

Speech – VIENNA

Mr Chairman/Madam Chairwoman,

Ladies and gentlemen,

Portugal and the Portuguese Republic are actively committed to promoting, effectively achieving and defending human rights in the domestic system and at international level.

They are actively committed to enshrining political democracy and the state based on the rule of law as forms of operating that lead to the recognition, promotion and achievement of human rights.

In the field of human rights, the Constitution of the Portuguese Republic and the Portuguese state accept and promote the rights that emerge from the international conventions, treaties, bodies and organisations to which they are bound, particularly those that emerge from and are recognised in Community law and international law.

And it is in this area that, among other regulatory instruments, the Charter of Fundamental Rights of the European Union stands out.

Our Constitution, further to enshrining and guaranteeing a wide range of **human rights**, expressly establishes in Article 16(1) that:

"The fundamental rights enshrined in the Constitution shall not exclude any others set out in applicable international laws and legal rules".

It also establishes that:

"The constitutional precepts concerning fundamental rights must be interpreted and completed in harmony with the Universal Declaration of Human Rights."

In its international relations, Portugal is governed, among other principles, by "*respect for human rights, the rights of peoples*" and "*cooperation with all other peoples with a view to the emancipation and progress of mankind*", as established in Article 7(1).

Article 7(3) recognises "*the right of insurrection against all forms of oppression*".

The fundamental principles of the political organisation of the Portuguese state include *universality, social dignity and equality before the law* (Article 13(1)), and the *principle of non-discrimination*, particularly on grounds of "*political and ideological convictions*".

Article 18(1) of the Constitution enshrines that:

"The constitutional precepts with regard to rights, freedoms and guarantees are directly applicable and are binding on public and private entities."

Alongside this, and as a natural result, all citizens are guaranteed **access to the law and to courts** in order to **guarantee effective legal protection**.

In turn, Article 203 of the Constitution of the Portuguese Republic guarantees that the courts are **independent** and **subject only to the law**. They are responsible for "*ensuring the defence of those citizens' rights and interests that are protected by law, repressing breaches of democratic legality and deciding conflicts between interests, public and private.*"

The Committee on Constitutional Affairs, Rights, Freedoms and Guarantees, of which I am a member, with **complete independence**, is responsible, among other duties, for supervising compliance with the Constitution and laws and, in the areas mentioned, issuing **opinions** and

pronouncements, as well as **monitoring** the activity of the Government and the Public Administration.

We are proud of the activities of the Ombudsman and the exercise of its functions with **security of tenure** and **independence** with a view to **preventing and making good injustices** and **removing illegalities**, even in the domain of **unconstitutionality by omission**. Its important status as **national preventive mechanism** in the field of **human rights** was recognised following the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which came into force in the Portuguese legal system on 14 February 2013.

The institution is accredited with **A status** by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, according to the directives established by the **United Nations** through the **Paris Principles**. It contributes to a culture of citizenship and respect for human rights at national and international level.

This is only one side of our commitment to defending human rights internationally.

On the other side, in Article 33(8), the Constitution of the Portuguese Republic guarantees the **right of asylum** to **foreigners** and **stateless persons** who are the object or **are under grave threat of persecution** as a result of their **activities in favour of democracy, social and national liberation, peace among peoples, freedom** or the **rights of the human person**.

According to Article 33(9), the law shall define the **status of political refugee**.

In this framework, the new **Law on Asylum and Refugee Status** (Law no. 26/2014, of 5 May 2014) emerges. In accordance with Community law, it establishes the **conditions and procedures for granting asylum or subsidiary protection** and the **statuses of asylum seeker, refugee and subsidiary protection**.

In light of these reasons, we defend political democracy.

We are committed to the unwavering defence and guarantee of fundamental rights and freedoms and respect for the democratic state based on the rule of law.

We are committed to respecting the forms of political organisation of peoples that lead to the effective achievement of those objectives and the progress of mankind.

We recognise peoples' right to insurrection against all forms of oppression.

We monitor the unification of peoples' efforts, not just to **prevent** but also to **denounce** the unacceptable **violation** of human rights.

Portugal's recent **election** to the United Nations **Human Rights Council** expresses the recognition of Portugal's active performance in international organisations and the Portuguese tradition of universally defending and promoting human rights.

In light of this, we believe that North Korea should bring its model of political organisation into line with effective respect for human rights and remove all models of political organisation and all measures that do not conform with or are not compatible with them. Only respect and the effective achievement of human rights can be the foundation and condition for well-being, quality of life, real equality and the realisation of economic, social, cultural and environmental rights, and they are the

conditions necessary to establish an international order that is able to ensure peace and justice in relationships among peoples.

When in its optimum form, the democratic, fair state serves its citizens; citizens should never serve the state – or those that use terror to appropriate it – to the point of negating their own lives, autonomy and dignity.

It is in combating that intolerable iniquity, which goes against nature and human nature, and in combating all the archaic, absurd forms that keep us from being free and forging our destiny in progress and peace that we all should cooperate and offer humanity our best efforts.

Thank you very much.

João Lobo

Member of the Committee on Constitutional Affairs, Rights, Freedoms and Guarantees