



PERMANENT MISSION OF PORTUGAL
GENEVA

N.º 121 /2021 DH

The Permanent Mission of Portugal to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the UN High Commissioner for Human Rights and with reference to its letter (Ref:ALT PRT/2021) dated 26 January, has the honour to enclose herewith the reply of the Minister of State and Foreign Affairs, Mr. Augusto Santos Silva, to the issues raised by the Joint Communication from Special Procedures.

The Permanent Mission of Portugal avails itself of this opportunity to renew to the Office of the UN High Commissioner for Human Rights assurances of its highest consideration.



Geneva, 01 April 2021

UN Office of the High Commissioner for Human Rights
Ms Beatriz Balbin
Chief, Special Procedures Branch
CH 1211 Geneva 10, Switzerland
Email: srct@ohchr.org; merazo@ohchr.org; registry@ohcgr.org

Ministério das Negócioas Estrangeiras
O Ministro

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism
Working Group on Arbitrary Detention
Special Rapporteur on extrajudicial, summary or arbitrary executions
Special Rapporteur on the right to food
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context
Special Rapporteur on the human rights of migrants
Special Rapporteur on minority issues
Special Rapporteur on the right to privacy
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance
Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment
Special Rapporteur on trafficking in persons, especially women and children
Special Rapporteur on violence against women, its causes and consequences
Special Rapporteur on the human rights to safe drinking water and sanitation
Working Group on discrimination against women and girls

Lisbon, 26 March 2021

Excellencies,

Last January, you sent me a letter laying out your concerns about the registration and verification exercise that took place in Al-Hol and Roj camps for all third country nationals, including Portuguese citizens.

In my reply, dated 29th January, I made a commitment to collect all relevant information and provide you with the observations of the Portuguese Government in a timely manner. You will find them attached to this letter.

Let me reaffirm that the Portuguese Government is fully committed to respect and ensure respect for international human rights law and international humanitarian law, and to fully cooperate with the special procedures of the Human Rights Council.

Please accept, Excellencies, the assurances of my highest consideration.

Augusto Santos Silva

Augusto Santos Silva
Minister of State and Foreign Affairs



REPÚBLICA PORTUGUESA

GABINETE DO MINISTRO DE ESTADO
E DOS NEGÓCIOS ESTRANGEIROS

1. *Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.*

The Portuguese Government is aware that there are Portuguese nationals and persons who may be entitled to Portuguese nationality inside Al-Hol and Roj camps. However, we only learned about the allegations concerning the registration and verification exercise through information in the public domain and your joint communication, and do not have any additional information on this occurrence.

2. *Please provide any additional information and/or comment(s) you may have on the above-mentioned transfer of families to the newly-extended camp in Roj and on the legal basis for their transfer and detention. Please provide any information you may have on the measures your Government has taken to maintain contact and ensure their well-being since the transfer.*

As stated above, the Portuguese Government does not have any additional information on this occurrence, including the above-mentioned transfer of families to Roj camp. We are not aware of the legal basis for this transfer and detention.

The Portuguese Government does not have access to the Al-Hol and Roj camps and relies on humanitarian and protection actors for information regarding Portuguese nationals and children who may be entitled to Portuguese nationality.

3. *Please clarify whether your Government was informed about the registration, data-collection and relocation exercise and its purpose.*

The Portuguese Government was not informed about this exercise, nor about its purpose.

4. *Please explain whether your Government has been informed by the authorities carrying out this exercise about the next step following their relocation to the other camp.*

The Portuguese Government has not been informed by the said authorities about any matter, including this one.



5. *Please explain whether your Government was in any way involved in requesting this exercise, or if the data collected or assessments made were communicated to your Government.*

The Portuguese Government was not involved in requesting this exercise. We did not receive any data or assessments that may have been made in connection with it.

6. *Please explain what data-protection measures are available in your national legal system to protect against the exploitation and use of such data collected, stored, and used by other State actors with whom data was shared as well as non-state actors against your nationals.*

On 25 May 2018, the General Data Protection Regulation (Regulation (EU) 2016/679) ('GDPR') entered into force in the EU and, consequently, became applicable in Portugal. The Portuguese Law No. 58/2019 of 8 August ('the Data Protection Law'), which assures the execution in the Portuguese legal system of the GDPR, was published on 8 August 2019. Additional data protection obligations are included in certain sector-specific laws.

The data protection legal regime applicable in Portugal provides for a detailed framework concerning measures to safeguard the data subject's legitimate interests, rights, and freedoms, including in what regards protection against the exploitation, sharing and use of data collected, stored and used.

7. *Kindly also explain how the collection of biometric data has complied with medical ethics, the adequate provision of information and with people's right to informed consent.*

Since the Portuguese Government was not involved in the alleged collection of biometric data, we have no information on whether it has complied with medical ethics, the adequate provision of information and with the person's right to informed consent.

8. *Please provide information on the actions taken by your Government to protect the rights of children from your country being held in Al-Hol and Roj camps to prevent irreparable harm to the lives, health and security.*

The Portuguese Government has been in contact with humanitarian and protection actors regarding persons of Portuguese nationality and children who may be entitled to Portuguese nationality inside Al-Hol and Roj camps. The Portuguese Government has also been in contact with family members of some



of those persons. From those contacts, a list of Portuguese nationals and children who may be entitled to Portuguese nationality has been drawn up. The Portuguese Government has offered to repatriate children of Portuguese nationality or children who may be entitled to Portuguese nationality with the consent of the living parent or guardian.

9. *Please provide any information available on specific measures taken to protect women and girls against acts of gender-based violence they may face within the detention facilities and in the camps and to ensure their access to health services, specifically in relation to their reproductive health.*

The Portuguese Government does not have access to the Al-Hol and Roj camps and relies on the work of humanitarian and protection actors in situ to gather this information.

10. *Please indicate the steps that your Excellency's Government has taken, or is considering to take, to ensure access to an effective remedy, including through domestic judicial mechanisms, for your nationals being held in Al-Hol and Roj camps who may be victims of human rights abuses, including trafficking in persons.*

The Portuguese Government has been following with great care the situation of Portuguese nationals and children who may be entitled to Portuguese nationality in the Al-Hol and Roj camps. In case such persons are victims of human rights abuses in the camps, including trafficking in persons, it would be, in principle, possible for them, including through domestic judicial mechanisms and according to the applicable law, to seek an effective remedy.

11. *Please provide any information you may have about the basis for the transfer of families from Al-Hol to Roj, and the measures your Government has taken [to] maintain contact and ensure their well-being since the transfer.*

As stated in our reply to question n°2, we do not have any information on the basis for such transfer of families. The Portuguese Government has not been contacted by family members or humanitarian or protection actors regarding this alleged transfer and does not know if Portuguese nationals or children who may be entitled to Portuguese nationality were involved.



12. Please explain the measures that your Government might have taken to ensure that the rights of your citizens mentioned in this communication were respected in this exercise.

Since the Portuguese Government was not informed about this exercise, it was unable to take any measures to ensure that the rights of its citizens were respected in this exercise.

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Working Group on Arbitrary Detention

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As stated above, the Portuguese Government does not have any additional information on this occurrence, including the above-mentioned transfer of families to Roj camp. We are not aware of the legal basis for this transfer and detention.

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The Portuguese Government does not have access to the Al-Hol and Roj camps and relies on the work of humanitarian and protection actors in situ to gather this information.

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The Portuguese Government has been following with great care the situation of Portuguese nationals and children who may be entitled to Portuguese nationality in the Al-Hol and Roj camps. In case such persons are victims of human rights abuses in the camps, including trafficking in persons, it would be, in principle, possible for them, including through domestic judicial mechanisms and according to the applicable law, to seek an effective remedy.

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12. Please explain the measures that your Government might have taken to ensure that the rights of your citizens mentioned in this communication were respected in this exercise.

Since the Portuguese Government was not informed about this exercise, it was unable to take any measures to ensure that the rights of its citizens were respected in this exercise.