

Civic space in the EU: Mapping of national approaches to civic space monitoring, participation and protection

Portugal

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1. MONITORING AND REPORTING ON CIVIC SPACE

1.1. Monitoring initiative from the side of the State

Has there been any initiative from the side of the State (government/parliament) to observe/monitor the restrictions/challenges/threats for civic space actors in your country in the last three years?

In the last three years (2022-2024) there has been no specific initiative from the side of the State to observe/monitor the restrictions/challenges/threats for civic space actors in Portugal.

1.2. Other monitoring initiatives

Has there been any other actor/body/mechanism that has observed/monitored civic space restrictions/challenges/threats in your country in the last three years?

In the last three years (2022-2024) there has been no specific national initiatives to observe/monitor the restrictions/challenges/threats for civic space in Portugal. The only exception was conducted by the Organisation for Economic Co-operation and Development (OECD), in cooperation with the Portuguese state, as described below.

The OECD conducted a consultation on Civic Space and Public Service Delivery in Portugal in 2022¹, in cooperation with the Portuguese Agency for Modernisation of the Administration (AMA - Agência para a Modernização Administrativa²). This consultation process included the launch of a survey and the promotion of several debates, among other activities. Later, in 2023, OECD launched the report “Civic Space Review of Portugal - towards people-centred, rights-based public services”³, in which an assessment and advising process was developed on how a protected civic space can contribute to more inclusive and responsive public services for all members of society. According to the explanation in the report “The Review provides actionable recommendations on how the government can promote inclusion, empowerment and equity in the way services are planned, designed, delivered and evaluated, while furthering digital transformation. The Review combines the OECD’s analytical frameworks on civic space and digital government maturity, which were tailored to meet Portugal’s particular needs.” (p. 3) This evaluation focuses mainly on the improvement of public services as a crucial tool to guarantee an enabling civic environment emphasising human rights and participatory approaches for people-centred public service reforms.

¹ OECD. [Public consultation on Civic Space and Public Service Delivery in Portugal](#). The public consultation took place from 22 November 2021 to 15 February 2022.

² AMA - [Agência para a Modernização Administrativa](#) (Agency for Modernisation of the Administration).

³ OECD (2023). [Civic Space Review of Portugal - towards people-centred, rights-based public services](#).

The OECD report provides aggregated information collected by global rankings related to civic space in Portugal (p. 18), putting the country in the top scores of international rankings on related dimensions of human rights, press freedom and rule of law, fostering, as it is stated, “the necessary conditions for civil society and the public at large to access information, associate, organise, express themselves and participate in different aspects of public life, including service reforms.” (p. 18)

Lastly, a reference can be made to the Platform of Civil Society Organisations/Citizens' House (PASC - *Plataforma de Associações da Sociedade Civil/Casa da Cidadania*)⁴, which aims to strengthen civil society, under the slogan: ‘The stronger the Civil Society, the greater Portugal will be’. Although PASC aggregates more than 50 civil society organisations, its mission over the last three years has been significantly reduced to promoting online thematic debates, while the Observatory of Citizenship has shown no activity.

⁴ PASC - [Plataforma de Associações da Sociedade Civil/ Casa da Cidadania](#) (Platform of Civil Society Organisations/Citizens' House).

2. PARTICIPATION

2.1. Rules on participation

Are there any binding rules in place in your country for the participation/consultation of civil society organisations for developing/implementing/monitoring laws and policies?

In Portugal, there are binding rules governing the participation and consultation of civil society organisations in the development, implementation, and monitoring of laws and policies, particularly at the parliamentary and governmental levels.

Article 134 of the Rules of Procedure of the Parliament⁵ stipulates that all legislative initiatives must be subject to public consultation via the Parliament's website⁶. To this end, the Parliament's website has a tab dedicated to public consultations, which must provide a link to the page corresponding to the legislative initiative, its procedure and supporting documents. This public consultation remains open for the duration of the initiative, without a defined minimum timeframe, until the specialised vote begins. It is also indicated on the initiative's page whether it has already been the subject of a general discussion and vote. If the initiative is rejected in its entirety, the public consultation will also be closed. At the same time, the standing committees responsible must also organise consultations with the federations and confederations representing the sector when it comes to drafts or proposed laws on matters where there is a constitutional or legal right to be heard, specifically in the areas of disability, consumer rights, family or education policy. The standing committees may also collect contributions from interested parties, namely through parliamentary hearings and written requests for submissions (which can include contributions from civil society organisations).

More specifically, and regarding labour legislation, Article 56 of the Constitution⁷ states that trade union associations have the right: to participate in the drafting of labour legislation; to participate in the management of social security and other organisations aimed at workers' interests; to participate in economic and social plans; and to be represented in social consultation bodies. Therefore, and according to Article 132 of the Rules of Procedure of the Parliament,⁸ when it comes to labour legislation, the standing committees shall promote the assessment of the draft or proposed law. To this end, workers' committees, trade union associations and confederations and employers' associations may send to the

⁵ Portugal, Parliament, [Regimento da Assembleia da República nº 21/2020](#) (Rules of Procedure of the Parliament nº 21/2020), 31 August 2020.

⁶ The legislation under preparation by the Parliament, which is in public consultation, can be followed on the official [website](#).

⁷ Portugal, [Decree Approving the Constitution of 10 April](#) (Decreto de Aprovação da Constituição, de 10 de abril), 10 April 1976.

⁸ Portugal, Parliament, [Regimento da Assembleia da República nº 21/2020](#) (Rules of Procedure of the Parliament nº 21/2020), 31 August 2020.

responsible standing committee any suggestions they deem appropriate and request that their representatives be heard.

Civil society organisations can also have their say on legislative initiatives that fall within the government's remit through the ConsultaLEX portal⁹. This is the government's public consultation portal, which is accessible to everyone and allows participation in the legislative and regulatory process by consulting diplomas and making suggestions, and by following the drafting of the diploma all the way through to its final approval. Through public consultations, the Portuguese government consults stakeholders on all major policy initiatives, making the process more transparent, accountable and effective. Within this framework, draft laws must be submitted to Parliament, along with the contributions resulting from this consultation, while the legislative initiative is in progress.

2.2. Consultative/participatory bodies

Are there any consultative/participatory bodies in your country that ensure the participation of civil society in developing/implementing/monitoring laws and policies?

At the national level there are several consultative/participatory bodies that ensure the participation of civil society in developing/implementing/monitoring laws and policies. As examples, six consultative bodies will be presented, covering different thematic related with public policies, where civil society organisations participate actively.

National Youth Council (CNJ - *Conselho Nacional da Juventude*)¹⁰ is a private non-profit organisation that brings together youth organisations and regional youth councils. It is the representative platform for Portuguese youth at national and international level, bringing together the most diverse organisations and expressions of youth associations. Its objectives include promoting dialogue between youth organisations, reflecting on young people's concerns, encouraging youth associations and cooperating with the public administration. As part of its mission, the National Youth Council is responsible for contributing to the promotion and development of public policies that reflect the importance of youth and the movement of youth and student associations. Law 1/2006¹¹, guarantees the independence and autonomy of the National Youth Council and defines the State's duties, such as providing financial support to the Council and advising it on matters

⁹ The [ConsultaLEX portal](#) is a website that allows the participation in the legislative and regulatory process.

¹⁰ [Conselho Nacional da Juventude](#) (National Youth Council).

¹¹ Portugal, [Lei 1/2006, que estabelece o Estatuto Jurídico do Conselho Nacional de Juventude](#) (Law 1/2006, establishing the Legal Statute of the National Youth Council), 13 January 2006.

relating to young people. The Council has various sources of funding, such as appropriations from the State budget, contributions from members, private donations and its own income.

Commission for Citizenship and Gender Equality (CIG - *Comissão para a Cidadania e a Igualdade de Género*)¹² is the national body in charge of ensuring the implementation of public policies in the field of citizenship, the promotion and defence of gender equality and the fight against domestic violence, gender-based violence and trafficking in human beings, and is responsible for coordinating the relevant instruments. It's a central service of the state's direct administration, with administrative and financial autonomy. Regulatory Decree 1/2012, approving the organisational structure of the Commission for Citizenship and Gender Equality¹³ states that the advisory board of the Commission, is made up of various bodies and groups, including a CSO Section, which is made up of 40 representatives of non-governmental civil society organisations whose main statutory purpose is to promote the values of citizenship, the defence of human rights, women's rights and gender equality (Article 8).

Health Regulatory Authority (ERS - *Entidade Reguladora da Saúde*)¹⁴ is an independent administrative entity, with powers of regulation, supervision and control. Its mission is to regulate the activities of healthcare institutions in the public, private, cooperative, and social sectors. Its tasks include the supervision of the activities of health establishments, in particular with regard to compliance with the requirements for carrying out activities, including the licensing of establishments, guaranteeing the rights of access to health care, the provision of quality health care and other user's rights, and verifying the legality and transparency of economic relations between the various operators, funding bodies and users. According to Decree-Law 126/2014¹⁵, within the structure of this body, there is an **Advisory Board** (Article 44), responsible for issuing a prior and non-binding opinion on all matters relating to the regulatory functions of the Regulatory Body and, except in duly justified emergency situations, on regulations and general recommendations of external effectiveness. The Advisory Board is made up of 20 members, 5 of whom are representatives of users and consumers' associations, 5 are representatives of professional associations and 2 are independent personalities of merit in the field of health.

¹² [Comissão para a Cidadania e a Igualdade de Género](#) (Commission for Citizenship and Gender Equality).

¹³ Portugal, [Decreto Regulamentar 1/2012, que aprova a orgânica da Comissão para a Cidadania e a Igualdade de Género](#) (Regulatory Decree 1/2012, approving the organisational structure of the Commission for Citizenship and Gender Equality), 6 January 2012.

¹⁴ [Entidade Reguladora da Saúde](#) (Health Regulatory Authority).

¹⁵ Portugal, [Decreto-Lei 126/2014, que procede à adaptação dos estatutos da Entidade Reguladora da Saúde ao regime estabelecido na lei-quadro das entidades reguladoras](#) (Decree-Law 126/2014, which adapts the statutes of the Health Regulatory Authority to the regime established in the framework law on regulatory bodies), 22 August 2014.

National Education Council (CNE - *Conselho Nacional de Educação*)¹⁶ is an independent body that acts as one of the Minister of Education advisory bodies. Its mission is to involve the various scientific, social, cultural and economic actors in search for broad consensus on education policy. According to Decree-Law 23/2015¹⁷, this body is responsible for: formulating and monitoring education policies; assessing and issuing opinions and recommendations on issues relating to the implementation of national policies aimed at the education; and promoting reflection and debate with a view to formulating proposals, within the scope of its mission and the objectives of the education system. Its composition is quite diverse including representatives of labour unions, students and parental associations, cultural foundations and associations, among others.

Sexual and Gender Diversity Advisory Group (*Grupo Consultivo para a Diversidade Sexual e de Género*) is an advisory body that operates under the Directorate General for Health (*Direção-Geral da Saúde*) and its mission, according to Dispatch 3821/2024¹⁸, is to identify the strengths, opportunities and difficulties that persist in terms of prevention, health promotion, access to and provision of healthcare for LGBTI people, especially with regard to the functioning of the care network for trans and intersex people and the administrative and other procedures associated with access to and provision of this care. Within its composition, there are representatives of associations of LGBTI people and other associations that work in the area of healthcare for LGBTI people.

National Council for Migration and Asylum (*Conselho Nacional para as Migrações e Asilo*), is a body that advises the government and works closely with the member of the government responsible for migration. According to Decree-Law 53/2024¹⁹, this body's mission is to advise the government on national migration and asylum policy and to ensure the participation and collaboration of public and private organisations in the development and implementation of said policies. Therefore, within the composition of this council, there are representatives of social partners, civil society organisations that work in the field of migration, immigrant's associations, and also personalities of merit in the area of migration. This is a new national advisory body for the government, provided in the Migration Action Plan, which replaces the previous Council for Migration and Asylum.

¹⁶ [Conselho Nacional de Educação](#) (National Education Council).

¹⁷ Portugal, [Decreto-Lei 21/2015, que aprova a orgânica do Conselho Nacional de Educação](#) (Decree-Law 21/2015, that approves the organisation of the Portuguese Education Council), 3 February 2015.

¹⁸ Portugal, [Despacho 3821/2024, cria o Grupo de Acompanhamento da Implementação da Estratégia de Saúde para as Pessoas Lésbicas, Gays, Bissexuais, Trans e Intersexo – LGBTI](#) (Dispatch 3821/2024, creates the Group to Monitor the Implementation of the Health Strategy for Lesbian, Gay, Bisexual, Trans and Intersex People – LGBTI), 9 April 2024.

¹⁹ Portugal, [Decreto-Lei 53/2024, cria o Conselho Nacional para as Migrações e Asilo](#) (Decree-Law 53/2024 creates the National Council for Migration and Asylum), 30 August 2024.

2.3. Awareness raising and capacity building on participation

Does your Member State fund or carry out meaningful awareness raising and/or capacity building to support participation in your country?

A significant method of enhancing the capabilities of civil society organisations at the national level has been the establishment of targeted funding aimed at bolstering their technical and financial capacities. In fact, this type of funding has consistently been a cornerstone of public and European funding programmes.

More recently, the People 2030 Programme²⁰ – thematic operational programme that manages European Structural and Investment Funds and is dedicated to supporting public policy measures to tackle the challenges of the population's qualifications, employment, social inclusion and, across the board, demographic issues – provides technical and financial support to civil society organisations working in the area of equality and non-discrimination. Within this context, the programme has issued a call for applications on 30 October 2024, worthing 4 million euros, for technical and financial support for civil society organisations working in the area of equality and non-discrimination, with the aim of strengthening their technical and financial capacity, in order to consolidate their role and perform actively their mission among the populations in which they operate²¹. The capacitation of civil society organisations reinforces, in addition, their ability to participate in democratic processes with the government, in the areas where they act, besides an increasing scrutiny to public policies. This call for applications is currently running.

Within the context of the National Strategy for Equality and Non-Discrimination 2018-2030²², and recognising the need to strengthen the technical and financial support provided by the state to non-governmental organisations that defend and protect the rights of LGBTI people, a call for tenders for technical and financial support for LGBTI+ Civil Society Organisations is launched regularly. The Commission for Citizenship and Gender Equality assesses and evaluates the legal compliance of the applications, as well as their relevance to the issue defined as a priority for the Commission, with a view to distributing the total

²⁰ The [People 2030 Programme](#) has interventions in the areas of active employment policies, education and vocational training and higher education, social inclusion and equal opportunities, with interventions that together also contribute to tackling demographic challenges.

²¹ Portugal, [Aviso para apresentação de candidaturas PESSOAS-2024-30, Apoio técnico e financeiro a organizações da sociedade civil \(ONG\) que atuam na área da igualdade e não discriminação](#) [Call for applications PESSOAS-2024-30, Technical and financial support for civil society organisations (CSOs) working in the field of equality and non-discrimination], 30 October 2024.

²² Portugal, [Resolução do Conselho de Ministros 61/2018, que aprova a Estratégia Nacional para a Igualdade e a Não Discriminação 2018-2030](#) (Council of Ministers Resolution 61/2018 approving the National Strategy for Equality and Non-Discrimination 2018-2030), 21 May 2018.

amount of existing funding among the various applications. In 2023, thirteen associations were recognised, with amounts ranging from 4,000 to 10,000 euros²³.

When it comes to the Parliament, the standing committees (specialised committees based on subject matter that deal and approve the legislative process and scrutinise the activities of the government and of the public administration) have the power to request or carry out any steps necessary for the proper performance of their duties, in particular: undertake studies; request information or opinions; request testimony from any citizen; hold parliamentary hearings; requesting and hiring specialists to assist them in their work; or undertake fieldwork missions (Article 103 of the Rules of Procedure of the Parliament²⁴). This means that, within this context, the standing committees can establish a cooperative relationship with civil society organisations, and those relationships monitor/observe the in-the-field activities of civil society organisations.

²³ Within the [thirteen associations recognised](#), eight won funding for national activities while the remaining five saw local and intermunicipal activities funded.

²⁴ Portugal, [Regimento da Assembleia da República 1/2020, que aprova o Regimento da Assembleia da República](#) (Rules of Procedure of the Parliament 1/2020, approving the Rules of Procedure of the Parliament), 31 August 2020.

3. ENABLING ENVIRONMENT AND PROTECTION

3.1. Civil society strategy

Does your country have a general civil society strategy / civil society development strategy in place?

Portugal does not have a national or general strategy for the strengthening of the development of civil society organisations.

There are sectoral strategies for combating corruption and poverty, among others, that are established with the support or articulation of civil society organisations, where they can play a crucial role in addressing these issues. There can also be funding for specific sectors or areas of intervention, where civil society organisations can apply for or being the direct beneficial through the set-up of concrete protocols of cooperation or funding programmes. Hence, this does not constitute a national and broader strategy for all civil society organisations, despite their diverse nature and missions.

As a specific example, although not included in a national strategy, the recently approved Action Plan for Migration states one measure aimed at “strengthening financial support for immigrant and civil society associations operating in the sector.”²⁵ This plan comprises the reinforcement of civil society organisations such as the Portuguese Council for Refugees (CPR - *Conselho Português para os Refugiados*), which performs a mission complementary to the public services through protocols of cooperation with associated funding to provide several services for asylum seekers and refugees.²⁶

The Open Government Partnership Portugal, in which Portugal has been an active member since 2017, aims to promote transparency, public participation and accountability in government action.²⁷ This strategy defined several Action Plans to strengthen public trust in institutions and improve relations with citizens. In the Monitoring of the III National Open Administration Action Plan (2024-2027)²⁸, one of the seven commitments is related to Educational Service for Participatory and Digital Citizenship with the goal, among other, to promote participation and civic awareness, promote knowledge about democracy and encourage digital participation.²⁹ This Action Plan does not intervene directly in civil society, but rather enables a better civic environment, particularly in the relationship between civic

²⁵ Portuguese Government (2024), [Plano de Ação para as Migrações](#) (Action Plan for Migration), approved on the 3 June 2024.

²⁶ CPR has in course [protocols and agreements](#) with several State institutions for developing services to support asylum seekers and refugees, in multiple dimensions, since lodging to the promotion of the integration in the labour market, among other, which include specific funding.

²⁷ Open Government Partnership Portugal. [Website](#).

²⁸ Open Government Partnership Portugal. [III National Open Administration Action Plan 2024-2027](#).

²⁹ Open Government Partnership Portugal. [Commitment #7 | Educational Service for Participatory and Digital Citizenship](#).

society organisations and public institutions, by defining stable guidelines and institutional practices that ensure trust and predictability in the work of civil society.

3.2. Protecting an enabling environment

Is there a dedicated policy/framework (or support measures) in place in your country to enhance and protect an enabling environment for civil society to work on fundamental rights?

In Portugal, there is not a global policy strategy or framework that enhances and protects civil society to promote fundamental rights. There are civil society organisations that apply for EU funding to implement actions and awareness activities related to fundamental rights, as is the case of the Centre for Social Studies at the University of Coimbra, which is involved in the FAIR project alongside with entities from eight other European countries.³⁰

The approach followed in Portugal, related with the promotion of fundamental rights, but also with the values of democracy and rule of law, was described by the former Ministry of Justice, in 2021, highlighting the approval of the “Council conclusions on strengthening the application of the Charter of Fundamental Rights in the European Union Fundamental Rights in the European Union”³¹, stating that “It is up to all of us - member states, EU institutions, governments, the judiciary, lawyers, academia and citizens - to defend the rule of law and promote a democratic and humanist culture.”³² Nevertheless, this has not materialised in any national strategy with concrete transversal measures to be implemented by the different public entities.

The existence of sectorial strategies, and within them the opening of funding competitions that civil society organisations can apply for, is the nearest policy framework that Portugal developed recently. These strategies, with limited scope, are established in sensitive thematic where the realisation of the full rights is considered not to be yet accomplished, such as the fight against discrimination or gender violence. In this thematic, for instance, it is running the National Strategy for Equality and Non-Discrimination, 2018-2030, “Portugal + Igual”, coordinated by the Commission for Citizenship and Gender Equality. This strategy enacts three specific action plans with concrete measures³³, namely: a) Action plan for

³⁰ [FAIR project](#) is coordinated by the Fondazioni Giacomo Brodolini (Italy), and involves several actions and activities, such as [seminars](#), to promote the values and relevance of fundamental rights in multiple settings and scenarios of the daily activity of public and civil society organisations.

³¹ The [Council conclusions](#) were approved during the Portuguese presidency, within an agreement of the Ministries of Justice all the EU member states.

³² The former Ministry of Justice, [Francisca Van Dunen](#), during a speech in a seminar dedicated to the fundamental rights and rule of law, organised by the Centre for Judicial Studies, in 21 May 2021.

³³ Comissão para a Cidadania e Igualdade de Género. [Estratégia Nacional para a Igualdade e a Não Discriminação, 2018-2030, «Portugal + Igual»](#). (National Strategy for Equality and Non-Discrimination, 2018-2030, “Portugal + Igual”).

equality between women and men; b) Action plan for preventing and combating violence against women and domestic violence; and c) Action plan to combat discrimination based on sexual orientation, gender identity and expression, and sexual characteristics.³⁴ The diversity of action plans that stem from this strategy also includes, as a later example, the Active and Healthy Ageing Action Plan 2023-2026.³⁵ Within these action plans, the mission and work developed by civil society organisations is crucial and funding is often released, whether through direct protocols and agreements or competitive calls and tenders specifically directed to civil society organisations, to reinforce, simultaneously, their capacity building considered vital to strengthen civil society.

Commission for Citizenship and Gender Equality (*Comissão para a Cidadania e a Igualdade de Género*)³⁶

This Commission is an example of a body within the direct administration of the State, responsible for promoting, defending, and implementing public policies in the field of citizenship and the promotion of gender equality. Within its responsibilities, this body is responsible for: promoting citizenship education and actions to raise civic awareness of discrimination and how to eradicate it; supporting non-governmental organisations in relation to measures, projects or actions that promote objectives that coincide with their own; ensuring appropriate arrangements for the institutional participation of non-governmental organisations that contribute to the implementation of citizenship and gender equality policies; co-operate with public and private entities at national, regional and local level on projects and actions that coincide with the Commission's mission, namely by establishing partnerships; and provide technical assistance to initiatives in the area of citizenship and gender equality promoted by other organisations/entities.

Due to these responsibilities, this body has also been appointed as an intermediate body within the national management of the new cycle of European Structural and Investment Funds. According to Article 19 of Decree-Law 5/2023, managing authorities can delegate their management functions (or part of them) to intermediate bodies. Therefore, Council of Ministers Resolution 187/2023³⁷ created the Equality, Citizenship and Inclusion 2030 Mission Structure (*Estrutura de Missão para a Igualdade de Género*), for supporting and

³⁴ Portugal, [Resolução do Conselho de Ministros 92/2023, que aprova os Planos de Ação no âmbito da Estratégia Nacional para a Igualdade e a Não Discriminação](#) (Council of Ministers Resolution 92/2023, approving the Action Plans under the National Strategy for Equality and Non-Discrimination), 14 August 2023.

³⁵ Portugal, [Resolução do Conselho de Ministros 14/2024, que aprova o Plano de Ação do Envelhecimento Ativo e Saudável 2023-2026](#) (Council of Ministers Resolution 14/2024, approving the Active and Healthy Ageing Action Plan 2023-2026), 12 January 2024.

³⁶ [Comissão para a Cidadania e a Igualdade de Género](#) (Commission for Citizenship and Gender Equality).

³⁷ Portugal, [Resolução do Conselho de Ministros 187/2023, que cria a Estrutura de Missão Igualdade Cidadania e Inclusão 2030](#) (Council of Ministers Resolution 187/2023, creating the Equality, Citizenship and Inclusion 2030 Mission Structure), 22 December 2022.

ensuring the coordination of the implementation and technical management of the functions and management tasks assigned to the Commission for Citizenship and Gender Equality, as an intermediate body. Within this context, this body funds and supports several activities and projects that enable civil society organisations in the fields of citizenship and gender equality to access financial and capacity-building resources, thereby enabling beneficiaries to participate in the civic space.

3.3. Law on recognition and protection of defenders

Is there a dedicated law (and/or guidelines) in your country dealing specifically with the recognition and/or protection of human rights defenders?

The rights of human rights defenders are well protected in general laws and through the regular functioning of the judicial system, in accordance with best international practices, ensuring the protection of all victims of aggression or other criminal offences. Nonetheless, there is no specific legislation to protect human rights defenders, as they are covered by the general legal provisions to protect any victim.

The Constitution establishes that every person has the right of access to the courts to defend their legally protected rights and interests, and justice cannot be denied to anyone on the grounds of insufficient financial means (Article 20(1)).

Access to a lawyer is regulated by the Law of Legal Aid³⁸, to guarantee that no one is prevented from being informed, exercising or defending their rights due to their social or cultural status, or lack of financial means (Article 1). The Legal Aid Act (Article 8 and 8-A) establishes the criteria defining that a person is in a situation of financial insufficiency and also defines the terms and procedures for legal protection, including the appointment and payment of legal representation and/or court fees.

The request for legal aid is assessed and granted by the Institute for Social Security (ISS - *Instituto da Segurança Social*) (Article 20). If approved, legal aid covers the appointment of a lawyer, and the decision is referred to the Portuguese Bar Association (OA - *Ordem dos Advogados*). The lawyer is selected randomly from a list of registered professionals endorsed by the Bar Association to the Institute for Social Security, according to their preferred legal areas of practice and regional place of work (Article 30). If any human rights

³⁸ Portugal, [Lei 34/2004, de 29 de julho, que altera o regime de acesso ao direito e aos tribunais e transpõe para a ordem jurídica nacional a directiva n.º 2003/8/CE, do Conselho, de 27 de Janeiro, relativa à melhoria do acesso à justiça nos litígios transfronteiriços através do estabelecimento de regras mínimas comuns relativas ao apoio judiciário no âmbito desses litígios](#) (Law 34/2004, amending the system of access to law and courts and transposing into national law Council Directive 2003/8/EC of 27 January 2003 on improving access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes), 29 July 2004.

defender falls within the criteria to have the right to legal aid, mainly the lack of sufficient earnings, they will have the right to the support and go to court.

The legal aid can also be provided to immigrants, asylum seekers or refugees, in any case, with the submission of an official request for legal aid, in the services of Social Security, suspending any legal or judicial action in course until the final decision is concluded. Any human right defender from other country has the right to have legal aid, if filling the defined criteria, especially financial insufficiency. Additionally, any human rights defender coming to Portugal has all the rights that any other person, meeting the legal criteria of immigrant, asylum seeker, or refugee, is entitled to.

The existing laws don't precisely identify a human rights defender as a part of a specific group or with particular characteristics to have explicit provisions in the diverse laws.

3.4. Support and funding for protection of defenders

Is there any dedicated support/funding by the State for the protection of (individual) human rights defenders in your country?

There is no specific programme for protection of human rights defenders, including specific funding, laws and regulation, specialised physical or psychological support services, among other possible tailored measures.

As referred before, legal aid or any other necessary support is provided to any victim, person in risk or that wishes to go to court, regardless of being a human right defender. These possible measures include safety measures that can be requested to police forces, duly substantiated and justified in any national or international threats that may put in danger the life of a person. In those cases, after a request to police forces or upon a judicial decision, security measures can be adopted and implemented, allowing for anyone that may be under a real threat to receive police protection.³⁹

In case of human rights defenders coming to Portugal to seek protection, the legal regime applicable to third country nationals' entry and stay in the country does not specifically foresee this specific situation. Consequently, the general legal regime is applicable to

³⁹ The Portuguese framework for police protection of people under any threat is well described on the [website](#) of the Fundação Francisco Manuel Santos.

human rights defenders entering and/or staying in Portugal, either falling under the scope of Portuguese Asylum Law⁴⁰ or Portuguese Immigration Law.⁴¹

⁴⁰ Portugal, [Lei 27/2008, que estabelece as condições e procedimentos de concessão de asilo ou proteção subsidiária e os estatutos de requerente de asilo, de refugiado e de proteção subsidiária](#) (Law 27/2008, of 30 June, that establishes the conditions and procedures to grant asylum or subsidiary protection and asylum applicants, refugees and subsidiary protection statuses), 30 June.

⁴¹ Portugal, [Lei 23/2007, que aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional](#) (Law 23/2007, of 4 July, that approves the legal regime of entry, stay, exit and removal of third-country nationals from national territory and the long-term resident status), 4 July.

4. PROMISING PRACTICE (OPTIONAL)

Please highlight one specific practice that you consider a promising practice on civic space in your country in the area of civic space - including monitoring, participation, enabling environment, and protection.

The People 2030 Programme⁴² provides technical and financial support to civil society organisations working in the area of equality and non-discrimination. Within this context, the programme has issued a call for applications on 30 October 2024, with a budget of four million euros, for technical and financial support for civil society organisations working in this thematic area, to strengthen the technical and financial capacity in order to consolidate their ability to provide the necessary social answers to the populations in which they operate⁴³. This call for applications is currently running.

For this tender, the established eligible actions aimed to support the technical and financial capacity building of civil society organisations and other non-profit civil society entities. Among the defined topics, the tender is oriented to four main domains, namely: working in the fields of promoting gender equality; preventing and combating discrimination based on sex, sexual orientation and gender identity; preventing and combating domestic and gender-based violence and preventing; and combating trafficking of human beings. The funded actions cover a diverse range of actions, such as the preparation and dissemination of technical, educational and information materials, workshops, awareness-raising and/or information activities, among others.

⁴² The [People 2030 Programme](#) has interventions in the areas of active employment policies, education and vocational training and higher education, social inclusion and equal opportunities, with interventions that together also contribute to tackling demographic challenges.

⁴³ Portugal, [Aviso para apresentação de candidaturas PESSOAS-2024-30, Apoio técnico e financeiro a organizações da sociedade civil \(ONG\) que atuam na área da igualdade e não discriminação](#) [Call for applications PESSOAS-2024-30, Technical and financial support for civil society organisations (NGOs) working in the field of equality and non-discrimination], 30 October 2024.