

Franel National contribution to the Fundamental Rights Report 2024

Portugal

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1. Impact of the cost-of-living crisis and rising poverty in the EU

1.1. Legal measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

Portugal has implemented several temporary measures to help families mitigate the effects of the continuous general increase in the price of essential goods (food, energy, housing) and its impact on the increase in the cost of living. Among the measures which target the general population, approved in 2022 or 2023 to be in force in 2023, there are several which apply changes to tax levels in order to reduce the final price to the consumer, for instance concerning the prices of:

- a) **Price of electricity** - Law 19/2022¹, reduces the VAT rate on electricity from 13% to 6% with effect from October 1, 2022 until December 31, 2023;
- b) **Fuel prices** - Ordinance no. 111-A/2022² - temporary implementation of a weekly mechanism for reviewing and fixing the values of unit tax rates on petroleum and energy products;
- c) **Price of essential food items** - Law 17/2023³ - reduces VAT on 46 essential food items for the entire population to 0%. The measure initiated in April and was defined to be in force until October 31, 2023. It was extended until the end of the year on September 7, as inflation still remained high, but it was not renewed for 2024. Between April and August, this measure contributed to reducing the prices of this basket of essential goods by 9.29%⁴. The Observatory of Agro-Food

¹ Portugal, [Lei 19/2022, que determina o coeficiente de atualização de rendas para 2023, cria um apoio extraordinário ao arrendamento, reduz o IVA no fornecimento de eletricidade, estabelece um regime transitório de atualização das pensões, estabelece um regime de resgate de planos de poupança e determina a impenhorabilidade de apoios às famílias](#) (Law 19/2022, which determines the rent update coefficient for 2023, creates extraordinary support for renting, reduces VAT on electricity supply, establishes a transitional pension update regime, establishes a redemption regime for savings plans and determines the unseizability of support to families), 21 October 2023.

² Portugal, [Portaria 111-A/2022, procede à revisão e fixação dos valores das taxas do imposto sobre os produtos petrolíferos e energéticos](#) (Ordinance 111-A/2022, revises and sets the values of tax rates on petroleum and energy products), 11 March 2022.

³ Portugal, [Lei 17/2023, procede à aplicação transitória de isenção de IVA a certos produtos alimentares](#) (Law 17/2023, temporarily applies VAT exemption to certain food products), 14 April 2023.

⁴ Portugal, Portuguese Government (2023), ["IVA Zero no cabaz de alimentos vai continuar até final do ano"](#) (Zero VAT on food baskets will continue until the end of the year), 7 September 2023.

Price (Observatório de Preços Agroalimentar) also began operating in 2023⁵, with the objectives of evaluating the impacts of the market situation on prices at consumer level, providing data that supports the formulation of policies in the agro-food sector.

Other general measures aimed at supporting family incomes involved the regulation of price increase for 2023 for:

- a) **Price of public transport** - Resolution of the Council of Ministers 74-A/2022⁶, determines the maintenance of prices for public transport passes and tickets in 2023;
- b) **Rent Price** - Law 19/2022⁷, determines a rent update coefficient of 1,02 for 2023, limiting the increase in rents to 2%, instead of the 5.43% provided for by the formula in current law. It also introduces a compensation for landlords at the fiscal level.

Taking into account the weight of housing costs on families' disposable income, Decree-Law 20-B/2023⁸ creates extraordinary and temporary support for families with the lowest income (equal to or lower than the maximum limit of the sixth echelon of the Personal Income Tax (IRS - Imposto sobre o Rendimento das Pessoas Singulares) and in a situation of financial overload (effort rate equal to or greater than 35%):

- a) **Support for the payment of rent** - with a maximum monthly amount of 200 euros, for a maximum period of five years, starting on May 26, 2023 and retroactive to January. This support is automatically granted via bank transfer based on the income value communicated to the Tax Authority, but it only covers contracts prior to March 15, 2023. In November, this measure supported 185

⁵ Portugal, The Agri-food Price Observatory ([Observatório de Preços Agroalimentar](#)) is platform developed by the Planning, Policies and General Administration Office (Gabinete de Planeamento, Políticas e Administração Geral) with financing from the Rural Development Program 2020 ([Programa de Desenvolvimento Rural 2020](#)).

⁶ Portugal, [Resolução do Conselho de Ministros 74-A/2022, estabelece medidas excecionais de apoio às famílias para mitigação dos efeitos da Inflação](#) (Resolution of the Council of Ministers 74-A/2022, establishes exceptional measures to support families to mitigate the effects of Inflation), 6 September 2022.

⁷ Portugal, [Lei 19/2022, que determina o coeficiente de atualização de rendas para 2023, cria um apoio extraordinário ao arrendamento, reduz o IVA no fornecimento de eletricidade, estabelece um regime transitório de atualização das pensões, estabelece um regime de resgate de planos de poupança e determina a impenhorabilidade de apoios às famílias](#) (Law 19/2022, which determines the rent update coefficient for 2023, creates extraordinary support for renting, reduces VAT on electricity supply, establishes a transitional pension update regime, establishes a redemption regime for savings plans and determines the unseizability of support to families), 21 October 2023.

⁸ Portugal, [Decreto-Lei 20-B/2023, cria apoios extraordinários de apoio às famílias para pagamento da renda e da prestação de contratos de crédito](#) (Decree-Law 20-B/2023, creates extraordinary support for families to pay rent and provide credit contracts), 22 March 2023.

thousand families, and another 50 thousand, who had their request rejected for having an effort rate above 100%, will receive it until the end of the year with retroactive effect to January⁹.

- b) **Support for the payment of credit instalments for the acquisition, works or construction of own and permanent housing** - through a temporary interest subsidy on mortgage loans above 3% and applied to financing requests of up to 250,000 euros. The bonus request, with a ceiling of 720 euros per year, is possible from May 18 and is valid until December 31. Due to the continuous increase in interest rates, in October, Decree-Law 91/2023¹⁰ created an exceptional and temporary measure that allows the instalment paid by mortgage loan borrowers to be reduced and stabilized for a period of two years. This partial moratorium on capital corresponds to the application of an index of 70% of the six-month Euribor rate (regardless of whether the home loan contract is indexed to the three-, six- or 12-month Euribor rate), allowing a 30% reduction in Euribor rates, which will be compensated after four years.

Financial support for letting was also increased through changes in the program **Door 65**¹¹ (Porta 65). In 2023, the maximum rent ceilings were increased and support was given to all eligible candidates, resulting in an increase of 19% covering more than 12,000 young people¹². The changes introduced by the Decree-Law 38/2023¹³ will allow applications to take place throughout the year, instead of during specific periods, and extend the measure to **single-parent families and households of any age that have experienced a drop in income of more than 20%**. The Decree-Law also approves the

⁹ Portugal, Portuguese Government (2023), "[Apoio às rendas vai chegar a mais 50 mil famílias](#)" (Rent support will reach over 50 thousand families), 9 November 2023.

¹⁰ Portugal, [Decreto-Lei 91/2023, estabelece a medida de fixação temporária da prestação de contratos de crédito para aquisição ou construção de habitação própria permanente e reforça as medidas e os apoios extraordinários no âmbito dos créditos à habitação](#) (Decree-Law 91/2023, Establishes the measure of temporarily fixing the provision of credit contracts for the acquisition or construction of permanent housing and reinforces extraordinary measures and support in the context of housing credits), 11 October 2023.

¹¹ Portugal, Institute for Housing and Urban Rehabilitation (2023), [Porta 65 Jovem](#) (Door 65 Young), is a support program for renting that grants a subsidy for a year to young people aged between 18 and 35 years old for the payment of rents (considering maximum rent values, a type of house suitable for the household, its income and effort rate).

¹² ECO (2023), "[Apoio ao arrendamento chega a 12.438 jovens. Governo garante pagamento ainda este mês](#)" (Rental support reaches 12,438 young people. Government guarantees payment this month), 6 September 2023.

¹³ Portugal, [Decreto-Lei 38/2023, cria um regime de arrendamento para subarrendamento para famílias com dificuldades no acesso à habitação no mercado e altera diversos regimes jurídicos da área da habitação no âmbito da implementação do Plano de Recuperação e Resiliência](#) (Decree-Law 38/2023, creates a rental regime for subletting for families with difficulties in accessing housing on the market and changes several legal regimes in the area of housing within the scope of the implementation of the Recovery and Resilience Plan), 29 May 2023.

legal regime for the Program **Lease to Sublease** (Arrendar para Subarrendar), which presupposes the leasing by the State of properties available on the market for subsequent subletting, at affordable prices, to families with difficulties in accessing housing. This program started in July with 320 affordable rent contracts¹⁴.

However, it was also in 2023, that were revoked several laws published within the scope of the COVID-19 pandemic¹⁵, including the suspension of acts implementing the delivery of the leased premises, within the scope of eviction actions, when the tenant, due to the final judicial decision to be made, could be placed in a fragile situation.

Despite the various measures, data from the National Statistics Institute (INE – Instituto Nacional de Estatística) for the first and second quarters of 2023 reveal that the median rent on new rental contracts grew by 9.6% and 11%, respectively, while the number of new contracts continued decreasing compared to 2022¹⁶. With regard to housing prices for purchase, the Housing Price Index (IPHab - Índice de Preços da Habitação) grew 8.7% in the second quarter (in homologous terms), with a decrease in the number of transactions¹⁷. Data provided from the Directorate-General for the Administration of Justice (DGAJ – Direção-Geral da Administração da Justiça), referring to eviction requests made through the National Rental Desk (Balcão Nacional do Arrendamento), show that until 30 November 2023 there were made 2,486 requests of which 1,598 accepted, comparing to 2,329 and 1,275 in 2022, respectively (with more than 80% of the requests referring to housing leases)¹⁸. These data suggests increasing difficulties in accessing housing in 2023, reflected in the demonstrations that took thousands of

¹⁴ Portugal, Portuguese Government (2023), "[Programa Arrendar para Subarrendar arranca com 320 contratos de renda acessível](#)" (Rent to Sublease Program starts with 320 affordable rent contracts), 19 July 2023.

¹⁵ Portugal, [Lei 31/2023, estabelece a cessação de vigência de leis publicadas no âmbito da pandemia da doença COVID-19](#) (Law 31/2023, establishes the cessation of laws published within the scope of the COVID-19 disease pandemic), 4 July 2023.

¹⁶ Portugal, National Statistics Institute (2023), "[Renda mediana de novos contratos cresceu 11,0% e número de novos contratos decresceu -1,2% face ao período homólogo - 2.º Trimestre de 2023](#)" (Median rent from new contracts grew 11.0% and the number of new contracts decreased -1.2% compared to the same period last year - 2nd Quarter 2023), 28 September 2023.

¹⁷ Portugal, National Statistics Institute (2023), "[Preços da habitação aumentaram 8,7% e o número de transações diminuiu 22,9% - 2.º Trimestre de 2023](#)" (Housing prices increased by 8.7% and the number of transactions decreased by 22.9% - 2nd Quarter 2023), 21 September 2023.

¹⁸ Portugal, Directorate-General for the Administration of Justice, written response, 4 January 2024.

people to the streets in several cities across the country on April 1¹⁹ and September 30²⁰.

Aiming at **increasing family income and combating poverty**, a set of measures were also implemented related to wages, pensions and social benefits:

- a) **Remuneration of public administration workers** - Decree-Law 26-B/2023²¹, establishes an interim update of the value of remunerations by 1%, which adds, with retroactive effect to the beginning of the year, to the 2% increase applied in January. This updating measure adds to the nominal increases of 52.11 euros attributed at the beginning of the year for gross incomes up to 2,612.03 euros. Ordinance 107-A/2023²² increases the value of the daily food allowance for public administration workers from 5.20 euros to 6 euros with retroactive effect to January 2023;
- b) **Social benefits:**
 - a. **Social insertion income** – Ordinance 32/2023²³, updates the reference value of social insertion income from 189.66 euros to 209.11 euros;
 - b. **Solidarity supplement for the elderly** - Ordinance 31-A/2023²⁴, updates the annual reference value by 600 euros;
 - c. **Social benefit for inclusion** - Ordinance 31-B/2023²⁵, updates the annual reference value and increases the maximum annual limit for the accumulation of the component base with income from employment.

¹⁹ Público (2023), "[As imagens da manifestação. Milhares de pessoas na rua contra crise da habitação](#)" (Images of the demonstration. Thousands of people on the streets against the housing crisis), 1 April 2023.

²⁰ Diário de Notícias (2023), "[Milhares nas ruas e Marcelo incentiva: é "uma boa causa"](#)" (Thousands on the streets and Marcelo encourages: it's "a good cause"), 30 September 2023.

²¹ Portugal, [Decreto-Lei 26-B/2023, promove a atualização salarial intercalar do valor das remunerações da Administração Pública](#) (Decree-Law 26-B/2023, promotes the mid-term salary update of the value of Public Administration remunerations), 18 April 2023.

²² Portugal, [Portaria 107-A/2023, fixa a atualização do subsídio de refeição, a 1 de janeiro de 2023, aos trabalhadores da Administração Pública](#) (Ordinance 107-A/2023, fixes the update of the meal allowance, on January 1, 2023, for Public Administration workers), 18 April 2023.

²³ Portugal, [Portaria 32/2023, procede à atualização do valor do RSI para o ano de 2023](#) (Ordinance 32/2023, updates the RSI value for the year 2023), 20 January 2023.

²⁴ Portugal, [Portaria 31-A/2023, atualiza o valor de referência do complemento solidário para idosos](#) (Ordinance 31-A/2023 of January 19, updates the reference value of the solidarity supplement for the elderly), 19 January 2023.

²⁵ Portugal, [Portaria 31-B/2023, procede à atualização do valor de referência anual da componente base e do valor de referência anual do complemento da prestação social para a inclusão, bem como do limite máximo anual de acumulação da componente base com rendimentos de trabalho](#) (Ordinance 31-B/2023, updates the annual reference value of the base component and the annual reference value of the social benefit complement for inclusion, as well as the maximum annual limit for accumulation of the base component with income from work), 19 January 2023.

- c) **Pensions** - Law 19/2022²⁶, applied a transitional updating regime that was below the one resulting from the formula provided for in the law (which takes into account average inflation without housing and the growth of the Gross Domestic Product), having been supplemented with the payment of an equivalent amount half board. Decree-Law 28/2023²⁷ approves an interim increase of 3.57% from July onwards in order to comply with the legal calculation formula currently in force.

The State Budget for 2023, Law 24-D/2022²⁸, also introduced **changes in income taxes**, in order to increase disposable income. For instance, the changes applied to the “Young IRS” consist of an increase in exemption values to: 50% in the first year, with a limit of 12.5 times the Social Support Index (IAS)²⁹; 40% in the second year, up to a maximum of 10 IAS; 30% in the third and fourth years, with a limit of 7.5 IAS; 20% in the fifth year, with a ceiling of 5 IAS.

Considering the need to more intensively support the income of the most vulnerable social groups, reinforce social protection and combat poverty for children and young people in the most needy families, Ordinance 34/2023³⁰ **updates the amounts of the family allowance** for children and young people, the pre-natal family allowance, the funeral allowance, the family allowance disability bonus and the third-person care allowance, also reinforcing increases for single-parent families. These measures, included within the scope of the **Child Guarantee Action Plan**³¹ initiated in 2022, aim to ensure that all children and young people under the age of 18 receive at least: a global

²⁶ Portugal, [Lei 19/2022, que determina o coeficiente de atualização de rendas para 2023, cria um apoio extraordinário ao arrendamento, reduz o IVA no fornecimento de eletricidade, estabelece um regime transitório de atualização das pensões, estabelece um regime de resgate de planos de poupança e determina a impenhorabilidade de apoios às famílias](#) (Law 19/2022, which determines the rent update coefficient for 2023, creates extraordinary support for renting, reduces VAT on electricity supply, establishes a transitional pension update regime, establishes a redemption regime for savings plans and determines the unseizability of support to families), 21 October 2023.

²⁷ Portugal, [Decreto-Lei 28/2023, estabelece um regime de atualização intercalar das pensões](#) (Decree-Law 28/2023, establishes an interim pension update regime) 28 April 2023.

²⁸ Portugal, [Lei 24-D/2022, Orçamento do Estado para 2023](#) (Law 24-D/2022, State Budget for 2023), 30 December 2022.

²⁹ The IAS – Social Support Index ([Indexante dos Apoios Sociais](#)) constitutes the reference value for setting, calculating and updating State social benefits, support and other expenses. In [2023, the IAS approved value](#) was 480.43 euros.

³⁰ Portugal, [Portaria 34/2023, procede à atualização dos montantes do abono de família para crianças e jovens, do abono de família pré-natal, do subsídio de funeral, da bonificação por deficiência do abono de família, do subsídio por assistência de terceira pessoa e reforça as majorações do abono de família nas situações de monoparentalidade](#) (Ordinance 34/2023, updates the amounts of the family allowance for children and young people, the pre-natal family allowance, the funeral allowance, the family allowance disability bonus, the third-person care allowance and reinforces the increases in the family allowance family in single parenting situations), 25 January 2023.

³¹ Portugal, National Coordination Childhood Guarantee (2023), [Plano de Ação da Garantia Para a Infância 2022-2030](#) (Childhood Guarantee Action Plan 2022-2030).

annual amount of 1,200 euros (100 euros monthly), when facing risk of extreme poverty; an annual amount of 600 euros (50 euros per month) when belonging to the first and second levels of family allowance, whether through family allowance or through taxation.

During the first quarter of 2023 **extraordinary financial support measures** were implemented under Decree-Law 21-A/2023³²: a) **Financial support of 90 euros for the most vulnerable families**, i.e. beneficiaries of the social electricity tariff and minimum social benefits, in the months of April, June, August and November 2023, estimated at more than one million families; b) **Extraordinary support of 15 euros in family allowance**, paid automatically (by bank transfer) every three months, starting on May 16, 2023, to all children and young people benefiting from family allowance from the first to the fourth level. The governmental allocation for supporting the acquisition of bottled liquefied petroleum gas by the beneficiaries of the social electricity tariff or minimum social benefits (“solidarity bottle”) was increased to 3 million euros (Law 24-D/2022³³).

Other measures, included simplifying support mechanisms, were implemented, such as: from September 25, 2023, beneficiaries of the Solidarity Supplement for the Elderly (CSI - Complemento Solidário para o Idoso) began to have an immediate discount on the purchase of medicines, instead of the reimbursement request previously in force³⁴; or by extending free day-care centres within the scope of the program **Happy Kindergarten** (Creche Feliz)³⁵ and other social facilities to support the family. In the 2023/24 school year, free coverage covers around 80% of the 1,816 children attending the Santa Casa da Misericórdia de Lisboa facilities³⁶. In 2023 it was **reinforced the support to Higher Education students in need** through an increase (between 8% and 38%) in support

³² Portugal, [Decreto-Lei 21-A/2023, estabelece medidas excecionais de apoio às famílias para mitigação dos efeitos da inflação](#) (Decree-Law 21-A/2023, establishes exceptional measures to support families to mitigate the effects of inflation), 28 March 2023.

³³ Portugal, [Lei 24-D/2022, Orçamento do Estado para 2023](#) (Law 24-D/2022, State Budget for 2023), 30 December 2022.

³⁴ Portugal, Portuguese Government (2023), [“Idosos com baixos recursos vão ter medicamentos comparticipados na hora”](#) (Elderly people with low incomes will have their medicines reimbursed on the spot), 22 September 2023.

³⁵ Portugal, [Portaria 75/2023, Procedê à segunda alteração à Portaria 198/2022, de 27 de julho, que regulamenta as condições específicas de concretização da medida da gratuidade das creches e creches familiares](#) (Ordinance 75/2023, makes the second amendment to Ordinance 198/2022, of July 27, which regulates the specific conditions for implementing the free-of-charge measure for day-care centres and family day-care centres), 10 March 2023.

³⁶ Portugal, Santa Casa da Misericórdia de Lisboa, written response, 18 December 2023.

allocated to accommodation of displaced students with scholarship³⁷, the automatic granting of a scholarship to students in the first, second or third bracket of the family allowance, as well as through the definition of a **special quota of 2% for students in need** (candidates benefiting from school social action) in the access to higher education 2023/24³⁸.

1.2. Policy measures impacting on vulnerabilities of persons affected by the rising costs of living and energy.

In Portugal, during 2023, besides the Law of Grand Options for 2023-2026 (Decree of the Assembly of the Republic 57/XV³⁹), law that establishes policy measures for the period 2023-2026 and the budgetary programming to implement them, several thematic programs and action plans were approved. Since the year was marked by political and social discussion around the increasing difficulties in housing affordability and the policy measures to address it, a more detailed analysis will be given to housing policy, mentioning other important developments to improve living conditions.

On January 20, the **National Housing Program** (PNH – Programa Nacional de Habitação) was approved (Proposed Law 46/XV/1st⁴⁰) as a programmatic instrument of the national housing policy that establishes the objectives, priorities, programs and measures for the multiannual framework 2022-2026. The program includes a set of 22 measures organized into six axes of intervention, amounting a total of 2,823 million euros of investment until 2026⁴¹. Some of the measures are a continuation of the policies defined

³⁷ Portugal, [Despacho 3163/2023, define o processo de atribuição do apoio extraordinário ao alojamento a estudantes do ensino superior que sejam beneficiários de abono de família até ao 3.º escalão](#) (Order 3163/2023, defines the process for granting extraordinary support for accommodation to higher education students who are beneficiaries of family allowance up to the 3rd echelon), 9 March 2023.

³⁸ Portugal, [Portaria 104/2023, estabelece o regulamento do Concurso Nacional de Acesso e Ingresso no Ensino Superior Público para a Matrícula e Inscrição no Ano Letivo de 2023-2024](#) (Ordinance 104/2023, establishes the regulations for the National Competition for Access and Entry into Public Higher Education for Enrollment and Registration in the 2023-2024 Academic Year), 13 April 2023.

³⁹ Portugal, [Decreto da Assembleia da República n.º 57/XV, aprova a Lei das Grandes Opções para 2023-2026](#) (Decree of the Assembly of the Republic 57/XV, approves the Great Options Law for 2023-2026), 15 June 2023.

⁴⁰ Portugal, [Proposta de Lei 46/XV/1.ª](#) (Proposal for Law 46/XV/1st), 20 January 2023.

⁴¹ Observador (2023), [“Reprogramação do PRR vai aumentar em 20% verbas para Habitação”](#) (PRR reprogramming will increase funding for Housing by 20%), 7 September 2023. The Portuguese Government has requested the European Commission the reprogramming of the PRR. In case of being approved, it will increase by 20% the funds available for housing programs,

by the approval of the New Generation of Housing Policies (Nova Geração de Políticas de Habitação)⁴², but the budget is reinforced by funds from the Portuguese Recovery and Resilience Plan (PRR – Plano de Recuperação e Resiliência)⁴³.

The main axis of the PNH, **Axis 1 – Strengthening and qualifying the public housing stock, as a permanent response** (which concentrates more than 80% of the budget and 1,986 million euros from the PRR), includes 4 measures of which the **Program First Right** (Programa 1º Direito)⁴⁴ stands out, with more than half the budget. This measure, regulated in 2018, and which also constitutes an instrument that aims to contribute to the reduction of social inequalities and poverty eradication (see Law of Great Options for 2023-2026), aims to build 26,000 housing solutions by 2026 in articulation with the Local Housing Strategies developed by municipalities. Axis 1 also includes measures to mobilize public assets for affordable rental (860 million euros), rehabilitate the public housing stock of the Institute for Housing and Urban Rehabilitation (IHRU - Instituto da Habitação e da Reabilitação Urbana) (48 million euros), and reinforce the public housing stock with the acquisition, by IHRU, of ready-to-use properties (159 million euros).

Axis 2 – Guaranteeing emergency responses to risk and social emergency situations, allocates 197 million euros to create a National Set of Urgent and Temporary Accommodations, made up of existing responses and more 2,000 built under the PRR (176 million euros), and the program Entrance Door (Porta de Entrada)⁴⁵, which aims to respond to urgent accommodation needs arising from unpredictable or exceptional events through protocols with promoting entities (21 million euros). Axis 3 – **Encouraging the private supply of rentals at affordable costs**, with 232 million euros, involves 4 measures, including the reinforcement of the program Door 65 (Porta 65) (182 million euros) and the program Rehabilitate to Rent (Reabilitar para Arrendar)⁴⁶ (50 million euros). Axis 4 - **Strengthening stability and confidence in the housing market**, includes 4 measures mainly referring to legislative changes aiming regulation, inspection, and taxation of the rental market, as well as studies that collect data to guide future policies. Finally, Axis 5 – **Qualifying residential spaces and promoting greater**

⁴² Portugal, [Resolução do Conselho de Ministros 50-A/2018, aprova o sentido estratégico, objetivos e instrumentos de atuação para uma Nova Geração de Políticas de Habitação](#) (Resolution of the Council of Ministers 50-A/2018, approves the strategic direction, objectives and instruments of action for a New Generation of Housing Policies), 2 May 2018.

⁴³ Portugal, Recuperar Portugal (2023), [Plano de Recuperação e Resiliência - PRR](#) (Recovery and Resilience Plan - PRR).

⁴⁴ Portugal, Institute for Housing and Urban Rehabilitation (2023), [Programa 1º Direito](#) (First Right Program).

⁴⁵ Portugal, Institute for Housing and Urban Rehabilitation (2023), [Porta de Entrada](#) (Entrance Door).

⁴⁶ Portugal, Institute for Housing and Urban Rehabilitation (Instituto da Habitação e da Reabilitação Urbana) (2023), [Reabilitar para Arrendar](#) (Rehabilitate to Rent).

territorial cohesion and Axis 6 – **Promoting the sustainability and innovation of housing solutions**, include 7 measures, one of which is the program Healthy Neighbourhoods (Bairros Saudáveis)⁴⁷. This program provides for the promotion of integrated operations in communities disadvantaged in the Metropolitan Areas of Lisbon and Porto. In the evaluation⁴⁸ of the 240 projects carried out, stands out the creation of 407 jobs, of which 284 remained after the conclusion of activities. The program allowed 682 interventions to improve public space, improve accessibility for 164 people with reduced mobility (with showers or creation of ramps); access to water, sanitation or energy networks for 121 households; and, interventions in 677 homes, improving the living conditions of 2,470 people. In the face of its success⁴⁹, a second edition was approved with the aim of becoming a permanent program with editions every three years.

The continued increase in interest rates on housing credit during 2022, in a country where, according to the Bank of Portugal, 90% of the credit stock has a variable rate⁵⁰, combined with the increase in rentals and inflation of essential goods, led to a worsening of families' difficulties. The mainly structural nature of the PNH measures led, in February 16, the Council of Ministers to approve the program **More Housing** (Mais Habitação) and some separate legislation, to tackle the housing crisis and guarantee more housing for everyone. The proposed measures were under public discussion in March, resulting in 929 comments and 162 documents submitted⁵¹. The political program sparked an intense debate in public opinion, as well as popular demonstrations on opposing sides^{52/53}, especially around measures such as forced leasing and the regulation of local accommodation, which aimed to promote a short-term increase in properties available for rent. The version submitted in April to the Parliament, and subsequently approved, revised some of the initial measures without, however, gathering the support of other parliamentary groups besides the party in Government.

⁴⁷ Portugal, [Programa Bairros Saudáveis](#) (Healthy Neighbourhoods Program), 16 October 2020.

⁴⁸ Portugal, Healthy Neighbourhoods (2023), "[Resultados nacionais alcançados pelo Programa Bairros Saudáveis](#)" (National results achieved by the Healthy Neighbourhoods Program), 19 June 2023.

⁴⁹ Portugal, Healthy Neighbourhoods (2023), "[Conselho de Ministros aprovou lançamento da 2ª edição do Programa Bairros Saudáveis](#)" (Council of Ministers approved launch of the 2nd edition of the Healthy Neighbourhoods Program), 14 September 2023.

⁵⁰ Jornal Eco (2023), "[Portugal entre os países europeus com mais crédito à habitação a taxa variável](#)" (Portugal among the European countries with the highest percentage of mortgage loans at a variable rate), 22 July 2023.

⁵¹ For more information, see the website of Consulta.Lex on the "[More Housing](#)" program.

⁵² Jornal de Notícias (2023), "[«Habitação não é negócio»: milhares na rua não foi mentira de 1 de abril](#)" ("Housing is not a business": thousands on the street was not a lie on April 1st), 1 April 2023.

⁵³ Observador (2023), "[Duas centenas de proprietários de alojamento local em protesto junto ao parlamento](#)" (Two hundred local accommodation owners protest at parliament), 19 July 2023.

Various housing policies proposed by the opposition parties were also rejected by the absolute majority, with the exception of the proposal to reinforce resources for the Institute for Housing and Urban Rehabilitation (IHRU). The More Housing legislation was first vetoed by the President of the Republic considering that, among other reasons, the “total absence of an agreement regime or minimum party consensus” meant that the law was not “sufficiently credible in terms of its implementation in the short term”, not being “easy to see where the promised supply of housing will come from, with efficiency and readiness”⁵⁴. Given the absolute majority of the Socialist Party, the law was confirmed and published on October 6⁵⁵. Of the various measures approved, the following stand out:

- a) Creation of a **support for the promotion (construction or rehabilitation) of housing for affordable rental and/or student accommodation**, through the provision of land and public buildings and/or a line of financing of 250 million euros;
- b) **Acquisition of real estate by public entities for affordable rental**, as well as rental for subsequent housing sublease;
- c) Definition of **exceptional and transitional rules that limit the value of the increase in rents in new lease contracts**, subsequent to contracts signed in the last five years;
- d) **Changes to local accommodation** legislation that determine, among others: **suspension of new local accommodation registrations** in mainland Portugal, with some exceptions; the non-transferability of local accommodation registration, except in the case of succession; the expiry of inactive registrations; limitation of the duration of registrations to 5 years, with renewal subject to consideration by the competent City Council; creation of an **extraordinary contribution on apartments in local accommodation of 15% of the taxable rate** (calculated based on the economic coefficient of local accommodation and the urban pressure coefficient of the area where the property is located) reverting to the IHRU;
- e) **Financing line of 150 million euros for the execution of coercive works** by municipalities, that is, when the owner, notified to conduct necessary works on the property, does not start the works or does not complete them within the deadlines set by law under the terms of Decree-Law 555/99⁵⁶;

⁵⁴ Portugal, Presidency of the Portuguese Republic (2023), [“Presidente da República promulga dois Decretos da Assembleia da República e veta um terceiro Decreto”](#) (President of the Republic promulgates two Decrees of the Assembly of the Republic and vetoes a third Decree), 21 August 2023.

⁵⁵ Portugal, [Lei 56/2023, aprova medidas no âmbito da habitação, procedendo a diversas alterações legislativas](#) (Law 56/2023, approves measures in the field of housing, making several legislative changes), 6 October 2023.

⁵⁶ Portugal, [Decreto-Lei 555/99, estabelece o regime jurídico da urbanização e edificação](#) (Decree-Law 555/99, establishes the legal regime for urbanization and construction), 16 December 1999.

- f) Possibility of the competent Municipalities, or the IHRU, to carry out the **forced rental of dwellings** located outside the interior territories that have been vacant for more than two years and which, having their owners been notified to carry out the duty of use, remain vacant;
- g) **Revocation of residence permits for real estate investment** activities by foreigners, known as *Golden Visas*;
- h) **Changes in eviction procedures**, e.g., simplification, shortening of deadlines and definition of a period of 30 days for the tenant to vacate the house when the court decides in favour of the landlord.

Another important document for improving living conditions approved in 2023 is the **Agenda for Decent Work and the Valorisation of Young People in the Labour Market**^{57/58}. This Agenda has as strategic axes the fight against precariousness, the promotion of the reconciliation of professional, personal and family life and the valorisation of young people in the job market, as well as the promotion of collective contracting. It transposes the Directive 2019/1152/EU⁵⁹, on transparent and predictable working conditions in the European Union, and the Directive 2019/1158/EU⁶⁰, regarding the reconciliation between professional life and family life of parents and caregivers, and amends several national Decrees of Law and the Labour Code.

Of the 70 measures included, the following stand out: the regulation of work on digital platforms, with workers on these platforms now being considered employees, as well as the duty to provide information on the use of algorithms or artificial intelligence; the increased of overtime pay; a company that resorts to collective dismissal is unable to resort to subcontracting in the following 12 months; increase in the value of compensation for the termination of fixed-term and uncertain-term contracts; reduction from 6 to 4 times in the possibility of renewing temporary fixed-term contracts; young workers will now be able to accumulate a salary with family allowances and study grants; simplification of requests for sick leave of up to 3 days; increasing the father's exclusive parental leave from 20 to 28 days and improvement of shared leaves; creation of a generational bereavement leave of up to 3 days; right to telework, work

⁵⁷ Portugal, Portuguese Government (2023), [Agenda do Trabalho Digno e de Valorização dos Jovens no Mercado de Trabalho](#) (Agenda for Decent Work and the Valorisation of Young People in the Labour Market).

⁵⁸ Portugal, [Lei 13/2023, altera o Código do Trabalho e legislação conexa, no âmbito da Agenda do Trabalho Digno](#) (Law 13/2023, amends the Labour Code and related legislation, within the scope of the Decent Work Agenda), 3 April 2023.

⁵⁹ [European Parliament and Council Directive 2019/1152/EU](#) of 20 June 2019 laying down transparent and predictable working conditions in the European Union, OJ 2019 L 186.

⁶⁰ [European Parliament and Council Directive 2019/1158/EU](#) of 20 June 2019 laying down work-life balance for parents and carers and repealing Council Directive 2010/18/EU, OJ 2019 L 188.

part-time or work with flexible hours for parents with a child with a disability or chronic illness and for informal working caregivers.

The Decent Work Agenda is linked to another important policy, the **Child Guarantee Action Plan 2022-2030** (PAGPI – Plano de Ação da Garantia Para a Infância 2022-2030)^{61/62}. PAGPI 2022-2030 aims to guarantee access for children and young people to a range of essential services, helping to defend their rights, combat child poverty and promote equal opportunities. This is the strategic document guiding the public policy for implementing Recommendation 2021/1004/EU⁶³, regarding the creation of the European Child Guarantee⁶⁴, in light of the 11th Principle of the Pillar European Union of Social Rights.

The Plan, which aims to remove 170,000 children from poverty by 2030, allocates 185 million euros of national funds to the Childhood Guarantee (Garantia para a Infância)⁶⁵ - exceptional social support for all children and young people at risk of extreme poverty and the additional supplement to the family allowance. To ensure the automatic allocation of social benefits aimed at children and young people, it allocates 200 million euros of the PRR to carry out the digital transition of Social Security. The plan also allocates 54 million euros from the PRR (New Generation of Equipment and Social Responses) to increase the coverage rate of social responses aimed at early childhood by promoting 5,586 new places under the PARES Program⁶⁶. To guarantee that children attend day-care centres covered by the cooperation regime free of charge, 120 million euros of national funds are foreseen. The plan also envisages the creation of **Local Childhood Guarantee Centres**, within the scope of the Local Social Networks, for the prevention and integrated monitoring of children and young people at risk of poverty and break intergenerational cycles of poverty.

⁶¹ Portugal, National Coordination Childhood Guarantee (2023), [Plano de Ação da Garantia Para a Infância 2022-2030](#) (Childhood Guarantee Action Plan 2022-2030).

⁶² Portugal, [Resolução do Conselho de Ministros 3/2023, que aprova o Plano de Ação da Garantia para a Infância 2022-2030](#) (Resolution of the Council of Ministers 3/2023, which approves the Child Guarantee Action Plan 2022-2030), 17 January 2023.

⁶³ [Council Recommendation 2021/1004/EU establishing a European Child Guarantee](#) of 14 June 2021, OJ 2021 L223.

⁶⁴ European Commission, [European Child Guarantee](#).

⁶⁵ Portugal, Institute for Social Security (2023), [Guia Prático – Garantia para a Infância](#) (Practical Guide - Childhood Guarantee), 26 January 2023.

⁶⁶ Portugal, PARES - [Programa de Alargamento da Rede de Equipamentos Sociais](#) (PARES - Social Equipment Network Expansion Program).

Recently, the Council of Ministers approved the Action Plan for the National Strategy to Combat Poverty 2022-2025⁶⁷, which identifies 270 activities articulated around six axes of intervention and 14 strategic objectives, of which stands out the carrying out of a pilot study in 2024 to assess the efficacy of assigning a “case manager” to each person at risk of poverty. On December 21, 2023, the Council of Ministers approved the generality of the National Strategy for the Integration of Homeless People 2024-2030, which aims to extend the concept of homelessness to people "at risk" of losing their home, extending the validity of the current strategy for an additional year⁶⁸.

An analysis of intergenerational justice⁶⁹ published in 2023, which compares data from 2015 with data from 2020, identifies improvements in younger generations in terms of poverty and living conditions, the labour market and public finances, a stabilization in health, but a setback in terms of the environment, natural resources and housing. Some reports published in 2023 reveal a worsening of the situation of Portuguese families in 2022. For example, the number of people who lived without having the financial capacity to have a meat or fish meal at least every 2 days, increased from 2.4% in 2021 to 3.0% in 2022, and of keeping the house adequately heated increased from 16.4% to 17.5%, respectively⁷⁰. The Portuguese Association for Consumer Protection (Associação Portuguesa para a Defesa do Consumidor – DECO) registered 31,500 requests for information in 2022 (compared to the 30,000 registered in 2021), the majority of which related to advice and guidance in credit renegotiation. The increase in the cost of living was the main reason (36%) cited for financial difficulties compared to unemployment (29%) in 2021⁷¹. The Annual Activity Assessment Report⁷² of the Commissions for the Protection of Children and Young People (Comissões de Proteção de Crianças e Jovens - CPCJ) also reveals an increase in the number of children and young people monitored

⁶⁷ Portugal, Portuguese Government (2023), “[Governo aprova plano de ação para o combate à pobreza](#)” (Government approves action plan to combat poverty), 12 October 2023.

⁶⁸ Portugal, Portuguese Government (2023), “[Comunicado do Conselho de Ministros de 21 de dezembro de 2023](#)” (Announcement from the Council of Ministers of December 21, 2023), 21 December 2023.

⁶⁹ Pereira, P. T. (coord.), Albuquerque, P., Amorim, J. G., Andrade, I., Costa, E., Esteves, D., Franco, F., Nobre, L., Rodrigues, C. F., Tavares, A. I., Valente, M. S. and Xeres, R. (2023), [Um Índice de Justiça Intergeracional para Portugal](#)” (An Intergenerational Justice Index for Portugal), Institute of Public Policy and Fundação Calouste Gulbenkian, Lisboa.

⁷⁰ Farinha Rodrigues, C. (2023), [Portugal Desigual | Um retrato das desigualdades de rendimentos e da pobreza no país](#) (Portugal Desigual | A portrait of income inequalities and poverty in the country), Fundação Francisco Manuel dos Santos.

⁷¹ Portugal, Portuguese Association for Consumer Protection (2023), [Tempos de crise 2022/2023: Um retrato das dificuldades financeiras das famílias](#) (Times of crisis 2022/2023: A portrait of families’ financial difficulties), April 2023.

⁷² Portugal, National Commission for the Promotion of the Rights and Protection of Children and Young People (2023), [Relatório Anual de Avaliação da Atividade das CPCJ 2022](#) (Annual CPCJ Activity Assessment Report 2022), May 2023.

by the CPCJ between 2021 and 2022, from 69,727 to 74,191, as well as reports of risk situations, 43,075 and 49,564, respectively. The Portuguese Victim Support Association (Associação Portuguesa de Apoio à Vítima – APAV) also recorded a 7.7% increase in supported cases compared to 2021, including 2,595 children and young people compared to 1,959 in 2021⁷³. The Survey on the Characterization of Homeless People reported on December 31, 2022 identified 10,773 people in this situation⁷⁴. In the first half of 2023, the International Medical Assistance (AMI) had supported 1,020 homeless people, representing an increase of 8% compared to the same period in 2022 and a 57% increase in new cases of people experiencing homelessness⁷⁵. The results of the Living Conditions and Income Survey published in 2023, on 2022 income, indicates that 17% of people were at risk of poverty in 2022, an increase of 0.6 percentage points (p.p.) compared to 2021. Also inequality in income distribution increased in 2022: from 8.4 to 9.7 in the S90/S10 ratio and from 32% to 33.7% in the Gini Coefficient⁷⁶. The Amnesty International 2023 report⁷⁷, referring also to 2022 data, highlights for Portugal the existing cases of forced evictions, affecting disproportionately people of Roma and African descent, and the inadequate housing conditions associated with exploitative labour affecting mostly migrants from south Asian countries.

Some publications also stress alternative policies to solve the cost of living crisis and its impacts on vulnerable social groups. Prioritize salary increases (instead of restrictions) in order to protect purchasing power, as well as combat inequalities (aggravated by inflation) through taxation of companies' extraordinary profits or limiting profit margins⁷⁸. Tackle the structural causes of poverty⁷⁹, rather than emergency measures,

⁷³ Portugal, Portuguese Victim Support Association (2023), [Estatísticas APAV – Relatório Anual 2022](#) (APAV Statistics – Annual Report 2022), March 2023.

⁷⁴ Portugal, Grupo de Trabalho para a Monitorização e Avaliação da ENIPSSA (2023), [“Inquérito Caracterização das Pessoas em Situação de Sem-Abrigo - 31 de dezembro 2022”](#) (Survey on the Characterization of Homeless People - December 31, 2022).

⁷⁵ Portugal, International Medical Association (2023), [“Aumentam de forma crítica os pedidos de bens essenciais e os casos de pessoas em situação sem-abrigo”](#) (Requests for essential goods and cases of homeless people are critically increasing), 13 November 2023.

⁷⁶ Portugal, National Statistics Institute (2023), [“A taxa de risco de pobreza aumentou para 17,0% em 2022”](#) (Poverty risk rate increased to 17.0% in 2022), 27 November 2023.

⁷⁷ Amnesty International (2023), [Amnesty International Report 2022/23: The State of the world’s human rights](#).

⁷⁸ Martins, D. and Ferreira, V. (2023), [“A inflação pós-pandemia: reflexões a partir da economia portuguesa”](#) (Post-pandemic inflation: reflections from the Portuguese economy), *Cadernos do Observatório sobre Crises e Alternativas*, Vol. 18, 1-94.

⁷⁹ European Anti Poverty Network (2023), [“Conclusões da Cimeira das Pessoas: não há Europa Social sem Direitos Sociais”](#) (Conclusions of the People's Summit: there is no Social Europe without Social Rights), 15 May 2023.

namely by combating the exploitation of undeclared labour and low wages, insufficient to access essential basic goods and services (e.g., housing, education, health, transport). Reduce bureaucracy in public services, humanize services by giving voice and participation opportunities to beneficiaries and combating institutional racism. Finally, it stresses the importance of making the European Pillar of Social Rights not a recommendation, but a binding document. In what concerns the integration of refugees and migrants in particular⁸⁰ is also stressed the need to hire interpreters and sociocultural mediators as well as promoting the ongoing training in Human Rights, Asylum and Immigration for professionals in the area.

Table 1 – Promising practice

Promising practice	
Title (original language)	A_Rede
Title (EN)	The_Network
Organisation (original language)	JRS Portugal - Serviço Jesuíta aos Refugiados - Associação Humanitária
Organisation (EN)	JRS Portugal - Jesuit Refugee Service - Humanitarian Association
Government / Civil society	Civil society
Funding body	FAMI (Fundo Asilo, Migração e Integração)
Reference (incl. URL, where available)	https://a-rede.pt/sobre-a-rede/
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Starting date: May 2023 Ongoing
Type of initiative	Online platform and multidisciplinary support for refugee people's housing independence.
Main target group	Refugee people, landlords
Indicate level of implementation: Local/Regional/National	Local, Regional and National

⁸⁰ JRS Portugal - Jesuit Refugee Service (2023). [Construir a integração: Por onde começar?](#) (Building integration: Where to start?), 18 May 2023.

Promising practice	
Brief description (max. 1000 chars)	<p>A_REDE aims to put refugee families in contact with people who have houses to rent at affordable prices. Through the digital platform (https://a-rede.pt/), those interested in being part of this NETWORK can provide, by filling out an online form, the characteristics of the properties or rooms and rental conditions. The main objective is to establish rental contracts, with a minimum duration of 1 year, between refugee families and landlords. JRS team selects the refugee families (among those who are accompanied in or out of temporary shelter) that have financial conditions to pay a rent; evaluates effort rates, so rents are compatible with income. JRS establishes the bridge with landlords, which can involve activities such as writing the contract or water and electricity service's contracts. Support is provided by a multidisciplinary team, which is given to enhance trust between parties and mediate communication difficulties, cultural differences and expectations regarding housing use, conservation, or neighbourhood relations, and minimise problems that may arise during its duration.</p>
Highlight any element of the actions that is transferable (max. 500 chars)	<p>All elements of the initiative are transferable since its object, principles and goals are applicable in other countries. Moreover, it can also be transferable to other social groups with difficulties in housing provision, like migrants.</p>
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	<p>A_REDE is a sustainable practice since it has a dynamic character, it responds to an ongoing need, rather than a one off necessity, and entities involved also guarantee the continuity of the activity. The practice can also be broadened to migrants and other vulnerable social groups.</p>
Give reasons why you consider the practice as having concrete measurable impact	<p>According to the Migration Observatory, housing is one of the main challenges in welcoming refugees in Portugal. In 2021, only 23% found an accommodation solution at the end of the 18-month reception program, i.e., only a minority were considered independent in terms of housing. Even when having a steady income, refugees face increased difficulties in renting a house since they do not have the social capital needed to provide for a rent guarantor (fiador). They also face prejudice and discrimination based on negative stereotypes. As such, they face not only increased</p>

Promising practice	
	<p>housing insecurity and risk of homelessness but also the risk of having other rights compromised since housing is indispensable for other rights (e.g., health, education). In light of the current cost of living crisis, a formal rental contract is also needed to benefit from state financial support for housing rents. The existence of a multidisciplinary team supporting and mediating the relationship between refugee families and landlords provides trust and helps in solving possible problems that may arise due to cultural differences and communicational difficulties contributing to erode negative stereotypes and promote social inclusion. However, the impact would be even greater if A_REDE could provide a financial guarantee after the 18-months reception program.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The initiative can be easily transferred to other Member States, since integration of refugees and intercultural issues are common to all member states. The composition of the multidisciplinary support team may change depending on the particular needs of social groups or country specificities.</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 platform was developed by the Jesuit Refugee Service (JRS) and the Refugee Support Platform (PAR), a platform that includes more than 350 Portuguese organizations that cooperate to respond to the needs of refugees in Portugal. The practice is not restricted to the online platform, but is connected with the program of integration of refugees in the country, which involves the support of a multidisciplinary team from the JRS. In the rental process, refugees' families and landlords have a say (e.g., housing location, rent), the process is conducted in cooperation.</p>
<p>Explain, if applicable, how the practice provides for review and assessment</p>	<p>The results of the A_REDE can be measured by the number of registrations on the platform, the number of rental contracts established and their evolution (e.g., renewal, termination).</p>

2. Threats to democratic values - Protecting civic space, strengthening meaningful participation and the rights to freedom of association, peaceful assembly and expression

2.1. Major threats to democracy as reflected in national legal and political developments and the discourse at national level.

Table 2 – Challenges

Based on a scan of legislative and policy and other developments and the public discourse please identify **three major challenges** to democracy emerged in the course of 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
Attacks and threats to the safety of civil society organisations, human rights defenders and journalists	
Legal and administrative constraints, harassment, intimidation, and reprisals against civil	A criminal lawsuit against Mamadou Ba, a known human right defender in the area of anti-racism, and former leader of SOS Racism (SOS Racismo), was issued by extreme-right nationalist activist Mário Machado accusing of defamation. At issue is a sentence written, on the 14 th of June 2020, by Mamadou Ba on the social network X (formerly Twitter), in

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
<p>society organisations, human rights defenders (including SLAPPs - strategic lawsuits against public participation)</p>	<p>which the anti-racism activist considered Mário Machado one of the main figures in the murder of Cape Verdean citizen Alcino Monteiro in 1995.</p> <p>Mário Machado issued a criminal lawsuit against Mamadou Ba and the Public Prosecution asked for Mamadou Ba to be sentenced to a fine for the offence of defaming nationalist activist Mário Machado⁸¹.</p> <p>The public prosecutor said, in the final allegations in the trial: "You can't say that convicts and people who have been imprisoned don't have the right to honour. We can't say that the assistant can't feel offended"⁸².</p> <p>The public prosecutor took into consideration the fact that the defendant has no criminal record, because, according to the Penal Code, the offence of defamation is punishable by a prison sentence of up to six months or a fine of up to 240 days.</p> <p>This lawsuit is highly relevant because it involves an anti-racism activist who sought to denounce an act that took place years ago, where a member of the extreme right, with previous convictions, included in the context of the act identified, as something that continues to exist in Portuguese society, that is, racist behaviour and the existence, even if informally, of racist groups. The lawsuit balances between a formal legalist approach to defamation, as assumes the public prosecution, and the right and duty to continue the combat against racism and the racist activists, in terms of denouncing their members. A balance between human rights' defenders, limits of freedom of speech and the right to honour.</p> <p>On 20 of October 2023 the court condemned the activist to pay a fine of 2,400 euros for defamation. The lawyer of the activist stated that there will be an appeal of this decision.</p> <p>"The court considered that Mamadou Ba had a clear desire to «denigrate» Mário Machado, pointing out that the latter's criminal past does not prevent his right to honour, especially since the Portuguese criminal process is based on re-</p>

⁸¹ Público (2023), "[Mamadou Ba deve ser condenado por difamação contra Mário Machado, pede Ministério Público](#)" (Mamadou Ba should be convicted of defamation against Mário Machado, says public prosecution), 20 September 2023.

⁸² Diário de Notícias (2023), "[MP pede pena de multa para Mamadou Ba por difamação de Mário Machado](#)" (Public prosecution asks Mamadou Ba to pay a fine for defaming Mário Machado), 20 September 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>socialisation and does not allow for the stigmatisation of those who have already served time.”⁸³</p> <p>Mamadou Ba appealed from this decision to the Appeal Court of Lisbon (Tribunal da Relação de Lisboa). The lawyer of Mamadou Ba stated that her defendant should "enjoy special protection" because its public intervention is constantly carried out "in defence of racialized citizens".⁸⁴ The defence of Mamadou Ba pleads that the decision was based on several misinterpretations of Ba’s statement allegedly accusing Mário Machado of being responsible for the death of Alcino Monteiro in 1995. Additionally, the appeal is also sustained in two main legal errors, namely: the competent court should be the District Court of Lisbon North (Tribunal de Comarca de Lisboa Norte), and not the District Court of Lisbon (Tribunal de Comarca de Lisboa), because Mário Machado was living in Loures by the time the case was presented to court; and the case "should be considered null and void, due to the lack, in the physical file, of "admitted and unrestricted documentation, which should therefore be considered relevant to the proper decision of the case, due to the failure to download the recordings of the last two sessions of the trial".⁸⁵</p> <p>The case was filed in the District Court of Lisbon, in its Lisbon Local Criminal Court (Judge 2), with case number/judgement 7971/20.9T9LSB. The Author/Defendant was Mário Rui Valente Machado, that accused Mamadou Ba of defamation. The appeal will be reviewed by the Appeal Court of Lisbon.</p>
Lack of media freedom a/o media pluralism;	

⁸³ Observador (2023), "[Mamadou Ba condenado a pagar 2.400 euros por difamar Mário Machado](#)" (Mamadou Ba condemned to pay 2,400 euros for defaming Mário Machado), 20 October 2023.

⁸⁴ Público (2024), "[Defesa de Mamadou Ba recorre de condenação e alega que deve gozar de especial protecção](#)" (Mamadou Ba's defence appeals conviction and claims he should enjoy special protection), 4 January 2024.

⁸⁵ Público (2024), "[Defesa de Mamadou Ba recorre de condenação e alega que deve gozar de especial protecção](#)" (Mamadou Ba's defence appeals conviction and claims he should enjoy special protection), 4 January 2024.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
disinformation (incl. online)	
Foreign interference	
Lack of (processes for) transparent, accountable, democratic and pluralistic participation in law and policymaking; incl. access to information	
Lack of election integrity (incl. electoral process, political campaigning and party financing)	
Disproportionate use of law enforcement measures (surveillance, police violence, unlawful arrest etc.)	
Corruption, including misuse of EU funds	The fight against corruption has been a permanent topic of public discussion and, more recently, of approval of new public policies. The approval, on the 27 of July 2023, of the National Anti-Fraud Strategy for Preventing and Combating Fraud in the Application of Funds from the European Union Budget for the period 2023-2027, followed the European

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>Union’s guidelines.^{86/87} Although it was approved after the beginning of the EU funding programme, it aims to “define guidelines for the development of individual action plans for effective and proportionate anti-fraud measures in the field of management and control of funds from the general budget of the European Union, including in financing instruments directly managed by the European Commission involving audits and controls to be promoted by the National Authorities.”</p> <p>The anti-fraud strategy is relevant because a recent “Study to understand fraud in structural funds in Portugal”,⁸⁸ for the period between 2007 and 2020, highlighted that there is no real knowledge of the reality of fraud in Portugal. As one of the presenters of the study referred, fraud “occurs in a concealed and hidden manner and the reported fraud figures do not correspond to real fraud.” This study, among other conclusions, points out that the data made available does not allow for a global analysis of irregularities and fraud, because, among other limitations, it is not possible to cross-reference the data on fraud cases reported by the General Inspectorate of Finances to the European Union with the data on criminal cases from courts, nor even with the data on approved operations or projects.⁸⁹</p> <p>According to the study, 2,709 suspected cases of irregularities or fraud in the use of European funds were reported in the NSRF (QREN - Quadro de Referência Estratégico Nacional – 2007-2013) (the mechanism responsible for the management of the funds). But, so far, there have been only two cases of proven fraud, involving 200,000 euros of agricultural support.</p>

⁸⁶ Portugal (2023), [Despacho 7833/2023, de 31 de julho, que aprova a Estratégia Nacional Antifraude no âmbito da Prevenção e Combate à Fraude na aplicação dos Fundos do Orçamento da União Europeia para o período de 2023-2027](#) (Ordinance 7833/2023, of 31 July, approving the National Anti-Fraud Strategy for Preventing and Combating Fraud in the Application of European Union Budget Funds for the period 2023-2027), 27 July 2023.

⁸⁷ Portugal2030 (2023), [“Aprovada Estratégia Nacional Antifraude dos Fundos Europeus para o período 2023-2027”](#) (National anti-fraud strategy for European funds approved for 2023-2027), 31 July 2023.

⁸⁸ Cardoso, E., Nunes, L., Almeida, A. M., and Martins, T. (2023), [“Estudo para o Conhecimento da Fraude nos Fundos Estruturais em Portugal”](#) (Study to understand fraud in structural funds in Portugal), ISCTE.

⁸⁹ ECO (2023), [“QREN e PT2020 têm 135 casos de suspeitas de fraude e envolvem 198,5 milhões”](#) (QREN and PT2020 have 135 cases of suspected fraud involving 198.5 million), 21 September 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>In Portugal 2020 (2014-2020), there are 1,320 suspected cases and none was proven until the conclusion of the study.⁹⁰ The quality and effectivity of the mechanisms of control and monitoring is also questioned, on the “Follow-up Report of the Public Prosecution in the Audit and Control Committee”,⁹¹ with regard to the application of the funding provided for in the Portuguese Recovery and Resilience Plan. This report identifies shortcomings in preventing conflicts of interest, fraud, corruption and double financing.</p> <p>The late approval of the anti-fraud strategy and implementation of the monitoring and control mechanisms, including their shortage of human and financial resources, provides a wrong message and delays the existence of dissuasive mechanisms and effective control over the application of European funds.⁹²</p> <p>The corruption or fraud in the use of European funds, as well as any other public funds, erodes the Rule of Law and increases the perception that nothing works well and anyone can do anything it likes in what concerns the use of public funds, contributing to the weakness of the State and civil society (individually of organised). The need to reinforce the fight against corruption, with additional efforts to ensure sufficient resources for preventing, investigating and prosecuting corruption was specifically highlighted in the 2023 Rule of Law Report referred to Portugal, released by the European Commission.⁹³</p>
Lack of (effective judicial protection by) independent and impartial courts	

⁹⁰ ECO (2023), “[Em Portugal não existe um verdadeiro conhecimento da fraude nos fundos europeus](#)” (In Portugal there is no real knowledge of fraud in European funds), 21 September 2023.

⁹¹ Ministério Público (2023), “[Relatório do Acompanhamento do Ministério Público na Comissão de Auditoria e Controlo do PRR](#)” (Follow-up Report of the Public Prosecution in the Audit and Control Committee), January 2023.

⁹² Público (2023), “[A treta dos números da fraude](#)” (The fraud numbers are crap), 29 September 2023.

⁹³ European Commission (2023), [2023 Rule of Law Report - Country Chapter on the rule of law situation in Portugal](#). European Union.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
Threats to (the independence of) the fundamental rights institutional landscape (NHRIs, equality bodies, data protection authorities and similar bodies), incl. closure of fundamental rights bodies, legal changes, budget cuts and harassment	
Institutional issues linked to checks and balances (lack of parliamentary oversight, lack of implementation of final court decisions by executive, etc.)	
Other major developments threatening democratic values	<p>A threat to the freedom of expression was identified in the action promoted by the City Council of Oeiras (in the area of Great Lisbon), with the decision to remove, considering it as "illegal advertising", of a billboard with the estimated number of victims of sexual abuse within the Portuguese Catholic Church.</p> <p>This initiative emerged from the organisation of four former victims of sexual abuse in the Church, who had the idea of crowdfunding, promoted on the social network formerly known as Twitter, to put up billboards to remember the victims of sexual abuse in the Portuguese Catholic Church during World Youth Day (WYD – Jornadas Mundiais da Juventude), which took place in August in Lisbon. A kind of alternative memorial - entitled "Our Memorial" - in reference to the one announced by the Catholic Church for the Portuguese context, which has not yet been created.⁹⁴</p>

⁹⁴ Diário de Notícias (2023), "[Como vítima magoa-me muito que tenham retirado o cartaz](#)" (As a victim it really hurts me that the billboard has been taken down), 2 August 2023.

Challenges	Justification/explanation: description of issue at stake and its overall relevance compared to other challenges to democracy and the civic space. Please provide examples and references.
	<p>The City Council of Oeiras, when the removal of the billboard become public and raised controversial reactions, offered immediately to receive the organisation behind the billboards to find a solution to put it up again legally. The Vice-president even said that "today, in the evening, we can find a solution to lay the canvas urgently, if necessary during the early hours of the morning." Nevertheless, the vice-president reinforced that "we don't know who it is [the group that promoted the billboards], because we were never formally contacted by them", reiterating that the billboard was displayed in a place not licensed for that purpose and that the City Council should have been informed beforehand.⁹⁵</p> <p>The City Council's immediate decision may also have flouted the law and the Constitution as it was expressed by some legal experts, consulted by the newspaper <i>Diário de Notícias</i>, referring that advertising is defined in the Advertising Code and presupposes an economic activity, which is obviously not the case. On the other hand, political advertising has a different regime, under the terms of Law 97/88, of 17 August, which does not require licensing by the local authorities.</p> <p>In the following night, the City Council decided to put up the billboard, without any other requirements or costs associated. The members of "Our Memorial" movement issued a statement saying that "after this unfortunate episode, we welcome the fact that Oeiras City Council has opened a dialogue and shown the media that it is willing to replace this billboard, part of this campaign founded by more than 300 people and supported by many more."⁹⁶</p>

2.2. Legislative and policy measures having an impact on the freedom of

⁹⁵ *Diário de Notícias* (2023), "[Câmara de Oeiras disponibiliza-se para recolocar cartaz sobre abusos sexuais na Igreja](#)" (Oeiras Council is willing to put up billboard on sexual abuse in the church), 3 August 2023.

⁹⁶ *Observador* (2023), "[Câmara de Oeiras já recolocou cartaz sobre abusos sexuais de menores na Igreja](#)" (City Council of Oeiras has already put up the billboard about sexual abuse of children in the church), 3 August 2023.

assembly/association/expression of civil society actors.

Portugal remains stable in what concerns the freedom of assembly, association and expression of civil society actors, without any enacted legislation or policy measures, in 2023, that could affect the current level, which is considered as one of the most positive environments in the world. According to Global Expression Report (GxR), released in 2023 by Article 19, Portugal was ranked in 15 in 161 countries, with the score of 87 points (from 0 to 100).^{97/98} Although Portugal lowered its rank, from the 9th to the 15th, it is still a very good position that entails a favourable environment for associations and civil society. As a concrete example of the Portuguese context, the 2023 Rule of Law Report referred to Portugal, from the European Commission, confirms this analysis, by saying: “The strong legal framework protecting media freedom remains in place and the risks of government interference in the media continue to be considered low.”⁹⁹ This report makes only small comments and suggestions for the improvement of the Rule of Law in Portugal, mainly directed to the fight against corruption and the functioning of courts.

Table 3 – Case law

Case law	
Deciding body (in original language)	Tribunal Judicial da Comarca do Porto
Deciding body (in English)	Oporto Judicial District Court
Case number (also European Case Law Identifier ECLI , where applicable)	9426/19.5T9PRT
Parties	Singular person (businessman – Mário Ferreira) vs. Singular person (anti-corruption activist – Ana Gomes)
Decision date	08 September 2023

⁹⁷ Article 19 (2023), [Global Expression Report](#).

⁹⁸ ECO (2023), “[80% da população com menos liberdade de expressão do que há 20 anos](#)” (80% of the population with less freedom of expression than 20 years ago), 13 July 2023.

⁹⁹ European Commission (2023), [2023 Rule of Law Report - Country Chapter on the rule of law situation in Portugal](#). European Union.

Case law	
Web link to the decision (if available)	This decision isn't available online. It was sent by the Court following a written request.
Which fundamental freedoms of (peaceful assembly, association and/or expression) were referred to in the case?	Freedom of expression
Key facts of the case (max. 250 words)	<p>In April 2019, the Prime Minister posted on the social network X (formerly Twitter) a few words regarding his participation on a ship christening ceremony where several public figures were present. In response to that publication, the defendant, Ana Gomes, a formerly known diplomat and politician that in the last few years has stood out nationally and internationally in the fight against corruption, commented the publication saying that it was hard to watch the Prime Minister treating the owner of the ship, a “notorious tax scumbag/criminal” (notório escroque/criminoso fiscal), like a big businessman, “alongside henchmen”, and called the process of selling of another boat a “scam”.</p> <p>In turn, the owner of the ship, the notorious businessman, Mário Ferreira, filled a criminal lawsuit against the defendant, accusing her of aggravated defamation with publicity, since the expression she used violated his honour and character. On the other hand, the defendant, argued that she has using her freedom of speech, pointing out that, at the time, and based on several publications on newspapers, a criminal investigation was being conducted, involving suspicions of corruption in the dealings between the plaintiff and the State.</p>
The key legal question raised by the Court	By using the expression “notorious tax scumbag/criminal” on a public setting, the question is if the defendant violated the honour and character of the plaintiff, committing a crime of aggravated defamation with publicity, or if the expression used fall within the scope of the defendant’s right to free speech.

Case law	
<p>Result of the case in terms of factual outcome, and in terms of assessment of the legal question raised</p>	<p>The Court reasoning was that, although freedom of speech is a constitutionally protected right and a pillar of a democratic State, it isn't an absolute right, since it has to suffer the necessary restrictions for the coexistence of other rights, such as the right to honour and reputation. In turn, however, there are also margins of tolerance conferred by freedom of speech, which includes not only freedom of thought, but also freedom to express opinions and judgments.</p> <p>In this specific case, the Court understood that by using the expression "notorious tax scumbag/criminal" in a public space, the defendant didn't make a harsh/exaggerated criticism, but rather wanted to publicly expose the plaintiff in a negative way, damaging his image and credibility as a businessman in the eyes of everyone who read that comment, with the aggravating factor that she knew what she was doing and where she was publishing the comment (a page on a social network with thousands of followers).</p> <p>Furthermore, the use of the expression amounted to a gratuitous attack on the part of the defendant, aimed at exposing and humiliating the offended party (who, just because he is a public figure does not have to put up with all the attacks made on his person) and making him out to be an unreliable, dishonest and dubious person in the eyes of those who read the comment. The defendant made the comment in a public space and did so with time to reflect, with the possibility of deleting, modifying or writing her opinion in another way, knowing that it would be read by a large number of people and that it would have a wide dissemination, impact and repercussion.</p> <p>The defendant was therefore ordered to pay a fine of 140 days, at a daily rate of 20 euros, making the total amount of the fine 2,800 euros, and to pay compensation to the plaintiff of 8,000 euros as compensation for non-pecuniary damages.</p> <p>The defendant did file an appeal to the Appeal Court of OPorto, and, on 1 February 2024, she was acquitted of the charges made against her, arguing that if the defendant had a factual basis for describing the plaintiff as a "tax criminal", she also had one for describing him as a "scumbag"¹⁰⁰. The sentence hasn't been published.</p>

¹⁰⁰ Observador (2024), "[Tribunal absolve Ana Gomes de difamação a Mário Ferreira](#)" (Court acquits Ana Gomes of defaming Mário Ferreira), 1 February 2024.
