011, 90 concerned excessively lengthy judicial proceedings. I have been informed that excessively lengthy proceedings and the lack of an effective domestic remedy continue to generate more cases before the Court despite the legislative measures that were adopted in 2008. Recalling the Council of Europe Committee of Ministers' Recommendation CM/Rec(2010)3 on effective remedies for the excessive length of proceedings, I welcome the commitment by which Portugal, despite the current financial constraints, has undertaken a process of wide legislative reforms, with a view, *inter alia*, to tackling this problem which puts the rule of law and human rights protection at serious risk.

Moreover, I have noted that the Court, in a number of cases, has dealt with the issue of excessively lengthy judicial proceedings, including enforcement, relating to children's rights. Taking note of the Court's judgment in the case of *Karoussiotis v. Portugal*, I would like to underline that excessively lengthy proceedings have particularly harmful effects on the children concerned, notably in cases concerning parental authority. I therefore welcome the fact that the legislative reform which is under way aims to effectively tackle such cases as well.

Looking forward to receiving more information on the progress of the legal reform under way and continuing our constructive dialogue, I remain

Yours sincerely,

Nils Muižnieks