

custody; pre-trial detention; training of police officials and prison personnel; the office of the Ombudsman; the right of petition; conditions of detention or imprisonment; use of force; the liability of the authorities; civil liability deriving from a crime; compensation; and, admissibility of evidence.

The Committee's concluding observations and comments (CAT/C/POR) welcomed, *inter alia*: the adoption of a new Penal Code containing a definition of torture; the steps taken to ensure that the courts of first instance provide emergency service on weekends and during public holidays; adoption of a professional code of ethics for physicians; development of sanctions against authorities who, being aware of acts of torture, do not report them within a three-day period; adoption of the rule "aut dedere, aut judicare" whereby the state must prosecute anyone for whom extradition is not allowed; education programmes on human rights generally and efforts to combat torture specifically; provisions related to compensation; the prohibition on use of evidence gained through torture; and, abolition of military courts as special jurisdictions.

The principal subjects of concern identified by the Committee were: recent cases of ill-treatment, torture and death under suspicious circumstances attributed to the security and police forces; the apparent absence of an appropriate response from the competent authorities to these cases; and, weaknesses in the system of justice related to extradition and involuntary repatriation.

The Committee stated that there were no factors or difficulties hindering implementation of the Convention and recommended that the government:

- ▶ take steps to reduce and even eliminate the gap between provisions and application of law related to the protection of rights and freedoms;
- ▶ give priority attention to reports of violence attributed to the public authorities, undertake investigations and, where warranted, impose sanctions; and
- ▶ clarify legislation to ensure immediate and systematic investigations into all cases where there is reason to believe that an act of torture has been committed.

Rights of the Child

Signed: 26 January 1990; ratified: 21 September 1990
Portugal's second periodic report was due 20 October 1997.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Religious intolerance, Special Rapporteur on: (A/52/477, paras. 21, 25, 33, 37)

The report refers to communications transmitted to the government related to conscientious objection to military service and the fact that the duration of alternative service is such as to make it appear a form of punishment.

Torture, Special Rapporteur on: (E/CN.4/1997/7, Sections II & III; E/CN.4/1997/7/Add.1, paras. 394-399)

The reports refer to cases transmitted by the Special Rapporteur (SR) related to incidents in which the victims had argued with police and were subsequently beaten, kicked and punched. The government replied to two such cases, informing the SR that charges had been brought against the police

officer in one case and proceedings had begun in the other. The government also responded to two other cases that had been previously transmitted indicating that, in the first, some injuries had been incurred while the suspect was resisting arrest and, in the other, a lack of corroborative evidence had resulted in the case being filed.

Other Reports

Minimum humanitarian standards: (E/CN.4/1997/77, Section I and para. 7)

The report of the Secretary-General includes information provided by the government indicating that Portugal endorses the principles in the Declaration on Minimum Humanitarian Standards, abolished the death penalty more than a century ago and had ratified the Second Optional Protocol to the ICCPR. The government's response also indicates that it has previously submitted to the Commission on Human Rights detailed information on the national legal framework for the declaration of states of emergency and its impact on the enjoyment of human rights. The government also stated its view that children aged under 18 years should not take part in hostilities either directly or indirectly, including through enlistment in the armed forces or armed groups, and therefore supports the work being done for the adoption of an optional protocol to the Convention on the Rights of the Child.

World Public Information Campaign on Human Rights, Report of the S-G to the CHR: (E/CN.4/1997/36, para. 85)

The report of the Secretary-General notes that the Director of the UN Information Centre Lisbon (UNIC) attended the launch of a multilingual version of the Universal Declaration of Human Rights booklet, and the opening of an exhibition on human rights, organized by the Portuguese branch of Amnesty International and the Loures Town Council.

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SAN MARINO

Date of admission to UN: 2 March 1992.

TREATIES AND REPORTS TO TREATY BODIES

Land and People: San Marino has not submitted a core document for use by the treaty bodies.

Economic, Social and Cultural Rights

Acceded: 18 October 1985.

San Marino's initial and second reports were due 30 June 1990 and 1995 respectively.

Civil and Political Rights

Acceded: 18 October 1985.

San Marino's second periodic report was due 17 January 1992; the third periodic report was due 17 January 1997.

Optional Protocol: Acceded: 18 October 1985.

Rights of the Child

Acceded: 25 November 1991.

San Marino's initial report was due 24 December 1993.

THEMATIC REPORTS

Terrorism, Note by the S-G: (E/CN.4/1997/39, Section I)