

KEY OBSERVATIONS

PRIORITY TOPICS

■ Police

ILL TREATMENT – Concerted action to completely root out police ill-treatment

INVESTIGATIONS AND IMPUNITY – Measures to guarantee that law enforcement disciplinary bodies can have timely and unfettered access to relevant and reliable medical evidence, in particular forensic medical evidence

Necessity to improve the reporting of possible cases of ill-treatment in police custody to the Public Prosecutor's Office and to strengthen the effectiveness of the associated relevant criminal investigations

SAFEGUARDS– Steps to guarantee the right of access to a lawyer to persons in police custody from the very outset of their deprivation of liberty and to improve the provision of information to these persons on their rights of notification of custody, access to a lawyer and access to a doctor as of that same moment

■ Prison

RECORDING AND REPORTING INJURIES - Measures to improve the quality of the injury reports drawn up upon a person's transfer from police custody to the custody of the Directorate General for Reinsertion and Prison Services (DGRSP) and of the related documentation

GOOD PRACTICES

INVESTIGATION AND IMPUNITY – Interagency protocol (DGRSP, Inspectorate-General for Internal Administration and Inspectorate-General of Justice Services) setting out procedures for the immediate reporting by the prison establishments of possible cases of ill-treatment by law enforcement officials detected upon admission to prisons and for the follow-up of such reports by the relevant disciplinary bodies

THE CPT AND PORTUGAL

Portugal ratified the ECPT in 1990, and the Committee's first visit took place in 1992.

Since ratification, the CPT has carried out 13 country visits to Portugal – 8 periodic and 5 ad hoc – including 107 visits to police establishments, 77 to prisons and 7 to psychiatric institutions.

EXECUTIVE SUMMARY

During the November 2024 ad hoc visit to Portugal, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) focused on the treatment afforded to persons deprived of their liberty by the Public Security Police (PSP), the National Republican Guard (GNR) and the Judicial Police (JP). It also looked into the effectiveness of disciplinary and criminal investigations into possible cases of ill-treatment by law enforcement officials.

As regards ill-treatment, the Committee notes the lower prevalence of allegations received by the CPT delegation as compared to past visits, suggesting that the efforts deployed by the Portuguese authorities to ensure human rights compliance in the treatment of persons detained by the police are yielding results. The CPT recommends that these efforts be pursued in order to completely root out police ill-treatment, notably by improving the reporting of such cases internally and to relevant investigative bodies and by providing appropriate training to law enforcement officials. The CPT further recommends strengthening the effective implementation of a number of additional safeguards, such as the display of visible means of individual identification by law enforcement officials, including for those in special intervention units, the use of body-worn video cameras by officers, and the installation of CCTV systems in police stations and detention facilities.

Excessively tight or prolonged handcuffing of persons apprehended by police, as well as the practice of handcuffing detained persons to fixed objects in police premises remained problematic. Decisive steps should be taken to end these practices.

Progress was noted regarding the detection, reporting and investigation of possible cases of ill-treatment by law enforcement officials. The CPT delegation found that in general, as a result of enhanced interagency cooperation, the prison establishments visited had swiftly reported cases of alleged ill-treatment detected upon a person's admission to prison to the relevant disciplinary bodies, namely the Inspectorate-General for Internal Administration (IGAI) and the Inspectorate-General of Justice Services (IGSJ). In most of the cases examined, IGAI, on whose investigative activity the delegation focused, had promptly followed up on such reports and interviewed the alleged victims. The CPT welcomes these positive developments compared to the situation encountered during its previous visits to the country.

Nevertheless, a number of issues were found to persist. In particular, the quality of the injury reports drawn up upon admission to prisons and of the related documentation remained poor. Further, IGAI continued to face difficulties in securing timely and unfettered access to other relevant medical evidence, in particular forensic medical evidence. There was also a need to ensure that IGAI was suitably staffed with inspectors, in particular seconded judges or prosecutors, and that IGAI disciplinary investigations were in all cases sufficiently thorough. The CPT makes recommendations of remedial actions to address these issues.

As regards criminal investigations, the CPT delegation again identified omissions, at multiple levels, to report allegations of potentially criminal behaviour by law enforcement officials to the Public Prosecutor's Office, as well as cases in which allegations or information indicative of ill-treatment had not been acted upon, or acted upon sufficiently promptly by this service. The CPT expresses deep concern at these persistent flaws in the criminal justice system's response, which carry a risk of undermining public confidence in the Portuguese authorities' adherence to the rule of law. The CPT calls for measures to strengthen the effectiveness of the associated relevant criminal investigations, in line with the procedural requirements of Article 3 of the European Convention on Human Rights.

The fundamental safeguards against ill-treatment, namely notification of custody, access to a lawyer and access to a doctor were also reviewed. The CPT highlights that the right of access to a lawyer did not appear to be guaranteed to persons in police custody from the very outset of their deprivation of liberty and that information on these rights was not uniformly and comprehensively provided to these persons, as of that same moment. Measures to address these shortcomings should be undertaken.