

**Franet National contribution
to the
Fundamental Rights Report
2021**

Portugal

Contractor's name: [Centre for Social Studies](#)

Authors' name: **Conceição Gomes (coord), Ana
Cristina Santos, Carlos Nolasco, Carolina
Carvalho, Fernando Fontes, Marina**

Henriques, Paula Fernando and Rui do Carmo

Disclaimer: This document was commissioned under contract by the European Union Agency for Fundamental Rights (FRA) as background material for the project 'FRA Fundamental Rights Report 2021". The information and views contained in the document do not necessarily reflect the views or the official position of the FRA. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion.

Contents

Policy and legal highlights 2020	4
Franet country study: policy and legal highlights 2020	4
Chapter 1. Equality and non-discrimination.....	6
Chapter 2. Racism, xenophobia and related intolerance	32
Chapter 3. Roma equality and inclusion.....	50
Chapter 4. Asylum, visas, migration, borders and integration	64
Chapter 5. Information society, privacy and data protection	87
Chapter 6. Rights of the child	108
Chapter 7. Access to justice including crime victims	118
Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities	131

Policy and legal highlights 2020

Portugal

Franet country study: policy and legal highlights 2020	
Issues in the fundamental rights institutional landscape	Reinforcement of institutional framework for the protection of victims of domestic violence: The Major Planning Options for 2020-23 state the need to extend the National Support Network for Victims of Domestic Violence to guarantee full coverage of the Portuguese territory, while offering increasingly specialised responses to the various cases of domestic and gender violence.
EU Charter of Fundamental Rights	National courts competence to analyse the compatibility of EU law with the Constitution: Judgement 422/2020 of the Constitutional Court analyses the relationship and harmony between EU law (including the Charter) and the Constitution. In this decision, the Constitutional Court recognises its residual competence to assess the compatibility of EU law with the Constitution, reserved only for exceptional situations.
Equality and non-discrimination	Support to LGBTI+ associations: Resolution of the Portuguese Parliament 69/2020 of 10 July recommends the Government to support lesbian, gay, bisexual, transvestite, transsexual, transgender and intersex associations and collectives during the COVID-19 pandemic, namely through the guarantee of financing and the integration of these associations in the existing networks.
Racism, xenophobia & Roma integration	Fight against racism, xenophobia and intolerance: The Major Planning Options for 2020-23 introduce measures specifically targeted at this issue, namely the development of projects within the scope of proximity policing to improve dialogue and trust between the population and police officers and the creation of an observatory for racism and xenophobia. 2nd edition of the project to design Local Plans for the Integration of Roma Communities: The 2 nd edition of this project is expected to last 24 months and includes monitoring the 12 Local Plans for the Integration of Roma Communities that were implemented in its first edition and creating 6 new Local Plans to be implemented by selected municipalities.
Asylum & migration	Regularisation of all foreigners: Order 3863-B/2020 of 27 March, amended by Order 10944/2020 of 8 November, adopted an extraordinary measure that regularised the status of all foreigners with pending requests at the Immigration and Borders Service under the Immigration Law and the Asylum Law.
Data protection and digital society	Completion of transposition of Directive 2011/93/EU: On 1 September, came into force Law 40/2020 that strengthens the sanctioning and procedural framework for crimes against freedom and sexual self-determination of children and establishes obligations to inform and block websites containing child pornography.

Rights of the child	Approval of the National Strategy for Children’s Rights 2021-2024: This strategy follows an integrated and comprehensive vision, which aims to build the foundations for a new planning cycle for children and youth. It will be implemented over the next four years.
Access to justice, including victims of crime	Legal aid to victims of domestic violence: Through an amendment in the State Budget Law for 2020 , a victim of domestic violence who has been granted the status of victim under Law 112/2009 is presumed to be in a situation of economic collapse until proven otherwise, and is granted legal counselling by a lawyer, as well as prompt emergency legal aid.
Convention on the Rights of Persons with Disability	National Strategy for the Inclusion of Disabled People 2021-2025 (ENIPD 2021-2025): ENIPD 2021-2025, which was published on 10 November, is still under public consultation until 24 December. The approval of the ENIPD 2021-2025 will provide a set of structural strategic lines or axes with general and specific objectives that will guide disability policies and politics in Portugal for the next four years.

Chapter 1. Equality and non-discrimination

1. Legal and policy developments or measures relevant to fostering equality and combating discrimination against older people and against LGBTI people.

This chapter explores equality and non-discrimination in relation to two populations: LGBTQI+ people and older people. Due to a range of processes reproducing inequalities and discrimination, these groups can be found amongst the most vulnerable and, therefore, it is important to consider their specific needs and expectations.

Whilst retaining the suggested division in the structure of the report, we also want to highlight the importance of intersections and of recognising the cumulative effects of inequality and discrimination. LGBTQI+ elders struggle with the impact of both LGBTQIphobia and ageism, amplifying their vulnerability¹. Therefore, in this report, when we speak of older people, we include people regardless of sexual orientation and gender identity and expression; likewise, when writing about LGBTQI+ people, we will be referring to the life span including all generations.

1.1. Older people

Law 3/2020 of 31 March approved the Major Planning Options for 2020-2023². The Major Planning Options is a national instrument of economic and social planning that underpins the strategic orientation of economic and social development policy. The Major Planning Options for 2020-2023 highlights the Government's commitment to adopt several measures to support older people, that include: proximity policing; integrated housing responses for vulnerable groups, specifically older people; increasing the capacity of residential structures for older people with accessible costs; creating a national strategy to fight loneliness, a social problem that particularly affects older persons; protecting older persons in isolation and

¹ King, A.; Almack, K.; Jones, R. L. (2019), (eds.) *Intersections of Ageing, Gender and Sexualities. Multidisciplinary International Perspectives*, Bristol, Policy Press. Santos, A. C. (2020), '[From outcast to citizen: the time travels of LGBTQI+ elders](#)', DIAL Podcast Series.

² Portugal, [Law 3/2020 approving the Major Planning Options for 2020-2023](#) (*Lei n.º 3/2020 que aprova as Grandes Opções de Plano para 2020-2023*), 31 March 2020.

dependency; developing an integrated system to flag older persons in isolation; and rejecting all types of violence against older people.

In Portugal, the measures to fight the spread of Covid-19 were particularly felt by older people. On the one hand, older people were especially affected by the confinement imposed by the pandemic, which intensified their isolation. This isolation has been maintained and increased due to the high number of deaths among the older population. On the other hand, the number of infections and deaths in nursing homes lead to the adoption of several restrictive measures.

In fact, throughout the state of emergency, from 18 March until 1 May³, older people (over 70 years old) and citizens with chronic illness were subject to a special duty of protection and, therefore, could only leave their house for very few reasons, such as the acquisition of goods and services and for health issues. The main goal of this measure was to protect these citizens, who were considered more fragile. This measure was often criticised, namely in the media, since it was considered discriminatory towards older people⁴. On April 2020, in an open letter to the Government, the Association of Retired People and Pensioners (*Associação de Aposentados, Pensionistas e Reformados*) drew attention to the danger of isolation among older people and highly criticised the possibility of the extension of confinement measures until the end of the year. According to this association, the lifting of the restrictions imposed by the Government due to the pandemic should necessary include all age groups. The possibility of an endless confinement was considered a “death sentence for older people with autonomy”⁵. In this regard, APAV issued an opinion on the need to consider the impact of the public health measures to fight the Covid-19 pandemic on older people. APAV points out the negative effects of the confinement in older persons, such as the increased risk of violence and the difficulties in signalling and intervening in these cases, as well as the

³ Portugal, [Decreto do Presidente da República n.º 14-A/2020, que declara o estado de emergência, com fundamento na verificação de uma situação de calamidade pública](#) (Decree of the President of the Republic 14-A/2020, declaring the state of emergency based on a situation of public calamity), 18 March 2020; Portugal, [Decreto do Presidente da República n.º 17-A/2020, que renova a declaração de estado de emergência, com fundamento na verificação de uma situação de calamidade pública](#) (Decree of the President of the Republic 17-A/2020, renewing the declaration of the state of emergency based on a situation of public calamity), 2 April 2020; Portugal, [Decreto do Presidente da República n.º 20-A/2020, que renova a declaração de estado de emergência, com fundamento na verificação de uma situação de calamidade pública](#) (Decree of the President of the Republic 20-A/2020, that renews the declaration of the state of emergency based on a verified situation of public calamity), 17 April 2020.

⁴ See, for e.g., Expresso (2020), ‘[Os velhos](#)’ (‘Older people’), 24 April 2020.

⁵ Sábado (2020), ‘[Associação rejeita isolamento de idosos até ao fim do ano](#)’ (‘Association rejects isolation of older people until the end of the year’), 20 April 2020.

increase in discriminatory speeches against older people, and underlines the need to hear professionals, associations and older people, when making decisions on issues that may affect older people. According to APAV, it is important to understand that “rights, freedoms and guarantees don’t expire with age”⁶. On 2 May, with the declaration of the state of calamity and the easing of the confinement measures, older people were no longer subject to the special duty of home confinement⁷.

The Ministry of Labour, Solidarity and Social Security and the Institute of Social Security ensured support for older people during the pandemic, namely by strengthening the national social emergency line, which is open 24 hours, to answer calls from people in a social emergency situation; resizing the social support teams, namely to answer requests regarding food, medicine, financial support, current expenses payment, among others; strengthening the social security line, available from 09:00 to 18:00 on work days, to reinforce information on benefits; creating district reference teams to accompany social responses; and disseminating specific guidelines for older people who are living alone and for caretakers (#EUFICOEMCASA)⁸.

There were several initiatives to mitigate the feelings of loneliness and isolation of older persons, such as the ‘Adopt a Grandparent’ (‘Adota um Avô’) project⁹, the ‘SOSolidão’ support line¹⁰, the campaign ‘Take Care of Everyone’ (‘Cuida de Todos’) promoted by the Government¹¹, the ‘We are all digital’ (‘Somos Todos Digitais’) platform¹², the ‘Come Together Network’

⁶ APAV (2020), [‘Posição da APAV sobre a necessidade de considerar o impacto das medidas de saúde pública de combate à pandemia de COVID-19 sobre as pessoas idosas’](#) (‘APAV’s position on the need to consider the impact of public health measures to fight the COVID-19 pandemic on older persons’), 27 April 2020.

⁷ Portugal, [Resolução do Conselho de Ministros n.º 33-A/2020 que declara a situação de calamidade, no âmbito da pandemia da doença COVID-19](#) (Resolution of the Council of Minister 33-A/2020 declaring the situation of public calamity in the context of the COVID-19 pandemic), 30 April 2020.

⁸ Strategy and Planning Office of the Ministry of Labour, Solidarity and Social Security, written response, 28 September 2020.

⁹ For more information on the ‘Adopt a Grandparent’ project, [see page 14 of the Franet country study released on 25 May 2020](#).

¹⁰ For more information on the ‘SOSolidão’ support line, [see page 14 of the Franet country study released on 25 May 2020](#).

¹¹ For more information on the campaign ‘Take Care of Everyone’, [see page 25 of the Franet country study released on 26 June 2020](#).

¹² For more information on the ‘We are all digital’ platform, [see page 25 of the Franet country study released on 26 June 2020](#).

(‘Rede Aproximar’)¹³, and the ‘Bigger Support’ (‘Apoio Maior’)¹⁴ volunteer project.

The Public Security Police (PSP) implemented the operation ‘Solidarity has no age/2020’ (‘Solidariedade Não tem Idade/2020’) to detect cases of social vulnerability among older people¹⁵. This initiative had four major aims: i) to strengthen the bonds and empathy between senior citizens and the Police to promote the contact with PSP for support; ii) to identify and signal cases of social fragility, physical and psychological vulnerability that compromise their security; iii) to identify possible victims in the context of domestic violence or others crimes against life or physical integrity; iv) to support risk situations in collaboration with other entities¹⁶. As such, through this operation, local police officers (proximity policing) and victim support units looked for evidences of physical and psychological vulnerability or signs of crime (e.g. domestic violence), eventually aggravated by the COVID-19 pandemic, and triggered the necessary social support responses. In the 2020 edition, 2,150 PSP officers made 6,286 individual contacts. 991 of these citizens were signaled to social support institutions, 891 were considered to be in high risk and 508 were immediately referred to support institutions. These last cases included people in a situation of total isolation and/or victimisation, susceptible of imminent danger to their physical, mental or psychological integrity. In addition, and given the epidemiological situation of COVID-19, PSP strengthened its articulation with the Social Security delegations, carrying out the inspection of 882 nursing homes and day care centers¹⁷. This operation was carried out from 18 May until 25 September 2020¹⁸.

In 2020, the National Republican Guard (GNR) signaled 42,741 older people, of which 29,183 lived alone, 7,336 isolated and 3,200 alone and isolated¹⁹. In addition, GNR, through the Criminal Prevention and Community Policing Sections (SPC), implemented the Programme ‘65 Far + Closer’ (‘65 Longe + Perto’) with the goal of strengthening the support to older people and of

¹³ For more information on the ‘Come Together Network’, [see page 25 of the Franet country study released on 26 June 2020](#).

¹⁴ For more information on the volunteer project ‘Bigger Support’, [see page 26 of the Franet country study released on 26 June 2020](#).

¹⁵ See, for e.g., RTP (2020), “[‘Solidariedade não tem Idade’. PSP apoia população mais vulnerável](#)” (‘Solidarity has no age’. PSP supports the vulnerable population), 25 May 2020.

¹⁶ Public Security Police, written response, 14 January 2021.

¹⁷ Public Security Police, written response, 14 January 2021.

¹⁸ SIC Notícias (2020), [‘PSP sinalizou quase mil idosos na operação “Solidariedade Não tem idade”](#)’ (‘PSP signalled almost 1,000 older people in the operation “Solidarity has no age”’), 10 October 2020.

¹⁹ Ministry of Internal Affairs, written response, 24 January 2021.

fighting their social isolation. In this regard, GNR maintained close contacts with older people, provided psychological support to those in greater isolation, and promoted contact between isolated older people and their families through video calls²⁰. The SPC carried out telephone contacts with older people that were signaled, seeking to identify situations that, due to the social isolation resulting from the pandemic, justified psychological support. Within the scope of the same programme, GNR established a partnership with the telecommunications companies Huawei and Altice, which made it possible to make 242 video calls between older people and their families in 2020²¹.

The Ombudsman's Centre for Children, Senior and Disabled People has a free telephone service for older people, the senior line. In 2019, the senior line has received 2,761 phone calls, which is an increase of 7,4% when compared with the previous year. The majority of the calls were related to the social responses and support services for older people (364). Issues relating to health (276) and conflicts (199) were also the subject of a high number of calls²². According to data made available by the Ombudsman on the celebration of the International Day of the Elder, until the end of September the senior line had already received 2,340 calls, which is an increase of 12% when compared with the same period of the previous year. The increase in the number of calls was more significant during the state of emergency period (March, April and May). The majority of the calls concerned social responses and other support services (473). Other calls concerned health (276), mistreatment or neglect of older people (229), difficulties experienced with the public services (223), pensions (203) and social benefits (193). 394 calls were directly related with the pandemic and the constraints created in older people's lives (e.g. the regime for the justification of absences to take care of older people, new methods of receiving pensions, difficulties in contacting public services, difficulties in contacting older people who were institutionalised, and the conditions for visits to nursing homes and other structures for older people)²³.

In addition, we highlight some regional and local measures that were adopted to promote healthy aging and to fight social isolation. For example,

²⁰ Comissão Nacional para os Direitos Humanos (National Commission for Human Rights) (2020), [Portugal e a Promoção e Proteção dos Direitos Humanos em Tempos de Pandemia de COVID-19](#) (Portugal and the Promotion and Protection of Human Rights during the COVID-19 Pandemic), Comissão Nacional para os Direitos Humanos.

²¹ Ministry of Internal Affairs, written response, 24 January 2021.

²² Provedoria de Justiça (Ombudsman) (2020), [Relatório à Assembleia da República 2019](#) (Report to Parliament 2019), 18 June 2020.

²³ For more information, see [the Ombudsman webpage on the requests for support received through the senior line](#).

in July 2020 the City Council of Melgaço got approval for a project to support and promote active aging and combat social exclusion, through measures such as socio-cultural actions that promote active aging and the autonomy of older people, actions to combat loneliness and isolation, as well as volunteer projects that work with older people²⁴. Similarly, three institutions of solidarity, the Pampilhosa da Serra Municipality and a local foundation will promote, until 2022, a project to promote the active aging of more than 300 older people called '100 age' ('100 idade')²⁵. Finally, the Faro City Council and the National Republican Guard Territorial Command of Faro signed a protocol to promote and monitor the improvement in the quality of life of older people in the municipality, in particular those who are more isolated or more vulnerable, on 2 October²⁶.

In March 2020, the Reference Centre for Active and Healthy Aging in the Lisbon Metropolitan Area was launched. This centre is an initiative of the NOVA health-ageing group that brings together twenty partners, including public, academic, civil society and industry institutions. Its main goal is to be a pioneer in innovative digital solutions that improve the lives of aging populations²⁷.

The Geriatrics Study Group of the Portuguese Society of Internal Medicine participated, with 42 other organisations from 29 different countries, on the 20th anniversary of Article 25 of the Charter of Fundamental Rights of the European Union, in the campaign "#OldLivesMatter". The main goal of this campaign, which consists of three videos available in multiple languages that illustrate cases of discrimination with humour, is to fight discrimination against older people (ageism) and raise awareness of citizens, media and institutions to respect older people. According to the Geriatrics Study Group, ageism is the most widespread, common and universal discrimination and the only type that is not punished by law²⁸.

In Portugal, the second most important issue regarding older people concerned the situation in nursing homes. Since the impact of COVID-19 is considered to be greater on older people, visits to Residential Accommodation for Older People, as well as to the Integrated Continuous

²⁴ For more information, see the [webpage on the project of the Municipality of Melgaço](#).

²⁵ Observador (2020), '[Pampilhosa da Serra promove envelhecimento ativo de 300 idosos](#)' ('Pampilhosa da Serra promotes active aging of 300 older persons'), 17 July 2020.

²⁶ For more information on the protocol, see pages 19-20 of the [Franet country study released on 25 November 2020](#).

²⁷ For more information, see [the Dignus Magazine webpage on the Reference Centre for Active and Healthy Aging in the Lisbon Metropolitan Area](#).

²⁸ For more information on the campaign, see [the Geriatrics Study Group of the Portuguese Society of Internal Medicine's webpage on #OldLivesMatter](#).

Care Units of the National Network of Continued Care and other responses dedicated to older people, were suspended by the Directorate-General for Health from 13 March to 18 May²⁹, which also contributed to older people's social isolation. Visits were resumed, but still with many constraints, respecting a set of rules imposed by the Directorate-General for Health, such as creating a plan for operationalising visits and nominating a professional coordinator for the process, ensuring the prior scheduling of visits, ensuring compliance with measures of physical distancing, respiratory etiquette and hand hygiene, and ensuring a suitable space for the visit³⁰. On 18 October, the Directorate-General for Health updated the guidelines. One of the main updates is the fact that older people living in nursing homes will be able to receive more than one visit per week, according to the technical conditions of the accommodation units. Nonetheless, local health authorities have the power to suspend visits depending on changes in the epidemiological situation, but only for a limited time³¹.

In Portugal, there were several outbreaks of COVID-19 in nursing homes, which were extensively covered by the media from the beginning of the pandemic³². On 19 October, the Human Rights Commission of the Bar Association made public two reports from an investigation regarding the COVID-19 outbreaks and deaths in two nursing homes (in Matosinhos and Reguengos de Monsaraz). The Commission identifies the violation of several Constitutional rights, such as the right to life, the right to personal integrity, the right to liberty and security, the right to health and, in the case of the nursing home of Reguengos de Monsaraz, the violation of consumer rights. The main issues underlined in the reports concerned the shortcomings in the contingency plans, in the Matosinhos nursing home, and the lack of adequate conditions, specifically in terms of human resources, that allowed the spread

²⁹ Direção-Geral de Saúde (Directorate-General for Health) (2020), [Orientação n.º 009/2020 de 11/03/2020, atualizada a 07/04/2020](#) (Guideline 009/2020 from 11/03/2020, updated on 23/07/2020).

³⁰ For more information on the measures adopted, [see page 24 of the Franet country study released on 26 June 2020](#).

³¹ Portugal, Direção-Geral de Saúde (Directorate-General for Health) (2020), [Informação n.º 011/2020: Visitas a Estruturas Residenciais para Idosos \(ERPI\), Unidades de Cuidados Continuados Integrados \(UCCI\) da Rede Nacional de Cuidados Continuados Integrados \(RNCCI\) e outras respostas dedicadas a pessoas idosas ou pessoas com deficiência](#) (Visits to Residential Accommodation for Older People (ERPI), Integrated Continuous Care Units (UCCI) of the National Network of Integrated Continued Care (RNCCI) and other responses dedicated to older people or people with disabilities), 11 May 2020. Updated on 18 October 2020.

³² For e.g., Observador (2020), ['Covid-19. Surto em Reguengos de Monsaraz foi "tragédia" para a comunidade'](#) ('Covid-19. Outbreak in Reguengos de Monsaraz was a "tragedy" for the community'), 1 September 2020.

of the virus and prevented patients to be treated according to good clinical practices, in Reguengos de Monsaraz³³.

The Ministry of Labour, Solidarity and Social Security adopted several measures to support nursing homes during the pandemic. One of the most important measures was the establishment of 18 Rapid Intervention Brigades (*Brigadas de Intervenção Rápidas*), to temporarily reinforce the human resources of nursing homes, due to the impact of the pandemic in these institutions. These brigades are comprised of teams of doctors, nurses, psychologists and technical assistants that will be recruited and managed by the Red Cross, in cooperation with the Department of Social Security³⁴. Nonetheless, the media still reports on the lack of human resources in nursing homes, specifically to replace infected workers³⁵. In addition, on 2 October, the “COVID Nursing homes Helpline” (“*Linha COVID Lares*”) was launched because of a partnership between *Santa Casa da Misericórdia de Lisboa* and ABC – Algarve Biomedical Centre. This helpline is available 24/7, and enables the institutions to be permanently monitored to avoid outbreaks³⁶. Finally, since the beginning of the pandemic, the Government has created testing programmes for nursing homes³⁷.

Order 10942-A/2020 of 6 November established reserve units in every district to receive people infected with COVID-19 who do not need to stay hospitalised and users of residential accommodation for older people that cannot stay in the facilities due to COVID-19, but still need specific support. The main goal of this measure was to ensure the responsiveness of hospitals due to the increase in the number of cases of COVID-19, specifically in residential accommodations for older people³⁸.

³³ For more information on the reports, see pages 18 of the [Franet country study released on 25 November 2020](#).

³⁴ For more information on the Rapid Intervention Brigades, see pages 18-19 of the [Franet country study released on 25 November 2020](#).

³⁵ Rádio Renascença (2020), “[Ministra admite dificuldades no recrutamento para brigadas de intervenção nos lares](#)” (“Minister admits difficulties in the recruitment for intervention brigades in nursing homes”), 26 October 2020.

³⁶ For more information on the COVID Nursing homes Helpline, see page 19 [Franet country study released on 25 November 2020](#).

³⁷ For more information on the testing programmes implemented by the Government, [see page 23 of the Franet country study released on 26 June 2020](#) and page 19 [Franet country study released on 25 November 2020](#).

³⁸ Portugal, [Despacho n.º 10942-A/2020, cria estruturas de apoio de retaguarda, em todos os distritos do território continental](#) (Order 10942-A/2020, creates reserve units in every district of the Portuguese territory), 6 November 2020.

1.2. LGBTI

Whilst there is no regression in legal and policy developments or measures involving equality and anti-discrimination of LGBTQI+³⁹ people in Portugal in 2020, there were also no significant advances either, contrary to what was observed in 2018 and 2019. This raises concerns to the extent that the current social context is increasingly hostile to sexual and gender diversity, with reported incidents that connect right-wing extremism to homophobic and transphobic hate crimes, as well as with the expansion of conservative anti-gender movements targeting campaigns against the inclusion of sexual and gender diversity in the school curricula.

During 2020, the very few public policy developments and measures involving the equality and anti-discrimination of LGBTQI+ people in Portugal have been especially connected to education, health and care provision issues, but not exclusively related to the COVID-19 emergency. In this section, both state-based direct measures and private initiatives with an impact on the implementation of equality and anti-discrimination policies will be mentioned.

Care provision

In May 2020, the Portuguese Parliament formally celebrated IDAHOT, the International Day against Homophobia, Transphobia and Biphobia, through a salutation unanimously approved by the members of the Committee on Constitutional Affairs, Rights, Freedoms and Guarantees. After recognising the impact of COVID-19 on LGBTI people, the document concludes by saying:

The National Assembly, in a plenary meeting, welcomes the International Day against Homophobia, Transphobia and Biphobia and reaffirms its commitment to consecrating equal rights for all people and combating any type of discrimination and violence against LGBTI + people, in law and life in society⁴⁰.

³⁹ Aware of the different terminology to refer to sexual and gender diversity, identity and expression, in this report we chose to use the broader acronym LGBTQI+, which has been considered more inclusive than other commonly used abbreviations. Acknowledging that no acronym will be all-inclusive, the + sign represents nevertheless our commitment to diversity and recognition of the fluid boundaries of gender and sexuality. Despite this disclaimer, in the report we also use LGBT and LGBTQ, amongst others, every time that was the expression used in the documents mentioned in the text.

⁴⁰ Portugal, Parliament (2020), [Projeto de voto de saudação n.º 220/XIV/1.ª – Dia internacional contra a homofobia, transfobia e bifobia](#), 12 May 2020.

In 2020, state authorities issued official answers to questions raised by MPs Fabíola Cardoso and Mariana Mortágua regarding two issues in particular:

- The update of available forms so that they reflect family diversity⁴¹;
- Issuing international marriage certificates between same-sex spouses⁴².

The official answers of the Ministry for State Modernisation and Public Administration⁴³ and the Ministry of Justice⁴⁴, respectively, acknowledge the gap in legal procedures and ensure ongoing endeavours are being carried out to improve the implementation instruments towards a broader and more inclusive protection for all citizens in the near future.

The most significant development involving a public body regarding LGBTQI+ people was the provision of aid during the COVID-19 emergency. Through Resolution 69/2020, of 10 July 2020, the Portuguese Parliament issued a recommendation to the Government to support lesbian, gay, bisexual, transvestite, transsexual, transgender and intersex associations and collectives during the epidemic crisis. The National Assembly asks, under the terms of article 166 (5) of the Constitution, the Government to:

“1 - Guarantee the financing of the associations and collectives of lesbian, gay, bisexual, transvestites, transsexuals, transgender and intersexual (LGBTI) - in the present period and while people suffer the effects of the health, social and economic crisis - to compensate for the measures of community reimbursement. They are considered to be of public interest.

2 - Promote the integration of these entities in the existing networks, namely in the National Support Network for Victims of Domestic Violence, in the Network of Local Integration and Support Centres of Migrants and in the Network Youth for Equality.

3 - Extend, under protocols to be signed with LGBTI associations and collectives, awareness, information and anti-discrimination programmes, prioritising LGBTI issues.

⁴¹ Portugal, Parliament (2020), [Pergunta 3828/XIV/1](#), 15 July 2020.

⁴² Portugal, Parliament (2020), [Pergunta 3997/XIV/1](#), 28 July 2020.

⁴³ Portugal, Ministry for State Modernisation and Public Administration (2020), [Ofício n.º 268/2020/MMEAP](#), 21 August 2020.

⁴⁴ Portugal, Ministry of Justice (2020), [Resposta à Pergunta 3997/XIV/1 de 30 de julho de 2020](#), 25 August 2020.

4 - Contribute to the creation of a national network of LGBTI reference centres in the main urban centres, in partnership with local authorities and these associations and collectives.

5 - Reinforce the inclusion of equality issues based on sexual orientation, identity and gender expression in education and vocational training, under protocols to be celebrated with LGBTI associations and collectives.

6 - Include these entities in the discussion about measures and public policies to be applied after the pandemic, namely measures to promote fundamental rights, health, medium and long-term jobs, housing and education.

7 - Expand the good practices of the National Health Service in serving LGBTI people, in compliance with the LGBTI People's Health Strategy”.

This recommendation is an important sign of appreciation for the substantial relief work for LGBTQI+ people in distress during the Covid-19 pandemic carried out by a wide range of LGBTQI+ organisations. In fact, the lack of a timely public response to LGBTQI+ people in distress during the current crisis can be contrasted with the proliferation of initiatives from the private and third sectors, particularly from NGOs with consolidated forms of collaboration with public bodies and ministries. Several of these organisations have provided material support over time to combat poverty and precariousness, which got worse during the pandemic. That was the case of the associations Madeira Pride, Plano I and Panteras Rosa, among others, which provided ongoing support and distributed food and other first need supplies to LGBTQI people in distress.

During the lockdown, the platform of organisations responsible for the LGBTQI+ Lisbon March launched the LGBTI + Solidarity Network under the motto “We continue to march”. This Network is characterised by its informality, composed of volunteers who are part of several groups of the organising committee. The LGBTI + Solidarity Network has supported over 50 people regarding basic needs (accommodation, food, transport, communications, consultations, medication, etc.), and the number of requests for support has increased over the months. In order to gather funds, the Network started the campaign ‘To Donate is to March’ (‘Doar também é marchar’). This campaign aimed at gathering funds to set up an emergency network for LGBTQI+ people in financial distress due to unemployment and eviction, among other reasons⁴⁵. The public authorities,

⁴⁵ For more information, see the [webpage on the ‘To Donate is to March’ campaign](#).

granting the organisation the right to issue receipts to donors that can be used for tax deduction, officially endorsed this campaign⁴⁶.

Providing online support during the COVID-19 pandemic was a strategy followed by several LGBTQI+collectives and organisations, through meetings previously scheduled. Examples of regular thematic and/or peer support meetings could be found regarding Clube Safo (targeting lesbian and bisexual women) and TransMissão (targeting trans and non-binary people).

In September 2020, a new project was born. It aims at minimising trans people's vulnerability in housing. The aim is to provide free housing to trans migrants in Lisbon and the project has been financed through the Gofundme fundraising website⁴⁷.

Another housing-related initiative is Opus Diversidades' Temporary Emergency Shelter (CATE). This house receives people in situations of vulnerability and in need of social support, especially victims of domestic violence; people in a situation of loss or lack of autonomy; homeless people, but also migrant/refugee people, sex workers and trans people in transition. The house users are mostly LGBTQI +, but not exclusively, who are in need of immediate help, and which are at a real, current, short-term and/or imminent danger to their physical and psychological integrity, requiring immediate intervention.

On 17 May, in celebration of the IDAHOT, the campaign #LGBTIRightsAreHumanRights (#DireitosLGBTISãoDireitosHumanos) was launched. This campaign, which was promoted by the Secretary of State for Citizenship and Equality and by the Commission for Citizenship and Gender Equality, involved activists and public figures/celebrities in Portugal and includes a video spot with support statements and other materials for dissemination in social media (for e.g. banners, posters).

In November 2020, ILGA Portugal issued a document and sent it to all political parties represented in the Parliament. This document contained proposals for the State Budget for 2021, either due to the crisis associated with Covid-19 – which further weakened the social experiences of LGBTI people and the action of NGOs working in this area – or following approval by the Parliament of Resolution 69/2020 (Recommendations for the Government to support associations and collectives of LGBTI people). These

⁴⁶ Público (2020), '[Marcha do Orgulho LGBTQI+ de Lisboa lança nova campanha para auxiliar os mais aflitos](#)' ('Pride LGBTQI+ Parade from Lisbon launches new campaign to help those in need'), 21 September 2020.

⁴⁷ Público (2020), '[Lisboa vai ter uma casa para pessoas trans imigrantes](#)' ('Lisbon will have a house for trans immigrant people'), 2 September 2020.

proposals include the creation of a Network of Temporary Emergency Shelter Centres specifically for LGBTI people; financial support for health with a view to improving specific care for LGBTI people, namely trans people; the reinforcement of programmes and funds allocated to training for teachers, security forces, Immigration and Borders Service and other professionals in the area of LGBTI services; changes in the dynamics at Consulates in order to improve procedures for changing the mention of sex and first name in the birth register with residents abroad; better funding structures for LGBTI NGOs.

Health

Another significant area of intervention in 2020 was mental health and emotional well-being. NGO-based services for psychosocial support for LGBTQI people were created in 2020. There was also an investment in digital communication, with the proliferation of thematic webinars and other forms of improving connection during the lockdown. That was the case of Clube Safo, the only lesbian-only organisation operating in Portugal, which launched a website called *queerentena*, started a series of well-attended webinars and online meetings, and were in contact with state representatives⁴⁸. A similar approach was followed by AMPLOS - Association of Mothers and Fathers for the Freedom of Sexual Orientation and Gender Identity. They started monthly online meetings with parents of LGBTQI+ people and a bi-monthly online meeting with parents of gender diverse children and youth to address specific challenges in health and education⁴⁹.

In September 2020, the Local Council of Alvalade in Lisbon signed a formal Protocol for Collaboration with AMPLOS - Association of Mothers and Fathers for the Freedom of Sexual Orientation and Gender Identity. The document aims at contributing to the free development of people's sexual orientation and gender identity by fully integrating them into their families and into society. The Protocol includes studies and initiatives that aim to transform, educate people and promote respect for diversity, including sexual, emotional, family and social diversity⁵⁰.

In July 2020, the College of Psychology issued its Guidelines for the Professional Practice of Psychological Intervention with LGBTQ people. The

⁴⁸ Clube Safo, written response, 17 September 2020.

⁴⁹ AMPLOS, written response, 17 September 2020.

⁵⁰ For more information, [see the Local Council of Alvalade webpage](#).

Preamble of this document contextualizes its importance for the ethical practice of psychology:

Psychologists can play a fundamental role in the intervention with LGBTQ people in different contexts of professional practice, using their scientific knowledge to inform the public debate about these matters and affirm diversity with regard to sexual orientation and gender identity. Your contributions are essential in promoting social change and reducing stigma, prejudice and discrimination that affect the health and well-being of LGBTQ people, in fostering support for the needs of LGBTQ people, including influencing local and national public policies on the rights of LGBTQ people, opposing any mental health practice that deals with non-hegemonic sexual orientations and gender identities as a pathology and, on the other hand, discussing and investigating different intervention options, based on evidence, affirmations of gender and sexual orientation of each person⁵¹.

This document is a direct response to an increasing anti-gender environment, stemming from attacks on sexual diversity and gender equality, which are deemed as gender ideology, as well as from the involvement of psychologists in what has been known as conversion therapies and has been considered by the UN as gender-based torture⁵². The Guidelines were disseminated and appraised by the state National Equality body, the Commission for Citizenship and Equality (CIG).⁵³

Education

In 2020, the discipline Citizenship and Development, mandatory in the school curricula, was severely attacked by conservative anti-gender and anti-sexuality sectors that demanded parental rights to override the educational curricula. The intervention of the Directorate-General for Education (DGE) should be considered bearing in mind this context.

In 2020, the DGE provided formal training on Health Education to approximately 80 teachers. This training enabled teachers to convey knowledge and skills to children and young people in compliance with the objectives of Law 60/2009 of 6 August and the Profile of Students Leaving Mandatory Education and the National Strategy for Education for Citizenship by using a holistic and transversal approach in the domains of Sexuality, Gender Equality and Health. Furthermore, it allowed participants to plan,

⁵¹ For more information, see [the College of Psychology webpage](#).

⁵² NBC news (2020), '[U.N. calls for global end to conversion therapy, says it "may amount to torture"](#)', 13 June 2020.

⁵³ For more information, see [the Commission for Citizenship and Equality webpage](#).

implement and evaluate intervention programmes in school in order to make students develop socio-emotional skills and educate them on affections and sexuality; and to make children and young people develop interpersonal skills, non-violent and gender-free stereotypes⁵⁴.

Anti-violence

The Plano I association launched a campaign to prevent and combat domestic violence against LGBTI people in the context of COVID-19⁵⁵. In addition to this campaign, Plano I also hosted two relevant webinars in this regard⁵⁶.

In November 2020, Casa Qui launched the Platform “Knowing how to Protect”, an online space for sharing resources, support and consultancy around the topic of LGBTI Children and Youth. The target population is professionals in the area of education and protection of children and youth. It has a formal partnership with the National Commission for the Promotion of the Rights and Protection of Children and Youth. The platform is part of the Project “Knowing how to Protect: Good Practices to Support LGBTI Children and Youth” (POISE-03-4436-FSE-001152) from Casa Qui, a project co-funded by Portugal 2020, Operational Programme for Social Inclusion and Employment and the Commission for Citizenship and Gender Equality⁵⁷.

During 2020, the Portuguese Immigration and Borders Service (SEF), an authority under the Ministry of Internal Affairs, carried out two training actions on hate crime policing against LGBTI people. On 16 October 2020, the General Inspectorate of Internal Affairs held a conference in Porto on the subject “Forced Returns and Fundamental Rights”, an initiative that is part of the cycle of national conferences in execution of the project PT/2018/FAMI/411 - Monitoring of Forced Returns. The conferences included in that cycle were specially designed and aimed mainly at SEF inspectors, as agents executing forced return operations, and aim to improve the quality and intervention of these agents in a perspective of respect and protection of human dignity, the right to life, freedom and other fundamental rights directly affected in the course of those operations⁵⁸.

⁵⁴ Directorate-General for Education, written response, 16 September 2020.

⁵⁵ For more information, see [the video of the campaign](#).

⁵⁶ For more information, see the webinars that are available online on [violence against LGBTI people](#) and [LGBT rights as human rights](#).

⁵⁷ For more information about the project, [see Casa Qui webpage](#).

⁵⁸ For more information, watch the [video on the conference](#) (available in Portuguese).

LGBTI + 2020-2021 Municipal Plan

On 17 November 2020, the LGBTI + 2020-2021 Municipal Plan was approved by the Lisbon Municipal Assembly. This is the first time that a municipality has had a plan in this area, after close consultation with activists. The Plan gathers information on local resources and municipal support, as well as advancing measures in priority areas. That is the case with the flat ReAJo - Autonomy Response for LGBTI Young People, promoted by Casa Qui. The flat offers a safe space to support young people (ages between 16 and 23) in situations of homelessness due to lack of family support related to LGBTQIphobia. "(T)he creation of a housing grant for transsexual people who are victims of violence, the organization of actions on inclusion in the labour market and training in job search and integration in the workplace, as well as the organization of an annual meeting to share information on mental health and suicide prevention strategies are other measures that are part of the plan"⁵⁹.

2. Findings and methodology of research, studies or surveys on experiences of discrimination against older people and against LGBTI people.

Older people

From January 2019 to June 2020, APAV and the Calouste Gulbenkian Foundation developed the project 'Older Portugal' (*'Portugal Mais Velho'*), with the main goal of promoting a change of politics (public, social and private) regarding aging and raising the public's awareness on violence against older people⁶⁰. According to APAV, violence against older people is a pressing subject in society and it is important to reflect on its causes, consequences and how to prevent and combat it. To contribute to this reflection, within the scope of the project 'Older Portugal', 80 professionals from several professional and geographical areas, 40 elders living in different situations, from self-sufficiency to institutionalisation, and 4 caregivers were heard from January 2019 onwards. In June 2020, APAV published the '*Miscellanea APAV*' magazine no. 10 dedicated to violence against older people, to mark the 'Older Portugal' project and to raise awareness about

⁵⁹ For more information on the plan, see [the Lisbon City Council webpage](#).

⁶⁰ For more information, see [APAV's website on the project 'Older Portugal'](#).

the subject that gathered a series of scientific articles⁶¹. The recommendations of the project were published on 1 October 2020, the International Day of the Elder. According to APAV, although we live in an increasingly aging society, a negative vision on aging still prevails. This vision perpetuates stereotypes about older people, who are often seen by society as fragile, sick and dependent. In addition, the younger sections of the population see older people as an economic and social burden. APAV adopted a list of 30 recommendations, addressed to various public entities and private institutions with the goal of contributing to the reflection on legislation, public policies and practices in Portugal with regard to the rights of older people, such as: adopting a human rights perspective across several areas of the State's activities; promoting a positive view of older people, through greater visibility and training; mainstreaming the concept of active and healthy aging; drawing a continuously updated portrait of violence against older people in Portugal; improving the inspection procedures of the institutions that host or provide support to old people; among others⁶².

The Higher Institute of Business Sciences and Tourism and the Loneliness Observatory carried out a study on the experiences of Portuguese citizens during the lockdown imposed by the COVID-19 pandemic. This study is based on the responses to a survey carried out on the internet. Of the 500 responses received, the study considered 400 between the ages of 16 and 75. The main goal of the study was to determine how the COVID-19 epidemic is being felt and experienced by the population, particularly with regard to loneliness and relational effects. According to this study, older persons felt the higher percentages of loneliness, with 30% of the respondents aged between 60 and 70, stating that they often felt alone. Nonetheless, older people also presented higher percentages of feeling welcomed by family (48% between 60-70 years old and 50% between 70-75) and friends (44% between 60-70 years old and 50% between 70-75)⁶³.

The Research Centre in Neuropsychology and Cognitive-Behavioural Intervention of the Faculty of Psychology and Educational Sciences of the University of Coimbra is developing a study to assess the impact of the isolation imposed by the COVID-19 pandemic on the physical and psychological well-being of adults and older people. To compare people's cognitive and psychological function before and after the mandatory confinement, the study recruited 250 adults (over 50 years of age) from all

⁶¹ APAV (2020), '[Miscellanea APAV](#)', No. 10.

⁶² APAV (2020), '[Recomendações Portugal Mais Velho](#)', APAV and Calouste Gulbenkian Foundation.

⁶³ For more information, see [the Higher Institute of Business Sciences and Tourism webpage on the study](#).

over the country who had participated in previous studies, which allowed a more rigorous assessment of the impact of social isolation on mental health, given that they had data prior to the pandemic. Even though the study is still ongoing, the first analysis of the results underlines that the confinement significantly led to the development of higher levels of depressive symptoms and consequently a deterioration in the quality of life of Portuguese citizens⁶⁴. This project also developed a webpage to increase awareness of mental health issues and provide preventive strategies for the population⁶⁵.

LGBTQI+

Knowledge production and knowledge dissemination events

During 2020, civil society organisations engaged in a series of knowledge production and knowledge dissemination activities, partially in response to restrictions emerging from COVID-19. Faced with the impossibility of being in the field through face-to-face interaction, NGOs used virtual media and platforms to provide a regular meeting space, but also used virtual sessions for training and knowledge exchange. That was the case with *Plano I* and *Clube Safo*, amongst others. APAV – the Portuguese Victim Support Association – offered an E-Learning Training Course on how to support LGBTQI+ victims. This course targeted professionals and students and covered both theoretical and hands-on ways of providing support. A thematic leaflet in both Portuguese and in English was produced by APAV in this regard⁶⁶.

LGBTQI+ Scientific publications in 2020

- Marinho, I.; Gato, J.; Coimbra, S. (2020), "Parenthood Intentions, Pathways to Parenthood, and Experiences in the Health Services of Trans People: an Exploratory Study in Portugal", *Sexuality Research and Social Policy*⁶⁷. Abstract reads: "In this exploratory study, we

⁶⁴ For more information, see [the University of Coimbra webpage on the study to assess the impact of isolation on the physical and psychological well-being of adults and older people](#).

⁶⁵ For more information, see the [CuidaIdosaMente](#) webpage.

⁶⁶ For more information, see [the leaflets available at APAV's webpage](#).

⁶⁷ Marinho, I.; Gato, J.; Coimbra, S. (2020), "[Parenthood Intentions, Pathways to Parenthood, and Experiences in the Health Services of Trans People: an Exploratory Study in Portugal](#)", *Sexuality Research and Social Policy*.

looked at the parenthood intentions of 14 Portuguese trans and non-binary people and their experiences with health services. We conducted four focus groups and used thematic analysis to analyse the participants' speeches. Half of the participants wanted to be parents, especially through adoption. Most of the remaining were undecided on the subject. Mixed experiences with the health services were reported, and health providers only informed a few participants about fertility preservation options. Trans individuals need to receive clear information about parenthood possibilities in order to make informed decisions about their future".

- António, R.; Guerra, R.; Moleiro, C. (2020), "Stay away or stay together? Social contagion, common identity, and bystanders' interventions in homophobic bullying episodes", *Group Processes and Intergroup Relations*, Vol. 23, Issue 1, pp. 127-139⁶⁸. Abstract reads: "Two studies explored the link between social contagion concerns and assertive bystanders' behavioural intentions in homophobic bullying episodes. Study 1 ($N = 216$) examined if adolescents' social contagion concerns (i.e., fear of being misclassified as gay/lesbian) relate to decreased behavioural intentions to help victims of bullying, by increasing negative attitudes towards lesbians and gay men. Study 2 ($N = 230$) further explored if inclusive identity representations (i.e., one-group or dual-identity) were related to decreased concerns of social contagion, thereby increasing adolescents' assertive behavioural intentions. Results (partially) confirmed both expected mediations: social contagion concerns were associated with decreased assertive behavioural intentions via increased negative attitudes towards lesbians and gay men (Study 1); one-group representations, but not dual-identity representations, were associated with more assertive behavioural intentions via decreased social contagion concerns (Study 2). These findings extended previous studies illustrating the underlying mechanisms through which social contagion concerns and common identity affect assertive bystanders' behavioural intentions".
- Davy, Zowie; Santos, A. C.; Bertone, C.; Thoreson, R.; Wieringa, S. E. (orgs.) (2020), *The SAGE Handbook of Global Sexualities*, Sage⁶⁹. Abstract reads: "This two-volume Handbook provides a major thematic overview of global sexualities, spanning each of the

⁶⁸ António, R.; Guerra, R.; Moleiro, C. (2020), "[Stay away or stay together? Social contagion, common identity, and bystanders' interventions in homophobic bullying episodes](#)", *Group Processes and Intergroup Relations*, Vol. 23, Issue 1, pp. 127-139.

⁶⁹ Zowie, D.; Santos, A. C.; Bertone, C.; Thoreson, R.; Wieringa, S. E. (orgs.) (2020), *The SAGE Handbook of Global Sexualities*, Sage.

continents, and its study, which is both reflective and prospective, and includes traditional approaches and emerging themes. The Handbook offers a robust theoretical underpinning and critical outlook on current global, local, and 'new' sexualities and practices, whilst offering an extensive reflection on current challenges and future directions of the field. The broad coverage of topics engages with a range of theories, and maintains a multi-disciplinary framework".

- Gato, J.; Henriques, M.; Leal, D. (2020), "Adoption by Lesbian Women and Gay Men: Perceived Challenges and Training Needs for Professionals in Portugal", *Adoption Quarterly*⁷⁰. Abstract reads: "Lesbian women and gay men face many barriers to accomplish a parental project, including when seeking to adopt. In Portugal, adoption by same-sex couples was recently allowed and we sought to understand adoption professionals' perspectives regarding this issue. We conducted two focus groups with adoption professionals using a semi-structured interview script. We aimed to explore (i) the main challenges for adoption by LGs and same-sex couples; (ii) knowledge, skills, and personal beliefs about these family settings; (iii) the importance of gender (couples, child) in the matching process; and (iv) topics to address in any training for this area. The participants' discourses oscillated between a certain awareness of the prevailing social prejudice and discrimination toward sexual minorities on one hand and a heteronormative discourse on the other. Challenges in working with this population and training necessities were identified. Findings point to the need for guidelines for the home study of LG applicants and cultural competency training to deal with this population in three aspects: knowledge, skills, and awareness of personal attitudes".
- Gato, J.; Leal, D.; Coimbra, S.; Tasker, F. (2020), "Anticipating Parenthood among Lesbian, Gay, Bisexual, and Heterosexual Young Adults without Children in Portugal", *Frontiers in Psychology*⁷¹. Abstract reads: "Parenthood is a highly valued life goal, independent of one's sexual orientation. However, the majority of studies exploring young adults' parenthood plans have relied exclusively on samples of heterosexual individuals. This study aimed (i) to explore differences in parenthood intentions as a function of sexual orientation, (ii) to investigate to what extent sociodemographic and psychological

⁷⁰ Gato, J.; Henriques, M.; Leal, D. (2020), "[Adoption by Lesbian Women and Gay Men: Perceived Challenges and Training Needs for Professionals in Portugal](#)", *Adoption Quarterly*.

⁷¹ Gato, J.; Leal, D.; Coimbra, S.; Tasker, F. (2020), "[Anticipating Parenthood among Lesbian, Gay, Bisexual, and Heterosexual Young Adults without Children in Portugal](#)", *Frontiers in Psychology*.

characteristics predict parenthood intentions of lesbian, gay, bisexual (LGB), and heterosexual individuals, (iii) to test the mediating effect of stigma between sexual orientation and parenthood intentions, and (iv) to identify and characterise profiles of prospective parenthood (through cluster analysis). Data were gathered using an online survey from 375 self-identified LGB and heterosexual young adults without children in Portugal, with a mean age of 25.83 years old (SD = 4.49). Findings indicated that LGB individuals were less likely to intend to have children than heterosexual individuals; furthermore, among LGB individuals, lesbian women expressed stronger intentions to have children than gay men did. Similarities between heterosexual and LGB young adults were observed concerning the psychological determinants of parenthood intentions. Four distinctive profiles of prospective parenthood were identified: aspiring parents not anticipating stigma, aspiring parents anticipating stigma, childfree intent, and childfree ambivalent. Lesbian and bisexual women mostly populated the childfree ambivalent cluster; in contrast, the aspiring parents anticipating stigma cluster contained an overrepresentation of men, including sexual minority men. Professionals may want to attend to communalities and specificities of prospective parenthood as a function of sexual orientation, in order to provide unbiased and culturally competent support to sexual minority individuals”.

- Gato, J.; Leal, D.; Moleiro, C.; Fernandes, T.; Nunes, D.; Marinho, I.; Pizmony-Levy, O.; Freeman, C. (2020), “The Worst Part Was Coming Back Home and Feeling Like Crying”: Experiences of Lesbian, Gay, Bisexual and Trans Students in Portuguese Schools”, *Frontiers in Psychology*, Volume 10, Article 2936⁷². Abstract reads: “Portugal is one of the most egalitarian countries in Europe in terms of lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals’ legal rights. However, regarding education Portugal still lacks specific policies, plans and interventions to protect LGBTI students. To assess the perceptions of self-identified LGBTI youth regarding their school context, 663 participants (aged from 15 to 20 years old) filled in an on-line questionnaire about their school climate. One hundred and forty-six of them answered an open-ended question about their personal experiences. A thematic analysis of these answers was conducted, and four main categories were identified: (i) victimisation, (ii) coming out experiences, (iii) support networks, and (iv) demands. Most participants reported experiences of discrimination, and several

⁷² Gato, J.; Leal, D.; Moleiro, C.; Fernandes, T.; Nunes, D.; Marinho, I.; Pizmony-Levy, O.; Freeman, C. (2020), “[The Worst Part Was Coming Back Home and Feeling Like Crying”: Experiences of Lesbian, Gay, Bisexual and Trans Students in Portuguese Schools](#)”, *Frontiers in Psychology*, Volume 10, Article 2936.

sources of prejudice were identified. Furthermore, participants also recognised a lack of LGBTI information in school curriculum and made several demands. Besides inclusive laws, we suggest that the safety and the well-being of LGBTI youths in Portuguese schools depend upon others measures, such as teacher and school staff training, curricula inclusive of LGBTI diversity, and local strategies, such as Gay-Straight Alliances”.

- Roseneil, Sasha; Crowhurst, I.; Hellesund, T.; Santos, AC.; Stoilova, M. 2020. *The Tenacity of the Couple Norm*. London: UCL Press. The Tenacity of the Couple-Norm explores the ongoing strength and insidious grip of couple-normativity across changing landscapes of law, policy and everyday life in four contrasting national contexts: the UK, Bulgaria, Norway and Portugal. By investigating how the couple-norm is lived and experienced, how it has changed over time, and how it varies between places and social groups, this book provides a detailed analysis of changing intimate citizenship regimes in Europe, and makes a major intervention in understandings of the contemporary condition of personal life.
- Santos, A.C. (2020), “From villain to hero: trans men and non-binary persons as care providers in Southern Europe”, xx(xx): 1–15, *International Journal of Care and Caring* (ahead of print). The article focuses on biographical narratives of trans men and non-binary people in Portugal around care practices in the spheres of friendship and family. Recognising forms of resistance to adversity through informal networks of support, in this article, care provided by trans and non-binary people to (often) cisgender recipients is conceptualised as a heroic act. It is suggested that trans male and non-binary embodied experiences of care constitute a fundamental political platform to rethink sociologically concepts of care, masculinity and corporal dissidence within the framework of intimate citizenship in and beyond Southern Europe⁷³.
- Pieri, M (2020), “Illness comes to bed. Chronically ill lesbian women discuss sex, intimacy, and sexual practices”, *Journal of Lesbian Studies*. This article aims at discussing the intersections of disability and sexuality as narrated by lesbian women with chronic illness. It draws from an empirical study conducted in Portugal and Italy between 2016 and 2018 with LGBTQA+ chronically ill people: in particular, the article focuses on fifteen biographical interviews

⁷³ Santos, A.C. (2020), “[From villain to hero: trans men and non-binary persons as care providers in Southern Europe](#)”, xx(xx): 1–15, *International Journal of Care and Caring* (ahead of print).

collected among participants that self-identify as lesbian. The interviews highlight intersections of sexuality through the experience of chronic illness, showing different strategies through which lesbian women re-invent their own self-definition and their sexual practices in intimate encounters with partners. The article aims at contributing to the existing literature on disability and sexuality, shedding light on the specific aspects of the experience narrated by lesbian women with chronic illness: such aspects challenge normative assumptions over the entanglements between disability and sexuality and question some of the pillars on which disability is constructed⁷⁴.

- Santos, A.L (2020), *Trans Athletes and the Posthuman: A Critical Analysis of Trans Policies in Sports*, in Z. Davy et al (eds.), *The Sage Handbook of Global Sexualities*. London: Sage, 267-290. This chapter aims to offer an overview of sports-related policies, including the one developed by the International Olympic Committee, in order to interrogate the ways in which the admission of trans people is regulated. The author exposes gender policies in different popular competitive sports such as tennis, football and rugby among others, and their possible fragilities regarding trans people and national laws that protect their physical integrity and fundamental rights.
- Elpes, G. S. (2020), "Trans* Identities and Politics: Repertoires of Action, Political Cleavages, and Emerging Coalitions", *Politics and Governance*, Vol 8, No 3. DOI: <http://dx.doi.org/10.17645/pag.v8i3.2927>. Throughout LGBT*Q+ activists' integrated forms of doing politics along different axes of oppression (e.g., class, migration, racialisation, disability, ethnicity, gender diversity), new visibility regimes are trying to expand the repertoires of action by nurturing emerging coalitions and agencies among a variety of hybrid political subjects. This article thus argues that trans* politics, through non-binary activism and a new intersectional feminist praxis, may expand the political subject of feminism and our understanding of identity politics and embodied action.
- Pérez Navarro, P (2020), "The Performative Power of Queer Assemblies", *Krisis | Journal for Contemporary Philosophy*, 40, 1, 165-179. DOI: <https://doi.org/10.21827/krisis.40.1.36972>. This paper addresses some relations between the spatial politics of queer assemblies in spaces of protest and the constitution of collective political subjects. It does so by exploring the spatial politics of queer

⁷⁴ Pieri, M (2020), "[Illness comes to bed. Chronically ill lesbian women discuss sex, intimacy, and sexual practices](#)", *Journal of Lesbian Studies*.

activism within the global Occupy movements, in the light of Judith Butler's work on the performative power of assembly and the ambivalences of the Foucauldian concept of heterotopia. Specific challenges faced by queer activists in various encampments will be addressed to expose some tensions between the constitutive exclusions inherent to the constitution of spaces of protest and the processes of coalition building needed to effectively overcome those very constitutive exclusions.

Ongoing LGBTQI+ studies in 2020, including the context of COVID-19

Research projects

- CILIA LGBTQI+: Comparing Intersectional Life Course Inequalities amongst LGBTQI+ Citizens in Four European Countries, funded by NORFACE and the Portuguese Foundation for Science and Technology (2018-2021). Bringing together an international and multi-disciplinary team of researchers, this project investigates potential inequalities experienced by Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) people at three 'transition' points in life: school to work transitions; employment progression in mid-life; and the transition into retirement and its implications for end of life. The key objective is to provide cross-cultural evidence, for the first time ever, concerning life course inequalities experienced by LGBTQ people, comparing and contrasting these across four European countries with different yet interrelated social, historical, economic and political backgrounds: England, Scotland, Portugal and Germany. Additionally, the project examines how inequalities related to gender identity and/or sexuality vary and intersect with others, such as social class, ethnicity, citizenship status, health status, dis/ability, religion and geographical location across the life course. The accumulated, original empirically based data will be used to develop a multi-agent based simulation model to inform theoretical development in relation to the LGBTQ intersectional life course and explore future policy and research agendas. In Portugal CILIA is led by Ana Cristina Santos and has the collaboration of NGOs Casa Qui and ILGA Portugal⁷⁵.

⁷⁵ For more information, see the [CILIA project webpage](#).

- Diversity and Childhood - Changing social attitudes towards gender diversity in children across Europe, funded by the European Commission (2019-2021). It aims at making a social diagnosis in a participative way on needs experienced by both children and professionals in the area of gender and sexual diversity in children and youth. Activities include training modules targeting a variety of professionals who play different roles in protecting LGBTI+ and gender nonconforming children in five key spheres of life: education, health, public space, media and family. In Portugal, "Diversity and Childhood" is led by Ana Cristina Santos and is formally supported by the Ministry of Education and the NGO Rede ex aequo⁷⁶.
- LGBTIplus-inequalities - LGBTI+ Social and Economical (in)equalities, is a new research network involving 14 countries funded by COST Action between 2020 and 2025. In Portugal, Ana Cristina Santos is Management Committee Member.
- Social relationships in times of isolation is a small-scale study conducted by Eduarda Ferreira aiming to map social relationships in times of isolation for cisgender or transgender, non-heterosexual women.
- Social support and psychological health networks in young LGBT+ during the COVID-19 pandemic is a study led by Jorge Gato and developed by the Faculty of Psychology and Educational Sciences of the U.Porto (FPCEUP) involving more than 630 young LGBT+ participants living in Portugal. The objective of the investigation, which is in its first phase, is to assess the psychological health and social support networks of LGBT + young people, who live with their parents, or in other family settings, during this period. Given the Covid-19 pandemic situation and the recommended lockdown, 1 in 5 returned to their parents' homes. According to the data, "6 out of 10 considered that the situation affected their life very or severely" and the majority felt "limited to carrying out their usual activities". According to the results - which cover the period between 17 April and 4 May - about one in four respondents felt "very isolated" from their friends. Close to 60% of young people confirmed that the situation of lockdown with the family was also a challenge in their not feeling comfortable in the family. The research team recommends that support services, shelters and other social support networks remain particularly attentive and available during this period to meet the needs of young LGBT+. The study has the collaboration of the

⁷⁶ For more information, see the [Diversity and Childhood - Changing social attitudes towards gender diversity in children across Europe project webpage](#).

Portuguese College of Psychology, CIG - Commission for Citizenship and Gender Equality, ILGA Portugal Association, Ex-Aequo - LGBTI + youth association and supporters, It Gets Better, Casa Qui, and Plano i Association⁷⁷.

- Project Queerantime. Jorge Gato, Faculty of Psychology and Education Sciences, University of Porto, coordinate an International Study on the Social Support Networks and Psychological Health of LGBTQ+ Individuals during the COVID-19 Pandemic. Across the world, people have seen their lives interrupted by the COVID-19 pandemic. Lesbian, gay, bisexual, trans, and queer individuals and persons belonging to other sexual and gender minorities (LGBTQ+) may be in a situation of particular vulnerability with regard to their emotional well-being and mental health during the present health crisis. Project Queerantime is a joint endeavour of a team of researchers from seven countries (Portugal, UK, Italy, Brazil, Chile, Sweden, and Mexico) exploring the psychosocial effects of the COVID-19 pandemic among LGBTQ+ individuals⁷⁸.
- Way Out – Aqui estás segur@, coordinated by Associação ILGA Portugal. The project aims at interinstitutional capacity-building in advocacy and policy monitoring between NGOs and LGBTI collectives and NGOs that work on issues of migration and asylum to promote the quality of life and integration of LGBTI migrants, including asylum-seekers and beneficiaries of international protection, as well as the creation of a coordinated network that reinforces interinstitutional monitoring of these cases. Partners: Queer Tropical; AMPLOSIG. Duration: 01/07/2020 – 31/05/2022.

⁷⁷ For more information, see [the Porto University webpage on the study](#).

⁷⁸ More info available at the [webpage of the Project Queerantime](#).

Chapter 2. Racism, xenophobia and related intolerance

1. Legal and policy developments relating to the application of the Racial Equality Directive

Law 3/2020⁷⁹ of 31 March approves the Major Options of the Plan for 2020-23, which are part of the strategy for economic and social development and consolidation of public accounts established in the Programme of the XXII Constitutional Government. This law stresses that, despite all the recent achievements in equality and combating discrimination, it is imperative to broaden legal developments, and adopt social affirmation measures for minorities, to prevent and combat racial segregation guided by the constitutional principles of equality and non-discrimination. This law recognises the overlap between inequality and racism, especially in marginalised communities, facilitates and naturalises prejudice and has the serious potential to corrode social and national cohesion. Despite the institutional solutions to combat racism and ethnic-racial discrimination already adopted, the principle of equality and non-discrimination must be promoted, to ensure it is fulfilled within the legal framework and, whenever necessary, to accelerate its effective application with positive discrimination measures. To create the preconditions for greater social visibility and public intervention by Portuguese people of African origin, the Government will promote measures such as: strengthen the institutional combat of racial discrimination in the treatment of migratory issues through specific initiatives to support the integration and access of Afro-descendant communities to housing, in order to take action against the ethnic-racial ghettoisation phenomena and eradicate the decaying housing areas that exist throughout the country; develop projects within the scope of proximity policing to improve the security of citizens, dialogue, trust and respect between the population and police officers; carry out awareness-raising actions against racism and discrimination against ethnic-racial minorities, through national campaigns; promote positive discrimination processes to improve the lack of diversity in the public sphere; create an observatory on racism and xenophobia. Although the measures foreseen in Law 3/2020 do not constitute part of a national action plan against racism, as developed

⁷⁹ Portugal, [Lei n.º 3/2020, que aprova as Grandes Opções do Plano para 2020-2023 que integram as medidas de política e os investimentos que as permitem concretizar](#) (Law 3/2020 that approves the Major Options of the Plan for 2020-2023 which integrate the policy measures and the investments that make it possible to achieve them), 31 March 2020.

below, on 23 November took place the first meeting of the Working Group to Prevent and Combat Racial Discrimination to discuss and present the National Plan to Combat Racism and Discrimination.

Recommendation 5/2020⁸⁰ of the National Education Council on Citizenship and Anti-Racist Education includes, among others, the following dimensions: the inclusion in school curricula of a comprehensive and non-ethnocentric view of phenomena, in compliance with constitutional principles, the human rights framework and the country's social and cultural diversity; the promotion of a national anti-racist and human rights education programme involving curricular, extracurricular and non-formal education activities; the consolidation of school autonomy to set up educational teams dedicated to effective anti-racist education; a continuous training programme for teachers and non-teaching staff for inclusion and anti-racist education; the importance of establishing community networks and partnerships, with a strong link between public services and strategies, to improve the reception of foreign students (for example, migrants and refugees).

On 5 June, two draft resolutions with recommendations for measures to combat racism were approved in **Parliament**:

- Draft Resolution 292/XIV proposed by the political party *Bloco de Esquerda* for the establishment of a National Strategy to Combat Racism⁸¹, including measures to correct inequalities in the areas of employment, housing, education, health, social protection, justice and security, among others.
- Draft Resolution 458/XIV, proposed by deputy Joacine Katar Moreira, for a national campaign to renew the anti-racist pact in Portuguese society⁸², namely through a national anti-racist campaign in the media, designed and executed in close collaboration with anti-racist associations and representatives of ethnic communities.

As announced by the Minister of State and the Presidency, the **Working Group to Prevent and Combat Racial Discrimination** was established to

⁸⁰ Portugal, [Recomendação n.º 5/2020 sobre a cidadania e a educação antirracista](#) (Recommendation 5/2020 of the National Education Council on Citizenship and Anti-Racist Education), 6 November 2020.

⁸¹ For more information, see the Parliament [webpage on Draft Resolution 292/XIV](#), that recommends the design and implementation of a national strategy to combat racism.

⁸² For more information, see the Parliament [webpage on the Draft Resolution 458/XIV](#), proposed by deputy Joacine Katar Moreira, for a national campaign to renew the anti-racist pact in Portuguese society.

discuss and present the National Plan to Combat Racism and Discrimination. The first meeting of this working group took place on 23 November. The first version of the plan against racism is scheduled to be presented for public discussion on 21 March 2021, the international day to combat racial discrimination⁸³.

On 9 June, the main topics of the “**Discriminatory Practices Prevention Plan**” for the police forces of the Inspectorate General of Home Affairs was presented and discussed during a conference⁸⁴ held at the Rectory of *Universidade Nova de Lisboa*. The aim of this Plan is to prevent racist and xenophobic practices in the police forces. It was a themed event that brought together the Inspectorate General of Home Affairs, the heads of all the national police forces and the Minister of Home Affairs. The plan contains programmatic measures and measures for immediate application. The programmatic measures will include the re-evaluation of the criteria for selecting and recruiting police officers and reinforcing the human rights approach during initial and ongoing training. The measures for immediate application will limit the intervention and the interaction of police forces on social networks and clarify some criteria regarding the approach of the police and the interaction of the police with the community. As announced by the Minister of Home Affairs, the plan is expected to be completed in January 2021⁸⁵.

On 1 September, the Commission for Equality and Against Racial Discrimination (*Comissão para a Igualdade e Contra a Discriminação Racial - CICDR*) promoted an **online campaign to mark the 3 years since the entry into force of Law 93/2017, of 23 August**, which defines the legal framework for preventing, prohibiting and combating discrimination, due to racial and ethnic origin, skin colour, nationality, ancestry and country of origin. The campaign raised awareness of discrimination, namely in access to health care motivated by nationality, ancestry, country of origin, skin colour or racial and ethnic origin⁸⁶.

⁸³ Público (2020), “[Primeira versão do plano contra o racismo vai a discussão pública em Março, diz ministra](#)” (“First version of the plan against racism goes to public discussion in March, says minister”), 6 November 2020.

⁸⁴ For more information, see the Inspectorate General of Home Affairs [webpage of the on the Discriminatory Practices Prevention Plan](#), the [conference recording on YouTube](#) and communication of the Inspectorate General of General Home Affairs [on the inspection of racist comments by security forces](#).

⁸⁵ For more information, see the communication of the Minister for Home Affairs [following the meeting with the Commissioner for Human Rights of the Council of Europe](#).

⁸⁶ For more information, see the High Commissioner for Migration [online campaign on Facebook](#).

The [Republican National Guard](#) (*Guarda Nacional Republicana - GNR*) held **awareness raising** for 10,264 children, youth and adults on the subjects of human rights and citizenship and non-discrimination, focusing on racism, xenophobia and related intolerance.

2. Legal and policy developments relating to the application of the Framework Decision on Racism and Xenophobia relevant to combating hate speech and hate crime

Law 55/2020⁸⁷ of 27 August defines the objectives, priorities and guidelines of criminal policy for 2020-2022, in compliance with Law 17/2006, of 23 May, which approves the Criminal Policy Framework Law. Article 4, on priority prevention of crimes, defines crimes motivated by racial discrimination as criminal phenomena of priority prevention, in view of the dignity of the protected legal assets and the requirement to protect potential victims.

Ordinance 159/2020⁸⁸ of 26 June defines the applicable rules for requesting, issuing, functioning and using a card to access sporting venues with special conditions for access and presence of fans (abbreviated to “fan card”), and approves the corresponding model and features. The authority responsible for issuing and managing the fan card is the Authority for Preventing and Combating Violence in Sport (*Autoridade para a Prevenção e o Combate à Violência no Desporto - APCVD*). The Authority, the security forces and the Commission for Equality and Against Racial Discrimination (*Comissão para a Igualdade e Contra a Discriminação Racial - CICDR*) must ensure the inspection and compliance with the legal safety regulations and fight against racism, xenophobia and intolerance in sports or related events, to enable them to be held safely and in accordance with the ethical principles

⁸⁷ Portugal, [Lei n.º 55/2020 que define os objetivos, prioridades e orientações de política criminal para o biénio de 2020-2022, em cumprimento da Lei n.º 17/2006, de 23 de maio, que aprova a Lei-Quadro da Política Criminal](#) (Law 55/2020 that defines criminal policy objectives, priorities and guidelines for the 2020-2020 biennium, in compliance with Law 17/2006, of 23 May, which approves the Criminal Policy Framework Law), 27 August 2020.

⁸⁸ Portugal, [Portaria n.º 159/2020 que define as normas aplicáveis à requisição, emissão, funcionamento e utilização do cartão de acesso a zona com condições especiais de acesso e permanência de adeptos, abreviadamente designado «cartão do adepto», bem como aprova os respetivos modelo e características](#) (Ordinance 159/2020 that defines the applicable rules for requesting, issuing, functioning and using a card to access sporting venues with special conditions for access and presence of fans, abbreviated to “fan card”, and approves the corresponding model and features), 26 June 2020.

inherent to their practice. The National Mint (*Imprensa Nacional Casa da Moeda*) is responsible for the production and personalisation of the fan card.

Council of Ministers Resolution 98/2020⁸⁹ of 13 November approves the Strategy Portugal 2030, based on four main thematic agendas for the development until 2030 of the Portuguese economy, society and territory, namely to combat discrimination, and to prevent and combat all forms of discrimination, due, among others, to racial and ethnic origin, nationality, ancestry and country of origin, including intersectional and multiple discrimination. In particular, legal and institutional instruments to combat discrimination, to raise awareness and provide training in rights literacy, and to prevent and combat discrimination will be strengthened, including the training of professionals from strategic sectors involved in preventing and sanctioning discriminatory practices, awareness-raising and training in the field of rights literacy, as well as further knowledge and mechanisms to combat hate speech in the media and social networks.

Council of Ministers Resolution 51/2020⁹⁰ of 18 June approves the strategic lines of the Project Never Forget - National Holocaust Remembrance Programme. This resolution recognises the significance of symbolic occasions to promote remembrance of the Holocaust, the prevention and fight against all forms of discrimination, anti-Semitism, xenophobia, racism and others forms of disrespect for human dignity and to highlight the relevance of international organisations in the framework of public international law and peaceful coexistence within the international community. In view of the importance of children's and young people's education and public awareness to prevent and combat expressions of anti-Semitism, racism, xenophobia, intolerance and other discrimination, it is planned to highlight the approach of preventing and actively combating discrimination in human rights with training courses for embassy attachés. This measure is to be coordinated by the Ministry of Foreign Affairs and implemented in the second half of 2020.

On 5 June, Draft Resolution 275/XIV, proposed by the *Partido Socialista*, was approved in **Parliament**. It recommends the Government the adopt wide-ranging measures to combat racism⁹¹, namely to carry out studies and

⁸⁹ Portugal, [Resolução do Conselho de Ministros n.º 98/2020 que aprova a Estratégia Portugal 2030](#) (Council of Ministers Resolution 98/2020 that approves the Portugal 2030 Strategy), 13 November 2020.

⁹⁰ Portugal, [Resolução do Conselho de Ministros n.º 51/2020 que aprova as linhas estratégicas do Projeto Nunca Esquecer - Programa Nacional em torno da Memória do Holocausto](#) (Resolution of the Council of Ministers no. 51/2020 that approves the strategic lines of the Project Never Forget - National Holocaust Remembrance Programme), 18 June 2020.

⁹¹ For more information, see the Parliament [webpage on the Draft Resolution 275/XIV](#), that recommends to the Government the adoption of wide-ranging measures to combat racism.

collect statistical information on ethnic-racial discrimination in Portugal and to deepen the policing outreach projects amongst young people and communities in the outlying neighbourhoods of Metropolitan Areas to lead to increased confidence between community and security forces.

The initial **judicial training for judges and prosecutors** held by the [Centre for Judicial Studies](#) (*Centro de Estudos Judiciários*) on issues of racism, xenophobia and intolerance, in particular to combat hate speech and hate crimes, within the disciplinary area of criminal law was concluded on 15 July 2020 and involved 110 trainees. Hate speech was also studied, as part of initial training, on the subject of Jurisprudence of the European Court of Human Rights, for the same number of trainees, in February and March 2020.

Within the scope of the protocol between the High Commission for Migration and the [Republican National Guard](#), by the end of 2020, there will be an online training course on racial discrimination, aimed at 107 members of the Republican National Guard.

The **training course for police officers of the [Public Security Police](#)** (*Polícia de Segurança Pública – PSP*), held by the Police Training School (*Escola Prática de Polícia*), reached 571 police officers and addressed the subjects of human rights and racism within the subject area of fundamental rights and citizenship (30 hours) and police ethics (35 hours), and is also common to several disciplines, such as criminal law, criminal procedural law, psychosociology, police intervention techniques and firearms training.

Also with regard to measures relevant to combat racism, hate speech and hate crime, the PSP national director's Order of 22 September on the norms of uprightness, presentation and uniform use⁹² prohibited police officers from wearing tattoos that contain party, extremist, racist symbols, or designs that encourage violence. Agents who have these types of tattoos must remove them within 180 days.

Council of Ministers Resolution 107/2020⁹³ of 14 December approves the state's indemnity liability for the death of a citizen in its custody and in public facilities. The state assumed the compensation for the death of a Ukrainian citizen to his widow and two children. This incident occurred in a space

⁹² Expresso (2020), "[Polícias portuguesas têm seis meses para remover tatuagens racistas e partidárias](#)" ("Portuguese police officers have six months to remove racist and party tattoos"), 25 September 2020.

⁹³ Portugal, [Resolução do Conselho de Ministros n.º 107/2020 que aprova a responsabilidade indemnizatória do Estado pela morte de um cidadão à sua guarda e em instalações públicas](#) (Council of Ministers Resolution 107/2020 of 14 December approves the State's indemnity liability for the death of a citizen in its custody and in public facilities), 14 December 2020.

similar to the Temporary Installation Centre (CIT) of the Lisbon Airport, on March 12, and it involved three inspectors from the Immigration and Borders Service (*Serviço de Estrangeiros e Fronteiras* - SEF), who were accused of first-degree murder and owning a prohibited weapon. According to the prosecution, the Ukrainian citizen who wanted to enter Portugal and was barred by SEF (for not having a work visa) was violently beaten up and killed in the CIT of the Lisbon Airport by three SEF inspectors two days after he landed in Portugal. His death was only made public 17 days later (when the presumed responsible were arrested). Initially, SEF said he died of a heart attack after an epileptic seizure. However, the coroner realised that this could not have been the real cause of death and alerted the Criminal Police (PJ). After interrogation, the three SEF inspectors suspected of murder were placed under house arrest. At the same time, the resignation of the Lisbon directorate of SEF was announced after the Criminal Police detained the three inspectors for murder. The three SEF inspectors were accused of first-degree murder and owning a prohibited weapon by the public prosecutor's office. The trial is expected to start in January 2021. The report of the Inspectorate General for Home Affairs (IGAI) was published in September and stated that "the attitude and conduct of the SEF inspectors by action (degrading treatment, torture and attack on human dignity, endangering the life and integrity of a citizen) and omission (lack of medication and provision of assistance) cannot be dissociated from the conditions that led to the death of the Ukrainian citizen".

Over the past few months, several celebrities expressed their grief over this terrible event. The Ombudsman (who will head the submission of a proposal for compensation to the family of the Ukrainian citizen⁹⁴) stated in an interview that the death of the Ukrainian citizen, and the circumstances in which it occurred, are very serious, and he underlined there is an urgent need for adequate alternatives to the airport's CIT. The European Commissioner for Home Affairs also emphasised the "terrible violation of human rights", stressing that, although not everyone can stay in the European Union, "they remain human beings" and must be treated "according to their dignity and rights". She underlined the need of "an open discussion about how these detentions must respect fundamental rights"⁹⁵.

On December 9, the director of the Immigration and Borders Service resigned, nine months after the incident⁹⁶. On December 18, following the

⁹⁴ For more information, see the Ombudsman [webpage with information on the compensatoion proceedings](#).

⁹⁵ For more information, see the Minister of Home Affairs [communication "Portugal is committed to strengthening Europe "as an area of freedom, security and justice"](#).

⁹⁶ For more information, see the Minister of Home Affairs [communication on the tragic events at the Lisbon Airport Temporary Installation Centre \(CIT\)](#).

resignation of the former director, the new national director was appointed by the Prime Minister and the Minister of Home Affairs. He has the mission of restructuring this Service and ensuring the organic separation of their police functions and their administrative functions (authorization and documentation of immigrants)⁹⁷.

The Portuguese Victim Support Association (*Associação Portuguesa de Apoio à Vítima – APAV*) proposed a set of **recommendations**⁹⁸ in February 2020 for public policies and legal changes to be more effective in combating the phenomenon of hate crimes. Since these crimes are still barely visible in Portugal, as evidenced by the absence of national judicial decisions on this issue, APAV recommends improvements to the legal framework in order to make explicit in law the motivation of hate crimes and the adoption of various measures, namely the following: (i) establishment of qualified criminal types for the crimes that are most commonly committed for discriminatory reasons such as rape, offences against the person, threats, defamation, injury and damage; (ii) introduction of a general aggravating factor that explicitly refers to hate motivation; (iii) making semi-public crimes the crimes of injury and defamation qualified for discriminatory reasons; (iv) changing article 240 of the Penal Code to clarify that specific acts deal with incitement to discrimination, hatred and violence, which from a conceptual point of view is closer to hate speech; (v) implement a data collection system that makes it necessary not only to identify the case as a hate crime but also to register the type of discriminatory motivation that was at issue; (vi) promote specific training on hate crimes for professionals within the justice system.

APAV updated the **factsheet on hate crimes**⁹⁹ with information about what it is, who is the victim, its impact and the support available. It defines hate crimes as crimes motivated by racism, xenophobia, religious intolerance, homophobia, transphobia and prejudice against people with disabilities, among other characteristics. The victim of a hate crime can be anyone who has been selected for having, in a real or perceived way, one or more protected characteristics, such as race, ethnic or national origin; ancestry; religion; sex; sexual orientation; gender identity or physical or mental disability.

⁹⁷ For more information, see the Prime Minister and the Minister of Home Affairs [communication on the appointment of the new director of the Immigration and Borders Service director](#).

⁹⁸ For more information, see the Portuguese Victim Support Association [webpage on the Recommendations for public policies and legislative changes for greater effectiveness in combating the phenomenon of hate crimes](#).

⁹⁹ For more information, see the Portuguese Victim Support Association [fact sheet on hate crimes](#).

The **project “I Play for Human Rights”** from Amnesty International Portugal¹⁰⁰ aims to raise awareness of human rights through sport, focusing on football. This emerged in the context of violence, racism, intimidation and threats to physical integrity, as well as the hate speech directed at players or cases of human trafficking. The campaign includes the online dissemination of a video in which several sportsmen draw attention to the importance of combating racism and, during the 2020/2021 season, Amnesty International and the project's partner entities will promote a series of awareness-raising and educational initiatives for human rights. These initiatives are aimed at players, fans and the general public. Institutional partners and sports organisations are the Secretariat of State for Youth and Sport, the Secretariat of State for Citizenship and Equality, the Authority for Preventing and Combating Violence in Sport, the Commission for Equality and Against Racial Discrimination, the Portuguese Sports and Youth Institute, the Portuguese Football Federation and the Portuguese Professional Football League.

The **School Network for Intercultural Education (Rede de Escolas para a Educação Intercultural - REEI)**¹⁰¹ is a joint initiative of High Commissioner for Migrations (*Alto Comissariado para as Migrações - ACM*), the Ministry of Education (through the Directorate-General for Education), and the Aga Khan Portugal Foundation. Some schools are invited to apply to this Network and join it on a voluntary basis. The commitment to the Network's purposes, foundations and principles is a mandatory requirement. The integration in the Programme implies an initial participation of 3 years. REEI aims to welcome, integrate and encourage the educational success of all children and young people from pre-school to secondary education, to develop respect for differences and to establish positive interaction between students and members of the educational community from different cultures. Its activity focuses on sharing practices and resources, collaborative learning and joint reflection on the principles and values of Interculturality and Diversity, in three pillars: the Organisational Culture, the Curriculum and the Community. It supports educational agents to implement changes in schools, namely in its organisation and pedagogical approach. The actions promoted by schools can be diverse, including, for example, the definition of a training plan for teachers to promote the development of intercultural skills; the organisation of teaching methods and strategies according to the diversity of students and facilitating interaction without stereotypes; the promotion of active mobilisation strategies for family

¹⁰⁰ For more information, see the Amnesty International Portugal [webpage on the project “I Play for Human Rights”](#).

¹⁰¹ For more information, see the Directorate-General for Education [webpage on the School Network for Intercultural Education](#).

participation in order to promote trust and a sense of belonging, etc. REEI was relaunched on 16 July 2020 for the 2020-2023 period, and its new programme cycle was informed by the positive evaluation of the pilot experiment carried out between 2017-2019 (involved 23 members – school clusters and non-clustered schools and private schools – in 8 districts). In 2020-2023, REEI will comprise 47 new members (grouping of schools, professional schools, and private schools) in 14 districts, expanding its number of members and territorial scope. This network currently includes 272 schools across the country.

ACM renewed the **Choices Programme (Programa Escolhas)**¹⁰², an initiative for intercultural education, capacity building and human rights awareness. As part of the social inclusion of children and youth, and the strategic measure on civic and community participation, rights and duties, the projects supported by the Choices Programme have been developing a series of actions to contribute to participation and citizenship, promoting greater awareness of civic and community rights and duties. The Resolution of the Council of Ministers 71/2020¹⁰³, of 15 September, approves the 8th generation of the Choices Programme for the period from 2021 to 2022. This renewal of the Programme mission and scope is aimed at the social integration of children, equal opportunities in education and employment, combating social discrimination, civic participation and strengthening social cohesion, as well as targeting all children and young people, particularly those from vulnerable socio-economic backgrounds. In addition, digital inclusion and health promotion have become part of the strategic intervention areas of the Choices Programme in this 8th generation. The three measures are the following. (1) Education, Digital Inclusion, Training and Qualification: to contribute to school success, to reduce absenteeism and school dropout through intervention with children and young people and their families. (2) Employment and Entrepreneurship: to contribute to the promotion of employment and employability, favouring the transition to the labour market, as well as supporting entrepreneurial initiatives. (3) Community Promotion, Health, Participation and Citizenship: to contribute to health promotion, particularly awareness raising in the context of the disease pandemic COVID-19.

¹⁰² For more information, see the [Choices Programme webpage](#).

¹⁰³ Portugal, [Resolução do Conselho de Ministros n.º 71/2020 que aprova a 8.ª geração do «Programa Escolhas», para o período de 2021 a 2022](#) (Council of Ministers Resolution 71/2020 that approves the 8th generation of the “Choices Programme”, for the period from 2021 to 2022), 15 September 2020.

Within the prevention and combat of hate speech, the **SeguraNet Awareness Centre**¹⁰⁴, of the Directorate-General for Education, is carrying out a series of initiatives and actions, some of them to promote the prevention and fight against hate speech, namely through Digital Leaders, part of the annual “SeguraNet Challenges” competition, the Digital Security Seal, various campaigns directed at schools, the development of educational resources and the training of teachers. The activities of the SeguraNet Awareness Centre are very diverse and include videos to raise awareness, webinars, games and other educational resources available to be used by teachers and parents in preventing and fight against hate speech.

SOS Racism launched the campaign #MyFightDoesNotQuarantine (*Manifesto #AMinhaLutaNãoFazQuarentena*) on 21 March – the international day for the elimination of racial discrimination – to remind people that racism and xenophobia, among other violence related to racial prejudice and hatred, are a daily reality. During the pandemic, staying at home and avoiding social contact are difficult for everyone, namely the most vulnerable social groups, as the ones most affected by the ethnic-racial inequality. This campaign invites everyone who identifies with the anti-racist struggle to use this hashtag, to share reflections, proposals for measures, testimonies and any content that may contribute to combating racism.

The intersectional and anti-racist feminist association INMUNE - Black Woman Institute (*INMUNE - Instituto da Mulher Negra*), which has been concerned with access to education and inequalities in schools since the beginning of the Coronavirus pandemic, carried out a campaign addressed to its target group to collect computers and technological equipment to facilitate the children’s access to e-Learning through the programme **School for All!** (*Escola para Todos!*)¹⁰⁵. It managed to collect one hundred computers to be distributed to families without the economic means to buy the necessary computer equipment. On 25 May, INMUNE also organised the **online chat** The Mental Health Of Blackness And The Challenges Of (Un) Confinement (*A Saúde Mental Da Negritude E Os Desafios Do (Des)Confinamento*)¹⁰⁶ to discuss the social conditions in which communities live, given the pandemic situation and the challenges ahead.

In recent months, racism, xenophobia and related violence have been widely debated in the public sphere, in the media and on social networks. Since

¹⁰⁴ For more information, see the SeguraNet Awareness Centre [webpage on the prevention and fight against hate speech](#).

¹⁰⁵ For more information, see the campaign [“School for All” webpage](#).

¹⁰⁶ For more information, see the [online chat The Mental Health of Blackness and the Challenges of \(Un\) Confinement webpage](#).

January 2020, five main incidents significantly contributed to increase attention to the issues of racism in the public debate:

- In January, **a woman accused police of aggression and racism** because of an alleged assault by officers of the Public Security Police (PSP) for racial reasons¹⁰⁷ after a video was circulated on the internet. The video filmed by a passer-by on the street who saw the assaults was widely reported in the media and on social networks. SOS Racism issued a statement asking for the immediate suspension of the PSP officer, underlining that this police aggression took place in the municipality of Amadora (a peripheral area of Lisbon where some resident population live with several difficulties related to poverty, habitability conditions, etc.), where 76% of complaints against police officers for assaulting citizens are filed.
- On February, the **footballer Marega** from one of the biggest clubs in Portugal left the football field during a game, following **racist insults** that some fans directed at him from the stadium benches during the warm-up and at various times during the game¹⁰⁸. The condemnation of the racist incident was immediate from the highest political authorities in Portugal and the case was widely reported in the national and international press.
- On July, Bruno Candé, **an actor** who belonged to the “Casa Conveniente” theatre company, was **murdered**, allegedly after being the victim of several **racist insults** by the murderer¹⁰⁹. The Public Prosecutor's Office accused a 76-year-old man (ex-military of the colonial war in Angola) of the crime of qualified murder of Bruno Candé, out of racial hatred. In the prosecution order (13 January 2021), the Public Prosecutor's Office considered it proved that the ex-military man acted with the intention of killing Bruno Candé and directed expressions in which he “specifically referred his skin colour”.

¹⁰⁷ Público (2020), [“Mulher acusa polícia de agressão e racismo. PSP chamou bombeiros e disse que era ‘uma queda’”](#) (“Woman accuses police of aggression and racism. PSP called firefighters and said it was ‘a fall’”), 21 January 2020.

¹⁰⁸ Público (2020), [“Governo, Marcelo e mundo do futebol condenam insultos racistas a Marega”](#) (“Government, Marcelo and football world condemn racist insults to Marega”), 16 February 2020.

¹⁰⁹ [Comunicado da Comissão para a Igualdade e Contra a Discriminação Racial](#) (Announcement of the Commission for Equality and Against Racial Discrimination mourning the death of actor Bruno Candé), 27 July 2020.

- In August, a group of **nationalists protested** in front of tSOS Racism main office against “anti-national racism”¹¹⁰. This action took place following an act of vandalism on the SOS Racism front building in July, where the phrase “War on the enemies of my land” was spray-painted.
- Also in August, the **SOS Racism association** received two emails with **death threats** from a newly formed neo-Nazi movement that calls itself “New Order of Avis/National Resistance”¹¹¹. The first email announced the foundation of a new far-right militia that would take care of the following: “whenever a nationalist was arrested, an anti-racist would be killed and whenever a nationalist was killed, dozens of foreigners would be killed”. In the second e-mail, the threats were extended to three female deputies and a period of 48 hours was given for ten people, including female deputies and leaders of the anti-racism struggle, to leave Portugal: “these antifascist and anti-racist leaders have a period of 48 hours to terminate their political functions and leave Portuguese territory (...) if the period is exceeded, measures will be taken against these leaders and their families, to guarantee the security of the Portuguese people. August will be the month of the struggle against the nation's traitors and their supporters. August will be the month of the nationalist rebirth”¹¹².

These incidents caused various reactions from public entities and civil society associations against racial discrimination.

CICDR made an **announcement**, on 12 August, expressing its repudiation and high concern following the recent events of **nationalist protest** in front of the SOS Racism main office, and condemned the use of white masks to hide faces as well as the use of torches mimicking the acts of a group historically responsible for the racially-motivated persecution, torture and murder of people.

¹¹⁰ Expresso (2020), “[Parada Ku Klux Klan” em frente à sede do SOS Racismo. Associação vai fazer queixa ao Ministério Público](#)” (“‘Ku Klux Klan Parade’ in front of the SOS Racism main office. Association will enter a complaint to the Public Prosecutors Office”), 11 August 2020.

¹¹¹ Assembly of Republic (2020), “[Mensagem do Presidente da Assembleia da República de repúdio relativa às ameaças dirigidas a três Deputadas e a ativistas políticos](#)” (“Message from the President of the Assembly of the Republic of repudiation regarding the threats addressed to three Members and political activists”), 13 August 2020.

¹¹² Expresso (2020), “[As duas ameaças da extrema-direita: ‘A partir de hoje, o medo irá mudar de lado. Para cada nacionalista preso, um antifascista será enterrado’](#)” (“The two threats from the extreme right: ‘Starting today, fear will change sides. For every nationalist arrested, an antifascist will be buried’”), 13 August 2020.

The fight against racism and anti-racism brought INMUNE together with a group of other activists to an **online chat** Challenges of the Black Movement in Portugal (*À Conversa sobre Desafios do Movimento Negro em Portugal*)¹¹³, on 10 June, which reached more than 19,000 people and was viewed more than 10,000 times.

Several anti-racist demonstrations were held, between June and August. On 6 June, SOS Racism¹¹⁴, INMUNE¹¹⁵ and many other associations held **“Black lives matter” demonstration** in Lisbon, following the global mobilisation against racism triggered by the assassination of George Floyd in the United States, to protest against cases of racially motivated police violence. On 31 July and 1 August, demonstrations **were held against the death of the actor Bruno Candé and by the victims of racism**, in Lisbon, Coimbra, Porto and Braga, organised by the actor's family and by anti-racist and black movement groups¹¹⁶.

In this context, SOS Racism issued a **declaration on the CICDR action** – “A year of paralysis by the Commission for Equality Against Racial Discrimination” (*Um ano de paralisação da Comissão para a Igualdade Contra a Discriminação Racial*)¹¹⁷, on 17 June. In view of the current intense public debate on race issues and the legal framework, SOS Racism believes that the range of punishable discrimination should be broadened and public accountability by CICDR be strengthened. Although the government has passed CICDR to the authority of the Secretary of State for Citizenship and Equality, and has maintained the presidency of the body under the authority of the High Commissioner for Migration, this amendment has not solved the problems of its organisation, competences and functioning. According to SOS Racism, an example of its ineffectiveness is that there have been no meetings of this main state body to combat racial discrimination for a year and an institutional entity with this responsibility cannot be paralysed for so

¹¹³ For more information, see the [online chat Challenges of the Black Movement in Portugal webpage](#).

¹¹⁴ For more information, see the SOS Racism [webpage on the demonstration against police violence](#).

¹¹⁵ For more information, see the INMUNE [Facebook page on the “Black lives matter” demonstration](#).

¹¹⁶ Público (2020), [“Manifestações na sexta-feira e sábado contra morte de ator Bruno Candé e pelas vítimas do racismo”](#) (“Demonstrations on Friday and Saturday against the death of actor Bruno Candé and the victims of racism”), 29 July 2020.

¹¹⁷ For more information, see the SOS Racism [webpage on the declaration “A year of paralysis by the Commission for Equality against Racial Discrimination”](#).

long, since this may be understood as political indifference by the State in the fight against racism as an essential issue in the fight against inequality.

SOS Racism also issued several declarations and press releases, including the following:

- A declaration about the **attacks and threats** (*Ataques e ameaças contra o SOS Racismo*)¹¹⁸, on 21 July. The walls of the building where the SOS Racism main office is located were painted with a threatening message. In June, several attacks of this nature took place throughout the metropolitan area of Lisbon, with racist and xenophobic messages and threats of physical violence against those who are fighting against racism and fascism. SOS Racism will file complaints with the competent authorities.
- A press release on the racist **murder of the actor Bruno Candé** (*Comunicado de imprensa Sobre o assassinato racista de Bruno Candé*)¹¹⁹, on 25 July. This association believes that the premeditated nature of the murder leaves no room for doubt that it is a crime motivated by racial hatred.

The number of complaints sent to the Commission for Equality and Against Racial Discrimination (CICDR) in the first half of 2020 increased by 53.7% over the same period in 2019¹²⁰. There were 312 complaints on issues linked with hate speech, racism or sexual discrimination between 1 January and 25 June 2020. This number already includes 62 complaints related to Covid-19¹²¹. Throughout the state of emergency imposed by the Portuguese Government, CICDR still received and handled the complaints of victims of racial discrimination ensuring the protection of their rights¹²².

On 21 March – the national and international day for the elimination of racial discrimination – the Commission for Equality and Against Racial Discrimination launched digital posters on the social network Facebook,

¹¹⁸ For more information, see the SOS Racism [webpage on the declaration "Attacks and threats against SOS Racism"](#).

¹¹⁹ For more information, see the SOS Racism [webpage on the Press release on the racist murder of Bruno Candé Marques](#).

¹²⁰ According to a government statement, there were 346 complaints in 2018 and 436 in 2019 submitted to the Commission for Equality and Against Racial Discrimination. For more information, see the [webpage of the statement "Complaints of racial discrimination have more than doubled since the new law came into force"](#).

¹²¹ Expresso (2020), "[Ministra da Presidência e as redes sociais. 'Discursos de ódio são crime, quer se passe fora ou dentro da Internet'](#)" ("Minister of Presidency and social networks. 'Hate speeches are a crime, whether inside or outside the Internet'"), 3 July 2020.

¹²² Commission for Equality and Against Racial Discrimination/ High Commission for Migration informed, written response, 25 January 2021.

appealing to "Union #For Equality, #For Diversity, #For Respect" to raise awareness for the spread of hate speech on social networks, encouraging the reporting of offensive content.

The Commission for Equality and Against Racial Discrimination participated in the campaign "Dislike to Racism in Sport", promoted by the Authority for the Prevention and Combat of Violence in Sport, aimed at children and young people, with the aim of preventing acts of racism and discrimination in sport. The campaign consisted in the preparation and dissemination of a leaflet with preventive information¹²³.

The **open letter "Silence is an accomplice"**¹²⁴ from several associations and collectives of Afro-descendants and Roma called for **political action to combat racism** in Portugal and the growth of the extreme right, to signal the unacceptability of racist political and party acts and organisations, as well as a demonstration of its solidarity with the victims of these attacks. The letter also highlights that, in four weeks, Portuguese society was the scene of racist demonstrations, arguing that this increase requires a swift response and an explicit positioning of the relevant authorities. The initiative brought together 34 anti-racist groups from various cities, such as SOS Racism, Black Movement, Afrolis, Djass, Consciência Negra, Femafro and Aurora Negra.

More than a hundred activists and academics and 25 collectives and organisations from around the world signed a **letter expressing support**¹²⁵ for the anti-racist struggle of the SOS Racism member and the other nine people who were recently defiled by a neo-Nazi movement, in September. The activist for the rights of migrant people and a member of SOS Racism for more than two decades has received, since 2012, threats from neo-Nazi and far-right organisations and organisations that grew in 2019.

The **seminar "The State of Racism in Portugal: debating anti-race discrimination law"**¹²⁶ organised by the Centre for Social Studies of the University of Coimbra, as part of the research project "COMBAT - Combating racism in Portugal: an analysis of public policies and anti-discrimination

¹²³ For more information, see the [leaflet "Dislike to Racism in Sport"](#).

¹²⁴ Público (2020), "[O silêncio é cúmplice. Carta aberta pede ação política para combater racismo em Portugal](#)" ("Silence is an accomplice'. Open letter calls for political action to combat racism in Portugal"), 13 August 2020.

¹²⁵ Expresso (2020), "[Portugal não é exceção na negação do racismo estrutural': carta de apoio a Mamadou Ba e ao antirracismo político](#)" ("Portugal is no exception in the denial of structural racism": letter of support to Mamadou Ba and political anti-racism"), 3 September 2020.

¹²⁶ For more information, see the research project COMBAT [webpage on the seminar "The State of Racism in Portugal: debating the anti-race discrimination law"](#).

law"¹²⁷, was held on 28 February 2020. In view of the project's main aim of analysing institutional racism in Portugal and the role of law in combating racial discrimination, the project team presented the results of the analysis of a series of administrative offence proceedings initiated by the Commission for Equality and Against Racial Discrimination (*Comissão para a Igualdade e Contra a Discriminação Racial* - CICDR), between 2006 and 2016, in three specific areas: the security forces, education and housing/community. The seminar contributed to the debate on the limits of the notions of discrimination and racial hatred in the implementation of law and its consequences in denying the historical context and the institutionalised dimension of racism. Based on empirical data, there was discussion of the absence of a systematic data collection on ethnic-racial inequalities, the limited understanding of racism in legal definitions and the unwillingness to report racial discrimination and racist offenses to competent entities. This revealed the distrust and fear of repeated victimisation and the limits of public policies in questioning how institutional structures are permeated by racial discrimination and the difficulties of promoting a public debate on institutional racism.

Also within the scope of the research project "COMBAT - Combating racism in Portugal: an analysis of public policies and anti-discrimination law", it was published the **booklet "Law, State and Society: an analysis of law to combat racism in Portugal"**¹²⁸. It analyses the administrative offence cases initiated by the Commission for Equality and Against Racial Discrimination (*Comissão para a Igualdade e Contra a Discriminação Racial* - CICDR) between 2006 and 2016, and concluded until 20 February 2020, in three specific areas: education, housing/neighbourhood and security forces. 106 cases were analysed. The main results of the project identified negligent institutional practices, systematic failures in access to justice, poor development of legal doctrine and jurisprudence on racial discrimination in Portugal, an overlap between the administrative and criminal jurisdiction and the denial of everyday experience of racism. In general, the key actors considered that the national anti-discrimination law is effective. However, some issues were raised, namely the need for a legal change in the administrative or criminal jurisdiction, the normalisation of racism in society, public institutions and services and the need to produce knowledge on institutional racism.

¹²⁷ For more information, see the research project COMBAT [webpage](#).

¹²⁸ Maeso, Silvia Rodríguez (coord.) (2020), [Direito, estado e sociedade: uma análise da legislação de combate ao racismo em Portugal. Caderno de apresentação de resultados do projeto COMBAT](#) (Law, State and Society: an analysis of law to combat racism in Portugal. Booklet with the results of the COMBAT project). Coimbra: Centro de Estudos Sociais.

The article "**Racism in European Health Care: Structural Violence and Beyond**"¹²⁹ based on research done on three European countries – Portugal, Sweden and Germany – demonstrated how racism can negatively affect access to health care and treatment. The authors use structural violence as a theoretical tool to understand how racism as an institutionalised social structure is enacted in subtle ways and how the violence built into forms of social organisation is rendered invisible through repetition and routinisation. They draw on interviews with health care users from three European countries - Sweden, Germany, and Portugal - to demonstrate how two interrelated processes of unequal access to resources and inequalities in power can lead to the silencing of suffering and erosion of dignity, respectively. The article mentions the experience of racism in access to health care in Portugal. "Big discrimination" were the words used by another participant, a middle-aged healthcare user of Mozambican background living in Portugal, to explain how he was treated in the emergency room. He received regular health care as he was HIV positive and described how he was ignored in the emergency room after suffering a heart attack even though he tried numerous ways of convincing health care providers that his condition was serious.

The article "**Police violence and the debate on Twitter in Portugal: the case of Jamaica Neighbourhood**" (*Violência policial e o debate no Twitter em Portugal: o caso do Bairro da Jamaica*)¹³⁰ presents an analysis of the communication on Twitter about a case of police violence that happened in Bairro da Jamaica, a district of Setubal, Portugal. The aim is to identify in which ways public discourse naturalises violence and which main arguments are used. Using qualitative analysis of tweets, it was possible to identify the following main themes in discussion: the excessive use of violence by police agents, racism, the place of black people and African descendant people in the Portuguese society, and the liability for the event. In accordance with other studies, social media conversations about race and racism tend to be related to news events of police violence. The analysis shows that Twitter is used as a medium to express narratives about the news event and to reaffirm stereotypes to justify police action.

¹²⁹ Hamed, S. et al. (2020), "[Racism in European Health Care: Structural Violence and Beyond](#)", *Qualitative Health Research*. 30 (11): 1662-1673.

¹³⁰ Teles, Beatriz Nascimento (2020), "[Violência policial e o debate no Twitter em Portugal: o caso do Bairro da Jamaica](#)" ("Police violence and the debate on Twitter in Portugal: the case of Bairro da Jamaica"). *Intercom: Revista Brasileira de Ciências da Comunicação*. 43 (1), 147-164. Epub 27 April 2020.

Chapter 3. Roma equality and inclusion

1. Measures and developments addressing Roma/Travellers

In 2013, the Council of Ministers Resolution 25/2013 of 27 March approved the National Strategy for the Integration of Roma Communities 2013-2020¹³¹. For the first time, a strategy specifically aimed at Roma people was implemented in Portugal, with the goal of improving their well-being and integration, as well as encouraging mutual knowledge, positive interaction and breaking down stereotypes. The National Strategy for the Integration of Roma Communities was reviewed in 2018 by Council of Ministers Resolution 154/2018 of 29 November¹³², which extended the duration of the Strategy until 2022 to deepen the intervention and apply new measures. As such, this document is currently still in force.

The review process of the National Strategy for the Integration of Roma Communities was based on a wide consultation with local authorities and other local public services, as well as civil society organisations, at national and local level, specifically associations representing Roma communities. The main priorities of this review were the following: to reinforce education and professional integration; to improve housing conditions of Roma people in situations of social exclusion; to recognise and reinforce intercultural mediation; to improve information and knowledge; and to fight against discrimination. In addition, the review of the strategy also aimed to reinforce into the political and public agenda the importance of integrating Roma people, as well as to support the collaboration of different sectors in encouraging that integration, highlighting, in particular, the central role of local policies, particularly with regard to the more vulnerable Roma communities¹³³. The National Strategy for the Integration of Roma Communities “acts as a platform for the development of a broad and

¹³¹ Portugal, [Resolução do Conselho de Ministros n.º 25/2013 que aprova a Estratégia Nacional para a Integração das Comunidades Ciganas \(2013-2020\)](#) (Council of Ministers Resolution 25/2013 that approves the National Strategy for the Integration of Roma Communities (2013-2020)), 27 March 2013.

¹³² Portugal, [Resolução do Conselho de Ministros n.º 154/2018 que aprova a revisão da Estratégia Nacional para a Integração das Comunidades Ciganas 2013-2022](#) (Council of Ministers Resolution 153/2018 that approves the review of the National Strategy for the Integration of Roma Communities 2013-2022), 29 November 2018.

¹³³ Portugal, [Resolução do Conselho de Ministros n.º 154/2018 que aprova a revisão da Estratégia Nacional para a Integração das Comunidades Ciganas 2013-2022](#) (Council of Ministers Resolution 153/2018 that approves the review of the National Strategy for the Integration of Roma Communities 2013-2022), 29 November 2018.

interconnected intervention, where the various ministries, municipalities, civil society organisations, academia and Roma communities, among other organisations, actively contribute to achieving the goals outlined by the strategy”¹³⁴. This document has eight strategic goals, which break down into specific objectives. The implementation of the National Strategy is done through several actions, promoted by several entities.

On 17 February, the High Commission for Migration launched the 4th Edition of the Support Fund of the National Strategy for the Integration of Roma Communities 2020-2021. Since 2015, the Support Fund made it possible to support several projects on the implementation of some of the actions foreseen in the National Strategy for the Integration of Roma Communities, namely raising awareness, fighting discrimination, learning Roma history and culture, promoting gender equality and associativism. The application period of the 4th edition ran until 9 March 2020¹³⁵.

With regard to goal 1.2 of the National Strategy for the Integration of Roma Communities (i.e. “Improve information and knowledge about Roma people”), the Directorate-General for Education (*Direção-Geral da Educação*) carried out an electronic survey in schools from January to February 2020. This survey collected statistical data on students from Roma communities enrolled in educational establishments in Portugal during the school year 2018/2019. The data gathered was analysed by the Directorate-General for Education and Science Statistics (*Direção-Geral de Estatísticas da Educação e da Ciência*) which presented a profile of the students enrolled in the document *School Profile of Roma Communities 2018-2019*¹³⁶.

Data regarding the school year 2018/2019 was published in 2020. Of the 808 school groups or schools contacted, only nine did not answer the survey. According to the data collected, in the school year 2018/2019, there were 25,140 Roma students enrolled in public schools: 2,570 in pre-school; 11,138 in the first cycle of studies; 6,097 in the second cycle of studies; 4,684 in the third cycle of studies; and 651 in secondary education¹³⁷. It is

¹³⁴ For more information on the National Strategy for the Integration of Roma Communities 2013-2022 see [the webpage of the High Commission for Migration](#). The High Commission for Migration also made available an [English](#) version of the strategy.

¹³⁵ For more information, see [the High Commission for Migration webpage on the Support Fund of the National Strategy for the Integration of Roma Communities](#).

¹³⁶ Directorate-General for Education, written response, 16 September 2020. *Direção-Geral de Estatísticas da Educação e Ciência* (Directorate-General for Education and Science Statistics) (2020), [Perfil Escolar das Comunidades Ciganas](#) (*School Profile of Roma Communities*), *Direção-Geral de Estatísticas da Educação e Ciência*.

¹³⁷ *Direção-Geral de Estatísticas da Educação e Ciência* (Directorate-General for Education and Science Statistics) (2020), [Perfil Escolar das Comunidades Ciganas](#) (*School Profile of Roma Communities*), *Direção-Geral de Estatísticas da Educação e Ciência*.

possible to identify two main changes when comparing with the previous school year (2017/2018): first, the school approval rate increased significantly in all levels of education; second, children and young people are continuing their educational careers, which means that students are not dropping out of school so early¹³⁸. In statements to media, the Minister of Education points out that this development is “extremely positive”. According to him, “the work undertaken with the educational communities, by promoting school success, through the diversification, innovation and contextualisation of teaching and learning strategies, involving students, families and a wide range of partner entities in the field of social intervention” has contributed to this positive assessment¹³⁹.

The European Commission approved the application of the High Commission for Migrations under the European Union Programme on Rights, Equality and Citizenship (2014-2020), for a second edition of the project to design Local Plans for the Integration of Roma Communities. The application for this project is based on the National Strategy for the Integration of Roma Communities 2013-2022, which, among its specific objectives, foresees the need to improve the effectiveness of implementing its measures at national, regional and local levels. The first edition of the project was carried out between June 2018 and July 2019 and involved the creation of 12 Local Plans (two of them intermunicipal), with the involvement of 14 municipalities, covering five regions of the country. The second edition of this project is expected to last for 24 months and provides for the monitoring of the 12 Local Plans for the Integration of Roma Communities implemented in the first edition and the creation of 6 new Local Plans to be implemented by municipalities that will be selected later. The monitoring is going to be carried out through the creation or strengthening of platforms and/or local working groups. The preparation of the new local plans will involve new municipalities, based on the methodology already tested¹⁴⁰.

In 2020, the High Commission for Migration developed several initiatives that promoted the integration of the Roma community within the scope of the National Strategy for the Integration of Roma Communities. With regard to employment, we highlight the implementation of two projects. The *Socio-professional Inclusion of the Roma Community (Inserção socioprofissional*

¹³⁸ Público (2020), '[Estudantes ciganos melhoram resultados: “Um avanço importante para sarar uma ferida histórica”](#)' ('Roma students improve results: “An important step in healing a historical wound”'), 12 July 2020.

¹³⁹ Público (2020), '[Estudantes ciganos melhoram resultados: “Um avanço importante para sarar uma ferida histórica”](#)' ('Roma students improve results: “An important step in healing a historical wound”'), 12 July 2020.

¹⁴⁰ For more information, see [the High Commission for Migration webpage on the approval of the second edition of the project to design Local Plans for the Integration of Roma Communities](#).

da comunidade cigana) project aims to promote the socio-professional inclusion of the Roma community through professional guidance, training, awareness raising and information initiatives. This project is expected to cover around 300 beneficiaries. The *Municipal and Intercultural Mediators (Mediadores Municipais e Interculturais)* project aims to promote change based on the actors operating in the field (institutions, professionals and citizens), in order to prevent and regulate any conflict or, when necessary, acting on it through mediation. This project is currently taking place in 12 local municipalities, with the inclusion of 42 mediators, 22 of whom are from the Roma community. In the field of health, in addition to the initiatives on the COVID-19 pandemic, the High Commission for Migration carried out six training initiatives in 2020, on Roma History and Culture for agents of the Regional Health Administration, covering 103 participants¹⁴¹.

2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers inclusion

On 27 January 2020, the Advisory Committee on the Framework Convention for the Protection of National Minorities issued its fourth opinion on Portugal. According to this Committee, Roma communities continue to be discriminated and live on the margins of society, with poor housing conditions, low school levels and high unemployment rates. Nonetheless, the report recognises the efforts of national authorities in the fight against ethnic and racial discrimination, through legislative changes and by promoting the integration of Roma communities, namely by the local authorities. The report recommends the need to address and fight against the discrimination of Roma people by stepping up efforts to raise their awareness of legislative standards and existing human rights and equality bodies, as well as of various mechanisms for filing complaints and remedies available to victims of discrimination, hatred and racism. In addition, housing is seen as a priority area and the report recommends the implementation of national and local plans to develop affordable and adequate housing conditions for vulnerable Roma communities, and also rehouse those Roma families and individuals still living in substandard houses¹⁴².

¹⁴¹ State Secretariat for Integration and Migrations, written response, 14 January 2021.

¹⁴² Advisory Committee on the Framework Convention for the Protection of National Minorities (2020), [Fourth Opinion on Portugal adopted on 28 June 2019](#), Council of Europe.

On 17 February, the High Commission for Migration published the list of scholarships from the 4th Operational Programme for Promoting Education (*Programa Operacional de Promoção da Educação*)¹⁴³. This initiative was developed in partnership with the Roma association *Letras Nómadas* and is aimed at students from Roma communities who are attending higher education, with the goal of mitigating the barriers between these communities and the formal education system, as well as avoiding early school abandonment in this cycle of studies. This programme can be accessed by young people from Roma communities that reside in Portugal and are enrolled in a higher education institution, with educational achievement in at least half of the subjects from the previous curricular year¹⁴⁴. In the 2019/2020 school year, 37 young people were supported (19 women and 18 men), from 26 municipalities¹⁴⁵.

From 15 May to 25 July, the Observatory of Roma Communities accepted applications for the presentation of Master's dissertations, doctoral theses and research projects that focus on Roma people, preferably addressing issues such as education, health, integration into the labour market, equality and social gender relationships, experiences of discrimination, integration of Roma people in the country, the situation of travelling Roma people and intercultural mediation¹⁴⁶.

In addition, on 13 May 2020, the Observatory of Roma Communities held the 2nd edition of the "ObCig Integrating Companies Award" (*Prémio ObCig Empresas Integradoras*)¹⁴⁷. The main goal of this award, aimed at companies that employ five or more Roma people with a work contract, is to recognise companies that play an important role in the labour integration of Roma people. This award also aims to inspire other employers to implement and develop business policies and practices that promote cultural diversity, fight discrimination based on ethnic origin and help the integration of Roma people living in Portugal.

On the same day, the Observatory of Roma Communities also held the 1st edition of the "ObCig Person of Merit Award" (*Prémio ObCig Pessoa de*

¹⁴³ For more information, see [the list of scholarships of the 4th edition of the Operational Programme for Promoting Education in the High Commissioner for Migration webpage](#).

¹⁴⁴ For more information, see [the Regulation of the 4th Operational Programme for Promoting Education available on the High Commission for Migration webpage](#).

¹⁴⁵ State Secretariat for Integration and Migrations, written response, 14 January 2021.

¹⁴⁶ For more information, see [the Observatory of Roma Communities webpage](#).

¹⁴⁷ For more information, see [the regulation of the ObCig Integrating Companies Award available on the Observatory of the Roma Communities webpage](#).

Mérito)¹⁴⁸. The main goal of this award is to recognise people that have been doing voluntary work for more than 10 years in the field of integrating Roma people.

On 24 June, the High Commission for Migrations visited several organisations, associations and local projects that work with and for the Portuguese Roma communities in Elvas and Seixal in an initiative to celebrate the National Day of Roma Populations¹⁴⁹. The visit aimed to highlight the local and national contribution of these communities and included attending the filming of the project "Roma music at ease with itself" (*A Música Cigana a Gostar Dela Própria*), as well as the first session held in 2020 of the "Speech Circles of Roma Women" (*Círculos de Fala de Mulheres Ciganas*). The project "Roma music at ease with itself" is promoted by the High Commission for Migration (co-financed by POISE, Portugal 2020 and the European Union, through the European Social Fund) and aims to publicise the richness and diversity of Roma cultures as an integral part of Portuguese culture. In contrast, the "Speech Circles of Roma Women" have been held since 2019 in several municipalities around the country with the purpose of bringing together Portuguese Roma women of various age groups and highlighting their skills through the sharing of expectations, challenges and experiences. The social gatherings are organised and promoted by Roma associations, with the support of the High Commission for Migrations¹⁵⁰.

On 14 August 2020, the High Commissioner for Migrations released the results of the applications of the Support Programme for Roma Associations 2020¹⁵¹. This Programme is structured into three axes: promotion of partnership conditions through the acquisition of goods and services indispensable to their daily work that provide associations with the necessary tools to implement and sustain activities; promotion of equal opportunities, education for citizenship, mediation and combating discrimination as essential areas to achieve social cohesion that respect cultural diversity; the implementation of actions that contribute to achieving the objectives outlined in the National Strategy for the Integration of Roma Communities. In 2020, the High Commissioner for Migrations will support 10 projects lasting up to 12 months with a total of €50,000. The projects contribute directly to the implementation of the strategic objectives

¹⁴⁸ For more information, see [the regulation of the ObCig Person of Merit Award available on the Observatory of the Roma Communities webpage](#).

¹⁴⁹ For more information, see [the High Commissioner for Migration webpage on the visits carried out in celebration of the National Day of Roma populations](#).

¹⁵⁰ For more information, see [the High Commissioner for Migration webpage on the visits carried out in celebration of the National Day of Roma populations](#).

¹⁵¹ For more information, see [the results of the applications of the Support Programme for Roma Associations 2020 available at the High Commissioner for Migrations webpage](#).

established in the National Strategy for the Integration of Roma Communities and aim to promote associative training, equal opportunities, education for citizenship, mediation and combating discrimination. In view of the current pandemic situation, the programme also supported food support projects or other actions related to the current social emergency¹⁵².

The Ribaltambição – Association for Gender Equality in Roma Communities (*Associação para a Igualdade de Género nas Comunidades Ciganas*) held, from 23 to 25 October, the VII Academy on Roma Policy in Portugal (*VII Academia de Política Cigana de Portugal*). This initiative aimed to discuss the involvement and participation of Roma community in politics, as well as training young people so that they can make their political contribution at local, central or European level. It also promotes the active participation of Roma communities with local entities, encouraging Roma people to join political parties (e.g. by developing their activities and political ideals) and trains Roma people to be politically active and more aware so that they can defend the interests of Roma communities¹⁵³.

In 2020, several of the measures addressing Roma people had the goal to mitigate the effects of the COVID-19 pandemic, since it was a community particularly affected by the pandemic due to their vulnerability.

The media often reported on cases of vulnerabilities in the Roma community throughout the pandemic. For example, in the first weeks of the pandemic, a group of travellers from the Roma community travelling to Spain were prevented from entering the country for health reasons and, therefore, were sent back to Portugal. This generated some uncertainty about the measures to be taken to host them, until a camping site was finally set up¹⁵⁴. In addition, the media pointed out that 32% of Roma families living in Portugal had a “non-classic” home, which could create obstacles in the implementation of the confinement measures¹⁵⁵. Several families also suffered from financial losses due to the closure of markets and fairs, their main source of income¹⁵⁶.

¹⁵² For more information, see [the information available on the High Commission for Migration webpage](#).

¹⁵³ Campeão das Províncias (2020). “[Figueira da Foz acolhe VII Academia de Política Cigana de Portugal](#)” (“Figueira da Foz hosts VII Academy of Roma Policy in Portugal”), 23 October 2020.

¹⁵⁴ For more information, see page 17 of the [Franet country study released on 25 May 2020](#).

¹⁵⁵ For more information, see pages 9-10 of the [Franet country study released on 29 September 2020](#).

¹⁵⁶ For more information, see pages 9-10 of the [Franet country study released on 29 September 2020](#).

Several Roma associations, namely the Association of Roma Mediators of Portugal (*Associação dos Mediadores Ciganos de Portugal*) and the *Letras Nómadas* association highlighted the difficulties faced by Roma communities due to the pandemic. For example, in statements to the media, the *Letras Nómadas* president stated that at least half of the Roma population that lives in Portugal was starving due to the pandemic, mainly due to the lack of income because of the closure of markets and fairs, and that Roma associations were helping the community with food and medicine¹⁵⁷.

To tackle the outbreaks of COVID-19 in Roma communities, some restrictions were imposed, including sanitary cordons and mandatory confinement in all locations. This was the case in the neighborhood of Espadanal and the locations of Margaçal and Vale do Touro in the municipality of Moura. To ensure compliance with the mandatory confinement rules, the Moura City Council coordinated with the police forces, specifically the National Republican Guard, by monitoring the access roads, to ensure that no one left the neighborhoods and there were no visits. The municipality employees guaranteed the provision of necessary goods, hygiene products and medicines to all the households¹⁵⁸. Other communities were also subject to isolation measures, such as the Roma community of Lagoa Negra, in the municipality of Barcelos. In June, the media reported that in the social neighbourhood of Quinta da Mina, in Azambuja, there were several cases of people infected with COVID-19. According to the President of the City Council, the best method to stop the outbreak of COVID-19 would be to create a sanitary cordon for the infected Roma families. The main concern was the non-compliance of Roma families with the mandatory confinement rules imposed on those that tested positive for COVID-19. This statement was highly criticised by some political actors and Roma associations¹⁵⁹.

To face the difficulties felt by this population, several municipalities implemented measures to support Roma communities during the pandemic. For example, Lisbon City Council informed us that it has developed a set of programmes and measures targeting vulnerable populations that also covers the Roma community and other travellers in the city¹⁶⁰. Moura City Council implemented measures to support the Roma communities that were isolated

¹⁵⁷ For more information, see pages 8-9 of the [Franet country study released on 29 September 2020](#).

¹⁵⁸ For more information, see page 5 of the [Franet country study released on 29 September 2020](#).

¹⁵⁹ For more information, see pages 6-7 of the [Franet country study released on 29 September 2020](#).

¹⁶⁰ For more information, see pages 14-15 of the [Franet country study released on 29 September 2020](#).

in the municipality, to ensure access to food, hygiene products and medication¹⁶¹.

On 18 March, the EAPN (European Anti-Poverty Network) Portugal underlined the difficulties felt by Roma communities across the country, who are extremely vulnerable due to the lack of housing, hygiene and health conditions. EAPN Portugal launched the campaign "SOS Roma Communities", on 9 April, to raise money for the purchase of safety and hygiene kits to give to Roma communities. The kits were mainly aimed at the most deprived families, such as those with poor housing conditions¹⁶².

The High Commission for Migrations sent information issued by the Directorate-General for Health to Roma associations and to the Choices Projects on COVID-19 on measures to prevent contamination. The High Commission for Migrations also developed several awareness-raising and prevention campaigns among Roma communities to fight the spread of the virus¹⁶³.

The High Commission for Migration and the Calouste Gulbenkian Foundation are going to support 42 civil society organisations that work with Roma, immigrants and refugees so that they can address the most pressing vulnerabilities of these populations in the context of the COVID-19 pandemic, with a total sum of €100,000. The High Commission for Migrations, with the support of local associations, identified the vulnerabilities of the populations to support. In a group that encompasses more than 17,000 immigrants, refugees and people from Roma communities, the greatest vulnerabilities identified pertained to protection, testing and providing food. The High Commission for Migration and the Calouste Gulbenkian Foundation signed a protocol through which the Calouste Gulbenkian Foundation pledges to support 31 organisations (up to an amount of €75,000), and the High Commission for Migration 11 organisations (up to an amount of €25,000)¹⁶⁴. This partnership is part of the Covid-19 Emergency Fund, created by the Calouste Gulbenkian Foundation after the declaration of the first state of emergency in Portugal,

¹⁶¹ For more information, see page 15 of the [Franet country study released on 29 September 2020](#).

¹⁶² For more information, see pages 12-13 of the [Franet country study released on 29 September 2020](#).

¹⁶³ For more information, see pages 10-11 of the [Franet country study released on 29 September 2020](#).

¹⁶⁴ For more information on [this partnership, see the High Commission for Migrations webpage](#).

in order to finance initiatives that mitigate the impacts of the pandemic in several areas, such as health, science, education, culture and civil society¹⁶⁵.

Access to education was a major concern with regard to the Roma in the current pandemic and, therefore, several measures were adopted to guarantee the right to education of Roma children and young people¹⁶⁶. The Portuguese Government ordered the suspension of all academic and non-academic activities as of 16 March 2020, including pre-school, basic education, high school and higher education¹⁶⁷. On 18 May, the Government decided to start the classroom lessons for the 11th and 12th grades, but only for the subjects where final exams were necessary for accessing higher education¹⁶⁸. With regard to the other grades, access to education was provided through distance learning until the end of the school year, using digital methods, which was reinforced with the support of the television daily broadcast of educational content from the 1st to the 9th grades. Higher education institutions had to ensure the gradual and effective combination of face-to-face activities with digital means. Many Roma children faced difficulties arising from the lack of computers and the lack of electricity to accompanying distance learning¹⁶⁹. As such, several measures were adopted to ensure that children from socially disadvantaged backgrounds, including Roma children, could have access to education. For example, some schools remained open to provide daily meals to students in need¹⁷⁰ and various partnerships and collaborations with municipalities and civil society organisations made it possible to distribute computers to thousands of

¹⁶⁵ For more information on [the Covid-19 Emergency Fund, see the webpage of the Calouste Gulbenkian Foundation](#).

¹⁶⁶ For more information, see pages 17 to 29 of the [Franet country study released on 29 September 2020](#).

¹⁶⁷ Portugal, [Decreto-Lei n.º 10-A/2020, que estabelece medidas excecionais e temporárias relativas à situação epidemiológica do novo coronavírus](#) (Decree-Law 10-A/2020, establishing exceptional and temporary measures on the new Coronavirus epidemic), 13 March 2020. Last amended by Decree-Law 78-A/2020 of 29 September.

¹⁶⁸ Portugal, [Resolução do Conselho de Ministros n.º 33-C/2020 que estabelece uma estratégia de levantamento de medidas de confinamento no âmbito do combate à pandemia de doença COVID-19](#) (Resolution of the Council of Ministers 33-C/2020 that establishes a strategy to lift the containment measures adopted within the scope of combating the COVID-19 pandemic), 30 April 2020.

¹⁶⁹ Diário de Notícias (2020), "[Ciganos: Ensino à distância? Medidas de higiene? "Como? Se até a comida falta"](#)" ("Roma: Distance learning? Hygiene measures? "How? If even food is missing"), 28 April 2020.

¹⁷⁰ Portugal, [Decree-Law 10-A/2020, establishing exceptional and temporary measures regarding the new Coronavirus epidemic](#) (*Decreto-Lei n.º 10-A/2020, que estabelece medidas excecionais e temporárias relativas à situação epidemiológica do novo Coronavírus – COVID-19*), 13 March 2020. Last amended by Decree-Law 78-A/2020 of 29 September.

students who did not have them¹⁷¹. In addition, the Directorate-General for Education made a proposal available on their website for interdisciplinary training to support teachers in working with students of the 2nd cycle of education from Roma communities based on the pedagogical tool *Reflexo*¹⁷² available on the Directorate-General for Education webpage for Roma communities¹⁷³. The Ombudsman informed us of several cases of municipalities that provided support to students from Roma communities, namely in the distribution and delivery of school support material, including books and activity sheets¹⁷⁴. Finally, we highlight the support of the Choices Projects of the High Commission for Migration through the delivery and collection of school materials, as well as long distance school support (individual or in group) and, when necessary, access to food¹⁷⁵.

The Directorate-General for Education informed us about other activities that, even though not exclusive to Roma communities, apply to them. For example, through the SeguraNet Awareness Centre, the Directorate-General for Education carried out a series of initiatives and actions for the prevention and fight against hate speech, namely through Digital Leaders, the annual SeguraNet Challenges (*Desafios SeguraNet*) contest, the Digital Security Seal, the various campaigns aimed at schools, the development of educational resources and the training of teachers. In addition, the Directorate-General for Education, in partnership with the Aga Khan Foundation, developed the School Network for Intercultural Education. The main goal of this network is to welcome, integrate and encourage educational success of all children and young people from pre-school to secondary education, as well as helping to value interculturality and diversity as assets of inclusive education and education for citizenship. From 2020-2023, the network will have 48 members, in 14 districts, which represents an expansion in the number of members and its territorial scope¹⁷⁶.

On 24 June 2020, the Observatory of Roma Communities published a newsletter dedicated to the subject of education during the pandemic, with several articles addressing the impact of the contingency measures to fight

¹⁷¹ For more information, see pages 17-18 of the [Franet country study released on 29 September 2020](#).

¹⁷² Carreira, R. (coord.) (2019), [Reflexo. Ferramenta pedagógica para uma nova relação entre a escola e as comunidades ciganas](#) (Reflexo. A pedagogical tool for a new relationship between school and Roma communities), Covilhã, CooLabora.

¹⁷³ For more information, see the [Directorate-General for Education webpage on Roma communities](#).

¹⁷⁴ For more information, see page 18 of the [Franet country study released on 29 September 2020](#)

¹⁷⁵ For more information, see page 19 of the [Franet country study released on 29 September 2020](#).

¹⁷⁶ Directorate-General for Education, written response, 16 September 2020.

COVID-19 in the education of Roma children and young people¹⁷⁷. The COVID-19 pandemic worsened the inequalities and vulnerabilities of several minorities, including the Roma. With regard to education, the suspension of classroom teaching and the use of long-distance methods emphasised the structurally silenced, but already existing inequalities such as the lack of housing conditions (e.g. structure, living conditions, drinking water), internet access, adequate technologies or the knowledge for its use. In addition, the newsletter also stated that the children and young people who are most affected by these inequalities are those whose family does not have high levels of education, which is necessary to properly follow the study at home activities¹⁷⁸.

On October 2020, the Observatory of Roma Communities published a newsletter dedicated to higher education during the pandemic, which contains the testimony of several Roma students enrolled in higher education on the impact that the pandemic has on their daily lives and academic work. These testimonies underline the importance of classroom teaching due to the shortcomings of distance methods¹⁷⁹.

The *ROMA Educa* programme of the High Commission for Migrations aims to support the attendance and permanence in secondary education of students from Roma communities through scholarships. For the academic year 2019/2020, the *ROMA Educa* programme awarded 100 scholarships. Of the 60 applications received, 58 scholarships were approved for funding (17 girls and 41 boys), with the following distribution by school year: 10th grade - 35 scholarships; 11th grade - 7 scholarships; 12th grade - 16 scholarships¹⁸⁰.

“Inclusive Courts” is an interdisciplinary project that results from a collaboration between the Centre for Research in Justice and Governance (Centro de Investigação em Justiça e Governação – JusGov) and the Research Network Centre in Anthropology (Centro em Rede de Investigação em Antropologia – CRIA). The project, that started on 1 October 2018 and will be carried out until 30 September 2021, aims to map and evaluate how courts act in cases that involve ethnic, religious or linguistic minorities (“multicultural jurisprudence”), namely, the use that courts make of concepts such as race, culture, ethnicity and religion¹⁸¹. In statements given

¹⁷⁷ Observatório das Comunidades Ciganas (Observatory of the Roma Communities) (2020), “[ObCig Newsletter](#)”, 24 June 2020.

¹⁷⁸ Observatório das Comunidades Ciganas (Observatory of the Roma Communities) (2020), “[ObCig Newsletter](#)”, 24 June 2020.

¹⁷⁹ Observatório das Comunidades Ciganas (Observatory of the Roma Communities) (2020), “[ObCig Newsletter](#)”, October 2020.

¹⁸⁰ State Secretariat for Integration and Migrations, written response, 14 January 2021.

¹⁸¹ For more information, see [the Inclusive Courts webpage](#).

to the media, the project coordinator underlines that, in general, Portuguese courts do not resort to negative stereotypes about minority groups, but there are exceptions. One of the main issues identified by the project concerns the use of unnecessary arguments and side comments. The coordinator of the project underlines that the most frequent cases involve Roma people. For example, in a judgement from 2008, a judge used expressions such as “lack of hygiene”, “deceitful community” and “people who depend on subsidies” to describe Roma people¹⁸².

In the context of the COVID-19 pandemic, a deputy from the *Chega* party (an extreme right-wing party represented in the Portuguese Parliament) made discriminatory statements regarding the Roma community, and argued the need to implement specific confinement measures for this population due to the alleged disrespect of the rules imposed by the authorities during the pandemic. In response to the proposal made by the *Chega* deputy, several non-governmental organisations and individuals (namely political actors and celebrities) expressed their solidarity with the Roma community and publicly rejected the discriminatory statements made against Roma people¹⁸³.

In November, the Commission for Equality and Against Racial Discrimination (CICDR) fined the same deputy €438.81 for discriminating against Roma people in a Facebook publication dated 21 August 2020, after a complaint made by *Letras Nómadas*, a Roma association. The content of the publication argued that there was a “structural problem of subsidy dependence and deliberate non-integration” by 90% of the Roma community. According to the CICDR’s decision, the deputy committed an infraction that is punishable by fine for discrimination and harassment based on ethnic origin¹⁸⁴.

On 26 June 2020, the Commission for Equality and Against Racial Discrimination conducted an online training session on the theme “Racial and Ethnic Discrimination”, addressed to 17 social inclusion officers from the Choices Programme, encouraging the reporting of cases. Leaders of associations representing the Roma community attended this session¹⁸⁵.

On December 2020, the Observatory of Roma Communities published a newsletter dedicated to the subject “Human Rights in the Context of

¹⁸² Expresso (2020), ‘[Ciganos “traíçoeiros”, jeovás “fanáticos”: o preconceito nas decisões judiciais](#)’ (‘Roma “deceitful, Jehovah witnesses “fanatic”: the prejudice in judicial decisions’), 27 June 2020.

¹⁸³ For more information, see pages 19 to 21 of the [Franet country study released on 29 September 2020](#).

¹⁸⁴ Público (2020), ‘[André Ventura multado em mais de 400 euros por discriminar ciganos](#)’ (‘André Ventura fined by more than 400 euros for discriminating against Roma people’), 18 November 2020.

¹⁸⁵ State Secretariat for Integration and Migrations, written response, 14 January 2021.

Pandemic”¹⁸⁶. This issue highlights the impact of the pandemic among groups of greater vulnerability, in particular Roma, on several areas, such as education, labour and health. This newsletter counts on the participation of people from Roma communities who are active in the defence of human rights in the public and political space.

On 17 December, the Directorate-General for Education and the High Commissioner for Migration promoted the Conferences Cycle - Roma Communities webinar¹⁸⁷: “The path we have taken, the present we have shaped, the future we want”. In the opening session the Secretary of State for Integration and Migration and the Assistant Secretary of State for Education were present and addressed the integration of Roma communities in Portuguese society and, in particular, the promotion of Roma children and youth’s educational success.

On 21 December, applications for the 8th Generation of the Choices Programme began¹⁸⁸. This project aims to promote social integration, equal opportunities in education and employment, combating social discrimination, civic participation and strengthening social cohesion, and is aimed at children and young people from vulnerable socio-economic contexts, including Roma.

¹⁸⁶ Observatório das Comunidades Ciganas (Observatory of the Roma Communities) (2020), “[ObCig Newsletter](#)”, December 2020.

¹⁸⁷ For more information, see [the High Commission for Migration webpage on the Conference Cycle Webinar - Roma Communities: “The path we have taken, the present we have shaped, the future we want”](#).

¹⁸⁸ For more information, see [the High Commission for Migration webpage on 8th Generation Choices Programme applications](#).

Chapter 4. Asylum, visas, migration, borders and integration

Extension of residence permits and other authorisations to stay that expired during COVID-19 pandemic measures.

EUMS/ Republic of North Macedon ia, Republic of Serbia	Category of TCN	Brief description of the measure	Legal source (legislation or case law as relevant) with hyperlink	Comments
PT	Complete this row if measures concern all/most of the TCN listed below whose (national or EU law based) permission to stay expired during COVID-19 related travel restrictions. In this case indicate in the next rows the	Article 16 of Decree-Law 10-A/2020 of 13 March considers valid, until 31 March 2021, all documents (e.g. ID cards, driving licences, visas, residence permits) whose validity expired after 24 February 2020. Due to the evolution of the pandemic in Portugal, this provision was amended twice to	Portugal, Decreto Lei n.º 10-A/2020, que estabelece medidas excecionais e temporárias relativas à situação epidemiológica do novo Coronavírus – Covid-19 (Decree-Law 10-A/2020, establishing exceptional and temporary measures due to the	In an effort to contain the spread of the new coronavirus, the Portuguese Government implemented a set of measures that included, among other things, the closure of some public services ¹⁹¹ . The closure of these services could make it impossible to renew or obtain certain documents necessary for

¹⁹¹ Portugal, [Decreto n.º 2-A/2020, que regulamenta a aplicação do estado de emergência decretado pelo Presidente da República](#) (Decree 2-A/2020, implementing the application of the state of emergency decreed by the President of the Republic), 20 March 2020.

	categories to which the measure applies	<p>update and ensure the continuity of the rights granted.</p> <p>At first, the documents were only considered valid until 30 June, but Decree-Law 22/2020 of 16 May¹⁸⁹, that amended Decree-Law 10-A/2020 of 13 March, extended the validity period until 30 October 2020. These documents were, nonetheless, still accepted after 30 October 2020 if their holder proved to have already scheduled their renewal.</p> <p>Decree-Law 87-A/2020 of 15 October¹⁹⁰ also amended Decree-Law 10-A/2020 of 13 March, extending the validity period until 31 March 2021.</p>	<p>epidemiological situation of the new Coronavirus – Covid-19), 13 March 2020. This Decree-Law had several amendments. It was last amended by Decree-Law 99/2020 of 22 November.</p>	<p>the exercise of rights¹⁹². As such, the Government decided to guarantee the mandatory acceptance by all public authorities of the documents whose validity expired after 24 February 2020 until 31 March 2021. In addition, counting on possible delays in the running of those services, the Government established that the documents are still accepted by public authorities after 31 March 2021 if their holder proves to have already scheduled their renewal. This last measure is particularly</p>
--	---	--	---	--

¹⁸⁹ Portugal, [Decreto-Lei n.º 22/2020, altera as medidas excecionais e temporárias relativas à pandemia da doença COVID-19](#) (Decree-Law 22/2020, amending the exceptional and temporary measures due to the COVID-19 pandemic), 16 May 2020.

¹⁹⁰ Portugal, [Decreto-Lei n.º 87-A/2020, altera as medidas excecionais e temporárias relativas à pandemia da doença COVID-19](#) (Decree-Law 87-A/2020, amending the exceptional and temporary measures due to the COVID-19 pandemic), 15 October 2020.

¹⁹² Portugal, [Decreto Lei n.º 10-A/2020, que estabelece medidas excecionais e temporárias relativas à situação epidemiológica do novo Coronavírus – Covid-19](#) (Decree-Law 10-A/2020, establishing exceptional and temporary measures due to the epidemiological situation of the new Coronavirus – Covid-19), 13 March 2020. This Decree-Law had several amendments. It was last amended by Decree-Law 99/2020 of 22 November.

		Furthermore, the Government also ensured that these documents are accepted after 31 March 2021 if their holder proves to have already scheduled their renewal.		important for foreigners due to the excessive delays at the Immigration and Borders Service. The media reports that there are several immigrants with appointments by the Immigration and Borders Service only for the end of July 2021 ¹⁹³ . Even though this measure was general (i.e. directed to all citizens), TCN benefited from it since all documents regarding their presence in the country remained valid for a longer period and allowed access to rights and services.
	Holders of visas issued based on the Visa Code No. 810/2009 (as	Yes		

¹⁹³ Expresso (2020), '[Governo prolonga regularização de imigrantes que estão à espera da decisão do SEF](#)' ('Government extends regularisation of immigrants that are waiting for a decision from the Immigration and Borders Service'), 2 September 2020.

	last amended by Regulation (EU) No. 2019/1155 (Schengen visas)			
	Visa-free TCN who reached the maximum of 90 days in any 180-day period under Article 4 of the Visa List Regulation (Regulation (EU) 2018/1806)			
	Holders of long-term visas issued by the EUMS (under Regulation (EU) No. 265/2010 and beyond, under national law)	Yes		
	Holders of residence permits issued under Regulation (EC) No. 1030/2002 (as last amended by	Yes		

	Regulation (EU) 2017/1954)			
	Holders of local border traffic permit under Regulation (EC) No. 1931/2006	Not applicable		
	Any other category of TCN not listed above.			
PT	Complete this row if measures concern all/most of the TCN listed below whose (national or EU law based) permission to stay expired during COVID-19 related travel restrictions. In this case indicate in the next rows the categories to which the measure applies	Order 3686-A/2020 of 25 March determined that, during the state of emergency, the National Support Centres for Migrant Integration (<i>Centros Nacionais de Apoio à Integração de Migrantes</i>) would continue to provide in-person services by appointment. This order also recommended that the Local Support Centres for Migrant Integration (<i>Centros Locais de Apoio a Integração de Migrantes</i>) and the Citizen	Portugal, Despacho n.º 3686-A/2020, determina que durante o estado de emergência permanecem em funcionamento, com atendimento presencial, mediante marcação, os serviços dos Centros Nacionais de Apoio à Integração de Migrantes (Order 3686-A/2020, determining that the National Support	The National Support Centres for Migrant Integration were created in 2004 to respond to different difficulties experienced by migrants in their integration process in Portugal and gather, in the same place, the different institutions and offices that work in close collaboration to solve any issues related with their integration ¹⁹⁴ .

¹⁹⁴ For more information, see the High Commission for Migrations [webpage on the National Support Centres for Migrant Integration](#).

		Spaces (<i>Espaços Cidadão</i>), in coordination with local authorities and respecting their autonomy, also continued to provide in-person services by appointment that could not be carried out digitally or by telephone.	Centres for Migrant Integration would continue to provide in-person services by appointment), 25 March 2020.	By keeping these centres open, providing in-person services by appointment, the legislator made sure that migrants were still able to get support on any question related with their integration.
	Holders of visas issued based on the Visa Code No. 810/2009 (as last amended by Regulation (EU) No. 2019/1155) (Schengen visas)	Yes		
	Visa-free TCN who reached the maximum of 90 days in any 180-day period under Article 4 of the Visa List Regulation (Regulation (EU) 2018/1806)	Yes		

	<p> Holders of long-term visas issued by the EUMS (under Regulation (EU) No. 265/2010 and beyond, under national law)</p>	Yes		
	<p> Holders of residence permits issued under Regulation (EC) No. 1030/2002 (as last amended by Regulation (EU) 2017/1954)</p>	Yes		
	<p> Holders of local border traffic permit under Regulation (EC) No. 1931/2006</p>	Not applicable		
	<p> Any other category of TCN not listed above.</p>			
PT	<p> Complete this row if measures concern all/most of the TCN listed below whose (national or EU law</p>	<p> Order 3863-B/2020 of 27 March adopted an extraordinary measure that regularised the status of all foreigners with requests pending at the</p>	<p> Portugal, Despacho n.º 3863-B/2020, que determina que a gestão dos atendimentos e agendamentos seja feita</p>	<p> The adoption of this measure was highly praised at international level and considered a good practice regarding the treatment of</p>

	<p>based) permission to stay expired during COVID-19 related travel restrictions. In this case indicate in the next rows the categories to which the measure applies</p>	<p>Immigration and Borders Service under the Immigration Law¹⁹⁵ and the Asylum Law¹⁹⁶ at the date of the declaration of the State of Emergency (18 March 2020)¹⁹⁷. This measure, which works as a temporary residence permit, guarantees that foreigners benefit from the same rights as other citizens (e.g. access to health care, social support benefits, employment, housing, hiring of public services and bank accounts). One of the main goals of this measure was to</p>	<p>de forma a garantir inequivocamente os direitos de todos os cidadãos estrangeiros com processos pendentes no Serviço de Estrangeiros e Fronteiras, no âmbito do Covid-19 (Order 3863-B/2020, determining that the management of appointments will be carried out to guarantee the rights of all foreign citizens with</p>	<p>migrants, one of the most vulnerable groups during the COVID-19 pandemic²⁰⁰. In statements given to the media, the Minister of Internal Affairs underlined the need to “guarantee the rights of the most vulnerable as is the case of migrants” in these uncertain times. According to him, “ensuring migrants’ access to health, social security and stability in employment and housing is a duty of a</p>
--	--	--	--	--

¹⁹⁵ Portugal, [Lei n.º 23/2007 que aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional](#) (Law 23/2007 which approves the legal status of entry, residence, departure and removal of foreigners from Portuguese territory), 4 July 2007. Last amended by Law 28/2019 of 29 March.

¹⁹⁶ Portugal, [Lei n.º 27/2008 sobre a concessão de asilo ou proteção subsidiária](#) (Law 27/2008 that establishes the conditions for granting asylum or subsidiary protection), 30 June 2008. Last amended by Law 26/2014 of 5 May.

¹⁹⁷ Portugal, [Decreto do Presidente da República n.º 14-A/2020, que declara o estado de emergência, com fundamento na verificação de uma situação de calamidade pública](#) (Decree of the President of the Republic 14-A/2020, declaring the state of emergency based on a situation of public calamity), 18 March 2020.

²⁰⁰ Estrutura de Monitorização do Estado de Emergência (2020), [Relatório sobre a aplicação da 2.ª declaração do estado de emergência](#) (Report on the implementation of the 2nd declaration of the state of emergency), 27 April 2020. For an example of the international news, coverage of this measure see Reuters (2020), [‘Portugal to treat migrants as residents during coronavirus crisis’](#), 28 March 2020.

		<p>reduce the public health risks for employees and users of the public services of the Immigration and Borders Services, reducing contact between the border control service staff and applicants, while at the same time ensuring adequate protection for all foreigners¹⁹⁸.</p> <p>At first, foreign citizens that did not have requests pending at the Immigration and Borders Service until 18 March 2020 were not covered by this measure. However, they could still submit their applications and had access to health care.</p>	<p>proceedings pending at the Immigration and Borders Service, due to Covid-19), 27 March 2020. Last amended by Order 10944/2020 of 8 November.</p>	<p>solidarity society in times of crisis”²⁰¹. Similarly, in statements given to the media, the European Commissioner for Home Affairs praised the measure adopted by Portugal highly²⁰².</p> <p>Nonetheless, the initial scope of this measure was criticised by some political actors and migrants’ associations²⁰³.</p> <p>The Refugee Support Platform (<i>Plataforma de Apoio aos Refugiados</i>) and the Jesuit Refugee Service</p>
--	--	--	---	---

¹⁹⁸ Estrutura de Monitorização do Estado de Emergência (2020), [Relatório sobre a aplicação da 2.ª declaração do estado de emergência](#) (Report on the implementation of the 2nd declaration of the state of emergency), 27 April 2020.

²⁰¹ Público (2020), '[Governo regulariza todos os imigrantes que tenham pedidos pendentes no SEF](#)' ('Government regularises all immigrants who have pending applications at SEF'), 28 March 2020.

²⁰² Jornal Económico (2020), '[Bruxelas elogia Portugal por regularização de imigrantes na pandemia](#)' ('Brussels praises Portugal for regularising immigrants in the pandemic'), 25 July 2020.

²⁰³ See for e.g. Público (2020), '[Regularização de imigrantes com processo no SEF “é histórica. E quem ficou “de fora”?](#)' ('Regularisation of immigrants with requests pending at SEF “is historic”. And who was “left outside?”), 30 March 2020.

		<p>Order 10944/2020 of 8 November¹⁹⁹ extended the scope of this provision. As such, all foreigners with requests pending at the Immigration and Borders Service between 18 March and until 15 October 2020 also have their status regularised and, therefore, as mentioned above, benefit from the same rights as others citizens. This regularisation is temporary since their applications will still be analysed by the Immigration and Borders Service. Foreigners who did not had requests pending at the Immigration and Borders Service until 15 October 2020 were not covered by this measure. However, they</p>	<p>(<i>Serviço Jesuíta de Apoio aos Refugiados</i>) considered it insufficient and stated that it led to an unjustified unequal treatment between migrants. According to these associations, this measure limited the access to rights of those that submit their applications after 18 March 2020 but are already in Portugal, the majority due to delays in collecting the documents necessary to regularise their status, and asked the Government to review the measure and to extend it to these cases²⁰⁴.</p> <p>Similarly, in a debate held online, a deputy from <i>Bloco</i></p>
--	--	---	--

¹⁹⁹ Portugal, [Despacho n.º 10944/2020, alargamento do âmbito do Despacho n.º 3863-B/2020](#) (Order 10944/2020, extending the scope of Order 3863-B/2020), 8 November 2020.

²⁰⁴ Plataforma de Apoio aos Refugiados, Serviço Jesuíta de Apoio aos Refugiados (2020), '[JRS e PAR congratulam-se com Despacho do Governo, mas pede esclarecimentos sobre pedidos feitos após 18 de março](#)' ('JRS and PAR praise the Order of the Government, but ask for clarifications regarding the requests made after 18 March'), 28 March 2020.

		<p>could still submit their applications and had access to health care.</p> <p>According to paragraph 7 of this Order, the Immigration and Borders Service started to reschedule all the applications pending until 27 March 2020 as of 1 July 2020, by chronological order and ensuring the equal treatment of foreigners.</p>	<p><i>de Esquerda</i> (a left-wing party in the Portuguese Parliament) underlined the shortcomings of this measure, namely the fact that it does not apply to all foreigners, leaving out, for example, those who did not have requests pending at the Immigration and Borders Service until 18 March 2020 or those who are in a situation of informal employment²⁰⁵. In the same debate, the leaders of two immigrants' associations were also concerned about the excess of applications pending in the (already) extremely overloaded system at the Immigration</p>
--	--	---	---

²⁰⁵ Esquerda (2020), '[Regularização temporária de imigrantes "deixou muita gente de fora"](#)' ("Temporary regularisation of immigrants "left many people out"), 15 April 2020. The video of the debate is available at the [Facebook page of Bloco de Esquerda](#).

			<p>and Borders Service²⁰⁶. According to the media, around 50,000 applications were suspended at the Immigration and Borders Service due to the closure of services because of the COVID-19 pandemic²⁰⁷.</p> <p>On 3 November 2020, the Minister of Internal Affairs announced the intention to extend the scope of this measure to cover the requests made between 18 March to 15 October 2020. According to him, the extension was related to the greater restriction of rights imposed by the new state of emergency, decreed on 6 November. At the time,</p>
--	--	--	---

²⁰⁶ Esquerda (2020), '[Regularização temporária de imigrantes "deixou muita gente de fora"](#)' ('Temporary regularisation of immigrants "left many people out"'), 15 April 2020. The video of the debate is available at the [Facebook page of Bloco de Esquerda](#).

²⁰⁷ Observador (2020), '[Governo mantém regularização de imigrantes que esperam decisão do SEF](#)' ('Government maintains the regularization of immigrants that are waiting for a decision of the Immigration and Borders Office'), 2 September 2020.

				<p>246,000 immigrants had already been covered by the measure²⁰⁸. As such, Order 10944/2020 of 8 November implemented the extension of the scope of this measure and the immigrants that made requests between 18 March and 15 October had their status regularised.</p> <p>Several migrants' associations welcomed this extension. Nonetheless, the Jesuit Refugee Service urged the Government to make this temporary measure definitive²⁰⁹.</p>
	<p> Holders of visas issued based on the Visa Code</p>	<p>Yes</p>		

²⁰⁸ Observador (2020), '[Covid-19. MAI anuncia regularização de 246 mil imigrantes ilegais](#)' ('Covid-19. MAI announces regularisation of 246,000 illegal immigrants'), 3 November 2020.

²⁰⁹ Serviço Jesuíta de Apoio aos Refugiados (2020), '[Comunicado de imprensa. JRS congratula a anunciada extensão da regularização de migrantes, mas critica o seu carácter temporário](#)' ('Press release. Jesuit Refugee Service welcomes the extension on the regularisation of migrants, but criticises its temporary nature'), 4 November 2020.

<p>No. 810/2009 (as last amended by Regulation (EU) No. 2019/1155) (Schengen visas)</p>			
<p>Visa-free TCN who reached the maximum of 90 days in any 180-day period under Article 4 of the Visa List Regulation (Regulation (EU) 2018/1806)</p>	<p>Yes</p>		
<p>Holders of long-term visas issued by the EUMS (under Regulation (EU) No. 265/2010 and beyond, under national law)</p>	<p>Yes</p>		
<p>Holders of residence permits issued under Regulation (EC) No. 1030/2002 (as last amended by</p>	<p>Yes</p>		

	Regulation (EU) 2017/1954)			
	Holders of local border traffic permit under Regulation (EC) No. 1931/2006	Not applicable		
	Any other category of TCN not listed above.			
PT	Complete this row if measures concern all/most of the TCN listed below whose (national or EU law based) permission to stay expired during COVID-19 related travel restrictions. In this case indicate in the next rows the categories to which the measure applies	In view of the COVID-19 pandemic, the Directorate-General for Health issued a document on the provision of healthcare to foreign citizens. The Directorate-General for Health reassured third country nationals that they have the right to access the National Health System in the same terms as national citizens. This information lists the documents that give access to the National Health System. In addition, the Directorate-General for Health also states that migrants, regardless of their status and	Portugal, Direção-Geral da Saúde (Directorate-General for Health) (2020), Informação n.º 010/2020 (Information 010/2020), 8 May 2020.	According to the Directorate-General for Health, Portugal has some of the best practices in the integration of migrants and the reception of refugees, which are internationally recognised. These citizens have consolidated their access to the National Health Service, with equal rights and duties as national citizens. The protection of the health of migrants is seen as a basic and human right, constitutionally protected, vital for the

		<p>whether they have their status legalised or not, have access to healthcare during the COVID-19 pandemic.</p> <p>To avoid any constraint related with the legal status, cultural differences, discrimination and language barriers in access to information, healthcare and social support, the Directorate-General for Health recommends the use of intercultural mediators and telephone translation lines.</p>	<p>integration of migrants and a critical factor in reducing poverty and social inequalities and essential for social cohesion and the protection of public health²¹⁰.</p> <p>The Regulatory Authority for Health (<i>Entidade Reguladora da Saúde</i>) received some complaints from foreigners that faced constraints in access to healthcare. Following those complaints, the Regulatory Authority for Health reinforced the right of access to healthcare for foreign citizens, issuing a supervision alert on how this access is to be carried out²¹¹. This entity also</p>
--	--	---	--

²¹⁰ Portugal, Direção-Geral da Saúde (Directorate-General for Health) (2020), [Informação n.º 010/2020](#) (Information 010/2020), 8 May 2020.

²¹¹ Entidade Reguladora da Saúde (Regulatory Authority for Health) (2020), ['Alerta de Supervisão N.º 06/2020'](#) ('Supervision Alert 06/2020'), 8 April 2020 (updated on 5 June 2020).

				issued a flyer with contents available in English .
	Holders of visas issued based on the Visa Code No. 810/2009 (as last amended by Regulation (EU) No. 2019/1155) (Schengen visas)	Yes		
	Visa-free TCN who reached the maximum of 90 days in any 180-day period under Article 4 of the Visa List Regulation (Regulation (EU) 2018/1806)	Yes		
	Holders of long-term visas issued by the EUMS (under Regulation (EU) No. 265/2010 and beyond, under national law)	Yes		

	<p> Holders of residence permits issued under Regulation (EC) No. 1030/2002 (as last amended by Regulation (EU) 2017/1954)</p>	Yes		
	<p> Holders of local border traffic permit under Regulation (EC) No. 1931/2006</p>	Not applicable		
	<p> Any other category of TCN not listed above.</p>			
PT	<p> Complete this row if measures concern all/most of the TCN listed below whose (national or EU law based) permission to stay expired during COVID-19 related travel restrictions. In this case indicate in the next rows the</p>	<p> Order 5793-A/2020 of 22 May established a simplified procedure for examining the applications for granting and renewing residence permits. This order is valid from 27 May 2020 for a period of 1 year (Paragraph 10 of Order 5793-A/2020).</p> <p> If a foreign citizen is applying for a residence permit with a visa waiver (Article 88 (2) –</p>	<p> Portugal, Despacho n.º 5793-A/2020, implementação de um procedimento simplificado de instrução dos pedidos de concessão de autorização de residência (Order 5793-A/2020, implementing a simplified procedure for examining the</p>	<p> The main goal of Order 5793-A/2020 of 22 May was to mitigate the consequences arising from the health emergency caused by the new coronavirus, adopt the necessary exceptional and temporary measures to allow an efficient recovery of the pending applications of foreign citizens, and</p>

	categories to which the measure applies	residence permit for the exercise of a subordinate professional activity – or Article 89 (2) – residence permit to exercise an independent professional activity or for entrepreneurial immigrants – of the Immigration Law ²¹²), the foreign citizen has to schedule a date to go to the service desk of the Immigration and Borders Service to submit the application for the granting of the residence permit. However, it is not necessary to submit new documents in addition to those already submitted with the letter of interest, as long as they were valid on the date of the submission (Paragraph 1 of	applications for granting and renewing residence permits), 22 May 2020.	reduce the waiting time at the Immigration and Borders Service ²¹⁵ . According to the Immigration and Borders Service webpage, until 24 August 2020, around 47,000 residence permits of third country nationals residing in Portugal were automatically renewed, through a new feature on the Immigration and Borders Service webpage, which started on 21 July 2020, and allows the renewal of the residence permit without the need to go to in person to a service
--	---	---	---	--

²¹² Portugal, [Lei n.º 23/2007 que aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional](#) (Law 23/2007 which approves the legal status of entry, residence, departure and removal of foreigners from the national territory), 4 July 2007. Last amended by Law 28/2019 of 29 March.

²¹⁵ Portugal, [Despacho n.º 5793-A/2020, implementação de um procedimento simplificado de instrução dos pedidos de concessão de autorização de residência](#) (Order 5793-A/2020, implementing a simplified procedure for examining the applications for granting and renewing residence permits), 22 May 2020.

		<p>Order 5793-A/2020). In the previous procedure, the citizen had to prove that he/she still fulfilled all the conditions necessary to be granted the residence permit and, therefore, needed to provide updated documents²¹³. With regard to other residence permit applications (with the exception of residence permits for investment activities, i.e. Golden visas), the procedure is also simplified, and they must be accompanied by a document providing the purpose of residence (Paragraph 2 of Order 5793-A/2020).</p>		<p>desk²¹⁶. There are around 90,000 foreign citizens whose residence permits meet the necessary conditions to be digitally renewed²¹⁷. On 6 November, the Minister of State and Presidency stated that, despite the difficulties arising from the pandemic, there are more immigrants with access to social support, health care and renewal of residence permits. According to her, at the time, 71,000 foreigners had already automatically renewed their</p>
--	--	--	--	---

²¹³ Alto Comissariado para as Migrações (High Commission for Migrations) (2020), '[Order No. 5793-A/2020 of 26 May. A simplified procedure for examining applications for the granting and renewal of residence permits](#)'.

²¹⁶ Serviço de Estrangeiros e Fronteiras (Immigration and Borders Service) (2020), '[SEF: 47 mil autorizações de residência renovadas automaticamente](#)' ('SEF: 47 thousand residence permits automatically renewed'), 24 August 2020.

²¹⁷ Serviço de Estrangeiros e Fronteiras (Immigration and Borders Service) (2020), '[Novo serviço online - Renovação Automática do Título de Residência](#)' ('New online service – Automatic Renewal of Residence Permit'), 25 July 2020.

		<p>If a foreign citizen is renewing his/her residence permit, the pending decision of the renewal will be processed online at the Immigration and Borders Service webpage, without the need to go in person to a service desk. The Immigration and Borders Service will consult all the necessary databases to confirm that the citizen meets all the necessary conditions. After paying the respective fees, the citizen will receive the residence permit at their tax address (Paragraph 3 of Order 5793-A/2020). Previously, the citizen needed to make an appointment online or via phone, go to the Immigration and Borders Service on the</p>		<p>residence permit²¹⁸. By 19 December 2020, around 73,200 foreigners had already renewed their residence permit through this new mechanism²¹⁹. The High Commission for Migrations issued a guide on Order 5793-A/2020 of 22 May (available in Portuguese and English) and an information leaflet available in several languages (see the English version here).</p>
--	--	--	--	--

²¹⁸ TSF (2020), '[Governo diz que direitos dos imigrantes estão mais protegidos apesar da pandemia](#)' ('Government says that immigrants' rights are more protected despite the pandemic'), 6 November 2020.

²¹⁹ Serviço de Estrangeiros e Fronteiras (Immigration and Borders Service) (2020), '[Renovações Automáticas: Mais de 37 mil cidadãos estrangeiros vão ser abrangidos na terceira fase](#)' ('Automatic Renewals: More than 37,000 foreign citizens will be covered by the third phase'), 19 December 2020.

		scheduled date and bring all the documents necessary for the renewal ²¹⁴ .		
	Holders of visas issued based on the Visa Code No. 810/2009 (as last amended by Regulation (EU) No. 2019/1155) (Schengen visas)	Yes		
	Visa-free TCN who reached the maximum of 90 days in any 180-day period under Article 4 of the Visa List Regulation (Regulation (EU) 2018/1806)	Yes		
	Holders of long-term visas issued by the EUMS (under	Yes		

²¹⁴ Alto Comissariado para as Migrações (High Commission for Migrations) (2020), '[Order No. 5793-A/2020 of 26 May. A simplified procedure for examining applications for the granting and renewal of residence permits](#)'.

	Regulation (EU) No. 265/2010 and beyond, under national law)			
	Holders of residence permits issued under Regulation (EC) No. 1030/2002 (as last amended by Regulation (EU) 2017/1954)	Yes		
	Holders of local border traffic permit under Regulation (EC) No. 1931/2006	Not applicable		
	Any other category of TCN not listed above.			

Notes:

TCN = third-country nationals

EUMS = EU Member State

Chapter 5. Information society, privacy and data protection

1. Legal and political initiatives that have been implemented to support access to, and use of, personal data.

During 2020, initiatives implemented to support access to, and use of, personal data have been driven by the COVID-19 pandemic²²⁰. The National Data Protection Commission (*Comissão Nacional de Proteção de Dados*, CNPD) has issued releases and guidelines on several areas resulting from the measures implemented during the pandemic, that were all posted on a dedicated place of the [CNPD's website](#).

On the use of **video surveillance and alarm systems by private security entities**, the CNPD issued a press release on the 2nd of April 2020, recalling that private security companies are prohibited from carrying out activities exclusively within the powers of the judicial or police authorities and that the state of emergency did not alter the functions of controlling entry and travel in Portuguese territory, which are centralised under State control. As such, local authorities and private entities are prohibited from using devices for capturing images and sound in public spaces for this purpose²²¹.

The CNPD developed guidelines on the **disclosure of information relating to persons infected by Covid-19**. Following complaints addressed to the CNPD from citizens whose personal identification and contact details were published on local authority webpages and social networks, after confirming the COVID-19 diagnosis, the CNPD issued a set of guidelines: a) local authorities cannot publish health data which identify the people to whom they relate; b) health data cannot be published, even without identifying the patients, when their number in a given territorial area, relative to its

²²⁰ Most of the initiatives mentioned in this chapter have already been listed in the national contributions to the FRA COVID-19 bulletins. For more information, see the [Franet country study released on May 2020](#), the [Franet country study released on June 2020](#) and the [Franet country study released on July 2020](#).

²²¹ Comissão Nacional de Proteção de Dados (2020), [Utilização de sistemas de videovigilância e de alarmística por entidades de segurança privada](#) (Use of video surveillance and alarm systems by private security entities), 2 April 2020.

population size, is so small that it makes it possible to identify the infected people²²².

The CNPD released three **guidelines specifically aimed at schools and higher education institutions**. The first one, released on the 9th April 2020, focused on the use of technologies to support distance learning, pointing out the risks that distance learning can have with respect to the fundamental rights of users, in particular the right to respect for private and family life, the right to equality, in terms of non-discrimination, and the additional risk of bullying. The guidelines suggest that e-learning platforms must have well-defined purposes and be compatible with distance learning; the adoption of each distance learning support platform should be preceded by an impact assessment on data protection; platforms must define the roles and responsibilities of the stakeholders in the processing of personal data, in particular the distribution of roles and responsibilities between those who provide and manage the platform and those who decide on its use; teachers must be properly informed about the use of the platforms; schools should seek to raise awareness among the school community on good practices and precautions to be followed when using these technologies.

The second guideline was released on 19 May and focused on the measurement of students' body temperature. The CNPD pointed out that measuring students' body temperature implies the processing of personal data, regardless of whether or not schools or higher education institutions keep a record of the temperature and thus recalls that schools and higher education institutions have the obligation to verify and prove that the principles and rules for the protection of personal data are being respected, namely if there is a lawful cause for data processing and if adequacy and necessity of such processing is fulfilled²²³.

The third guideline was released on 22nd May and focused on the use of technology for document sharing and videoconferencing for remote evaluation of students by higher education institutions. The CNPD stated that legitimate interest might be used as the legal ground for processing data in these cases, but it recalls that higher education institutions must evaluate the adequacy, proportionality and the necessity of data processing for such purpose and whether there are other rights and interests of the data subjects that should prevail. The CNPD also points out that a Data

²²² Comissão Nacional de Proteção de Dados (2020), [Orientações sobre a divulgação de informação relativa a infetados por COVID-19](#) (Guidelines on the disclosure of information related to infected persons by Covid-19), 22 April 2020.

²²³ Portugal, Comissão Nacional de Proteção de Dados (National Data Protection Commission) (2020), [Orientações sobre recolha dos dados de saúde dos alunos](#) (Guidelines on the gathering of students' health data), 19 May 2020.

Protection Impact Assessment might be mandatory, particularly when the adopted solutions are new, innovative or demand the processing of intimate data, such as those relating to the private and family life of the student.

Compliance with the processing of employees' personal data was also one of the concerns of the CNPD. In response to an increase in teleworking due to the COVID-19 pandemic and the confinement measures, the CNPD released, on 17 April, guidelines on teleworking remote control, pointing out that technological solutions for remote control of employee performance are not allowed. Examples of this are software that, in addition to tracking work and downtime, record the Internet pages visited, the location of the terminal in real time and the uses of peripheral devices. To that extent, the collection and subsequent processing of that data breaches the principle of minimising personal data. Likewise, employers can't force workers to keep the video camera permanently on, nor, in principle, is it possible to admit the possibility of recording teleconferences between the employer (or managers) and workers.

On 23 April, following the news that some employers were collecting and registering data relating to employees' health and private life (namely, body temperature) as a measure to prevent contamination among employees, the CNPD presented the guidelines on the collection of employees' health data²²⁴. The CNPD states that there is no justification of acts that, under national law, only the health authorities or the employees themselves, during a process of self-monitoring, can perform. The CNPD states that employers are unable to collect and record the body temperature of employees or other information relating to health or to any risk behaviours of their employees. However, health professionals can evaluate the health status of workers and obtain the information that is necessary to assess their aptitude for work, in the general terms defined in the law on safety and health at work. The CNPD reinforces the position that employers should limit themselves to acting in accordance with the guidelines from the national health authority for the prevention of infection by the virus in the workplace, and refrain from adopting initiatives that involve data collection on the personal health of their employees when they have no legal basis, nor have been requested by the competent administrative authorities.

Following the Guidelines on the collection of employees' health data, a member of parliament addressed five questions to the CNPD, asking: a) whether these Guidelines could facilitate the spreading of the infection and, thus, harm the citizen's health; b) if these Guidelines should be applied to

²²⁴ Comissão Nacional de Proteção de Dados (2020), [Orientações sobre a recolha de dados de saúde dos trabalhadores](#) (Guidelines on the collection of employees' health data), 23 April 2020.

any employee, including those who work at a hospital; c) whether the right to private life, as protected by the personal data regulations, should also prevail when compared to other personal rights, such as the fundamental right to life and to the protection of health; d) according to the CNPD where would it be possible to measure body temperature as a way to prevent spreading of Covid-19; e) if the Guidelines could lead to a weakening of the admission rules in force for some sensitive spaces, such as nursing homes²²⁵. The CNPD replied by recalling the admissible legal grounds for collecting and processing health data and that restrictions to the right to private life should be balanced under a justified evaluation of their appropriacy and necessity. It identifies medical and nursing offices or reserved spaces where a person could self-monitor his/her temperature for such purpose, recalling, nonetheless, that guarantees of free will are not met in the context of a work relationship²²⁶.

In May, the Government published Decree-Law 20/2020 that, among other measures, regulated the control of employees' body temperature²²⁷, allowing it to be a condition for the admission and presence of employees at the workplace. Nonetheless, it also establishes that it is forbidden to recording body temperature when associated with the person's identity, unless that person actively consents. As regards the reply given to the Parliament, the CNPD expressively stated that the legal regime on measuring employees' body temperature approved by Decree-Law 20/2020 does not incorporate the degree of precision and predictability necessary for a restriction of fundamental rights, under the rule of law, that the mere act of measuring body temperature is an act of data processing (and, thus, it is irrelevant whether this temperature is registered or not) and that it does provide for an adequate guarantee of informed and free consent given by employees, since the relationship between workers and employers is, by nature, unequal. The CNPD urged the need to review this legal regime in accordance with the General Regulation on Data Protection. This issue was addressed once again in November 2020 with the publication of Decree 8/2020.

The CNPD was also asked to analyse **technological solutions to be implemented in order to prevent and control the spread of COVID-19**. The CNPD has published on its website the Guidelines 04/2020 on the use of location data and contact tracing tools during the COVID-19 outbreak,

²²⁵ The full letter can be read at the [Parliament's website](#).

²²⁶ The full reply can be read at the [Parliament's Website](#).

²²⁷ Portugal. [Decree-Law 20/2020](#) (Decreto-Lei 20/2020, de 1 de Maio, que altera as medidas excecionais e temporárias relativas à pandemia da doença COVID-19), 1 May 2020.

adopted on 21 April 2020 by the European Data Protection Board²²⁸. These clarify the conditions and principles for the proportionate use of location data and contact tracing tools, for two specific purposes: using location data to support the response to the pandemic by modelling the spread of the virus so as to assess the overall effectiveness of confinement measures; and contact tracing, which aims to notify individuals of the fact that they have been in close proximity of someone who is later confirmed to be a carrier of the virus, in order to break the contamination chains as early as possible.

On 3 June, the CNPD issued a deliberation on *Smart Crowd* – a device that identifies the occupancy rate of beaches to provide information to the population for them to decide on which beach to choose. This ensures adequate social distancing, without the need to travel. The aim of this technological solution is to obtain, from photographs taken of a group of beaches (about 70), a qualitative indication of their occupancy rate, by use of machine learning technology. The information on the occupancy rate of beaches is made available through a mobile application. According to the CNPD, capturing images of people in a public place and under conditions of special exposure is only justified when in the public interest and for the protection of public health. The CNPD considered that, due to the degree of intrusion on private life, cameras should be placed in such a way as to mitigate the risks of identifying people. The CNPD also stated that the controller should be able to prove that the machine learning algorithms in use were adequately protected against a possible application of factors liable to create discrimination. In addition, the processing of data was limited to the 2020 bathing season²²⁹.

On 17 June, following some complaints on the use of the tool *Trace Covid-19* (a device for contact tracing patients under medical or self-monitoring used by the health authorities), the CNPD recommended the adoption by the Directorate-General for Health of the following, among other, measures: to guarantee access to the platform only to health professionals covered by professional secrecy; to create layers of access, limiting access to the relevant persons; to remove data from deceased or recovered patients; to limit access to certain types of data (such as the taxpayer number or the social security number); to make sure that access to personal data is

²²⁸ Comité Europeu para a Protecção de Dados (2020), [Diretrizes n.º 4/2020 sobre a utilização de dados de localização e ferramentas de contact tracing no contexto do surto de COVID-19](#), 21 April 2020.

²²⁹ Portugal, Comissão Nacional de Protecção de Dados (National Data Protection Commission) (2020), [Deliberação/2020/251](#) (Deliberation/2020/251), 3 June 2020.

traceable and that data subjects are notified; to limit the preservation of the database to the duration of the pandemic²³⁰.

From late March, in a project coordinated by the Institute of Systems and Computer Engineering, Technology and Science (INESC TEC), in partnership with the Porto Public Health Institute and the private companies Keyruptive and Ubirider, an application to warn people who have had contact with persons infected with Covid-19 was being developed. This application, that came to be named *Stayaway COVID*, works in several steps. First, the application sends Bluetooth messages to all the nearby devices. The information that is shared between devices corresponds to random codes and does not enable users to be identified. These codes are kept only on the phones that receive them. Second, if a user is diagnosed with COVID-19, the codes that were exchanged in the last 14 days are shared on an official server. Sharing requires the user's consent and the authorisation of a doctor. Third, the app cross-references the downloaded codes with those received from other devices in the last 14 days. If there is a match and the possibility of contagion, the user is alerted by the app and must contact the health services²³¹. The National Data Protection Commission was asked to assess the impact on data protection of the *Stayaway* application. On 29 June, the CNPD issued its deliberation. According to the CNPD, one of the key positive aspects of the application is its voluntary nature. As such, the user should be able to make choices regarding the processing of his/her data at several stages, including the possibility of turning the Bluetooth off, setting the application not to trace proximity contacts and uninstalling the application. Another positive aspect of the app is its decentralised model, since it disperses the processing operations, avoiding the centralised processing of all data, which would carry additional risks. According to the CNPD in spite of the Bluetooth technology being less intrusive, it still carries some risks. In fact, it must be on for the application to work, which allows third parties to track the location and movement of users constantly. The use of Google and Apple interface is one of the most critical issues of the application, because the makers of the application or the person responsible for processing the data do not manage a crucial part of its operation. For the principle of transparency to be respected, data subjects must be aware of all aspects relating to the functioning of the application and its implication for the processing of personal data and privacy, maintaining control of their data. With regard to data protection issues that are undefined, the National Data Protection Commission recommends the approval of a legal framework for the functioning of the "Stayaway" application that does not exclude the

²³⁰ Portugal, Comissão Nacional de Proteção de Dados (National Data Protection Commission) (2020), [Deliberação/2020/262](#) (Deliberation/2020/262), 17 June 2020.

²³¹ For more information, see the [Stayaway Covid webpage](#).

voluntary nature of the application. In addition, it is necessary to ensure that the options for interoperability between national proximity tracking applications respect data protection principles, in particular the minimisation principle²³².

Decree-Law 52/2020²³³ established the Directorate-General for Health as the data controller and regulated on the intervention of the physician in the application *Stayaway COVID*. It expressly states that the application must be aligned and respect the national and European legislation on data protection and must follow the European initiatives adopted as part of the fight against COVID-19. These use tools based on personal data, namely the recommendation for a unified toolbox for the use of technology and data to combat and exit from the COVID-19 crisis, Guidelines 04/2020 on the use of location data and contact tracing tools during the COVID-19 outbreak, adopted on 21 April 2020 by the European Data Protection Board, the COVID-19 APPS – Cybersecurity Requirements and Testing recommendations, adopted by the European Union Agency for Cybersecurity, and the recommendations from the National Cybersecurity Agency. Decree-Law 52/2020 also establishes that data processing with the use of STAYAWAY COVID is exceptional and temporary, shall only be in force during the pandemic, and only for notifying the user of individual exposure to contagion by SARS-CoV-2, resulting from contact with another user of the application that is later confirmed positive for COVID-19.

With the new declaration of the state of emergency on 6 November, **Decree 8/2020**²³⁴ established new exceptional rules on control of body temperature as a precondition to access workplaces, public services, educational institutions, commercial, cultural and sports venues, transportation, residential structures, health institutions, prisons and juvenile detention centres, as well as on testing for SARS-CoV-2 and on conducting epidemiological surveys, tracking contacts of patients with COVID-19 and keeping people under active surveillance. Following this new regulation, on 13 **November**, the CNPD issued **new guidelines on personal health data processing**, recalling that body temperature checks entail personal data processing whenever the person is identifiable and that it must comply with the GDPR. The CNPD stated that in order to guarantee that Decree 8/2020

²³² Portugal, Comissão Nacional de Proteção de Dados (National Data Protection Commission) (2020), [Deliberação/2020/277](#) (Deliberation/2020/277), 29 June 2020.

²³³ Portugal, [Decree-Law 52/2020](#) (*Decreto-Lei n.º 52/2020, de 11 de agosto, que estabelece o responsável pelo tratamento dos dados e regula a intervenção do médico no sistema STAYAWAY COVID*), 11 August 2020.

²³⁴ Portugal, [Decree 8/2020](#) (*Decreto n.º 8/2020, de 8 de novembro, que regulamenta a aplicação do estado de emergência decretado pelo Presidente da República*), 8 November 2020.

is in accordance with European law, data processors must bind the employee in charge of carrying out the control to a specific duty of confidentiality. As for testing for SARS-CoV-2 as a precondition to access certain spaces (healthcare facilities, education institutions, juvenile detention centres and prisons) and as a precondition to enter or leave the mainland Portugal or the autonomous regions, by air or sea, the CNPD stated that in order to guarantee that those rules are in accordance with European law, testing must be performed by a health professional subjected to professional confidentiality. The CNPD also stated that subsequent procedures in order to ensure discretion and dignity of the data subject must be adopted. Finally, since Decree 8/2020 mobilises non-health professionals to conduct epidemiological surveys, track contacts of patients with COVID-19 and keep people under active surveillance, the CNPD recommends that those professionals should be formally bound to a specific duty of confidentiality.

Initiatives have been mostly adopted because of the COVID-19 pandemic. Nonetheless, compliance with GDPR continues to be a concern among private companies and professionals. In order to aid professionals in the GDPR compliance procedures, the Data Protection Observatory – a project developed at the Research Centre on Law and Society at the School of Law of Nova University, Lisbon (*Centro de I&D sobre Direito e Sociedade da Faculdade de Direito da Universidade Nova de Lisboa, CEDIS/FDUNL*) – designed an online tool that allows professionals to evaluate their exposure to the risk of data processing. By answering a set of specific questions, the user will have a sense of the degree of risk of data processing performed by a controller or a subcontractor²³⁵.

By the end of 2020, the National Data Protection Authority (CNPD) had published 90 opinions²³⁶ to the national parliament, the government, and other institutions and bodies on legislative and administrative measures relating to the protection of natural persons' rights and freedoms with regard to processing and 5 consultations of data protection impact assessments under Article 36 of the General Data Protection Regulation.

Regarding **data retention**, interpreted in the context of electronic communications for the purposes of criminal investigation, there have been

²³⁵ For more information, see the [Data Protection Observatory's website](#).

²³⁶ For more information, see the National Data Protection Authority's [webpage on the opinions issued by the CNPD](#).

no legal developments. This matter is covered in Law 32/2008, 17 July²³⁷ – the law that transposed Directive 2004/26/CE. In August 2019, the Justice Ombudsman requested the Constitutional Court to provide a ruling on the constitutionality of Articles 4, 6 and 9 of Law 32/2008. This procedure is still pending.

Law 40/2020²³⁸ strengthens the sanctioning and procedural framework for crimes against freedom and sexual self-determination of children and establishes obligations to inform and block sites containing child pornography, completing the transposition of Directive 2011/93/EU of the European Parliament and of the Council, of 13 December 2011, amending the Criminal Code, namely by creating a new type of crime – the organisation of travel arrangements for the purpose of child sex tourism. It also amends Decree-Law 7/2004 on certain legal aspects of the information society services, in particular electronic commerce, in the internal market, adding new provisions on the duty dependent upon service providers to inform the Public Prosecution of any contents that may constitute a crime, namely of child pornography or of discrimination or incitement to hate or violence, and on the duty to block access to webpages containing or disseminating child pornography.

The Government approved the **Action Plan for Digital Transition**, by the Resolution of the Council of Ministers 30/2020²³⁹ – a strategic document to support the implementation of measures aiming at the digital transition of the State, of companies and of citizens. It relies on three pillars – a) capacitation and digital inclusion of citizens; b) digital transformation of companies; c) digitalisation of the State – and on six enablers – a) regulation, privacy, cybersecurity and cyber defence; b) circular economy of data; c) connectivity and infrastructure; d) disruptive technologies; e) alignment with the European digital strategy; f) communication and dissemination. Among 57 measures that are listed in the document and are to be considered for development along the Action Plan, the Resolution immediately approves and elects 12 particular measures as priority for immediate implementation: 1) the digitalisation programme for schools; 2)

²³⁷ Portugal, [Law 32/2008 that transposed Directive 2004/26/CE of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks](#) (*Lei n.º 32/2008 que transpõe para a ordem jurídica interna a Diretiva n.º 2006/24/CE, do Parlamento Europeu e do Conselho, de 15 de Março, relativa à conservação de dados gerados ou tratados no contexto da oferta de serviços de comunicações eletrónicas publicamente disponíveis ou de redes públicas de comunicações*), 17 July 2008.

²³⁸ Portugal, [Law 40/2020](#) (*Lei n.º 40/2020, de 18 de agosto*), 18 August 2020.

²³⁹ Portugal, [Resolution of the Council of Ministers 30/2020](#) (*Resolução do Conselho de Ministros n.º 30/2020, de 21 de Abril, que aprova o Plano de Ação para a Transição Digital*), 21 April 2020

the intensive and specialised training of 3,000 professionals; 3) the digital inclusion of 1 million adults programme; 4) the social fare to access internet services; 5) e-Residency programme; 6) the promotion of technological free zones; 7) the digital capacitation programme of interior SME; 8) digital innovation hubs for entrepreneurship; 9) digitalisation of the 25 most used public services; 10) increase in the offer and translation of digital services of interest to internationalisation; 11) cloud strategy of the Public Administration; 12) simplification of contracting information and communication technology services by the Public Administration. Resolution of the Council of Ministers 31/2020²⁴⁰ created the Mission Structure Portugal Digital – a technical support structure under the Minister of State, Economy and Digital Transition, that is in charge of coordinating the actions, measures and initiatives identified as priority in the Action Plan, as well as of articulating the different areas of the Action Plan and of guaranteeing an adequate engagement of all the relevant public administration entities.

The Portuguese Parliament is currently debating two draft laws, presented by two different parliamentary groups, that both aim to approve a charter of citizens' fundamental rights for the digital age²⁴¹, consecrating rights in cyberspace, such as the right to digital privacy, to internet neutrality, to digital literacy, the right to cybersecurity, among others, and complementing the national legal regime.

²⁴⁰ Portugal, [Resolution of the Council of Ministers 31/2020](#) (Resolução do Conselho de Ministros n.º 31/2020, de 21 de abril), 21 April 2020.

²⁴¹ Portugal, [Draft Law 473/XIV](#) (Projeto de Lei 473/XIV) and [Draft Law 498/XIV](#) (Projeto de Lei 498/XIV).

2. Artificial intelligence and big data

Please fill in the table below with any initiatives you may identify in your country:

MS	Actor*	Type* *	Description	Are Ethical concerns mentioned? (yes/no)	Are Human Rights issues mentioned? (yes/no)	Reference
PT	Government	Adopted Act	Decree-Law 52/2020 established the Directorate-General for Health as the data controller and regulated on the intervention of the physician in the application Stayaway COVID. Stayaway COVID is a digital system designed for personal mobile devices, developed for iOS and Android operating systems that uses Bluetooth Low Energy technology as a proximity sensor and notifies users of an	No	Yes (data protection ; privacy) Gender and child rights are not addressed	Portugal, Decree-Law 52/2020 (<i>Decreto-Lei n.º 52/2020, de 11 de agosto, que estabelece o responsável pelo tratamento dos dados e regula a intervenção do médico no sistema STAYAWAY COVID</i>), 11 August 2020

			individual exposure to factors of contagion by SARS-CoV-2, resulting from contact with another user of the application that is later confirmed positive for COVID-19. The application works under the terms defined by the Directorate-General for Health as a complementary and voluntary tool to respond to the pandemic. The intervention of the physician is regulated in order to guarantee the confidentiality of the data.			
PT	Government	Other projects	Resolution of the Council of Ministers 55/2020 that approves the Strategy for Innovation and Modernisation of the State and the Public Administration 2020-2023. Some measures, such as encouraging interoperability and the reuse of data among the public administration, foreseen in the Strategy may use artificial intelligence in	No	No	Portugal, Resolution of the Council of Ministers 55/2020 (<i>Resolução do Conselho de Ministros n.º 55/2020, de 31 de julho, que aprova a Estratégia para a Inovação e Modernização do Estado e da Administração Pública 2020-2023</i>), 31 July 2020

			order to enhance the quality of the data analysis.			
PT	Government	Other projects	Under the Simplex program 2020/2021 (an administrative modernisation program that gathers 158 measures into several sectors), some measures use artificial intelligence and big data related techniques in the areas of innovation and transportation. They include: a) a technological tool that may give private companies a forecast of future export scenarios for external markets (deadline for implementation: 2 nd quarter of 2022); b) a project, using big data and artificial intelligence, to predict safety incidents in the Porto metro, and to anticipate maintenance needs (deadline for the implementation: 4 th quarter of 2022).	No	No	Simplex Program 2020-2021 (2020), Programa Simplex 2020-2021 , Lisbon.

PT	Other	Other projects	<p>The Science and Technology Foundation (the Portuguese public agency that supports science, technology and innovation, in all scientific domains, under the responsibility of the Ministry for Science, Technology and Higher Education) released the call for R&D projects AI 4 COVID-19: Data Science and Artificial Intelligence in the Public Administration to strengthen the fight against COVID-19 and future pandemics – 2020. Within that call, FCT approved funding to 12 R&D projects: 1) THOR – Computer-Assisted Thoracic Assessment using POCUS that will test the use of Artificial Intelligence (AI) in the diagnosis of COVID-19, by analysing chest ultrasounds using computer vision techniques (INESC TEC); 2) PandIA - Management of</p>	Yes	No	<p>FCT, Call for R&D Projects AI 4 COVID-19: Data Science and Artificial Intelligence in the Public Administration to strengthen the fight against COVID-19 and future pandemics - 2020</p>
-----------	-------	----------------	---	-----	----	---

			<p>Pandemic Social Isolation Based on City and Social Intelligence (Polytechnic Institute of Bragança); 3) An intelligent system to improve patient safety and remote surveillance in follow-up for cardiothoracic surgery (V4H – Association for the Investigation in value and technological innovation in health); 4) Artificial Intelligence and Data Science Supporting Tool for the Detection, Diagnosis and Prognosis of the COVID-19 Disease (Centre of Technology and Systems); 5) Advanced diagnostic and prognostic tools for Pulmonology @ICU (University of Coimbra); 6) AI-based mobile applications for public health response (University Institute of Lisbon); 7) Impact of COVID-19 lockdown measures on mobility, air pollution, health</p>			
--	--	--	--	--	--	--

			<p>and macroeconomic indicators in Portugal: a Machine-Learning Approach (School of Engineering of the University of Porto); 8) A clinical documentation system interfacing clinical and data scientist needs to address the COVID challenge (University of Coimbra); 9) Spatial Data Science Services for COVID-19 Pandemic (Association of Instituto Superior Técnico for Research and Development); 10) Predictive Models of COVID-19 Outcomes for Higher Risk Patients Towards a Precision Medicine (Central Lisbon Hospital); 11) Cutting-Edge Virus-Host Interactome Discovery: A Multi-Omics AI-Driven Approach (Centre for Neuroscience and Cell Biology); 12) Data sciEnce Tools for Epidemiologic surveillance using multiple sourCes of daTa - Improved flu/COVID-19</p>			
--	--	--	---	--	--	--

			tracking and detection of new outbreaks (INESC).			
PT	Other	Other projects	The Science and Technology Foundation (the Portuguese public agency that supports science, technology and innovation, in all scientific domains, under the responsibility of the Ministry for Science, Technology and Higher Education) published a brochure with a summary of the 32 research projects selected for funding in 2018 and 2019 under the research Program in Data Science and Artificial Intelligence in Public Administration, to support new R&D projects with partnerships between public administration and scientific institution. These projects of scientific research are divided into 6 areas: 1) mobility and transport; 2) health and quality of life; 3) management of natural	No	No	FCT (2020), Research in Data Science and Artificial Intelligence applied to Public Administration , Lisbon

			resources; 4) accessibility and quality in public services; 5) educational success; 6) security and support for citizens and businesses. The 32 projects described in the brochure are currently underway.			
PT/ Other MS	Government	Other projects	Portugal joined the common position adopted together with Denmark, Belgium, the Czech Republic, Finland, France, Estonia, Ireland, Latvia, Luxembourg, the Netherlands, Poland, Spain and Sweden on the European approach on AI, advocating for trustworthy and human-centric AI and for a risk-based, evidence-based, proportionate and coordinated approach among EU members.	Yes	Yes (public values and fundamental rights in general) Gender and child rights are not specifically addressed	Denmark, Belgium, the Czech Republic, Finland, France, Estonia, Ireland, Latvia, Luxembourg, the Netherlands, Poland, Portugal, Spain and Sweden (2020). Innovative and trustworthy AI: two sides of the same coin . Position paper on behalf of Denmark, Belgium, the Czech Republic, Finland, France, Estonia, Ireland, Latvia, Luxembourg, the Netherlands, Poland, Portugal, Spain and Sweden

PT	Governments	Other projects	Resolution 98/2020 approves Strategy Portugal 2030, based on four main thematic agendas for the development until 2030 of the Portuguese economy, society and territory: a) people first: a better demographic balance, deeper inclusion, less inequality; b) digitalisation, innovation and skills as motors for development; c) climate transition and sustainability of resources; and d) a more externally competitive and internally cohesive country. The second thematic agenda (digitalisation, innovation and skills as motors for development) is organised under four strategic items: a) promotion of the knowledge society; b) digitalisation and corporate innovation; c) human resources skills development; d) institutional skills development. The Public Administration mentions AI, big	No	No.	Portugal, Resolution of the Council of Ministers 98/2020, that approves Strategy Portugal 2030 (<i>Resolução do Conselho de Ministros n.º 98/2020, que aprova a Estratégia Portugal 2030</i>), 13 November 2020.
-----------	-------------	----------------	---	----	-----	--

			data and the IofT as tools to provide a more efficient public service.			
PT	Other	Report	The report analyses the main ethical and legal problems associated with (in) security in cyberspace and the solutions that have been adopted at international and national level to solve or alleviate these problems. The analysis is divided into three chapters, focusing successively on ethical-moral challenges, legal genealogy and the practical application of the normative framework.	Yes	Yes (privacy, freedom, property, political rights, right to information, right to health). Gender and child rights are not specifically addressed.	Andrade, Francisco Pacheco de; Isabel Fonseca, Joana Aguiar e Silva; Joana Covelo de Abreu; Patrícia Jerónimo; Pedro Dias Venâncio; Pedro Miguel Freitas (2020) Report on Cybersecurity in Portugal: Ethics and Law (Relatório de Cibersegurança em Portugal – Ética e Direito). JusGov (Universidade do Minho) e CNCS

*For the actors, please pick from the following suggestions:

Government/ Parliamentary

DPA

NGO/Other Non Profit

Academia

Domestic Courts

Business

Independent State Institution

Other

** for the type, please pick from the following suggestions:

National Draft Acts / Adopted Acts

report/study

other projects

Chapter 6. Rights of the child

1. Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence.

Measures to address the specific vulnerabilities of children living in poverty	<p>Decree-Law 10-A/2020 of 13 March²⁴² established several exceptional and temporary measures regarding the new coronavirus epidemic.</p> <p>Articles 9 (4) and 10 of Decree-Law 10-A/2020 of 13 March (currently revoked) established that schools should adopt the necessary measures to provide food for students who benefit from social support and to receive the children of essential service workers during the suspension of all academic and non-academic activities due to the pandemic. Schools continued to serve meals to students who benefit from social support until the end of July. According to the Minister of Education, tens of thousands of students resort to school canteens during the pandemic. In April, there was an average of 18,000 meals served daily in approximately 700 basic or secondary education establishments²⁴³.</p> <p>Article 21 of Decree-Law 10-A/2020 of 13 March establishes a specific protection for children, in particular under 12 years of age or with a disability or chronic illness, subject to self-isolation, determining a justified absence regime and the granting of subsidies to employees who have to accompany a child, grandchild or other dependent in self-isolation.</p> <p>The Public Security Police (PSP) has implemented the “(Even More) Safe School” operation, under which it has carried out awareness-raising/ information sessions in schools with children and young people about the public health situation and the adoption of the Directorate-</p>
---	---

²⁴² Portugal, [Decreto-Lei n.º 10-A/2020, que estabelece medidas excecionais e temporárias relativas à situação epidemiológica do novo coronavírus](#) (Decree-Law 10-A/2020, establishing exceptional and temporary measures on the new coronavirus epidemic), 13 March 2020. Last amended by Decree-Law 78-A/2020 of 29 September.

²⁴³ For more information, see the [Government webpage on the meals served until the end of July by schools](#).

	<p>General for Health recommendations, on the occasion of the return to classroom teaching and of the re-opening of day-care centres, following the lifting of some of the restrictions imposed by the Government due to the COVID-19 pandemic²⁴⁴.</p> <p>Several public and private entities have made campaigns to deliver computers and tablets to students in need, to reduce the unequal access of students to information technology²⁴⁵. These initiatives were extremely important since students were forced by the confinement to follow school activities from home. In a press conference, the Minister of Education stated that, within the scope of the “Digital School” programme, several computers were going to be distributed in the first half of November to children who benefit from school social support. According to him, the digital transition plan is based not only on the distribution of computers, but also on the issues related with “equipment and connectivity”, “on the training of teachers, on the development and dissemination of digital pedagogical resources and on the dematerialisation of physical resources”. In total, around 100,000 computers will be distributed to students who benefit from school social support in priority intervention schools²⁴⁶.</p> <p>The Directorate-General for Health issued a guideline stating that children and young people at risk who were institutionalised had to complete 14 days of isolation when they arrived at the institutions, even if they had a negative test for COVID-19. In addition, the guidelines also stated that children from the same family could stay together, if they entered the institution on the same day²⁴⁷. According</p>
--	---

²⁴⁴ Public Security Police, written response, 17 September 2020. For more information, see, for e.g. TSF (2020), [‘PSP regressa ao trabalho para uma “escola ainda mais segura”](#) (‘PSP returns to work for an “even safer school”’), 18 May 2020.

²⁴⁵ For example, see the [campaign to donate computers to students at risk of digital exclusion from the Association of Entrepreneurs for Social Inclusion](#). For more information on other campaigns, see page 7 of the [Franet country study released on 25 May 2020](#).

²⁴⁶ For more information, see [the Government webpage on the distribution of computers in November](#).

²⁴⁷ Polígrafo (2020), [‘Cinco factos sobre a orientação da DGS que isola crianças institucionalizadas com teste negativo à COVID-19’](#) (‘Five facts on the DGS guidelines that isolate institutionalised children with a negative COVID-19 test’), 1 September 2020.

	<p>to the Directorate-General for Health, the adoption of this measure was “extremely difficult”, but necessary to protect the children and employees of the institutions²⁴⁸. This decision was highly criticised, namely by the Commission for the Protection of Children and Young People²⁴⁹, and led an association to make a complaint to the Ombudsman²⁵⁰. The Commission for the Protection of Children and Young People underlined the need to reformulate these guidelines, considering the specific reality of these children, to safeguard their superior interest²⁵¹. According to the association <i>AjudAjudar</i>, which brings together professionals from various areas of children’s rights, these children are in a situation of social vulnerability and, therefore, need other guidelines that ensure their well-being and protection²⁵². These guidelines were later altered by the Directorate-General for Health. With the beginning of classes, institutionalised children no longer have to be isolated²⁵³.</p> <p>Decree-Law 37/2020 of 15 July establishes a set of social support measures under the Economic and Social Stabilisation Programme²⁵⁴. This programme established a set of measures to strengthen and recover the economy and protect citizens in a vulnerable economic situation due to the pandemic. One of those measures is the</p>
--	--

²⁴⁸ SIC Notícias (2020), '[Norma que obriga crianças institucionalizadas à quarentena está a ser revista com a DGS](#)' ('Rule that forces the isolation of institutionalised children is being reviewed with DGS'), 26 August 2020.

²⁴⁹ SIC Notícias (2020), '[Norma que obriga crianças institucionalizadas à quarentena está a ser revista com a DGS](#)' ('Rule that forces the isolation of institutionalised children is being reviewed with DGS'), 26 August 2020.

²⁵⁰ Rádio Renascença (2020), '[Crianças em risco e isoladas 14 dias? Não, “estão frágeis e precisam de convívio”](#)' ('Children at risk and isolated 14 days? No, “they are fragile and need interaction”'), 25 August 2020.

²⁵¹ Polígrafo (2020), '[Cinco factos sobre a orientação da DGS que isola crianças institucionalizadas com teste negativo à COVID-19](#)' ('Five facts on the DGS guidelines that isolate institutionalised children with a negative COVID-19 test'), 1 September 2020.

²⁵² Rádio Renascença (2020), '[Crianças em risco e isoladas 14 dias? Não, “estão frágeis e precisam de convívio”](#)' ('Children at risk and isolated 14 days? No, “they are fragile and need interaction”'), 25 August 2020.

²⁵³ Directorate-General for Health (2020), '[COVID-19 | Crianças institucionalizadas](#)' ('COVID-19 | Institutionalised children'), 4 September 2020.

²⁵⁴ Portugal, [Decreto-Lei n.º 37/2020, que estabelece medidas de apoio social no âmbito do Programa de Estabilização Económica e Social](#) (Decree-Law 37/2020 that establishes a set of social support measures under the Economic and Social Stabilisation Programme), 15 July 2020.

	<p>supplementary family allowance for children and adolescents (Article 2). In addition, the Social Security Service will carry out a reassessment of the family allowance of those families that experienced a sharp drop in income in the previous three months, considering the income from work, pensions and other social benefits contained in the social security information system (Article 3).</p> <p>UNICEF Portugal and PORDATA, the statistical database of the Francisco Manuel dos Santos Foundation, on occasion of the celebration of the Universal Children’s Rights Day, created a set of documents with statistical data on characterisation of children and households in Portugal – demographic and family evolution; health; education; child poverty; child protection; and leisure, recreational and cultural activities. The main goal of this initiative was to raise awareness and reinforce children’s rights by sharing information on this population. This portrait allows the identification of areas in which it is necessary to reinforce intervention, coordination, monitoring and evaluation, to guarantee the rights of all children living in Portugal²⁵⁵. According to the statistical data made available by these institutions, in Portugal 19% of children are at risk of poverty. The risk of poverty is higher in single-headed families and families with three or more children. There are 229,849 children that benefit from subsidised meals and 1,233,960 children benefit from family allowance²⁵⁶.</p> <p>Parliament Resolution 52/2020 of 29 July²⁵⁷ recommends to the Government the adoption of extraordinary measures to combat child poverty, increased by the epidemic outbreak COVID-19, namely through the reinforcement of the social protection provided for children and young people with disabilities, within the scope of the social provision for inclusion, aiming to ensure that the value attributed to children and young people is equal to the</p>
--	---

²⁵⁵ For more information, see the [webpage of UNICEF Portugal on the characterisation of children in Portugal](#).

²⁵⁶ UNICEF, PORDATA (2020), [Pobreza](#), UNICEF, PORDATA.

²⁵⁷ Portugal, [Resolução da Assembleia da República n.º 52/2020, que recomenda ao Governo a adoção de medidas extraordinárias de combate à pobreza infantil, agravada pelo surto epidémico COVID-19](#) (Parliament Resolution 52/2020 that recommends the Government to adopt extraordinary measures to combat child poverty, aggravated by the epidemic outbreak COVID-19), 29 July.

	<p>value for adults. Considering the extraordinary situation that the country is experiencing, with a sudden drop in the income of a significant part of the population, it also recommends an immediate revision of the value of school social support according to the current income of families whose income has decreased.</p>
<p>Measures to protect children from violence</p>	<p>Portuguese citizens were subject to a general duty to stay at home throughout the state of emergency, with only a few exceptions²⁵⁸. In the state of calamity, only a civic duty to stay at home was imposed and, therefore, non-compliance was not sanctioned²⁵⁹. This civic duty lasted until 1 June 2020²⁶⁰. One of the exceptions foreseen for leaving their home was “traveling for providing emergency assistance to victims of domestic violence or human trafficking, as well as children and young people at risk, by the application of a measure decreed by a judicial authority or the Commission for the Protection of Children and Young People, in a residential or family home”.</p> <p>The National Child Health Programme implemented several measures to ensure the protection of children: reinforcement of the priority of child health surveillance, support for parenting and family risk assessment for any type of abuse, the risk of which is increased in situations of social confinement; identification of the most vulnerable children and follow-up in person or by teleconsultation by family teams and Support Centres for Children and Youth</p>

²⁵⁸ Portugal, [Decreto n.º 2-A/2020, que regulamenta a aplicação do estado de emergência decretado pelo Presidente da República](#) (Decree 2-A/2020, implementing the application of the state of emergency decreed by the President of the Republic), 20 March 2020; Portugal, [Decreto n.º 2-B/2020, que regulamenta a prorrogação do estado de emergência decretado pelo Presidente da República](#) (Decree 2-B/2020, that regulates the extension of the state of emergency decreed by the President of the Republic), 2 April 2020; and Portugal, [Decreto n.º 2-C/2020, que regulamenta a prorrogação do estado de emergência decretado pelo Presidente da República](#) (Decree 2-C/2020, that regulates the extension of the state of emergency decreed by the President of the Republic), 17 April 2020.

²⁵⁹ Portugal, [Resolução do Conselho de Ministros n.º 33-A/2020 que declara a situação de calamidade, no âmbito da pandemia da doença COVID-19](#) (Resolution of the Council of Minister 33-A/2020 that declared the situation of public calamity in the context of the COVID-19 pandemic), 30 April 2020.

²⁶⁰ Portugal, [Resolução do Conselho de Ministros n.º 40-A/2020, que prorroga a declaração da situação de calamidade, no âmbito da pandemia da doença COVID-19](#) (Resolution of the Council of Ministers 40-A/2020, that extends the declaration of the situation of calamity, in the context of the COVID-19 pandemic), 29 May 2020.

	<p>at Risk of the National Health Service (SNS); establishment of a partnership with “End Violence Against Children”, a WHO/UNICEF partner organisation, in the Portuguese translation of messages on promotion and support for parenting and COVID-19, available online (www.covid19parenting.com); production and dissemination of a digital documents on the prevention of abuse and sexual exploitation during the pandemic, in Portuguese and English; development of resources aimed at children and families, containing guidance on how to deal with the pandemic crisis; dissemination of news and information from international bodies and committees of international organisations on best practices, recommendations and international reference standards on how to deal with COVID-19, while promoting the rights of the child during the pandemic, including the prevention of violence against children; preparation of a form, released by the Ministry of Education, addressed to teachers, for communicating situations of children potentially perceived to be in danger in the context of distance learning/teaching contexts²⁶¹.</p> <p>The National Commission for the Promotion of the Rights and Protection of Children and Youth (CNPDPJ) has developed the following set of initiatives and measures²⁶²:</p> <ol style="list-style-type: none"> a. Annually, throughout the month of April, the National Commission carries out a national campaign on preventing child ill-treatment. This year, the campaign included an alert via the media on the prevention of child ill-treatment during the pandemic; b. In the beginning of May, the National Commission launched the national campaign “Proteger crianças compete a tod@s” – “Protecting children is everyone’s responsibility”, aimed at preventing violence against children during the pandemic
--	--

²⁶¹ Comissão Nacional para os Direitos Humanos (National Commission for Human Rights) (2020), [Portugal e a Promoção e Proteção dos Direitos Humanos em Tempos de Pandemia de COVID-19](#) (Portugal and the Promotion and Protection of Human Rights during the COVID-19 Pandemic), Comissão Nacional para os Direitos Humanos.

²⁶² National Commission for the Promotion of the Rights and Protection of Children and Youth, written response, 22 September 2020.

	<p>through the reinforced involvement of civil society. The campaign has the direct support of the Minister of Labour, Solidarity and Social Security²⁶³;</p> <p>c. The helpline Children in Danger was part of this national campaign. The line can be used by anyone to report situations of children and young people in danger and is open on working days, from 8 am – 8 pm. Caller anonymity is an option, if desired. The National Commission launched a video targeted at children informing the public of this helpline and calling on their participation whenever needed. Since 1 June 2020, the National Commission’s website offers the possibility of online reporting of situations of children in danger. The data collected on each situation reported is immediately forwarded to the competent Local Commissions for the Protection of Children and Young People. Between 1 June 2020 and 31 December 2020, 780 communications have been received through the online form available at the Commission website²⁶⁴. The President of the National Commission stated in the media that not all calls reported situations of children and young people in danger (e.g. some calls were related with the exercise of parental responsibilities), but there were several calls that reported serious situations, such as cases of severe physical and psychological abuse. According to her, many families have seen their situation worsen during the pandemic, namely due to the increase in poverty and unemployment, but also due to the increase in family conflicts. Nonetheless, the increase in the number of calls and forms received means that people are more aware of the fundamental role they play in children’s lives²⁶⁵;</p>
--	---

²⁶³ For more information, see [the National Commission for the Promotion of the Rights and Protection of Children and Youth webpage on the “Protecting children is everyone’s responsibility” campaign](#).

²⁶⁴ National Commission for the Promotion of the Rights and Protection of Children and Youth, written response, 22 January 2021.

²⁶⁵ Expresso (2020), ‘[Linha “Crianças em Perigo” recebeu 470 chamadas em seis meses, com casos “muito graves”](#)’ (“Children in Danger” helpline received 470 calls in six months, with “extremely serious” cases’), 18 November 2020.

- d. On 1 June 2020, in celebration of World Children’s Day, the National Commission held the webinar “Covid-19 – Protecting children at home and on the street”, to raise awareness of the promotion and the protection of the rights of children during the pandemic. The webinar was broadcasted live via the National Commission’s YouTube channel;
- e. Identifying children who are eligible for measures of promotion and protection and in a situation of heightened danger because of the pandemic, in order to provide them with the opportunity to continue to access school facilities and enjoy healthier and safer conditions during this period. This action was taken in conjunction with the Ministry of Education;
- f. The National Commission has produced various materials, directed at children and at families, that have been disseminated through its website, as well as through digital platforms such as YouTube, Facebook and Instagram, and have been sent in quantity to relevant partners from across all governmental areas, in order to particularly highlight the need to put special focus on the prevention of violence against children in the current situation: guidelines on how to cope with the pandemic crisis; good practices and tips on positive parenting, namely on how to cope with challenges to parenting that might have risen from the present situation, in order to build healthier relationships between parents and their children; a digital document on preventing sexual abuse and sexual exploitation during the pandemic and how to deal with them; guidelines and orientations on going back to school during the pandemic.

In May 2020, under the coordination of the Secretary of State for Citizenship and Equality, a guide was produced for integrated intervention with children or young people who are victims of domestic violence. This aims to provide information on this situation, help to detect its signs and provide the tools for integrated intervention among children and young people who are victims of domestic violence. It will establish, for the first time, a common

	<p>national framework for integrated intervention in this field, which is particularly important in view of the pandemic²⁶⁶. Within the scope of the European Cybersecurity Month, the Safer Internet Centre, in partnership with the <i>Fórum Estudante</i> magazine launched the “Guide to a Safe Internet”. This e-book, which is aimed at young people, intends to provide tips and raise awareness for a better use of information and communication technologies, addressing issues such as cyberbullying, hate speech, grooming, sextortion and harmful challenges²⁶⁷.</p> <p>On 27 November, the Government approved the National Strategy for Children’s Rights 2021-2024. This strategy defines an integrated and comprehensive vision, which aims to contribute to building the foundations for a new planning cycle for children and youth. It will be implemented over the next four years. It is based on a proposal of the National Commission for the Promotion of the Rights and Protection of Children and Youth and it brings together the results of a broad public consultation. The strategy is based on five goals: 1) promote the well-being and equal opportunities for all children and young people; 2) support families and parenting; 3) promote access to information and the participation of children and young people; 4) prevent and combat violence against children and young people; and 5) promote the creation of instruments and scientific knowledge that foster a global vision of the rights of children and young people²⁶⁸.</p> <p>The Observatory on Trafficking in Human Beings carried out, in partnership with the Multidisciplinary Specialized Teams for Assistance to Trafficking Victims, a cycle of five webinars that brought together the perspectives of several professionals on the impact of COVID-19 on the various dimensions of Human Trafficking, including the session “Trafficking in children and young people: what capacity</p>
--	---

²⁶⁶ XXII Governo Constitucional (2020), [Guia de intervenção integrada junto de crianças ou jovens vítimas de violência doméstica](#), XXII Governo Constitucional.

²⁶⁷ For more information, see [the National Commission for the Promotion of the Rights and Protection of Children and Youth webpage on the “Guide to a Safe Internet”](#).

²⁶⁸ Ministério do Trabalho, Solidariedade e Segurança Social (Ministry of Labour, Solidarity and Social Security) (2020), [‘Governo aprova a Estratégia Nacional para os Direitos da Criança’](#) (‘Government approves the National Strategy for Children’s Rights’), 27 November 2020.

	for protection?" (16 July 2020), in order to reflect on the possible impacts of COVID-19 on trafficking in minors ²⁶⁹ . This session was attended by 170 participants,
--	---

2. Legal and policy measures or initiatives developed about criminal proceedings

Legislative changes	The transposition of Directive 2016/800 was carried out through Law 33/2019 of 22 March ²⁷⁰ . In 2020, there was no legislative change in this area.
Policy developments	The implementation of the Directive and the national law that transposed it were the subject of the initial training for judges and prosecutors at the Centre for Judicial Studies. However, the ongoing training sessions that were scheduled were not carried out, due to the measures adopted to combat the Covid-19 pandemic ²⁷¹ .
Other measures or initiatives	No information.

²⁶⁹ For more information, see [the webpage of the webinar "The impacts of covid-19 on trafficking in human beings – human trafficking in children and young people: what protective capacity?"](#).

²⁷⁰ Portugal, [Lei n.º 33/2019 que procede à trigésima terceira alteração ao Código de Processo Penal transpondo a Diretiva \(UE\) 2016/800, do Parlamento Europeu e do Conselho, de 11 de maio de 2016, relativa a garantias processuais para os menores suspeitos ou arguidos em processo penal](#) (Law 33/2019 that alters the Code of Criminal Procedure transposing Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings), 22 May 2019.

²⁷¹ Centre for Judicial Studies, written response, 3 September 2020.

Chapter 7. Access to justice including crime victims

1. Victims' Rights Directive

The following measures within the scope of the Victim's Rights Directive were adopted in 2020:

The Major Planning Option integrates the structure of national economic and social planning and supports the strategic orientation of economic and social development policy that must later be complemented by specific legislative or political measures. **Law 3/2020 of 31 March**²⁷², which approves the Major Planning Options for 2020-2023²⁷³, recognised the need to strengthen the response and support provided to victims of crime, in partnership with public and private entities, and to promote a culture of tolerance and respect for others, namely by encouraging, particularly in schools, the rejection of all forms of violence, especially violence against women and in relationships, or violence against older people and people with disabilities. It also highlights the Government's commitment to develop, in liaison with local authorities, a new generation of local contracts for safety, in order to implement a proximity police strategy in areas such as school security, support for older people, or safety in sport. Local contracts for safety are instruments that allow for institutional cooperation between the central administration and local authorities, in interaction with the community. They foresee a first diagnosis of the intervention required, the elaboration of an intervention plan, a phase of implementation of the measures and a stage of monitoring and evaluation.

Law 2/2020 of 31 March²⁷⁴ that approves the State Budget for 2020 establishes that the government shall reinforce funding for the monitoring of children and young people who are victims of sexual abuse, in compliance with a special guardianship measure, ensuring better monitoring, social reintegration and re-education of these children and young people, with a view

²⁷² Portugal, [Lei n.º 3/2020 que aprova as Grandes Opções de Plano para 2020-2023](#) (Law 3/2020 approving the Major Planning Options for 2020-2023), 31 March 2020.

²⁷³ The Major Planning Options is a national instrument of economic and social planning that underpins the strategic orientation of economic and social development policy. The Government presents it to the Parliament, each year, together with the Budget, as is approved in the form of a Law.

²⁷⁴ Portugal, [Lei n.º 2/2020, de 31 de março, que aprova o Orçamento do Estado para 2020](#) (Law 2/2020 that approved the State Budget for 2020), 31 March 2020.

to their physical and emotional recovery²⁷⁵. It also foresees that, during 2020, the government shall take the necessary steps to strengthen human resources and to reinforce the material means to combat trafficking in human beings²⁷⁶.

Law 55/2020 of 27 August²⁷⁷ that defines the objectives, priorities and guidelines for the criminal policy in 2020-2022 established as a priority the protection and compensation of the victim, to whom information and support to exercise his/her rights should be given.

In view of the COVID-19 pandemic, special restrictions to the functioning of courts were established. Deadlines for legal and procedural acts were suspended. Law 1-A/2020 of 19 March²⁷⁸, that amended Decree Law 10-A/2020 of 13 March, stated that only urgent acts and proceedings in which fundamental rights were at stake were to be carried out in person (e.g. proceedings concerning minors at risk or urgent guardianship proceedings or criminal proceedings with persons in detention). Law 4-A/2020 of 6 April²⁷⁹ introduced some changes on these matters, amending Law 1-A/2020 of 19 March, and stated that urgent proceedings continue to be carried out, without the suspension or the interruption of deadlines. Law 16/2020 of 29 May²⁸⁰, in turn, ended the exceptional regime for the suspension of deadlines²⁸¹. During this period, the Attorney General issued Directives for the Public Prosecution Service on the handling of urgent proceedings, the procedure to carry out acts

²⁷⁵ Article 254 of [Law 2/2020, 31 March](#).

²⁷⁶ Articles 53 and 194 of [Law 2/2020, 31 March](#).

²⁷⁷ Portugal, [Lei n.º 55/2020, de 27 de Agosto, que define os objetivos, prioridades e orientações de política criminal para o biénio de 2020-2022, em cumprimento da Lei n.º 17/2006, de 23 de maio, que aprova a Lei-Quadro da Política Criminal](#) (Law 55/2020 that defines the objectives, priorities and orientations of the criminal policy for the 2020-2022 period, in compliance with Law 17/2006 of 23 May that approves the Framework Law of Criminal Policy), 27 August 2020.

²⁷⁸ Portugal, [Lei n.º 1-A/2020, de 19 de Março, que aprova medidas excepcionais e temporárias de resposta à situação epidemiológica provocada pelo coronavírus SARS-CoV-2 e da doença COVID-19](#) (Law 1-A/2020 approving exceptional and temporary measures in response to SARS-CoV-2 and COVID-19 pandemic), 19 March 2020.

²⁷⁹ Portugal, [Lei n.º 4-A/2020, que procede à primeira alteração à Lei n.º 1-A/2020, de 19 de março, que aprova medidas excepcionais e temporárias de resposta à situação epidemiológica, e à segunda alteração ao Decreto-Lei n.º 10-A/2020, de 13 de março, que estabelece medidas excepcionais e temporárias relativas à situação epidemiológica do novo Coronavírus - COVID 19](#) (Law 4-A/2020, making the first amendment to Law 1-A/2020, of 19 March, which approves exceptional and temporary measures to respond to the epidemiological situation, and the second amendment to Decree-Law 10-A/2020, of 13 March, which establishes exceptional and temporary measures for the epidemiological situation of the new Coronavirus - COVID 19), 6 April 2020.

²⁸⁰ Portugal, [Lei n.º 16/2020, que altera as medidas excepcionais e temporárias de resposta à pandemia da doença COVID-19](#) (Law 16/2020, which amends the exceptional and temporary response measures to the COVID-19 pandemic), 29 May 2020.

²⁸¹ For more information see pages 11-12 of the [Franet country study released on May 2020](#), pages 11-13 of the [Franet country study released on June 2020](#) and pages 11-12 of the [Franet country study released on July 2020](#).

in person and the definition of preventive measures for defendants, referring to the need to adequately weigh the rights of the victims. **Directive 2/2020 of 30 March**²⁸² and **Directive 3/2020 of 13 April**²⁸³ state that the decision to present a defendant for a summary judgment or an interrogation to define preventive measures should be made taking into account the actual conditions of the court as regards public health safety, the need to protect the victims and for immediate action. According to Law 9/2020 of 10 April²⁸⁴, which established an exceptional regime for making the execution of sentences more flexible in view of the COVID-19 pandemic, judges should review the pre-trial detention conditions in order to assert the need to maintain the measure. The Directive 3/2020 of 13 April from the Attorney General also addressed the criteria Public Prosecutors should follow when responding to the review of pre-trial detention conditions, particularly the danger of continuing criminal activity and the precautionary needs of effective victim protection, especially those who are particularly vulnerable.

In 2020, APAV presented the outcomes of two international projects, funded by the Justice Programme of the European Union focusing on EU Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime: project "VICToRIIA | Best Practices in Victims Support: Referrals, Information, Individual Assessment"²⁸⁵ and the project "VOCIARE: Victims of Crime Implementation Analysis of Rights in Europe"²⁸⁶. The VOCIARE's Portuguese National Report identified several challenges and gaps in the practical implementation of the Directive, such as poor communication skills from the professionals that work directly with victims,

²⁸² Attorney General Office (2020), [Diretiva n.º 2/2020, de 30 de Março de 2020, da Procuradora-Geral da República, relativa à "Atuação Funcional do Ministério Público no Período de Vigência da Situação Excepcional de Prevenção, Contenção, Mitigação e Tratamento da Infecção Epidemiológica por SARS - COV-2 e da Doença COVID-19 e Estado de Emergência"](#) (Directive 2/2020 of 30 March 2020 of the Attorney General Office, on the "Functional Performance of the Public Prosecution Service during the Exceptional Situation of Prevention, Containment, Mitigation and Treatment of the Epidemiological Infection by SARS- COV-2 and COVID-19 Disease and State of Emergency"), 30 March 2020.

²⁸³ Attorney General Office (2020), [Diretiva n.º 3/2020, de 13 de Abril de 2020, da Procuradora-Geral da República, relativa à "Atuação Funcional do Ministério Público no Período de Vigência da Situação Excepcional de Prevenção, Contenção, Mitigação e Tratamento da Infecção Epidemiológica por SARS - COV-2 e da Doença COVID-19 e Estado de Emergência"](#) (Directive 3/2020 of 13 April 2020 of the Attorney General Office, on the "Functional Performance of the Public Prosecution Service during the Exceptional Situation of Prevention, Containment, Mitigation and Treatment of the Epidemiological Infection by SARS- COV-2 and COVID-19 Disease and State of Emergency"), 13 April 2020.

²⁸⁴ Portugal, [Lei n.º 9/2020, que aprova o regime excepcional de flexibilização da execução das penas e das medidas de graça, no âmbito da pandemia da doença COVID-19](#) (Law 9/2020, that establishes an exceptional regime for facilitating the execution of sentences and amnesty measures, during the COVID-19 pandemic), 10 April 2020.

²⁸⁵ For further information, see [APAV's website](#).

²⁸⁶ For further information, see [APAV's website](#).

lack of training on victims' rights, lack of information provided to victims, lack of translators and interpreters, and low use of criminal mediation²⁸⁷.

In September 2020, APAV hosted the final conference of the research project *PROVICTIMS: the role of the Public Prosecutor's Office in Promoting Victims' Rights*, funded by the European Union's Justice Programme. This research project aims to promote cooperation between the Public Prosecutor's Office and victim support services by enhancing the sensitivity of the Public Prosecutor's Office to the crime victim's individual needs in promoting and guaranteeing their rights and for a deeper understanding of the way the Public Prosecutor's Office's role is compatible, in practice, with the rights and roles prescribed in Directive 2012/29/EU, within each national legal order. The final report of this research project is still underway.

APAV, in partnership with the Public Prosecution Service, the Directorate-General of Justice Administration, the National Republican Guard, the France Victimes, the Asociacion Instituto De Reintegracion Social De Euskadi, the Viesoji Istaiga Vilniaus Pazangiu Studiju Institutas, and the Victim and Witness Support Service Croatia, launched *Project WithYou: accompaniment of victims and witnesses in the justice system*, funded by the EU Justice Programme, to help mitigate secondary/repeated victimisation during criminal proceedings. The project aims to enhance the knowledge and awareness of practitioners dealing with victims and witnesses of crime to the advantages of a good support process provided to them, and to develop a general practice that allows victims and witnesses to be accompanied by a victim support worker during judicial proceedings.

The Public Prosecution Service is still carrying out the project Citizen Digital Assistance (*Atendimento Eletrónico ao Cidadão, AEC*): a project funded by COMPETE 2020 under the scope of Portugal 2020, with the financial support of the European Regional Development Fund aimed at creating a private area in the Public Prosecutor's Service's website dedicated to citizens, where they can obtain information on activities carried out by the Public Prosecutor's Service and on victims' rights, and submit requests. The project outcomes are expected to be delivered by September 2021.

²⁸⁷ Carvalho, I.; Carmo, M. (n.d.), [VOCIARE National Report – Portugal. Victims of Crime Implementation Analysis of Rights in Europe](#), VOCIARE.

2. Violence against women

Recommendations issued, in previous years, either by the European Institute for Gender Equality (EIGE) and by the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), or by the Multidisciplinary Technical Commission to improve the Prevention and Fight against Domestic Violence (CTM) – a commission created by the Council of Ministers in February 2019, with the mission of providing proposals for a series of issues relating to domestic violence - were incorporated in the **Major Planning Options for 2020-2023**²⁸⁸ (*Grandes Opções do Plano para 2020-2023*), ensuring the Government's commitment to stopping violence against women, and, particularly, domestic violence. The Major Planning Options stated the need to invest in primary prevention, particularly in schools, universities and health services, in order to avoid dating violence and all forms of gender-based violence; to develop an integrated alert system for potential victims and aggressors, promoting the integrated performance of the educational system, the health system, the police, the judicial bodies and other agents; to create a single point of contact for victims of domestic violence, where it would be possible to deal with all issues, ensuring privacy and the monitoring and protection of victims; to unify the Domestic Violence Database, establishing an information processing system based on a global and integrated view of homicides and other forms of violence against women and domestic violence; to provide specialised training to different stakeholders in the system for preventing and protecting victims of domestic violence, including common modules based on case analysis; to consider the possibility, within the current constitutional framework, and through an analysis of comparative experiences, of implementing an integrated judicial approach to the criminal case and the connected civil cases involving children (guardianship, for example), in accordance with the recommendations of the Council of Europe's Group of Experts on Combating Violence against Women and Domestic Violence; to extend the National Support Network for Victims of Domestic Violence, in order to guarantee full coverage of the Portuguese territory, while offering increasingly specialised responses to the various cases of domestic and gender violence.

The **State Budget for 2020**, approved by Law 2/2020²⁸⁹, establishes that, during 2020, the government shall survey the human resources and training needs in public services responsible for combating domestic violence, in order

²⁸⁸ Portugal, [Lei n.º 3/2020 que aprova as Grandes Opções de Plano para 2020-2023](#) (Law 3/2020 approving the Major Planning Options for 2020-2023), 31 March 2020.

²⁸⁹ Portugal, [Lei n.º 2/2020, de 31 de março, que aprova o Orçamento do Estado para 2020](#) (Law 2/2020 that approved the State Budget for 2020), 31 March 2020.

to ensure timely intervention in signalling, protecting and defending victims²⁹⁰. It also foresees the creation of a special payment for victims of domestic violence who are forced to leave their homes that would be made possible by means of a special public aid²⁹¹. Furthermore, the State Budget Law for 2020²⁹² amended the Legal Aid Act²⁹³ and the Law 112/2009 on the legal framework for the prevention of domestic violence and the protection and support of its victims²⁹⁴, so that a domestic violence victim who has been granted the status of victim under Law 112/2009²⁹⁵ is presumed to be in a situation of economic failure, until proven otherwise, and is, thus, guaranteed legal consultation to be carried out by a lawyer, as well as the prompt and subsequent granting of emergency legal aid.

Some outputs scheduled by the Council of Ministers' Resolution 139/2019²⁹⁶ - a Resolution adopted in accordance with the recommendations laid out by the Multidisciplinary Technical Commission (CTM) - were delivered on 26 June 2020: the protocol to be implemented by the police forces, the annual training plan for professionals working with victims of domestic violence, the manual with technical guidelines for intervention among children and a guide on the

²⁹⁰ Article 52 of [Law 2/2020, 31 March](#).

²⁹¹ Article 132 of [Law 2/2020, 31 March](#).

²⁹² Portugal, [Lei n.º 2/2020, de 31 de março, que aprova o Orçamento do Estado para 2020](#) (Law 2/2020 that approved the State Budget for 2020), 31 March 2020.

²⁹³ Portugal, [Lei n.º 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 Diretiva 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 that approved the Legal Aid Act), 29 July 2004. Last amended by Law 2/2020 of 31 March.

²⁹⁴ Portugal, [Lei n.º 112/2009, de 16 de Setembro, que estabelece o regime jurídico aplicável à prevenção da violência doméstica, à proteção e à assistência das suas vítimas e revoga a Lei n.º 107/99, de 3 de Agosto, e o Decreto-Lei n.º 323/2000, de 19 de dezembro](#) (Law 112/2009 that approved the legal framework for the prevention of domestic violence and the protection and support of its victims), 16 September 2009. Last amended by Law 2/2020 of 31 March.

²⁹⁵ According to article 14 of Law 112/2009, when a complaint for domestic violence is presented and there is no strong suspicion that it is groundless, the judicial authorities or the competent criminal police bodies grants the victim the status of victim for all legal purposes.

²⁹⁶ Portugal, [Resolução do Conselho de Ministros n.º 139/2019 que aprova medidas de prevenção e combate à violência doméstica](#) (Council of Ministers Resolution 139/2019 that approves measures for the prevention and fight against domestic violence), 19 August 2019.

minimum requirements for prevention programmes, and projects on domestic violence and violence against women focused on primary prevention²⁹⁷.

The **protocol to be implemented by the police forces**²⁹⁸ describes the procedures to be undertaken by police forces in order to protect and support the victim, to acquire and preserve evidence, and to define urgently the preventive measures to be applied to the suspect and to develop integrated judicial and social intervention. This protocol is considered a fundamental instrument in guaranteeing the effectiveness of the amendments made to the Code of Criminal Procedure, in 2019, by Law 101/2019. This provided for the application, within 48 hours, of specific procedural coercive measures (prohibition on remaining in a specific location; prohibition on contacting specific persons; prohibition on acquiring weapons; obligation to be subjected to an addiction treatment) where there is strong evidence that a crime of threat, coercion or persecution has been committed. When the protection of the victim so requires, technical means of remote control may be applied and the suspect's prior hearing may be waived. The protocol to be implemented by the police forces was divided into 10 parts and it addresses the following issues: a) general principles of intervention; b) what to do when the offender is caught in the act while committing the infringement in question; c) what to do in terms of collecting evidence (precautionary and police measures; hearing for the victims and witnesses; assessing whether to suggest a statement for future memory; among others); d) how to evaluate if detention of the offender is needed when he/she is not caught in the act; e) how to proceed when there are children or vulnerable persons involved; f) how to act when the victim must be removed from his/her home; g) how information is given to the victim about victim support organisations; h) liaison with the Public Prosecution Service and deadlines for providing information.

The **annual training plan for professionals**²⁹⁹ seeks to standardise concepts, develop training methodologies based on the analysis of actual cases, and identify a set of specialised trainers. It advocates a holistic, integrated and multidisciplinary approach. This training plan is addressed: a)

²⁹⁷ Commission for Citizenship and Gender Equality (2020), [*Guia de requisitos mínimos para programas e projetos de prevenção primária da violência contra as mulheres e violência doméstica*](#) (Guide of the minimum requirements for prevention programmes and projects on domestic violence and violence against women), Commission for Citizenship and Gender Equality.

²⁹⁸ XXII Constitutional Government (2020), [*Manual de Atuação Funcional a adotar pelos OPC nas 72 horas subsequentes à apresentação de denúncia por maus-tratos cometidos em contexto de violência doméstica – RCM n.º 139/2019, 10 de agosto*](#) (Protocol to be implemented by the Police in the first 72 hours after reporting a domestic violence crime).

²⁹⁹ XXII Constitutional Government, [*Plano anual de formação conjunta – violência contra as mulheres e violência doméstica*](#) (Annual Training Programme – Violence against women and domestic violence).

to non-specialised professionals, such as professionals from the central, regional or local public administration that may, occasionally, become aware of a situation that may be considered domestic violence or violence against women. To these professionals, the training should provide for competences in screening a violent situation, attending the victim, identifying the risk and referencing the situation to specialised professionals or services; b) to specialised professionals, such as professionals from the central, regional or local public administration and from other public services that intervene in their field of work in a specialised fashion before a situation of domestic violence or violence against women. The training to these professionals should provide the competences mentioned to the non-specialised professionals and the competences to evaluate and manage the risk, to evaluate the needs of the victim and to provide for support, to ensure adequate protection and safety, to develop a safety plan and to articulate with the National Support Network for Victims of Domestic Violence (*Rede Nacional de Apoio a Vítimas de Violência Doméstica*); c) to victim support workers acting under the National Support Network for Victims of Domestic Violence; d) to judges and public prosecutors, including presiding judges from first instance courts and coordinators from the Public Prosecution service.

The purpose of the **manual with technical guidelines for the intervention among children**³⁰⁰ is to improve intervention among children and young victims of abuse in the context of domestic violence, establishing a common national framework for integrated intervention based on the existing sectoral resources. It aims to standardise concepts, key ideas and general principles of intervention; to raise awareness on the impact of domestic violence on children, by strengthening the capacity of identifying warning signs and of using domestic violence risk indicators; to promote interinstitutional coordination and information sharing; and to standardise operation procedures through the use of a flowchart on joint action between the various sectors.

Resolution 139/2019 also foresaw the rewording of the following procedural forms: a) initial official report; b) document granting victim status; c) risk assessment of victimisation and victim protection. The review of those forms was scheduled to be delivered in March 2020, but is still to be presented. Unification of the Domestic Violence Database is also a work in progress.

In August 2020, a new amendment to Law 112/2009 on the legal framework for the prevention of domestic violence and the protection and support of its victims was approved: **Law 54/2020 of 26 August** establishes that the

³⁰⁰ XXII Constitutional Government, [Guia de intervenção integrada junto de crianças ou jovens vítimas de violência doméstica](#) (Guide for integrated intervention among children and young victims of domestic violence).

victim can request the removal of his/her address from the official notifications delivered to the suspect or the defendant.

Regulatory Decree 3/2020 of 14 August³⁰¹ increased the maximum duration of emergency shelter for particularly vulnerable victims, amending the organisation and functioning conditions of emergency shelters and sheltered housing under the National Network for the Support of Domestic Violence Victims (*Rede Nacional de Apoio às Vítimas de Violência Doméstica*, RNAVVD). According to this new regulation, victims who are particularly vulnerable, namely due to disability, mental health, sexual orientation, gender or age, can benefit from emergency shelters for a period of 3 months, which can be renewed twice for an equal period of time.

In August, the **Law on Criminal Policy** (Law 55/2020³⁰²), which defines the objectives, priorities and guidelines for the criminal policy in 2020-2022, was also published. Domestic violence, among others, is considered a priority for prevention and investigation. Furthermore, it outlines the Government's commitment to creating victim support offices specialised in gender violence, in partnership with the Public Prosecution Service, where there are specialised sections for the investigation of domestic violence and other forms of violence based on gender.

Resolution of the Council of Ministers 98/2020³⁰³ approved Portugal's Strategy 2030. The Strategy states that prevention and combating violence against women and domestic violence is a priority area of intervention, through the consolidation and reinforcement of prevention, protection, investigation and punishment mechanisms, and the development of integrated policies that boost the resilience of support services, intervention and protection measures, and empower victims.

³⁰¹ Portugal, [Decreto Regulamentar n.º 3/2020, de 14 de agosto, que altera as condições de organização e funcionamento das estruturas de atendimento, das respostas de acolhimento de emergência e das casas de abrigo que integram a rede nacional de apoio às vítimas de violência doméstica](#) (Regulatory Decree 3/2020

that alters the conditions for the organisation and functioning of the care structures, emergency reception responses and shelters that are part of the national support network for victims of domestic violence), 14 August 2020.

³⁰² Portugal, [Lei n.º 55/2020, de 27 de Agosto, que define os objetivos, prioridades e orientações de política criminal para o biénio de 2020-2022, em cumprimento da Lei n.º 17/2006, de 23 de maio, que aprova a Lei-Quadro da Política Criminal](#) (Law 55/2020 that defines the objectives, priorities and orientations of the criminal policy for the 2020-2022 biennium, in compliance with Law 17/2006 of 23 May that approves the Framework Law of Criminal Policy), 27 August 2020.

³⁰³ Portugal, Resolution of the Council of Ministers 98/2020 ([Resolução do Conselho de Ministros n.º 98/2020, de 13 de novembro, que aprova a Estratégia Portugal 2030](#)), 13 November 2020.

In November, the Minister of Internal Affairs also issued an order that approved the regulations on the conditions of victim support attendance rooms in police stations³⁰⁴.

Decree-Law 101/2020³⁰⁵ created special leave for family restructuring and corresponding welfare benefit payments, within the scope of the crime of domestic violence, applicable to victims of domestic violence who are thereby obliged to change their residence. The benefit will be awarded for a period of up to 10 days, during which absences from work are justified.

Several measures were adopted to ensure safety and support to victims of domestic violence during the pandemic³⁰⁶. From the 1st May 2020, displacement for emergency accommodation of victims of domestic violence or trafficking in human beings, as well as children and young people at risk, was considered an exception to the duty to stay at home (Resolution of the Council of Ministries 33-A/2020³⁰⁷). Furthermore, Decree-Law 22/2020³⁰⁸ granted an automatic extension of the emergency sheltering period of victims of domestic violence until 15 July 2020.

A broad dissemination of information on support services and helplines, as well as safety advices and alerts, namely through the Campaign #SegurançaEmIsolamento, on social media, television, radio and press was promoted. These materials were also made available in different languages as well as in sign language and the information was displayed in areas that remained open to the public. In addition, the Commission for Citizenship and Gender Equality strengthened and diversified the channels for victims to seek help: apart from the national helpline, which is toll-free and available 24/7, a new e-mail address was created, as well as a new texting line, free and confidential, so that victims can send written requests for help. Moreover, the Government strengthened and reinforced victim support structures and services. As such, services offering support, shelter and transport for victims, provided by the National Support Network for Victims of Domestic Violence

³⁰⁴ Portugal, Order 11718-A/2020 ([Despacho n.º 11718-A/2020, que aprova o regulamento das condições materiais das salas de atendimento à vítima em estabelecimento policial](#)), 25 November 2020.

³⁰⁵ Portugal, Decree-Law 101/2020 ([Decreto-Lei n.º 101/2020, de 26 de novembro, que procede à criação de uma licença especial para reestruturação familiar e do respetivo subsídio, no âmbito do crime de violência doméstica](#)), 26 November 2020.

³⁰⁶ For more information, see pages 15-17 of the [Franet country study released on July 2020](#).

³⁰⁷ Portugal, [Resolução do Conselho de Ministros n.º 33-A/2020, de 30 de abril, que declara a situação de calamidade, no âmbito da pandemia da doença COVID-19](#) (Resolution of the Council of Ministries 33-A/2020 that declares the situation of calamity in the context of COVID-19), 30 April 2020.

³⁰⁸ Portugal, [Decreto-Lei n.º 20/2020, de 1 de maio, que altera as medidas excecionais e temporárias à pandemia da doença Covid-19](#) (Decree-Law 22/2020 altering the exceptional and temporary measures regarding the COVID-19 pandemic), 1 May 2020.

(*Rede Nacional de Apoio a Vítimas de Violência Doméstica*) are considered essential services and remain open. Two emergency shelter facilities with 100 vacancies were opened³⁰⁹.

In addition, the Public Security Police (*Polícia de Segurança Pública, PSP*) created a new e-mail address and launched awareness-raising campaigns in order to facilitate reporting of abuse and domestic violence.

The production of awareness raising campaigns, adapted to the pandemic context, was also carried out by non-governmental organisations, mainly through social media. APAV released the “those who are isolated can also be victims” campaign and “if you can’t disconnect, call” campaign. Plano i released the #AViolênciaNoNamoroNãoFicaFechadaEmCasa campaign and produced brochures on how to identify signs of violence and act during the pandemic.

The Attorney General issued recommendations for the functioning of the Gender Violence Victim Assistance Offices (*Gabinetes de Atendimento a Vítimas de Violência de Género - GAV*) in Braga, Coimbra, Lisbon-West, Lisbon-North, Lisbon-South Bank of the Tejo and Faro, during the confinement period. Each GAV is coordinated by a Public Prosecutor and is comprised of a victim support officer (supported by the correspondent NGO) and a court clerk. Those recommendations included the need to reinforce active responses through telephone and email, but also ensure face-to-face assistance in emergency situations; to update, whenever necessary and possible, the victim’s individual security plans; to disseminate the GAV’s contacts among the local support networks for victims of domestic violence and the national dedicated helpline and email address; and to register support requests and recommended responses.

During 2020, the Domestic Homicide Review Team (*Equipa de Análise Retrospectiva de Homicídio em Violência Doméstica, EARHVD*) produced three reports reviewing domestic violence homicide situations. The first report of 2020 was published on 28 May 2020³¹⁰. In light of this analysis, it recommended that the annual joint training plan on violence against women and domestic violence should prepare professionals from different sectors to prioritise, detect and combat psychological and economic violence, which is not always attributed the same importance as physical and sexual violence, including behaviours that can include coercive control strategies. The second

³⁰⁹ For more information, see [the Commission for Citizenship and Equality webpage on Covid-19 – security in isolation](#).

³¹⁰ Equipa de Análise Retrospectiva de Homicídio em Violência Doméstica (2020), [Relatório Final – Dossiê n.º 8/2018-AC](#), Lisbon, Domestic Homicide Review Team .

report of 2020³¹¹ encouraged the development of concrete projects, with the involvement of the National Network for Domestic Violence Victim Support (*Rede Nacional de Apoio às Vítimas de Violência Doméstica*, RNAVVD, in the community, aiming at early intervention. It also recommends a further development of the program designed for aggressors in prisons. The third report³¹², published in December 2020, set out recommendations to the Public Prosecution Service, the Police, and to the Parliament and the Government. It encourages the Public Prosecution Service to promote the necessary initiatives to foster communication, collaboration and coordination between all services and entities that must intervene in a specific case, in order to support the victim, family reorganisation, the protection of children and young people or the most vulnerable, and the treatment of the aggressor, so that continued, planned and coherent action is guaranteed. It also pledges clarification of the law, so that it expressly affirms that the child who is forced to witness domestic violence is also a victim of the crime of domestic violence.

During the first quarter of 2020, 3,340 victims benefited from teleassistance, during the second quarter that number rose to 3,608³¹³ and during the third quarter to 3,927³¹⁴. Teleassistance is a protective measure that can be ordered, with the consent of the victim, by a judge or, during the investigation phase, by a public prosecutor, whenever it is considered essential to the protection of the victim. By providing support and communication 24 hours a day, it ensures immediate intervention in emergencies, through a specialised team and the mobilisation of technical resources proportional to the situation presented and enables the mobilisation of police resources proportional to the type of emergency.

Reports for domestic violence decreased by 9.1% in the first quarter of 2020 and by 6.2% when compared to the same periods in 2019, with 13,286 incidents reported to the Public Security Police and to the National Republican Guard during the first semester of 2020³¹⁵. The decrease of the number of reports does not mean an actual decrease of the domestic violence, but of the reports itself due, most probably, to the pandemic. During the third quarter, 8,228 incidents were reported to the Public Security Police and to the National

³¹¹ Equipa de Análise Retrospectiva de Homicídio em Violência Doméstica (2019), [Relatório Final – Dossiê n.º 5/2018-MM](#), Lisbon, Domestic Homicide Team.

³¹² Equipa de Análise Retrospectiva de Homicídio em Violência Doméstica (2019), [Relatório Final – Dossiê n.º 6/2018-MM](#), Lisbon, Domestic Homicide Team.

³¹³ Source: XXII Constitutional Government. [Quarterly data on domestic violence](#) – 2nd Quarter.

³¹⁴ Source: XXII Constitutional Government. [Quarterly data on domestic violence – 3rd Quarter](#).

³¹⁵ Source: XXII Constitutional Government. [Quarterly data on domestic violence](#) – 1st Quarter and [Quarterly data on domestic violence](#) – 2nd Quarter.

Republican Guard³¹⁶. Until the end of the third quarter of 2020, 15 women were murdered because of domestic violence³¹⁷. The total number of victims sheltered by the National Support Network for Victims of Domestic Violence decreased by 24.4% during the first semester of 2020 when compared with the same period in 2019³¹⁸.

³¹⁶ Source: XXII Constitutional Government. [Quarterly data on domestic violence – 3rd Quarter](#).

³¹⁷ Source: XXII Constitutional Government. [Quarterly data on domestic violence – 3rd Quarter](#).

³¹⁸ Source: XXII Constitutional Government. [Quarterly data on domestic violence – 2nd Quarter](#).

Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

1. CRPD policy & legal developments

During 2020, two main issues have hampered the implementation of the CRPD in Portugal: the lack of a national strategy for the promotion of disabled people's rights and the impact of the restrictions imposed by the government on people and institutions due to the COVID-19 outbreak.

The Report of the 2020 State Budget³¹⁹, that clarifies some of the intentions of the government in the State Budget for 2020 (**Law 2/2020 of 31 March** that approves the State Budget for 2020³²⁰), announces that in 2020 the government will begin the implementation of the Agenda for the Inclusion of Disabled People 2020-2024 (*Agenda para a Inclusão das Pessoas com Deficiência ou Incapacidade 2020-2024 - AIPCD 20-24*) "[...] which sets out the national strategy for the promotion of the rights of disabled people, in accordance with the principles of the UN Convention on the Rights of Persons with Disabilities". The problem is that this agenda did not exist at the time, leaving a huge information gap about the intentions of the government in this respect. This agenda has been transformed into a **National Strategy for the Inclusion of Disabled People 2021-2025**, presented by the Government on early November and currently under public consultation. Organisations and individual citizens can address comments and suggestions for the national strategy to be considered by the government during this public hearing until the 24th of December. The lack of a National Strategy since 2014 (the last National Strategy for Disability – ENDEF – ended in 2013) has been a major problem in the framing of disability policies, leaving the government adrift in this area with initiatives that may compromise each other. An example, as we will discuss in detail below, is the stated intention of the government to strengthen the investment in the pilot-projects for independent living (by increasing the support and evaluation measures and increasing the budget available), investment in deinstitutionalisation measures and at the same time announcing the "[...] launch of a programme for the reorganisation of infrastructures within the social support services

³¹⁹ For more information, see the [Report of the 2020 State Budget](#).

³²⁰ Portugal, [Law 2/2020 that approved the State Budget for 2020](#) (*Lei n.º 2/2020, de 31 de março, que aprova o Orçamento do Estado para 2020*), 31 March 2020.

and equipment network, including social responses to the needs of older and disabled people". This latter intention can be seen in the creation of the "Social Equipment Network Expansion Programme - 3rd Generation" (*Programa de Alargamento da Rede de Equipamentos Sociais - 3.ª Geração* - PARES 3.0). Throughout most of 2020, nothing has been implemented to enact the first intention, which left the independent living pilot-projects formed in different parts of the country with the impossibility and/or with huge financial difficulties in providing disabled people with the required hours of personal assistance. Just before the end of 2020 through the publication of Ordinance 287/2020 of 16 December, the government increased the maximum limit of financial support to be allocated to each CAVI from €1,400,000.00 to €1,750,000.00. This is, however, a very limited increase in the funding, considering the 6-month extension of the maximum duration of the pilot-projects of Independent Living (CAVIs) (from 36 to 42 months) introduced by Ordinance 163/2020 of 1 July. The money increase does not allow the CAVIs to increase greatly the number of hours of personal assistants in order to meet disabled people's needs, as, again, the money falls short.

The State Budget for 2020 (**Law 2/2020 of 31 March**), also stated in Article 75(2) that "In 2020, the Government will study a regime of early access to the retirement age for beneficiaries who have an incapacity level equal to or greater than 60%, at least 55 years of age and who, on the date they complete that age, have 20 calendar years of registration relevant remuneration for calculating their pension, 15 of which correspond to an incapacity level equal to or greater than 60%." Notwithstanding the work conducted by the National Assembly within its *Commission for Labour and Social Security*³²¹, the government did not introduce any measures or conduct any studies to materialise this intention.

The presentation of the **National Strategy for the Inclusion of Disabled People 2021-2025 (ENIPD 2021-2025)**³²² was held on 10 November. This national strategy, currently under public consultation, is organised into eight strategic lines: 1) Citizenship, Equality and Non-discrimination; 2) Promoting an Inclusive Environment; 3) Education and Qualification; 4) Work, Employment and Vocational Training; 5) Promoting Autonomy and Independent Living; 6) Measures, Services and Social Support; 7) Culture, Sport, Tourism and Leisure; 8) Knowledge, Research, Innovation and Development. For each of these strategic lines or axes, general and specific

³²¹ For more information about the work of this Commission regarding the reduction of the retirement age of disable people, please see [here](#).

³²² For more information, see the [National Strategy for the Inclusion of Disabled People 2021-2015](#).

objectives are defined, and for each specific objective measures or actions are defined as well as responsible entities, indicators and deadlines for implementation.

If this lack of a national strategy for disability in Portugal, that lasted for seven years, has compromised the enactment of some of the rights consigned in the CRPD, the outbreak of COVID-19 in Portugal has also suspended the exercise of some of other rights, namely the right of movement, of participating and of being included in the community and has increased the risk and exposure to violence and abuse for disabled people. In fact, for people living in residential institutions the confinement measures have meant total isolation from the outside world and from their families. The outbreaks of COVID-19 in some residential institutions for older and disabled people have made the national health authorities and management boards of the institutions very disposed to completely isolating people and the institutions from the community and from families to prevent contaminations. Furthermore, the high concentration of people in one place has made disabled people extremely vulnerable to being infected. One example of this situation was a residential unit for disabled people in Vila do Conde (*Centro de Apoio e Reabilitação de Pessoas com Deficiência de Touguinha*) where 83 out of the 94 residents were infected³²³, but other cases were reported across the country.

Resolution of the Council of Ministers 4/2020 of 5 February³²⁴ approves the Structure of Mission for the Promotion of Accessibility with a mandate of three years. This body will be responsible for initiating the work that will lead to the drafting of the National Accessibility Promotion Plan, one of the main commitments included in the Programme of the XXII Constitutional Government. One of their missions is to analyse and implement the report prepared by the Commission for the Promotion of Accessibility and presented in January 2020. This is the first report mapping the accessibility of public buildings in Portugal, identifying accessibility problems and formulating recommendations addressed to central government services regarding the creation of accessibility. This body will also be responsible for providing training in the area of accessibility, producing guidance manuals for central and local government, producing recommendations to the municipalities on accessibility, providing support to the National Institute for Rehabilitation and the General Inspection of Finance in the monitoring of compliance with

³²³ Público (2020), [“Concern in a residential for people with disabilities in Vila do Conde: 83 of 94 residents with positive tests”](#) (“Preocupação num lar de pessoas com deficiência em Vila do Conde: 83 dos 94 residentes com testes positivos”), 11 April 2020.

³²⁴ Portugal, [Resolution of the Council of Ministers 4/2020 that creates the Structure of Mission for the Promotion of Accessibility](#) (*Resolução do Conselho de Ministros n.º 4/2020 que cria a Estrutura de Missão para Promoção das Acessibilidades*), 5 February 2020.

technical accessibility standards or providing consultancy regarding the execution of projects.

Order 2183/2020 of 14 February³²⁵ creates a Working Group to develop and present the National Strategy for the Promotion of Accessibility and Inclusion of Museums, Monuments and Palaces under the Directorate-General for Cultural Heritage and the Regional Directorates for Culture. This working group is responsible for “defining good practices of universal accessibility and inclusion in museums, monuments and palaces under the Directorate-General for Cultural Heritage and the Regional Directorates for Culture” and to “evaluate and propose initiatives aimed at disseminating universal and inclusive good practices and accessibility solutions”.

Law 2/2020 of 31 March³²⁶ approves the State Budget for 2020. Despite the criticisms previously highlighted, the approved law introduces several changes that, if implemented, will have a very positive impact on disabled people’s lives and on the implementation of the CRPD in Portugal. This document announces the intention of the government to implement digital accessibility in all public entities (Article 28); to hire Portuguese Sign Language interpreters for the National Health Service (up to a maximum of 25 people) (Article 44); to study the possibility of early retirement for disabled people with a minimum of 55 years of age and an incapacity level of 60% or more and a minimum of 20 years of registered work (Article 75); equates the maximum amount of scholarships for disabled students (with an incapacity level of 60% or above) at higher education for the academic year 2020/21 with the maximum amount of the tuition subsidy granted by the Portuguese Foundation for Science and Technology to obtain a doctorate degree in Portugal (€2,750.00) (Article 237); to develop an integrated and inclusive support network for disabled students attending higher education (Article 238); to implement Portuguese sign language (LGP) video-interpretation services in all public services (Article 253); to eliminate physical barriers in all tube stations in Lisbon (Article 283); to publish an annual report monitoring the evolution of hiring disabled people in Public Administration (Article 319); to revise the Assignment System for Support Products and set a maximum of 45 days for the delivery of support products (Article 320); to eliminate physical barriers in public buildings with the

³²⁵ Portugal, [Order No. 2183/2020 that creates the Working Group to develop and present the National Strategy for the Promotion of Accessibility and Inclusion of Museums, Monuments and Palaces under the Directorate-General for Cultural Heritage and the Regional Directorates for Culture](#) (*Despacho n.º 2183/2020 que cria o Grupo de Trabalho para desenvolver e apresentar a Estratégia Nacional de Promoção da Acessibilidade e da Inclusão dos Museus, Monumentos e Palácios na dependência da Direção-Geral do Património Cultural e das Direções Regionais de Cultura*), 14 February 2020.

³²⁶ Portugal, [Law 2/2020 that approves the State Budget for 2020](#) (*Lei n.º 2/2020 que aprova o Orçamento do Estado para 2020*), 31 March 2020.

allocation of budgets provided with the necessary funds to carry out the necessary adaptations, and establish the intention to create a financing programme for the adaptation and elimination of architectural barriers in the homes of disabled people with reduced mobility (Article 322).

On **21 April 2020** it was launched the video call service platform at the National Health Service Contact Centre - SNS24 for deaf people with Portuguese sign language interpreters (24-hour, seven-day a-week)³²⁷. The interpreters will mediate the communication between deaf people accessing the SNS24 and the nurses of the SNS Contact Centre, through a voice-answering platform.

Resolution of the Council of Ministers 41/2020 of 6 June³²⁸ that approves the Economic and Social Stabilisation Programme which is a set of measures to mitigate the impact of COVID-19 in the economic and social sphere. It includes measures specifically directed towards disabled people, namely the exceptional extension of all the Employment-Insertion Contracts (CEI and CEI+) until the end of 2020. Moreover, it devotes 58 million euros to initiating the Programme for Accessibility to Public Services and Public Spaces intended to eradicate physical barriers that compromise the accessibility of public services and spaces. It also devotes 21 million euros to strengthen home support services. This money is directed at the pilot experiences of 10 Day and Autonomy Promotion Units (UDPA), which are integrated responses within the National Network of Integrated Continuous Care of an outpatient clinic, for users in need of diversified health care and social support who do not require hospitalisation. The target for these UDPAs includes disabled people.

Ordinance 163/2020 of 1 July³²⁹ extends the maximum duration of the pilot-projects of Independent Living (CAVIs) created by the "Independent Living Support Movement" programme from 36 to 42 months.

200/2020 of 19 August³³⁰ that creates and regulates the Programme for Accessibility to Public Services and Public Spaces (PASPVP). As stated in this

³²⁷ For more information, see the [website of the Video Call Service Platform for deaf citizens of the National Health Service Contact Centre – SNS24](#).

³²⁸ Portugal, [Resolution of the Council of Ministers 41/2020 that approves the Economic and Social Stabilization Program](#) (*Resolução do Conselho de Ministros n.º 41/2020 que aprova o Programa de Estabilização Económica e Social*), 6 June 2020.

³²⁹ Portugal, [Ordinance 163/2020 that extends the duration of the projects under the "Independent Living Support Movement" programme](#) (*Portaria n.º 163/2020 que procede à sétima alteração ao Regulamento Específico do Domínio da Inclusão Social e Emprego, aprovado em anexo à Portaria n.º 97-A/2015, de 30 de março*), 1 July 2020.

³³⁰ Portugal, [Ordinance 200/2020 that creates and regulates the Accessibility Program for Public Services and on Public Roads](#) (*Portaria n.º 200/2020 que cria e regulamenta o Programa de Acessibilidades aos Serviços Públicos e na Via Pública*), 19 August 2020.

document: “The purpose of PASPVP is to eliminate architectural barriers and create spaces with access conditions for all in the direct and indirect administration of public services, to create accessible routes inside the facilities, buildings or units offering service to the public or which receive the public.”

Ordinance 2001-A/2020 of 19 August³³¹ that creates and regulates the Social Equipment Network Expansion Programme - 3rd Generation (PARES 3.0). This programme is intended to support the development, consolidation and rehabilitation of the network of social facilities intended for children, disabled people and older people. Included in this financial support programme are the construction, expansion, redevelopment, rehabilitation and/or reconstruction of a building or a part of existing buildings to create more available places in these social facilities and adapt existing ones. This ordinance has been enacted by the **Government Dispatch 995-2020** of 15 October that approves the call for applications to this programme.

Ordinance 206/2020 of 27 August³³² that regulates the measure *Estágios ATIVAR.PT* (training). This measure is intended to provide and develop practical experience in the work context, facilitating professional retraining. This measure targets unemployed people in general and disabled people in particular.

Ordinance 207/2020 of 27 August³³³ that regulates the measure *Incentivo ATIVAR.PT*. This is a financial incentive for the employers who sign a work contract for a minimum of 12 months) with unemployed persons who are registered at the Institute of Employment and Professional Training, IP (job centres) for at least six consecutive months. In the case of disabled people, there is no minimum period.

³³¹ Portugal, [Ordinance 201-A/2020 that creates and regulates the Social Equipment Network Expansion Programme - 3rd Generation \(PARES 3.0\)](#) (*Portaria n.º 201-A/2020 que cria o Programa de Alargamento da Rede de Equipamentos Sociais - 3.ª Geração, adiante designado por PARES 3.0, e aprova o respetivo Regulamento*), 19 August 2020.

³³² Portugal, [Ordinance 206/2020 which regulates the measure Interns ATIVAR.PT, which consists of supporting the insertion of young people in the labor market or the professional retraining of unemployed people](#) (*Portaria n.º 206/2020 que regula a medida Estágios ATIVAR.PT, que consiste no apoio à inserção de jovens no mercado de trabalho ou à reconversão profissional de desempregados*), 27 August 2020.

³³³ Portugal, [Ordinance 207/2020 that regulates the “Incentivo ATIVAR.PT” measure, which consists in granting, to the employer, financial support for the conclusion of a work contract with unemployed persons registered at the Institute of Employment and Professional Training](#) (*Portaria n.º 207/2020 que regula a medida Incentivo ATIVAR.PT, que consiste na concessão, à entidade empregadora, de um apoio financeiro à celebração de contrato de trabalho com desempregado inscrito no Instituto do Emprego e da Formação Profissional*), 27 August 2020.

Ordinance 245/2020 of 16 October³³⁴, extends 3 months to employment contracts in force and due to end by 31 December 2020, under the two measures Employment-Inclusion Contract for disabled people: Employment-Inclusion Contract (CEI) and Employment-Inclusion + Contract (CEI +).

Ordinance 287/2020 of 16 December³³⁵: in order to extend the maximum duration of the pilot-projects of Independent Living (CAVIs), from 36 to 42 months, introduced by Ordinance 163/2020 of 1 July, this new ordinance revises ordinance 342/2017 of 9 November that established the criteria, limits and ratios for the implementation of the “Independent Living Support Movement” (MAVI) Programme. This ordinance introduces four major changes to the initial ordinance: 1) it increases the maximum value of expenditure for the operation of each CAVI from €115,000.00 to €132,250.00; 2) it increases the maximum eligible limit for charges for initial training from €4,000.00 to €12,000.00; 3) consequently it increases the maximum limit of financial support to be allocated to each CAVI from €1,400,000.00 to €1,750,000.00 and 4) it raises the maximum ratio of candidates to become personal assistants to be trained to 5/1 from 4/1 in the case where the CAVI recipients are, respectively, between 10 to 20 or between 21 to ≥ 50. Changes 2 and 4 were introduced in order to mitigate the impact of the high turnover of personal assistants (PAs) and the difficulty of maintaining the availability of trained PAs for long periods without attributing hours of personal assistance. This is because most PA trainees are unemployed people looking for job opportunities.

The Programme “Independent Living Support Movement”³³⁶ of the Ministry of Work, Solidarity and Social Security, ongoing since February 2019, is based on the provision of assistance to people with disabilities, by the local Centres for the Support of Independent living (CAVIs). The MAVI program has the specific objective of constituting itself as an instrument to guarantee disabled people’s access to exercise their citizenship rights and to participate in the different areas of life on an equal basis with non-disabled people. The CAVIs are responsible for organising, managing and offering personal

³³⁴ Portugal, [Ordinance No. 245/2020 that provides for the extension of the contracts for the Employment-Insertion Contract for people with disabilities, Employment-Insertion Contract \(CEI\) and Employment-Insertion + \(CEI +\) measures](#) (Portaria n.º 245/2020 que concretiza a prorrogação dos contratos das medidas Contrato Emprego-Inserção para pessoas com deficiência e incapacidade, Contrato Emprego-Inserção (CEI) e Contrato Emprego-Inserção+ (CEI+)), 16 October.

³³⁵ Portugal, [Ordinance 287/2020 revises ordinance 342/2017 of 9 November that establishes the criteria, limits and ratios for the implementation of the “Independent Living Support Movement” \(MAVI\) Programme](#) (Portaria n.º 287/2020 procede à primeira alteração à Portaria n.º 342/2017, de 9 de novembro, que estabelece os critérios, limites e rácios necessários à execução do Decreto-Lei n.º 129/2017, de 9 de outubro, na sua redação atual, que instituiu o Programa «Modelo de Apoio à Vida Independente» (MAVI), 16 December 2020.

³³⁶ For more information, see the [webpage on the Independent Living Support Movement](#).

assistance to disabled people in their area of influence. Personal assistance is a key element to allow the implementation of independent living for disabled people. The programme allowed the formation of 35 CAVIs across the country (the autonomous regions of the Madeira and of the Azores were not included). This programme and the legal acts that make it possible have a maximum duration of 3 years after which the programme will be assessed and new final legislation will be draft.

Legal and Policy initiatives introduced linked to the COVID-19 pandemic

The specific legal and policy initiatives implemented to combat COVID-19 involving disabled people occurred after the first COVID infection case detected (the first case of COVID-19 infection detected in Portugal was on 2 March).

In general terms, there was a greater concern by the public authorities for the deaf population. Contrary to what was previously the case on TV, press conferences on the situation of COVID-19 outbreak in Portugal held by the General Directorate of Health and by the Ministry of Health and broadcast daily on TV channels, have been using Portuguese Sign Language interpreters. In all press conferences, an interpreter has been present at the back or to the side of the person speaking. We have noticed, however, the lack of subtitles that could also be used as an added source of information for deaf people, as Portuguese Sign Language is not accessible to all deaf people in Portugal³³⁷ and the lack of audio translation of news reports in foreign languages, specially relating the COVID-19 situation in other countries, essential to promote its accessibility to people with blindness and low vision³³⁸. We have also noticed a lack of information in easy format directed at people with cognitive impairments and learning difficulties. The special edition of the Human Rights Indicators 2020, produced by the Disability and Human Rights Observatory, dedicated to the impact of COVID-19 on disabled people in Portugal, is quite revealing regarding these points. Based on an on-line questionnaire applied to disabled people in Portugal in two moments in time, this report reveals precisely the lack of improvements in the availability of specific information directed to disabled people, lack of clarity and simplicity of the language used to communicate and the need of subtitles when conveying information regarding COVID-19. According to

³³⁷ JN (2020), "[Inclusão – Gonçalo é surdo e não consegue seguir as aulas do tele-ensino](#)", 5 May 2020.

³³⁸ RTP (2020), "[A voz do cidadão](#)", 18 July 2020.

those interviewed in the second moment of application of the questionnaire, that took place in October 2020, the situation did not improve at all³³⁹.

Our analysis also reveals a general lack of public information regarding the COVID-19 pandemic situation inside the institutions for disabled people and its impact on disabled people, including: the diffusion and consequences of the infection, problems and solutions developed in the management of the situation, services available and services delivery conditions, limitations imposed on the daily lives of disabled people, etc.

Another concern highlighted by our analysis is the impact of COVID-19 confinement measures on disabled students. The imposition of confinement measures and the beginning of home-schooling left most of these students without the necessary support. These concerns were largely voiced by parents, organisations and teachers³⁴⁰. Finally, on 15 April, the Ministry of Education released a set of *Guidelines for the work of the Multidisciplinary Support Teams for Inclusive Education using Distance Learning*³⁴¹. These guidelines have been criticised for not bringing anything new and, more recently, disabled people's organisations that mediate in implementing inclusive education, such as the Resource centres for Inclusion, have demanded more investment in these important specialised services that support and enhance the school's ability to promote the educational success of all students^{342 343 344}.

Decree Law 10-A/2020 of 15 March³⁴⁵ establishes exceptional and temporary measures to confront the epidemiological situation of new

³³⁹ Pinto, P. C. ; Neca, P. (2020), [Deficiência e COVID-19 em Portugal: Resultados de um estudo realizado com pessoas com deficiência e cuidadores](#). Lisboa: Observatório da Deficiência e Direitos Humanos.

³⁴⁰ Visão (2020), ["Parents of students with special educational needs concerned about return"](#) ("Pais de alunos com necessidades educativas especiais preocupados com regresso"), 28 July 2020.

³⁴¹ For more information, see the [Guidelines for the work of the Multidisciplinary Support Teams for Inclusive Education in the E @ D modality](#).

³⁴² Público (2020), ["There is no "specific plan" for students with special needs, but schools are working"](#) ("Não há "plano específico" para alunos com necessidades especiais, mas as escolas estão a trabalhar"), 17 April 2020.

³⁴³ JN (2020), ["COVID 19 - Special education schools ask for more support and guidance"](#) ("COVID 19 - Escolas de educação especial pedem mais apoio e guião orientador"), 11 July 2020.

³⁴⁴ RUC (2020), ["Inclusion resource centers and special education schools need more support from the ministry of education"](#) ("Centros de recursos para a inclusão e escolas de educação especial carecem de mais apoios do ministério da educação"), 13 July 2020.

³⁴⁵ Portugal, [Decree-Law 10-A/2020 that establishes exceptional and temporary measures related to the epidemiological situation of the new Coronavirus - COVID 19](#) (*Decreto-Lei n.º 10-A/2020 que estabelece medidas excecionais e temporárias relativas à situação epidemiológica do novo Coronavírus - COVID 19*), 13 March 2020.

Coronavirus - COVID 19 in Portugal. With general measures for the different sectors and for the general population, this document decrees the closing of the all social facilities that provide support and training to disabled people and of the Occupational Activities Centres (CAOs), with the exception of Residential Homes and Autonomous Residences). The institutions also continue to be responsible for providing food support to their users in situations of economic need and to find solutions for those people whose parents work in essential services (firefighters, health professionals, security services, armed forces etc.

Decree Law 2-A/2020 of 20 March³⁴⁶ proceeds to the implementation of the state of emergency declaration made by the Decree of the President of the Republic 14-A/2020 of 18 March. Stipulates a general duty of home confinement, but considers the need to travel for imperative family reasons, namely the need to travel to assist vulnerable people, disabled people, children, parents, older people or dependents.

On **March 2020**, the Ministry of Work, Solidarity and Social Security published a leaflet³⁴⁷ of frequently asked questions summarising the effects of the different legal acts published that include measures applicable to disabled people, their families and support organisations.

During the first wave of COVID-19 outbreak, public bodies and national disability NGOs published information sheets, guidelines and directives, and devoted areas of their websites to providing specific information about COVID-19 for different groups of people and in simplified language. This was the case of the *National Institute for Rehabilitation* (INR), the national body responsible for coordinating disability policies in Portugal, which devoted an area in their website to providing information and information in accessible language about COVID-19³⁴⁸. Other national NGOs and umbrella organisations for disabled people followed this strategy, providing specific information for their associates addressing their needs and concerns. The General Directorate of Health (*Direcção Geral de Saúde*) issued the general health and safety rules on preventing and combating the COVID-19 infection. This national body, which is also responsible for monitoring the

³⁴⁶ Portugal, [Decree 2-A/2020 that proceeds to the implementation of the state of emergency declaration made by the Decree of the President of the Republic 14-A/2020, of 18 March](#) (*Decreto n.º 2-A/2020 que procede à execução da declaração do estado de emergência efetuada pelo Decreto do Presidente da República n.º 14-A/2020, de 18 de março*), 20 March 2020.

³⁴⁷ For more information, see the [leaflet "FAQ COVID-19: Measures Relating to People with Disabilities, Their Families and Supporting Entities"](#) ("*FAQ COVID-19: Medidas Relativas a Pessoas com Deficiência, Suas Famílias e Entidades que lhes Prestam Apoio*").

³⁴⁸ For more information, see the [IRN website with information in accessible language about COVID-19](#).

infection in Portugal, produced several directives and guidelines to prevent the infection of disabled people and provide health and safety advice to institutions that offer support to disabled people (residential institutions, and home care services).

Resolution of the Council of Ministers 33-A/2020 of 30 April³⁴⁹ declares the state of public disaster in Portugal until 17 May 2020. It maintains the civic duty of home confinement with the exceptions already defined by Decree Law 2-A/2020 of 20 of March and announces a deconfinement plan following this period.

During the deconfinement period, the General Directorate of Health issued new guidelines³⁵⁰ and public authorities produced updated leaflets providing guidance to institutions for disabled people³⁵¹.

Resolution of the Council of Ministers 40-A/2020 of 29 May³⁵² extends the declaration of the public disaster in Portugal, in view of the COVID-19 pandemic, but exempts the general population from the civic duty of home confinement and declares that teleworking is no longer mandatory. Regarding the end of mandatory teleworking, this legal document creates exceptions for several groups of people, namely: disabled people with an incapacity rate of 60% or more and willing to do so, and workers with dependent children under 12 years old, or, regardless of age, with a disability or chronic illness, in situations where classroom and non-teaching activities in school or social support facilities for early childhood or disability, outside periods of school interruptions, are suspended.

Ordinance 178/2020 of 18 July³⁵³ establishes a system of incentives to adapt the social responses to COVID-19, called *Programa Adaptar Social +*.

³⁴⁹ Portugal, [Resolution of the Council of Ministers 33-A/2020 declares the situation of calamity, in the context of the disease pandemic COVID-19](#) (*Resolução do Conselho de Ministros n.º 33-A/2020 que declara a situação de calamidade, no âmbito da pandemia da doença COVID-19*), 30 April 2020.

³⁵⁰ For more information on these new guidelines, mainly regarding visits from the outside the institutions, see for example the [General Directorate of Health website with information on the mitigation phase](#).

³⁵¹ For more information see, for example, the [information leaflet prepared for the re-opening of the Occupational Activities Centers](#).

³⁵² Portugal, [Resolution of the Council of Ministers 40-A/2020 extends the declaration of the calamity situation, in the context of the disease pandemic COVID-19](#) (*Resolução do Conselho de Ministros n.º 40-A/2020 prorroga a declaração da situação de calamidade, no âmbito da pandemia da doença COVID-19*), 29 May 2020.

³⁵³ Portugal, [Ordinance 178/2020 establishes a system of incentives for adapting the activity of social responses to the context of the disease COVID-19, known as the Adapt Social + Program](#) (*Portaria n.º 178/2020 estabelece um sistema de incentivos à adaptação da atividade das respostas sociais ao contexto da doença COVID-19, designado Programa Adaptar Social +*), 28 July 2020.

This programme creates an incentive system aimed at mitigating the increased costs of restoring the functioning conditions of social responses. Costs being supported include personal protective equipment for workers and users, hygiene equipment, disinfection contracts, costs of training workers, reorganisation of workplaces and changes in the layout of social response facilities (maximum expense of €10,000 per institution). This initiative, while not specifically targeting persons with disabilities, is intended to support institutions that guarantee social responses, including those that provide support for this target group.

Ordinance 192/2020 of 10 August³⁵⁴ establishes an extra 2% in 2020 of the social security financial contribution to social sector institutions that develop social responses to support the most vulnerable people. This is meant to reduce the increased expenses to implement contingency and prevention measures, as well as to strengthen human resources, in preventing and combating the COVID-19 pandemic. These social responses include residential structures for older people, residential homes, autonomous residences and home support service for older people and for disabled people.

Deliberation 1171/2020³⁵⁵ of 18 November extends the eligible expenses for funding of the non-governmental disability organisations (ONGPD) by the government, as defined by **Decree Law 106/2013** of 30 July, to expenses for personal protective equipment (Masks, visors, gloves and disinfection products like alcohol gel and disinfectant). This extension is only valid for the year 2020.

On **20 November**, the National Institute for Rehabilitation, I.P. published a 2nd manual "Health and Daily Activities - General COVID-19 Prevention and Control Measures"³⁵⁶. This manual is aimed at disabled people, professionals, families and caregivers, and public services, and presents measures to prevent infection by COVID-19, and specific guidelines for

³⁵⁴ Portugal, [Ordinance 192/2020 establishes an extraordinary reinforcement of the social security financial contribution in 2020, provided for in paragraph 1 of article 16 of Ordinance 196-A/2015, of 1 July](#) (*Portaria n.º 192/2020 que estabelece um reforço extraordinário da comparticipação financeira da segurança social em 2020, prevista no n.º 1 do artigo 16.º da Portaria n.º 196-A/2015, de 1 de julho*), 10 August 2020.

³⁵⁵ Portugal, [Deliberation 1171/2020 extends the eligible expenses for funding of the non-governmental disability organisations \(ONGPD\) by the government](#) (*Deliberação 1171/2020 que estende as despesas elegíveis para financiamento das organizações não governamentais de deficiência (ONGPD) pelo governo*), 18 November.

³⁵⁶ Instituto Nacional para a Reabilitação (National Institute for Rehabilitation) (2020), [2nd manual - Health and Daily Activities - General COVID-19 Prevention and Control Measures](#), Lisbon: Instituto Nacional para a Reabilitação.

people with different types of impairments. This manual was made available in an accessible format and in Portuguese Sign Language.

2. CRPD monitoring at national level

Besides the limitations in implementing the CRPD in Portugal, there is also a serious limitation on monitoring the implementation of the CRPD. Despite being established in Article 33 of the CRPD that States must set up national independent mechanisms to monitor the implementation process of the CRPD, enacted in Portugal with the establishment of the National Mechanism for Monitoring the Implementation of the United Nations Convention on the Rights of Persons with Disabilities (*Mecanismo nacional de monitorização da implementação da Convenção sobre os Direitos das Pessoas com Deficiência - Me-CDPD*), this mechanism continues to face a number of difficulties that prevent it from developing continuous and accurate monitoring of the CRPD in Portugal. As directly reported by the President of the Mechanism, to add to the lack of funding, the lack of human resources and the lack of adequate working space, since March 2020 following the elections for the new board and consultative committee the mechanism has entered into limbo due to the inaction of the public entities responsible for the mechanism, namely the National Assembly. As reported, the latter did not designate its representatives to the consultative committee of the mechanism and, consequently, did not swear in the new members of the mechanism. This has left the National Mechanism for Monitoring the Implementation of the United Nations Convention on the Rights of Persons with Disabilities completely inactive. According to the information provided by the mechanism, despite the efforts to sort out these problems made by the mechanism, namely a zoom meeting with representatives of the different parties represented in national parliament and a letter sent to the Secretary of State for the Inclusion of Disabled People with knowledge of the Secretary of State of Presidency of the Council of Ministers, the situation of the mechanism remains unchanged.

On 30 January 2020, it was published the **report of the Commission for the Promotion of Accessibility** (defined by Decree Law 125/2017 of 4 October)³⁵⁷. This report aims to “[...] present the results of the work carried out, which was based on a physical survey of the properties mentioned in the legislation, to examine disabled access offered in premises, buildings or units open to the public [...]”. This report presents an analysis of the data gathered through a questionnaire applied to public entities. It addresses

³⁵⁷ Comissão para a Promoção das Acessibilidades (2020), [Relatório da Comissão para a Promoção das Acessibilidades](#).

aspects such as the existence of dedicated accessible parking spaces for disabled people close to the service (only 58% had and of these only 45% were correctly signed); height of service desks and counters in buildings with customer services open to the public (36% were an inadequate height for disabled people); the slope of the existing ramps in the buildings (40% of the existing ramps do not respect the maximum slope of 6%); accessible toilets in buildings open to the public (41% do not have accessible toilets or they are inadequate for people with reduced mobility).

In 2020, was published the **“2019 Annual report on the practice of discriminatory acts for disabilities and aggravated health risk”** (application of Law 46/2006, that prohibits and punishes discrimination on grounds of disability and/or on the existence of aggravated health risk)³⁵⁸. This report compiles quantitative data collected from entities with inspection and sanctioning powers under the law on the practice of discriminatory acts and any sanctions that may be applied. In 2019, disabled people submitted 1,274 complaints under the anti-discrimination legislation. The majority of the complaints were submitted due to a refusal of limited access to the built environment or to public places or to places open to the public (44.08%, n=469 complaints) or due to the adoption of a practice or measure by any company, entity, body, service, employee or agent directly or indirectly administered by the State, which limits the practice of exercising any right (30.45%, n=324). 367 cases are still ongoing, 420 have been concluded or archived and only one individual has been considered guilty and a fine applied.

On July 2020 was published the main findings of the research **“Disability and COVID-19” – Impacts of the pandemic on disabled people in Portugal**³⁵⁹, conducted by the Disability and Human Rights Observatory. Based on an on-line questionnaire answered by 725 people, this study identified the main negative impacts of the pandemic on the lives of disabled people in Portugal: inadequacy of the distance learning models to the needs of disabled students; suspension or reduction of support and other essential services such as therapies and personal assistance; families became the main care service providers; lack of information about COVID-19 directed to specific groups of disabled people.

In December 2020, the **report of physical and financial implementation of the Support Products Assignment System (SAPA) for the year**

³⁵⁸ National Institute for Rehabilitation (2020), [2019 Annual report on the practice of discriminatory acts for disabilities and aggravated health risk](#).

³⁵⁹ Disability and Human Rights Observatory (2020), [Disability and COVID-19 study. Impacts of the pandemic on people with disabilities in Portugal](#) (Deficiência e COVID-19. Divulgação de resultados preliminares).

2019³⁶⁰ was published. This report, drawn up and published by the National Institute for Rehabilitation, I.P., compiles information about the attribution of support products to disabled people in Portugal during 2019 and the contributions of the various financing entities. According to the report, 23,833 support products were allocated / financed; 13,055 citizens benefited from this System; an amount of €21,111,009.20 was spent (spending rate of 97.62%, the programmed budget for 2019 was €21,727,016.50).

In December 2020, the Disability and Human Rights Observatory published two reports: '**Disabled People in Portugal - Human Rights Indicators 2020**'³⁶¹ and '**Disability and COVID 19: results of a study conducted with disabled people and caregivers**'³⁶².

The first report draws on national and international secondary data analysis of statistic information that includes information about disabled people in Portugal. The most striking information revealed by the 2020 edition was that, on the negative side, there was a 10% increase in the unemployment rate of disabled people in Portugal only in the first semester of 2020 and that there was, on the positive side, an increase of 16.8% in the number of disabled students in higher education in the academic year 2019-2020.

The analyses how the current situation of COVID 19 was being experienced by disabled people and their families in Portugal. This analysis was based on two online surveys, the first was applied from the 27 April to the 10 May 2020 and the second conducted from 9 to 27 October 2020. Considering both surveys, 33.2% of the respondents reported a reduction in the opening time or a total closure of the support services for disabled people; 40.1% reported that certain support services and benefits were withdrawn from them in the first moment of confinement, with emphasis on the reduction or suspension of therapies. Most striking is the fact that 77.9% of the respondents indicate that the modalities of distance teaching was little or not adequate at all to the support needs of disabled students, 37.2% of disabled respondents revealed that their health situation had worsened since the beginning of the pandemic with a great impact in their mental health. Regarding caregivers, this report also reveals high levels of fatigue, with 73.4% of the caregivers reporting that they felt very tired during the confinement phase, 75.4% indicating to feel anxious during that period and

³⁶⁰ Instituto Nacional para a Reabilitação (National Institute for Rehabilitation) (2020), [Report of physical and financial implementation of the Support Products Assignment System \(SAPA\) for the year 2019](#), Lisbon: Instituto Nacional para a Reabilitação.

³⁶¹ Pinto, P. C. ; Neca, P. (2020), [Pessoas com deficiência em Portugal: Indicadores de Direitos Humanos 2020](#). Lisboa: Observatório da Deficiência e Direitos Humanos.

³⁶² Pinto, P. C.; Neca, P. (2020), [Deficiência e COVID-19 em Portugal: Resultados de um estudo realizado com pessoas com deficiência e cuidadores](#). Lisboa: Observatório da Deficiência e Direitos Humanos.

68.2% referring that providing care to their disabled family members interfered in their work.

Annex 1 – Promising Practices

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one example of a promising practice to tackle discrimination against older people or LGBTI people such as awareness raising campaigns or ethical codes for healthcare staff held in your country in 2020. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2020 relevant to equality and non-discrimination of older people or LGBTI people, preferably one conducted by a national equality body.
Title (original language)	#DireitosLGBTISãoDireitosHumanos
Title (EN)	#LGBTIRightsAreHumanRights
Organisation (original language)	Secretária de Estado para a Cidadania e a Igualdade e CIG – Comissão para a Cidadania e a Igualdade de Género
Organisation (EN)	Secretary of State for Citizenship and Equality and Commission for Citizenship and Gender Equality
Government / Civil society	Government
Funding body	Secretary of State for Citizenship and Equality and Commission for Citizenship and Gender Equality
Reference (incl. url, where available)	https://www.cig.gov.pt/acoes-no-terreno/campanhas/campanha-direitoslgbtisaodireitoshumanos/ and https://www.youtube.com/watch?v=94dJ-0joynw&feature=youtu.be
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	May 2020

Type of initiative	Social awareness campaign in social media
Main target group	General audience
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Involving both activists and public figures/celebrities in Portugal (the actress and writer Ana Zanatti and the singer Sónia Tavares, amongst others), this social awareness campaign includes a video spot with support statements and other materials for dissemination in social media (banners, posters). The campaign was designed and developed during the lockdown caused by COVID-19 and therefore uses the means available at a time when staying at home was mandatory. It was launched for International Day Against Homophobia, Transphobia and Biphobia - IDAHOT (17 May) and disseminated using various interviews with the Secretary of State for Citizenship and Equality which were published in mainstream newspapers and broadcast on TV and radio news.
Highlight any element of the actions that is transferable (max. 500 chars)	All elements are transferable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	Occupying media space, including social media, is a fundamental anti-discrimination strategy to the extent that it introduces a balance into an area that would otherwise have a deficit in representation. The practice is therefore sustainable because it responds to an ongoing deficit, rather than a one off need.
Give reasons why you consider the practice as having concrete measurable impact	The number of shares posts will have; the number of times the hashtag will be used; the number of likes and new followers to the campaign – these are some of the measurable impacts. However the most important impact cannot be quantified, as it involves a transformation in attitudes and social representations around LGBTQI+ rights.
Give reasons why you consider the practice as transferable to	As a social awareness campaign designed for social media, it can be easily transferable to any other member state in which social media is commonly available and used.

<p>other settings and/or Member States?</p>	
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>This campaign was prepared in consultation with and with the direct involvement of LGBTI+ civil society organizations (Ação Pela Identidade, AMPLOS, Casa Qui, Clube Safo, Grupo Transexual de Portugal, Identidades e Afetos Associação, ILGA Portugal, Opus Diversidades, LGBTI Viseu, Panteras Rosa, Plano I, Rede Ex Aequo, TransMissão, Tudo Vai Melhorar and Variações.)</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The results of the campaign can be measured through the number of views on the social media, circulation of newspapers, TV and audience.</p>

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address racism and xenophobia in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.
Title (original language)	Programa REEI - Rede de Escolas para a Educação Intercultural
Title (EN)	Programme REEI – School Network for Intercultural Education
Organisation (original language)	Alto Comissariado para as Migrações / Direção-Geral da Educação / Fundação Aga Khan Portugal
Organisation (EN)	High Commissioner for Migration / Directorate-General for Education / Aga Khan Foundation Portugal
Government / Civil society	Government and civil society
Funding body	High Commissioner for Migration / Directorate-General for Education / Aga Khan Foundation Portugal (with financial and human resources)
Reference (incl. url, where available)	https://www.acm.gov.pt/-/rede-de-escolas-para-a-educacao-intercultural-reei-
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	July 2020
Type of initiative	Educational
Main target group	Schools, the educational community and in particular all children and young people from pre-school to secondary education.
Indicate level of implementation: Local/Regional/National	National

<p>Brief description (max. 1000 chars)</p>	<p>REEI aims to welcome, integrate and encourage the educational success of all children and young people from pre-school to secondary education, to develop respect for differences and to establish positive interaction between students and members of the educational community from different cultures. Its activity focuses on sharing practices and resources, collaborative learning and joint reflection on the principles and values of interculturality and diversity, in 3 pillars: the organisational culture, the curriculum and the community. It supports the educational agents in the transformation of the school, in its organisation and in its pedagogical approach, aiming at interculturality in conjunction with other domains working on Citizenship and Development, based on Citizenship Education and the Citizenship Education Strategy at School.</p> <p>In October and November 2020, there were regional meetings to debate, among other issues, the Action Plan for the 1st year of REEI. The Action Plan provides for the development of quarterly regional meetings; practice meetings in which schools will be able to present and share intercultural education practices; and inspiration meetings where speakers, projects or experiences from outside the REEI are invited to motivate and inspire with their good practices. For now, these initiatives are planned to be developed online. In addition, REEI has created an online platform to hold themed forums for debate and sharing of resources, tools or pedagogical methods in line with intercultural education, diversity and pluralism. There are already 233 professionals from the Network's member schools registered on the platform.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The whole project is transferable, since its object, principles and goals are applicable in other countries. The project's inherent objectives and competencies may change depending on the national education systems of each country.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>REEI is a sustainable practice addressing the social, cultural and civic needs of educational communities, with the liaison of three entities (High Commissioner for Migration, Directorate-General for Education and Aga Khan Foundation Portugal) and its implementation within the Portuguese education system. This institutional articulation ensures the continuity of the programme and the conditions to maintain its several activities.</p>

Give reasons why you consider the practice as having concrete measurable impact	It has an impact because the school bodies to which the programme applies are some of the most important citizenship-forming bodies, and because students acquire educational skills aimed at diversity and interculturality in their education. The concrete impact of the programme has been measurable namely through the number of members (schools clusters, professional schools, and private schools) and the territorial scope (number of districts).
Give reasons why you consider the practice as transferable to other settings and/or Member States?	Since Europe is a diverse social and cultural space due to migration inside and outside the EU, intercultural issues are common to all member countries. In this context, this programme can be easily transferable to other Member States.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The promoting bodies of the project are the High Commissioner for Migration, Directorate-General for Education and Aka Khan Foundation Portugal. During the initial design period of the network (2016-2017), schools were consulted and they helped in defining the diagnostic tools and the action plan of the network for the three pilot years. The design, planning and evaluation of the programme was always a result of a collaborative effort of the promoting bodies.
Explain, if applicable, how the practice provides for review and assessment.	The REEI pilot experiment was launched in October 2016 for a period of three years, from 2017 to 2019, and had 23 members in eight districts. Due to the positive evaluation of the pilot experiment carried out between 2017-2019, it was relaunched on 16 July 2020, for the 2020-2023 period. In 2020-2023, REEI will comprise 47 new members (schools clusters, professional schools, and private schools) in 14 districts, expanding its number of members and territorial scope. This network currently includes 272 schools across the country.

Thematic area	<p>ROMA EQUALITY AND INCLUSION</p> <p>Please provide one example of promising practice in relation to the legal and policy developments in regard to Roma/Travellers (or any group covered by this term as per the Council of Europe definition) in 2020 that relate to the (1) application of the EU Framework on national Roma integration strategies and (2) the preparations for the new post-2020</p>
----------------------	---

	initiative on Roma equality, inclusion and participation or in relation to any measures in your country in 2020 to address Roma inclusion and prevent discrimination, hate crime and hate speech with a particular focus on COVID-19.
Title (original language)	Programa de Apoio ao Associativismo Cigano 2020 (4.ª Edição)
Title (EN)	Support Programme for Roma Associations 2020 (4th Edition)
Organisation (original language)	Alto Comissariado para as Migrações
Organisation (EN)	High Commissioner for Migration
Government / Civil society	Government
Funding body	High Commissioner for Migration
Reference (incl. url, where available)	https://www.acm.gov.pt/-/programa-de-apoio-ao-associativismo-cigano-2020-candidaturas-ate-18-de-junho-de-2020
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	July 2020
Type of initiative	Partnership funding for Roma communities
Main target group	Roma communities
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The Support Programme for Roma Associations 2020 (PAAC) is part of the National Strategy for the Integration of Roma Communities as a platform for the development of a broad interconnected intervention between various entities, with the aim of improving the living conditions of Roma people and communities. This Programme is structured into three axes: promotion of partnership conditions through the acquisition of goods and

	<p>services indispensable to their daily work that provide associations with the necessary tools to implement and sustain activities; promotion of equal opportunities, education for citizenship, mediation and combating discrimination as essential areas to achieve social cohesion that respect cultural diversity; implementation of actions that contribute to achieving the objectives outlined in the National Strategy for the Integration of Roma Communities. The proposed projects should promote the fight against discrimination, public awareness and training on citizenship, as well as a knowledge of Roma history, language and culture. They should also promote other actions that directly contribute to achieving the goals defined in the priorities established by the National Strategy, including food support or other activities related to the current social emergency. The 4th Programme's focuses on empowerment strategies for Roma women, and thus promotes gender equality and/or work-life balance.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The whole project can be transferred to another country where there are Roma communities with integration problems. The regulations should be adequate to the specificities of the country's integration policy.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>This Programme is a sustainable practice in that it is part of the National Strategy for the Integration of Roma Communities, involves the High Commissioner for Migration and Roma associations, has funding attached and is already in its fourth year, following significant take-up by associations working with Roma communities.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>It has a measurable impact because the beneficiary entities are associations with particular knowledge of the Roma communities, which allows a detailed knowledge of the impact of the programme; the funded projects promote, support and integrate people from the Roma communities and the evaluation of funded projects includes monitoring information on physical and financial implementation.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The support provided to Roma communities through this programme as a strategy for empowering and integrating Roma people fits in with the values of the European space, particularly in countries with identical problems of Roma inclusion.</p>

Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The Support Programme for Roma Association's (PAAC) target are Roma communities through the support provided to Roma associations. As such, the assessment of the applications also comprises the involvement of these communities in the design, implementation and evaluation of said projects. According to the High Commission for Migration, in the Programme's last edition (2019) 381 participants were directly involved.
Explain, if applicable, how the practice provides for review and assessment.	At the end of each edition, the projects that were supported have to submit a physical and financial execution report. The physical execution report is accompanied by a table of indicators and targets for assessing results. As of now, the Programme has not been subject to any external evaluation.

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please, provide one example of a promising practice related to any of the topics addressed in the chapter – i.e. in relation to data protection, and/or artificial intelligence systems - in 2020.
Title (original language)	Ferramenta de autoavaliação do Regulamento Geral de Proteção de Dados Pessoais
Title (EN)	Auto evaluation tool on the General Data Protection Regulation
Organisation (original language)	Centro de I&D sobre Direito e Sociedade da Faculdade de Direito da Universidade Nova de Lisboa (CEDIS/FDUNL)
Organisation (EN)	Research Centre on Law and Society of the School of Law of the Nova Lisbon University
Government / Civil society	University
Funding body	Foundation for Science and Technology (Portuguese public agency that supports science, technology and innovation, in all scientific domains, under responsibility of the Ministry for Science, Technology and Higher Education)

Reference (incl. url, where available)	https://observatoriopdp.limequery.com/983626?lang=pt-BR
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Started in October 2019 - ongoing
Type of initiative	Auto evaluation tool on the compliance with GDPR
Main target group	Companies, organisations or professionals of any sector
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	This tool was created under the Data Protection Observatory – a project developed at CEDIS/FDUNL – aiming to aid the GDPR compliance procedure. It was designed to be free and friendly to use by any organisation or professional. By answering a set of specific questions, the user will have a sense of the degree of risk of data processing performed by a controller or a subcontractor. The quiz also provides with some explanation of the concepts used (such as, what is meant by „personal data“, „data processing“, „sensitive data“, „controller“, among others).
Highlight any element of the actions that is transferable (max. 500 chars)	All the elements are transferable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	GDPR compliance is an ongoing need and, thus, this tool can be repeatedly accessed by several users. Access to the tool is free. Once designed, the tool only has to be amended if and when the legal regime changes.
Give reasons why you consider the practice as having concrete measurable impact	The number of persons taking the quiz may be measured. Nonetheless, concrete impact may not be measurable, since quizzes are anonymous.

<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Compliance with GDPR is a challenge for every Member State. The creation of a free tool that helps organisations and professionals in the compliance procedure is transferable to any Member State.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The tool was developed in partnership with a consultant of the data protection and cybersecurity sector.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The assessment is made by the number of uses of the tool: until the beginning of December 2020, the tool was used 669 times.</p>

Thematic area	RIGHTS OF THE CHILD Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	Escola (ainda mais) Segura
Title (EN)	(Even More) Safe School
Organisation (original language)	Polícia de Segurança Pública
Organisation (EN)	Public Security Police
Government / Civil society	Public body
Funding body	Non applicable
Reference (incl. url, where available)	https://www.facebook.com/policiasegurancapublica/posts/2903662366355925
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Start: 18 May 2020 End: 26 June 2020
Type of initiative	Awareness-raising and safety promotion sessions held in schools on the occasion of the return to classroom teaching and in day care centres on the occasion of their re-opening, following the lifting of some of the restrictions imposed by the Government due to the COVID-19 pandemic (Resolution of the Council of Ministers 33-C/2020 of 30 April).
Main target group	Children and young people, teachers, education assistants, family members
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Since 1992, the Public Security Police has been implementing the "Safe School" Programme, which resulted from a protocol celebrated with the Ministry of Internal

	<p>Affairs. This national programme aims to improve security in all schools, with the exception of higher education establishments, preventing and reducing violence, risk behaviours and incivilities. As such, the Public Security Police has been continuously monitoring schools in order to ensure safety.</p> <p>The COVID-19 pandemic justified the implementation of the “(Even More) Safe School” initiative through which the Public Security Police held awareness-raising and safety promotion sessions directed specifically to the return to classroom teaching in schools for the 11th and 12th grades of secondary education and the 2nd and 3rd years of double certification courses in secondary education (vocational courses that provide equivalence to secondary education), as well as in day care centres.</p> <p>The awareness-raising sessions addressed two guidelines from the Directorate-General for Health on the conditions to be observed by schools, employees and students for the safe return to classroom teaching and the safe return to day care centres. As such, the main goal of these sessions was to raise awareness and ensure compliance with the guidelines issued by the Directorate-General for Health. In these sessions, the Public Security Police used Power-Point presentations, as well as videos and other content aimed at children, with adequate language considering the children’s age.</p> <p>There were also policing actions on the student’s transportation to educational establishments, in order to ensure compliance with health and safety standards. The surveillance and protection of school buildings and equipment was also reinforced.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>This (Even More) Safe action is transferable to reinforce health and personal security in the return of children and young people in classroom activities.</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to ‘one off activities’)</p>	<p>This action is a reinforcement of the initiative previously taken as part of the “Safe School” (“Escola Segura”) programme, to respond to the increased needs arising from the pandemic. Its connection to a multi-year programme and the articulation between police and schools ensures its sustainability. The initiative can also be replicated with other goals besides the pandemic.</p>

<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>This practice has a concrete measurable impact since it is possible to determine how many students, teachers, education assistants and family members took part in the awareness-raising and information sessions held in school establishments.</p> <p>In total, the (Even More) Safe School initiative held 261 group awareness-raising sessions, for 4,986 people, and 1,689 individual contacts. These sessions were carried out in 256 school establishments: 49 sessions were carried out in 43 pre-school establishments, for a total of 590 children, and 79 individual contacts were also held; 191 sessions were carried out in 151 secondary education establishments, for a total of 3,941 students, and 1,218 individual contacts were also held. In addition, 21 sessions were carried out, in 62 school establishments, for a total of 455 teachers, education assistants and family members and 392 individual contacts were also held.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>This project involved the school community and families, and was a necessary action in support of the difficulties arising, in this context, from the return of children and young people to schools. It can be transferable to other Member States as a way to ensure a safe return to school during the pandemic.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>Not applicable.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>According to the Public Security Police, the (Even More) Safe School initiative's evaluation will consider the following variables: dedicated human resources; material resources used; number of sessions and individual contacts carried out; variety of the subjects covered; number and type of schools, students, teachers, education assistants and family members.</p>

Thematic area	ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide one example of a promising practice relating to the topics addressed in this chapter.
Title (original language)	Campanha #SegurançaEmisolamento
Title (EN)	#Safetyinconfinement campaign
Organisation (original language)	Comissão para a Cidadania e a Igualdade de Género
Organisation (EN)	Commission for Citizenship and Gender Equality
Government / Civil society	Government
Funding body	State and Fundação Vodafone Portugal
Reference (incl. url, where available)	https://www.cig.gov.pt/portal-violencia-domestica/covid-19-seguranca-isolamento/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	April 2020
Type of initiative	Social awareness campaign in social media
Main target group	General audience
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	Acknowledging the constraints on reporting domestic violence cases and the increased risk of violence posed by the confinement, the Commission for Citizenship and Gender Equality strengthened and diversified the channels for victims to seek help: apart from the national helpline, which is toll-free and available 24/7, a new e-mail address was created, as well as a new texting line, free and confidential. The dissemination of these channels for victims to seek help was done through social media, television, radio and

	<p>press, under the campaign <i>#SegurançaEmisolamento</i>. Particularly interesting was the translation of the campaign in Arabic, Bangla, English, French, Hindi, Mandarin, Nepalese and Russian. A video in sign language was also produced. Posters of the campaign were also displayed in areas that remained open to the public during the confinement period.</p>
<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>All elements are transferable</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>Disseminating information on how victims of domestic violence can seek help provides for both social awareness for the phenomenon and for the need to provide safe information to the victims. This practice responds to an ongoing need, rather than a one off necessity. It is an activity that can be easily reproduced continuously, also because it is mainly designed for social media.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>Impacts can be measured by the number of post's shares, the number of likes and new followers and the number of views of the campaign.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>As a social awareness campaign designed mainly for social media, it can be easily transferable to any other Member State in which social media is commonly available and used.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>The campaign involved the organisations from the National Support Network for Victims of Domestic Violence (<i>Rede Nacional de Apoio a Vítimas de Violência Doméstica</i>) in the evaluation and monitoring of its impact.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The review and assessment of the campaign is made by the monitoring of the use by victims of the different channels that were created to attend the request for protection.</p>

Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.
Title (original language)	Programa <i>Movimento de Apoio à Vida Independente</i> (MAVI)
Title (EN)	Programme <i>Independent Living Support Movement</i>
Organisation (original language)	Ministério do Trabalho, Solidariedade e Segurança Social
Organisation (EN)	Ministry of Work, Solidarity and Social Security
Government / Civil society	Government and Civil Society (Non-governmental disability organisations with the statute of Private Welfare Institutions)
Funding body	National funds + European structural and investment funds
Reference (incl. url, where available)	https://www.portugal.gov.pt/download-ficheiros/ficheiro.aspx?v=97a3fb6f-17e0-4fc9-8136-c3208059b3a2 https://www.inr.pt/vida-independente
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	February 2019 Maximum duration: 3 years
Type of initiative	Pilot Projects of Independent Living for Disabled People
Main target group	Disabled People aged 16 years old or more with an incapacity level of a minimum of 60%. People with a cognitive impairment, mental health illness or autism aged 16 years old or more regardless of the percentage of incapacity.

Indicate level of implementation: Local/Regional/National	National level with local implementation through the Centres for the Support of Independent living (CAVIs).
Brief description (max. 1000 chars)	The programme <i>Independent Living Support Movement</i> materialises in the formation at local level of <i>Centres for the Support of Independent living (CAVIs)</i> . The programme provided for the formation of 35 CAVIs across the country, not including the autonomous regions of Madeira and the Azores. This programme and the legal acts that make it possible have a maximum duration of 3 years after which the programme will be assessed and new final legislation will be drafted. Since personal assistance is a key element to allowing the implementation of independent living for disabled people, the CAVIs are responsible for organising, managing and offering personal assistance to disabled people in their area of influence. The activities supported are: hygiene; food; health and personal care; domestic assistance; travel; citizenship participation; mediation of communication; employment; training; higher education and research activities; culture, leisure and sport.
Highlight any element of the actions that is transferable (max. 500 chars)	The provision of personal assistance to disabled people according to people's needs as part of the process of implementing independent living policies is transferable.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	This is a sustainable practice for two main reasons: it involves coordination between public institutions and NGOs and its structural intervention helps disabled people to take control of their lives and not be dependent on their relatives for managing their daily lives. In the medium and long run it can be seen as an activation measure for disabled people and for their relatives. Combined with inclusive education and inclusive job markets, it makes disabled people less dependent on disability benefits.
Give reasons why you consider the practice as having concrete measurable impact	The measurable impact of this measure is demonstrated at the local level through the work undertaken by the 35 CAVIs across mainland Portugal. Each of these Centres has the capacity to support a minimum of 10 and a maximum of 50 disabled people. Its concrete impact consists in giving disabled people more autonomy in decision-making and in the managing of their lives; making them less dependent on their family members to conduct their daily routines and activities; freeing disabled people's relatives to lead

	<p>their own lives and joining the labour market and allowing disabled people to become independent from their families of origin and choose the place where they want to live.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Independent Living is enshrined in Article 19^o of the CRPD and, therefore, signatory states have the duty to implement measures to include disabled people in the community and make independent living possible. Personal assistance is one key element to implementing independent living, thus, the formation of centres for independent living and the allocation of the necessary funds to respond to disabled people's real needs in other countries will enabled disabled people's autonomy, inclusion and self-determination, i.e. to live their lives as any other citizen: at home, at work, and as members of the community.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>Organisations of disabled people and civil society had the opportunity to give contributions in the hearing process before the Decree Law 129/2017 was issued. The formation of the local <i>Centres for the Support of Independent living</i> (CAVIs) was an initiative of civil society. Disability non-governmental organisations prepared and submitted their applications to form a CAVI in their area of influence. The beneficiaries of the CAVIs are involved, and are supposed to take a leading role, in the planning of the support required.</p> <p>Beneficiaries and stakeholders are supposed to be involved in the mid-term and final evaluation of the programme and of the pilot-projects, that will lead to the revision and final draft of the legal framework documents.</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>The <i>National Institute for Rehabilitation</i> (INR), the national entity responsible for managing the pilot-projects in the North, Centre, Alentejo and the Algarve Regions, publishes a monthly report on their website summarising information about the performance of the CAVIs (number of people being supported per age group, sex, area of residence; number of hours of personal assistance provided, number of <i>Individualised Personal Assistance Plans</i> (PIAP) formulated, active and suspended.</p>

	<p>The framework legislation establishes the need to perform mid-term and final evaluations of the programme involving beneficiaries and stakeholders. The process of evaluation will lead to the revision and final draft of the legal documents that inform this initiative.</p>
--	--

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against older people or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
	No case law has been identified for this thematic area.

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE. Please provide the most relevant high court decision concerning the application of <u>either</u> the Racial Equality Directive <u>or</u> the Framework Decision on racism and xenophobia, addressing racism, xenophobia and other forms of intolerance more generally.
Decision date	25/11/2020
Reference details	Case no. 29/15.4PAAMD.L1 (The decision is not available online. Following our request to the Lisbon Court of Appeal, the decision was sent to us by email)
Key facts of the case (max. 500 chars)	In 2015, a group of police officers participated in a police intervention in Cova da Moura (a peripheral neighbourhood of Lisbon, with several socio-economic problems, where most of the inhabitants are of African origin and live in vulnerable housing conditions). Some young people from that neighbourhood were arrested and assaulted and accused the police of torture and racism. The court of first instance sentenced the defendants for several crimes, including offences against the physical integrity of the person, injury and kidnapping. Since they did not agree with the decision, the defendants appealed to the Lisbon Court of Appeal.

<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>In the case under analysis, as is clear from the proven facts, none of the offended persons had committed any crime. Thus, the Lisbon Court of Appeal agrees with the court of first instance and argues that nothing justified the actions of the defendants, as it is clear that they went beyond the exercise of their professional functions, disrespecting the rights, freedoms and guarantees of the offended and violating their deontological duties.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The police measures, although benefiting from a certain discretion, must always achieve a balance between the fulfilment of the legality principle and the prohibition of excess principle, substantiated by a proportional action, i.e. adequate, necessary and balanced. As for the coercive means to be used by the police, with the exception of the use of firearms in police actions, they must respect the prohibition of excess principle, as established in the Constitution and related legislation.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Lisbon Court of Appeal dismissed the appeals and confirmed the decision of the court of first instance that sentenced the defendants for several crimes, including offences against the physical integrity of the person, injury and kidnapping. Even though it was concluded that the crimes were not racially motivated, the actions of the police officers were considered an abuse of authority and a disrespect for the rights, freedoms and guarantees of the offended.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“Ora, pese embora, no caso em apreço não se tivessem mostrado e verificado em Juízo com base em prova válida e credível, a ocorrência de factos concretos, precisos e inteligíveis reveladores da alegada tortura, tratamento cruel, degradante e desumano ou sequer que os arguidos tivessem agido por sentimento de ódio racial, a verdade é que, como bem realça a decisão impugnada, o apurado comportamento dos arguidos consubstancia um grave abuso de autoridade, entendimento que aqui se secunda, face a tudo o que acima dito fica, ao direito positivado, aos referidos princípios legais que regem esta matéria e que acima apontados ficaram, sem necessidade de aditamento de quaisquer outros considerandos nesta sede, por despiciendos”.</p> <p>“Despite the fact that, in the present case, there was no valid and credible evidence of the occurrence of concrete, precise and intelligible facts revealing the alleged torture, cruel,</p>

	<p>degrading and inhuman treatment or even that the defendants had acted out of a feeling of racial hatred, the truth is that, as the appealed decision points out, the defendants' refined behaviour constitutes a serious abuse of authority, opinion that we agree upon, according to what was said above, the positive law and the referred legal principles that govern this matter and which were mentioned above, without the need for further considerations".</p>
--	--

Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	30/04/2020
Reference details	Porto Court of Appeal Case no. 2042/16.5T8VFR-B.P1
Key facts of the case (max. 500 chars)	The first instance court issued a protection order for two underaged children from a Roma couple on the understanding that they were in a risk situation. As such, they were institutionalised and trusted to a temporary reception centre, with a view for future adoption. In addition, visits by the biological family ended and the parents were prevented from exercising their parental responsibilities. The mother did not agree with the decision and appealed to the Porto Court of Appeal. The Public Prosecution argued that the appeal was unfounded.
Main reasoning/argumentation (max. 500 chars)	The court argued that the superior interest of the children determined that they should not be separated from their biological family if a member from their extended family could take on their parental functions in a serious, consistent, permanent and satisfactory way, even if the family had to obtain external help, namely supervision and social support. This situation is preferable to the option of sending children for adoption, with the risk of them being institutionalised indefinitely, if they are not adopted. The court referred to the Roma ethnicity of the parents while analysing the family dynamics, pointing out the vulnerability of the parents, who were still underage when they had the children, and were also subject to protection measures at the time, due to school abandonment or involvement in illicit activities. As such, the case was analysed by the court without any specificity due to the ethnicity of the family.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The Porto Court of Appeal based its argument on the “superior interest of the children”. According to the court, the superior interest of the children must prevail over other interests, namely those of their biological family, even if they are considered reasonable. In

	<p>this sense, the most appropriate decision, given the children’s interests and rights, is the one that removes the children from the risk situation.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Porto Court of Appeal determined that the children should stay with their great aunt. According to the court, since the affective bonds between the children and their mother remained, and since the extended family is available and suitable to welcome and care for them, even though with psychological, pedagogical, social and economic support, it is not necessary to implement a protection order with a view to adoption. As such, with the integration of the children into their extended family, the court seeks to preserve the existing affective bonds, within what is reasonable and prudent, in the name of the superior interest of the children.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“(…) julgamos que se deve correr o risco, sabendo que, ainda assim, se estará a procurar, de forma prudente e razoável, atingir o superior interesse dos menores B e C, no contexto da sua família natural, mesmo que alargada, e a procurar salvar os vínculos afetivos existentes entre os filhos e a sua mãe”.</p> <p>“(…) we believe that one should take the risk, knowing that, even so, one will be looking, in a prudent and reasonable way, to reach the best interests of the children B and C, in the context of their natural family, even if extended, and to seek to preserve the affective bonds that exist between the children and their mother”.</p>

<p>Thematic area</p>	<p>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. in relation to data protection, and/or artificial intelligence systems.</p>
<p>Decision date</p>	<p>26 June 2020</p>
<p>Reference details</p>	<p>Coimbra Appeal Court Case 4354/19.7T8CBR-A.C2</p>

<p>Key facts of the case (max. 500 chars)</p>	<p>A worker filled a complaint claiming that his employer violated the right to equal payment. In order to prove that his wage was lower than the wages of other workers with similar duties, he asked the court to notify the employer to present the pay slip of those other workers. The first instance court denied such request, stating that it would be a violation of data protection law once those workers were not parties in the judicial case. The plaintiff appealed such decision.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>In the appeal, the plaintiff, although acknowledging that pay slips contain personal data, protected under the General Data Protection Regulation, argues that the GDPR allows for the use of data when exercising a right in a judicial case and that he has a legitimate interest for processing such data – that is, to prove that there was a violation of the principle “equal work, equal payment”. He argues that access to those pay slips is the only way to reach such purpose.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Appeal Court determines that pay slips do contain personal data and that those personal data could even be classified, in some cases, as sensitive (for example, when there is a trade union quotation). Access to such documents are a restriction to the third party private life. Nonetheless, the court also states that access to such documents is the adequate and necessary measure to guarantee the plaintiff’s right to prove the violation of the principle “equal work, equal payment”. Therefore, the court states that both rights – be right to private life of the other workers and the right of the plaintiff to exercise his right in court – should be balanced and an adequate solution on the prevailing rights should be determined.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The court ruled that the pay slips should be presented to court provided that only the wage and all of its components is included, omitting the reference to any other elements that, besides the wage, may be included in those documents.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“se a junção dos recibos de vencimento é adequada, ou necessária, ao exercício por parte do autor de um direito num processo judicial, ou seja, a fazer prova do montante dos vencimentos de forma a poder concluir-se pela violação ou não do dito princípio, não se pode olvidar que, essa junção nos termos referidos poderá acarretar uma violação da reserva da vida privada, tudo dependendo do teor de tais recibos”.</p>

	<p>“If, on the one hand, the presentation of the pay slips is adequate, or necessary, for the plaintiff to exercise a right in a judicial proceeding, that is, to prove the different wages in order to be able to conclude whether or not that principle was violated, on the other, one cannot forget that, the presentation of those documents may result in a violation of the right to private life. It depends on the content of such pay slips.”</p>
--	---

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter.
Decision date	13/05/2020
Reference details	Constitutional Court Judgement 262/2020
Key facts of the case (max. 500 chars)	A television channel produced and broadcast the first two episodes of a reality documentary that showed the general public how to discipline children. The children that participated in this reality show were enrolled by their parents, who gave their consent. The reality documentary included a psychologist, a coach or a therapist that would help parents establish boundaries and rules vis-à-vis their children, and the show broadcast several episodes of the children’s daily lives and their interaction with their parents (especially their conflicts). The Public Prosecution, representing the children’s interests, requested this television show be cancelled and the broadcast prohibited, and the Supreme Court decided that the television channel was forbidden to broadcast the first two episodes of the show and to broadcast or, by any means, disseminate the following episodes without the prior consent of the Child Protection Commission (CPCJ). The television channel did not agree with the decision of the Supreme Court of Justice and appealed to the Constitutional Court.
Main reasoning/argumentation (max. 500 chars)	To prevent the dangers that may arise for children, in view of their special vulnerability and the circumstances that may compromise or constrain their development, the law makes their participation in television programmes subject to prior authorisation, as imposed by Article 5 of Directive 94/33/EC (or by Article 8 of ILO Convention No. 138 on the minimum age for admission to employment), without prejudice to the intervention of the courts in conflicts that arise between the protection of the interests of children promoted by CPCJ and the rights of the parents to influence their care and education.

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The possibility of submitting the participation of children in shows or television programmes to an administrative procedure, whereby an independent authority verifies that the children’s best interests are being respected – in order to protect their health and development – expresses, in a democratic society, concern for the well-being of children. Its legality, proportionality and constitutionality determined by the judicial control of the administrative decision.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>On 13 May 2020, the Constitutional Court, found that the rule according to which “minors can only participate in television programmes after an application and granting of authorization by CPCJ” does not infringe the Constitution of the Portuguese Republic, namely the principle of separation of powers, the right of parents to educate their children and the freedom of expression and information.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“A autorização exigida “mostra-se adequada e necessária a fazer valer o superior interesse da criança, designadamente quando este não coincida com o interesse dos pais”, estando em causa o interesse público na proteção dos menores contra os perigos a que podem ser expostos na participação em atividades de natureza cultural, artística ou publicitária, como um programa de televisão. Este interesse público apenas pode ser garantido “através da intervenção de um terceiro imparcial (uma “autoridade competente para cada caso individual” na expressão da Diretiva 94/33/CE), incumbido de autorizar a participação do menor no programa, norteando a sua atuação exclusivamente pelo superior interesse da criança””.</p> <p>“The required authorization “proves to be adequate and necessary to protect the best interests of the child, particularly when these do not coincide with the interests of the parents”, and the public interest in protecting children against the dangers to which they may be exposed is at stake when participating in cultural, artistic or advertising activities, such as a television programme. This public interest can only be guaranteed “through the intervention of an impartial third party (a “competent authority for each individual case” in the expression of Directive 94/33/EC), charged with authorising the participation of the child in the programme, and guiding this participation exclusively in the child’s best interests””.</p>

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter.
Decision date	19/11/2020
Reference details	Lisbon Court of Appeal 13538/15.6T8LSB.L1-C-6
Key facts of the case (max. 500 chars)	The appellant disagreed with the decision that determined the implementation of an alternate residence regime, considering that it was inadequate due to the current pandemic situation. She argued that, in the context of the COVID-19 pandemic, the child would be at greater risk of catching the virus due to the father’s profession (surgeon). In addition, she also stated that her house offered better conditions for the child to keep up with distance learning and that the child’s wishes should be considered, arguing that she did not want to live with her father.
Main reasoning/argumentation (max. 500 chars)	Despite the exceptional situation we are experiencing due to the pandemic, the distribution of time with both parents must continue to be respected, except in cases where there is an evident risk for the child. Nonetheless, the child’s best interest and well-being should not be used as a pretext to legitimize unjustified alienations from a parent. The balanced sharing of the daughter’s time with both parents is the model that must be upheld in favour of the child.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	During the pandemic and state of emergency, the enhancement of the child’s best interests cannot be disconnected from what constitutes the great national concern these days: the preservation of the child’s health and the suppression of the spread of COVID-19. It is in view of this much greater concern that the possible readjustments in the parental responsibility regulation regimes previously defined should be seen.

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Lisbon Court of Appeal dismissed the appeal. Since both parents are doctors, the implementation of the alternate residence regime does not represent a greater danger to the child than would exist if the parents lived together and took the necessary precautions to face the virus. As such, there is no need to suspend the alternate residence regime. Nonetheless, both parents have to comply with a special duty of care to be observed when transitioning between the two houses. In addition, the Lisbon Court of Appeal also clarified that, in the meantime, classroom teaching had already been resumed and that the child maintains a strong bond and affectionate relationship with both parents.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“Só quando se concretize em termos factuais que o outro progenitor não adota medidas de segurança por forma a salvaguardar a menor é que podemos entender como justificativo a aplicação de uma medida tutelar adequada, ao abrigo do disposto no art. 1918º do CC, mas desde que se concretize uma qualquer situação de risco de saúde. Mas tal não significa que o estado pandémico por si só seja utilizado para afastar a menor do outro progenitor. Assim, ambos os progenitores devem endividar esforços para o ajustamento de medidas que não diminuam o direito de a criança estar com ambos os progenitores, ao mesmo tempo que se deve preservar a saúde de todos, de forma consciente e responsável.”</p> <p>“The change of the shared custody regime is only justified if it is evident that the other parent does not adopt the necessary measures to safeguard the child from the pandemic and that, therefore, there is a proven health risk situation. The pandemic state in itself cannot be used to keep the child away from the other parent. Thus, both parents must make efforts to adjust measures that do not diminish the child’s right to be with both parents, while preserving the health of all, consciously and responsibly.”</p>

<p>Thematic area</p>	<p>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS Please provide the most relevant high court decision relating to the topics addressed in this chapter.</p>
<p>Decision date</p>	<p>4th of June 2020</p>

Reference details	Lisbon Court of Appeal Case 69/20.1PARGR-A.L1-9
Key facts of the case (max. 500 chars)	During the investigation phase, in a domestic violence case, the Public Prosecution requested the pre-trial judge to record the victim's testimony during the investigation phase, in order to be used as evidence during the trial (statement for future memory). The pre-trial judge refused the statement for future memory, stating that there were no specific reasons, such as a particular vulnerability of the victim due to age, health or close proximity between the victim and the offender, to authorise such procedure. The Public Prosecution appealed to the Lisbon Court of Appeal.
Main reasoning/argumentation (max. 500 chars)	The Public Prosecution's appeal argues that the situation was evaluated as of high risk of continuation and aggravation of criminal activity and that the statement for future memory is key to avoid the revictimisation of the victim. It also argues that the classification of the victim as particularly vulnerable is not a prerequisite for allowing the statement for future memory.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The decision of the Appeal Court scrutinises the legislator's intention on foreseeing the possibility of statements for future memory, stating that it was the legislators purpose to avoid secondary victimisation and undue pressure on the victim. It declares that secondary victimisation can arise from the fact that the victim is obliged to give multiple statements during the criminal procedure, which compels her to relive the crime and suffering.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Appeal Court ruled in favour of the Public Prosecution, stating that in cases of domestic violence statements for future memory should be the standard procedure. The decision argues that the legitimate interest of the victim is not opposed by the community's interest in discovering the truth and carrying out justice.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>"(...) embora a tomada de declarações para memória futura não seja obrigatória, é o procedimento que deve ser normalmente adoptado nos casos de violência doméstica, só assim não se procedendo quando haja razões relevantes para o não fazer".</p> <p>"(...) although making statements for future memory is not mandatory, it is the procedure that should normally be adopted in cases of domestic violence, unless when there are relevant reasons for not doing so."</p>

--	--

Thematic area	Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning.
Decision date	13/01/2020
Reference details	Case no. 3433/18.2T8MAI.P1 Porto Court of Appeal Available at: http://www.dgsi.pt/jtrp.nsf/56a6e7121657f91e80257cda00381fdf/3a56bc7164627da080258505004cddaf?OpenDocument&Highlight=0,3433%2F18.2T8MAI.P1
Key facts of the case (max. 500 chars)	On 1 June 2018, the claimant started proceedings to declare that the defendant (her mother) was unable to manage her life and assets due to a psychological disorder. Law 49/2018 of 14 August was approved and applied to all pending cases, establishing the legal framework for the accompanied adult ("maior acompanhado"). The main goal of this legal framework is that the accompanying measures are limited to what is strictly necessary and favour the autonomy of people with reduced capacity. On 9 September 2019, the court of first instance determined that the case should be dismissed. However, the claimant appealed to the Porto Court of Appeal.
Main reasoning/argumentation (max. 500 chars)	In the appellant's opinion the court of first instance should have imposed an accompanying measure to ensure the interests of the defendant and third parties who interact with her, because even though the defendant has some autonomy, she has difficulties in complex situations due to her age and state of health. The Porto Court of Appeal stated that there is no evidence that the defendant suffers from Alzheimer's and is unable to manage her life and assets, and that the defendant's limitations can be overcome by the fulfilment of the general duties of cooperation and assistance by her son.

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The application of an accompanying measure must be necessary, proportional and appropriate for each specific situation. According to the Porto Court of Appeal, to assess if an accompanying measure should be applied, three factors must be considered: accompaniment, i.e. if the adult is being assisted; the capacities of the adult; and his/her limitations.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>According to the Porto Court of Appeal, even though the defendant has some limitations due to her age and health status, they are overcome by the fulfilment of the general duties of cooperation and assistance by her son. As such, the appeal was dismissed and, therefore, no accompanying measure was applied.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>“O n.º 2 do normativo citado prevê a inaplicabilidade de qualquer medida, caso a mesma se revele desnecessária, concretizando um princípio essencial consagrado no artigo 12.º da Convenção sobre os Direitos das Pessoas com Deficiência - o princípio da necessidade (...). (...) «na análise da necessidade, ou não, de medida de acompanhamento judicialmente decretada, deve ser ponderado com muita cautela se, ainda que se verifiquem em abstrato os deveres de cooperação e assistência, o maior é devida e efetivamente assistido (...)»”.</p> <p>“Paragraph 2 of the aforementioned article states that no measure should be applied if it is unnecessary, implementing an essential principle established in Article 12 of the Convention on the Rights of Persons with Disabilities – the necessity principle (...). (...) «when analysing the necessity, or not, of an accompanying measure imposed by the court, even though the duties of cooperation and assistance are found in the abstract, it must also be considered whether the adult is proper and effectively assisted (...)»”.</p>