

Contribution to European Commission's Rule of Law report

2025



UNITED NATIONS
HUMAN RIGHTS
Regional Office Europe

RULE OF LAW & HUMAN RIGHTS

The 'rule of law' is a concept at the heart of the United Nations' mission. It refers to a principle of governance which is consistent with international human rights standards (S/2004/616). There is no rule of law within societies if human rights are not protected and human rights cannot be protected in societies without a strong rule of law. This interlinkage is reiterated by the UN Secretary-General in his [New Vision for the Rule of Law](#): *"Human rights and the rule of law are mutually reinforcing – the advancement of the rule of law is essential for the protection of all human rights, and human rights are central to the rule of law."*

The Office of the UN High Commissioner for Human Rights (OHCHR), also known as UN Human Rights Office, is mandated by the UN General Assembly to promote and protect the enjoyment and full realization, by all people, of all human rights. As part of its mandate, OHCHR works to mainstream human rights to strengthen the rule of law ([Management Plan 2024 - 2027](#)).

Established in 2009, OHCHR Regional Office for Europe (ROE) aims to advance the protection and promotion of human rights in the European Union and its member States. ROE works to mainstream international human rights standards to strengthen the rule of law in the EU by engaging in and contributing to the European Commission's Rule of Law Report. ROE furthermore promotes the UN human rights mechanisms and processes by giving their work visibility at the regional level.

OHCHR ROE'S CONTRIBUTION

The contribution by OHCHR Regional Office for Europe (ROE) is grounded in the Universal Declaration of Human Rights and nine international human rights treaties:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child (CAT)
- Convention on the Rights of Persons with Disabilities (CERD)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)
- International Convention for the Protection of All Persons from Enforced Disappearance (CPED)

The current submission consists of a compilation of findings and recommendations contained in reports of UN international human rights mechanisms including human rights treaty bodies, special procedures and the Universal Periodic Review of the UN Human Rights Council. It also includes statements and reports by the UN High Commissioner for Human Rights and his Office.

UN HUMAN RIGHTS MECHANISM

Each of the nine international human rights treaties creates a **human rights treaty body or committee of independent experts** to monitor the implementation of the provisions of the treaty. With the support from OHCHR, the treaty bodies:

- consider reports submitted by State parties detailing how they are implementing the treaty;
- adopt general comments interpreting the treaty provisions, and organize discussions on themes related to the treaties; and
- consider complaints (communications) from individuals alleging that their rights have been violated by a State party, provided that the State has accepted the complaints procedure.

The **UN Human Rights Council (HRC)** is a subsidiary body of the UN General Assembly and the main intergovernmental body within the UN responsible for human rights. It meets at the UN Office at Geneva in three regular sessions each year, and may convene special sessions to respond to urgent human rights situations. The HRC benefits from substantive, technical, and secretariat support from OHCHR.

The **special procedures of the UN Human Rights Council** are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. As of November 2024, there are 46 thematic and 14 country mandates. With the support of OHCHR, special procedures undertake country visits, act on individual cases of alleged violations and concerns of a broader nature by sending communications (letters of allegation) to States and other entities; contribute to the development of international human rights standards; and engage in advocacy.

The **Universal Periodic Review (UPR) of the UN Human Rights Council** is a State-led mechanism that conducts a peer review of the human rights situation of each UN Member State once every 4.5 years. It is carried out by the UPR Working Group of the Human Rights Council. In each review, the State under review reports on the actions it has taken to improve its human rights situation and overcome challenges to the enjoyment of human rights. It also receives recommendations from UN Member States for improvement. In addition to the national reports of States under review, the UPR is informed by compilations of stakeholder information and UN system reports.

In recent years, States have established **National Mechanisms for Implementation, Reporting and Follow-up (NMIRF)**, some of whom with the technical assistance of UN Office of the High Commissioner for Human Rights (OHCHR). This mechanism, which is often based within the ministry of foreign affairs, has a mandate which includes following-up on all treaty body obligations, UPR recommendations, as well as recommendations from other international and regional human rights mechanisms, and generally works closely with government ministries, national human rights institutions and civil society organizations. (See: [National Mechanisms for Reporting and Follow-up: A Study of State engagement with International Human Rights Mechanisms](#); [A Practical Guide to Effective State Engagement with International Human Rights Mechanisms](#))

The **Office of the UN High Commissioner for Human Rights (OHCHR)** also known as **UN Human Rights Office** is the main human rights entity of the UN to protect and promote all human rights for everyone everywhere. The High Commissioner for Human Rights leads OHCHR. He is the principal human rights official of the United Nations.

INSIDE THE CONTRIBUTION

PORTUGAL

- Period of contribution: January - December 2024
- Contents of contribution:
 - The UPR of Portugal was held at its 47th session (4 - 15 November 2024) and the outcome report (A/HRC/58/8, forthcoming) is scheduled to be adopted at the 58th session of the UN Human Rights Council (24 February- 4 April 2025). The current contribution is based on advanced unedited version of the report.
- Forthcoming relevant information (January - May 2025): N/A
- Resources:
 - [Rule of Law in Europe | OHCHR](#)
 - OHCHR country page – [Portugal](#)
 - Universal Periodic Review – [Portugal](#)
 - [Universal Human Rights Index \(UHRI\)](#) allows you to explore over 230.000 observations and recommendations made by the international human rights protection system (treaty bodies, special procedures and the Universal Periodic Review)

Pillar I: JUSTICE SYSTEM

There is no true respect for the rule of law without a judicial power guaranteeing compliance therewith. Judges guarantee compliance with laws and with it the reality of democratic coexistence. The duty to promote equality among all persons, especially to ensure that everyone has the right to access justice on an equal basis with others, rests with the judiciary. Guaranteeing access to justice is indispensable to democratic governance and the rule of law, as well as to combating inequality and exclusion.

Respecting the rule of law through fostering the separation of powers and the independence of justice ensures protection of human rights. The judiciary is the ultimate guarantors of human rights. However, at the same time, judges, prosecutors and lawyers are subject to attacks and violations of their rights, including threats, intimidation, external interference in conducting their professional activities, arbitrary detention, prosecution, and killings. These attacks threaten the impartiality and independence of the judiciary and the legal profession and in turn, deter their role as guarantors of human rights and the rule of law.

For more info:

- [Basic Principles on the Independence of the Judiciary](#)
- [Human rights in the administration of justice: a manual on human rights for judges, prosecutors & lawyers](#)
- [International principles and guidelines on access to justice for persons with disabilities](#)
- [General Recommendation No. 33 on women's access to justice \(CEDAW/C/GC/33\)](#)
- [Special Rapporteur on the independence of judges and lawyers](#)

There is no relevant information under this pillar for the coverage period.

Pillar II: ANTI-CORRUPTION

Corruption has a destructive effect on State institutions and it undermines the functioning and legitimacy of institutions and processes, the rule of law and ultimately the State itself. In particular, corruption effects on the capacity of States to respect, protect and fulfil human rights particularly of those persons and groups in situation of vulnerability and marginalization.

Corruption pose a major challenge to many societies as they divert public revenues and cripple public budgets that should provide healthcare, housing, education, and other essential services, they undermine States' ability to meet their minimum core obligations and their pre-existing legal obligations to maximize all available resources to respect, protect and fulfil human rights.

For more info:

- [Corruption and human rights | OHCHR](#)
- [OHCHR Key messages on the negative impact of corruption in the enjoyment of human rights](#)

There is no relevant information under this pillar for the coverage period.

Pillar III: MEDIA FREEDOM

Free, independent, plural and diverse media are a core component of the right to freedom of expression, a cornerstone of democratic societies and plays an essential role in strengthening the rule of law. Journalists and the media are crucial to ensure transparency and accountability for public and governmental authorities.

For more info:

- [OHCHR and the safety of journalists and the issue of impunity](#)
- [Special Rapporteur on freedom of opinion and expression](#)
- [General comment No.34 on Article 19: Freedoms of opinion and expression \(CCPR/C/GC/34\)](#)

Journalist protection

- During the Fourth Universal Periodic Review (A/HRC/58/8, report forthcoming), Portugal received a recommendation on journalist protection which will be revied by Portugal. Portugal will provide response in due time but no later than the 59th session of the Human Rights Council.
 - Take steps to advance the protection of freedom of expression, including by repealing criminal penalties for defamation and blasphemy

Pillar IV: CHECKS AND BALANCES

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: (1) accessing information; (2) engaging in dialogue; (3) expressing dissent or disagreement, and (4) joining together to express their views. An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

For more info:

- [OHCHR and protecting and expanding civic space](#)
- [Special Rapporteur on human rights defenders](#)
- [The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)

Independent authorities

- During the Fourth Universal Periodic Review (A/HRC/58/8, report forthcoming), Portugal received recommendations on independent authorities which will be reviewed by Portugal. Portugal will provide response in due time but no later than the 59th session of the Human Rights Council.
 - Establish a special ombudsperson for the rights of children, as an entity independent or subordinate to the Office of the Ombudsman, equipped with the necessary authority and resources to coordinate policies and promote comprehensive and cross-sectoral strategies for the well-being of children
 - Continue strengthening the independence of the Office of the Ombudsperson
 - Further strengthen the independence of the Office of the Ombudsperson
 - Continue strengthening the National Human Rights Commission as a National Implementation, Reporting and Follow-up Mechanism

SPECIAL THEME - Law enforcement

In his [New Vision for the Rule of Law](#), the UN Secretary-General noted that we need to move urgently and collectively towards more transparent, inclusive and responsive justice systems. Individuals and groups facing systemic prejudice, bias and stereotypes must be afforded fair treatment in criminal and civil justice systems. As part of the criminal justice system, law enforcement enforces laws and maintains order. In doing so, law enforcement officials have the authority to use force to maintain public order, and to ensure human rights and the rule of law. However, this force can be misused. To prevent the abusive use of force and violation of human rights in law enforcement, States should follow a legislative framework, combined with guidance and training. International human rights law is the international legal framework regulating the use of force by law enforcement, and is designed to prevent arbitrary, excessive or discriminatory uses of force, and to ensure accountability in cases of abuse.

For more info:

- [Law enforcement and human rights | OHCHR](#)
- [General recommendation No. 36 \(2020\) on preventing and combating racial profiling by law enforcement officials \(CERD/C/GC/36\)](#)

- During the Fourth Universal Periodic Review (A/HRC/58/8, report forthcoming), Portugal received recommendations on law enforcement officials which will be reviewed by Portugal. Portugal will provide response in due time but no later than the 59th session of the Human Rights Council.
 - Ensure the law enforcement officials, the judiciary, prosecutors and other relevant stakeholders receive appropriate training on gender sensitive approaches to prosecuting of cases of violence against women
 - Strengthen the investigative capacity of law enforcement officials on hate crimes and hate speech, online and offline, ensuring that all cases are systematically investigated, perpetrators are brought to justice and victims have access to full reparation
 - Provide enhanced training for law enforcement officers on equity, diversity and inclusion in order to prevent discrimination and to promote greater representation of diverse communities within law enforcement agencies
 - Continue and strengthen awareness raising activities and capacity building measures of law enforcement and judicial authorities to tackle discrimination in all its forms, as well as hate crimes and criminal hate speech both offline and online
 - Ensure that all complaints of torture and ill-treatment by law enforcement are promptly and impartially investigated by an independent body
 - Fully investigate reports of excessive use of force and other misconduct by police and prison guards
 - Focus on robustly tackling instances of serious ill-treatment of suspects by Portuguese law enforcement bodies, and of prisoners by prison officials
 - Ensure that all allegations of torture, ill-treatment and unnecessary or excessive use of force by law enforcement officials are properly investigated
 - Conduct awareness-raising campaigns and training programs for law enforcement officials aimed at preventing racially motivated violence and excessive use of force against ethnic minorities and migrants, in particular Roma, Africans, and people of African descent
 - Take additional measures to combat racially motivated violence, including excessive use of force by law enforcement agencies against ethnic minorities and migrants
 - Continue strengthening law enforcement training to prevent excessive use of force, particularly against women and racial minorities
 - Implement stronger measures to address and prevent police misconduct, particularly in cases involving racial discrimination and violence
 - Ensure prompt and impartial investigations of complaints related to excessive use of force by law enforcement officers, preferably by an independent body
 - Strengthen law enforcement capacities to investigate hate crimes, ensuring that victims have access to comprehensive reparation
 - Strengthen the investigation capacity of law enforcement officials on hate crimes and criminal hate speech, including on the Internet, and ensure that all cases are systematically investigated (
 - Take measures to strengthen the investigation capacity of law enforcement officials on hate crimes and criminal hate speech, including on the Internet, and ensure that all cases are systematically investigated, and that perpetrators are held accountable
 - Reform police oversight mechanisms to ensure effective investigations of police misconduct, in particular in cases motivated by racism
 - Strongly combat the growing level of racism in the country, and ensure that police officers are effectively investigated and held accountable for their misconduct