

# **Franet National contribution to the Fundamental Rights Report 2022**

**PORTUGAL**

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

**Authors' name:** Ana Cristina Santos, Ana Filipa Neves, Carlos Nolasco, Carolina Carvalho, Fernando Fontes, Mafalda Esteves, Marina Henriques, Paula Fernando, Rui do Carmo and Conceição Gomes

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## Policy and legal highlights 2021

Franet country study: policy and legal highlights 2021	
Issues in the fundamental rights institutional landscape	<a href="#">Law 75-B/2020</a> of 31 December, that approves the <b>State Budget</b> for 2021, establishes that the government shall ensure a differentiated approach to sheltering victims of trafficking in human beings when they are couples or family members. It also foresees that, during 2021, the government shall develop support measures for victims of child, early or forced marriage that include, among other aspects, assistance, information, support, referral and the creation of a Shelter, ensuring a better follow-up of these victims.
EU Charter of Fundamental Rights	<b>National focal points for the implementation of the Charter:</b> aiming to promote cooperation between the European Commission and Member States, and following the Commission's recommendation - <a href="#">ST 6795/21</a> , the Minister of Justice appointed two national focal points for the implementation of the Charter.
Equality and non-discrimination	<b>Constitutional Court decision on gender identity:</b> a <a href="#">decision of the Constitutional Court</a> (July 2021) on specific aspects of the gender identity law can be considered as a backward step. No significant advancements in 2021.
Racism, xenophobia & Roma integration	<b>Approval of the National Plan to Combat Racism and Discrimination 2021-2025:</b> in July 2021, the government approved <a href="#">the first national plan in this area</a> , structured in ten areas of intervention: governance, information and knowledge; education and culture; higher education; work and employment; housing; health and social action; justice, security and rights; participation and representation; sports; and media.
Asylum & migration	<b>Cessation of subsidiary protection:</b> until 10 September 2021, the right to subsidiary protection of 28 citizens ceased under the terms set out in Article 41 (2) and (3) of the <a href="#">Asylum Law</a> . The number of subsidiary protection status revoked in 2021 is significantly less when compared to the previous year.
Data protection and digital society	<b>Portuguese Charter of Citizens' Fundamental Rights for the Digital Age:</b> <a href="#">Law 27/2021</a> consecrates rights in cyberspace, as the right to digital privacy, internet neutrality, digital literacy, cybersecurity, among others, and complements the national legal regime. After its publication, the President of the Republic submitted the provisions of this law that relate to the concept of disinformation and the mechanisms for its elimination to constitutionality review, considering that the concept of disinformation is defined through vague and indeterminate concepts, which could lead to the violation of freedom of expression. The case is pending before the Constitutional Court.
Rights of the child	<b>Reinforcement of the protection of children and young victims, namely in the context of crimes of domestic violence:</b> <a href="#">Law 57/2021</a> , of 16 August, added to the concept of victim in the Code of Criminal Procedure "a child or young person up to 18 years of age who has suffered harm caused by action or omission in the commission of a crime, including those who have suffered abuse related to exposure to contexts of domestic violence".
Access to justice, including victims of	<b>Presenting victims' rights in simple and clear language:</b> <a href="#">Ordinance 138-E/2021</a> approved the templates of documents for the attribution of the status of victim and especially vulnerable victim, including for crimes of domestic violence. The general aim of the

crime	Ordinance is to ensure that victims better understand and exercise their rights, thus becoming more empowered and protected.
Convention on the Rights of Persons with Disability	<b>National Strategy for the Inclusion of Disabled People 2021-2025: <a href="#">strategic instrument</a></b> for the implementation of disabled people's rights and to provide guidance to the disability policies and politics developed in Portugal, structured in eight strategic lines with general and specific objectives, plus concrete measures to be developed, analysis indicators, responsible and involved entities, and goals to be achieved.

# Chapter 1. Equality and non-discrimination

## 1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality and against LGBTI people

### 1.1.1 Legal and policy measures regarding EU citizens based on nationality

In Portugal, EU citizens do not need to communicate their entry into national territory (contrary to what happens in the case of third country nationals) and have the right to reside there for a period of up to 3 months, without any other condition or formality other than having a valid identity card or passport (Law No. 37/2006, of 9 August<sup>1</sup>). After 3 months of stay in national territory, EU citizens are required to have a residence permit with a duration of 5 years, provided they meet at least one of the following conditions: is self-employed or self-employed in national territory; has sufficient resources for him/herself and his/her family members and has health insurance, as long as this is required in the Member State of his/her nationality for Portuguese citizens; or is enrolled in an officially recognised public or private educational establishment and has sufficient resources for him/herself and his/her family members, as well as health insurance, if required for Portuguese citizens in the Member State of his/her nationality.

The legal framework provides for equal treatment with nationals, subject to any restrictions allowed by Community law (Article 20 of Law No. 37/2006, of 09 August). However, Union citizens or their family members are not entitled to benefits from the solidarity subsystem during the first three months of residence or for a longer period if the Union citizen entered national territory in order to seek employment. Furthermore, before acquiring the right of permanent residence, no study grants or any kind of social assistance for studies or vocational training are provided.

In Portugal, European citizens are entitled to work in the public sector, whether in public administration, state-owned companies or other public bodies. However, the Constitution of the Portuguese Republic, in Article 15(2), states that a certain range of political rights are barred to foreigners, stateless persons and European citizens: the exercise of public functions that are not predominantly of a technical nature and the exercise of public functions that

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<sup>1</sup> Portugal, [Lei n.º 37/2006, que regula o exercício do direito de livre circulação e residência dos cidadãos da União Europeia e dos membros das suas famílias no território nacional](#) (Law 37/2006, regulates the exercise of the right of free movement and residence of European Union citizens and their family members on national territory, 08 August.

imply the commitment to certain rights and duties reserved by the Constitution and the law exclusively for Portuguese citizens. This means that the State may reserve some posts for its own nationals if these posts are related to the exercise of public authority or to safeguarding the general interests of the State.

In the case of public employment in Portugal, the General Labour Law in Public Functions (Law No. 35/2014, of 20 June<sup>2</sup>), establishes, in its article 17, that public employment contract depends on the worker meeting certain requirements, including, among them, Portuguese nationality. However, the same article also states that Portuguese nationality for the performance of public functions may only be required in the situations provided for in Article 15(2) of the Constitution.

**Law No. 2/2021**, of 21 January<sup>3</sup>, establishes the regime for access to and exercise of professions and professional activities and the regime applicable to the assessment of proportionality prior to the adoption of legislative provisions limiting access to or exercise of a regulated profession, or to be regulated, transposing Directive (EU) 2018/958 of the European Parliament and of the Council. Article 4(5) establishes that legislative provisions limiting access to or the exercise of professions or professional activities may not be discriminatory, directly or indirectly, in particular on grounds of nationality or place of residence.

**Decree-Law No. 105/2021**, of 29 November<sup>4</sup>, approves the Statute for Professionals in the Cultural Area - prohibits discrimination based on nationality.

The first National Plan to Combat Racism and Discrimination 2021-2025 (Plano Nacional de Combate ao Racismo e à Discriminação 2021-2025)<sup>5</sup> was approved and establishes a comprehensive set of measures to combat inequalities, through the promotion of more and better opportunities for all, without discrimination. Although the National Plan does not specifically address discrimination against EU citizens based on their nationality, it is underlying all measures proposed to combat discrimination against migrants and based on

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<sup>2</sup> Portugal, [Lei n.º 35/2014, Lei Geral do Trabalho em Funções Públicas](#) (Law No. 35/2014, General Labour Law in Public Functions), 20 June.

<sup>3</sup> Portugal, [Lei n.º 2/2021, que estabelece o regime de acesso e exercício de profissões e de atividades profissionais e o regime aplicável à avaliação da proporcionalidade prévia à adoção de disposições legislativas que limitem o acesso a profissão regulamentada, ou a regulamentar, ou o seu exercício](#) (Law No. 2/2021, establishes the regime for access to and exercise of professions and professional activities and the regime applicable to the assessment of proportionality prior to the adoption of legislative provisions limiting access to or exercise of a regulated profession, or to be regulated), de 21 de janeiro.

<sup>4</sup> Portugal, [Decreto-Lei n.º 105/2021, que aprova o Estatuto dos Profissionais da Área da Cultura](#) (Decree-Law No. 105/2021, approves the Statute for Professionals in the Cultural Area), 29 November.

<sup>5</sup> Portugal, [Resolução do Conselho de Ministros n.º 101/2021, que aprova o Plano Nacional de Combate ao Racismo e à Discriminação 2021-2025-Portugal contra o racismo](#) (Resolution of the Council of Ministers 101/2021, approving the National Plan to Combat Racism and Discrimination 2021-2025-Portugal against Racism), 28 July 2021.

ethnic and/or national origins. In fact, one of the National Plan's pillar is based on intersectionality, thus, underlining the relevance of tackling multilevel discrimination against groups of people who gather distinct features - such as, being third country nationals, being migrants or having a migration background which, then, can entail coming from a different ethnic and/or national group -, rendering clear the difficulties to address discrimination based on nationality as a clear cut type of discrimination entailing specific and particular measures to address it. Accordingly, the National Plan to Combat Racism and Discrimination 2021-2025 will be developed in parallel with the National Strategy for Equality and Non Discrimination 2018-2030, the National Plan to Implement the Global Pact on Migration, the National Strategy to Integrate Roma Communities 2013-2022 and the National Programme concerning the Holocaust Remembrance<sup>6</sup>. As far as discrimination based on nationality is concerned, two measures are highlighted. The first establishes that all citizens have access to health care and medical assistance provided by the National Health Service, under equal conditions and without discrimination on the basis of nationality. The second concerns the compliance, by the media, with the principle of "non-reference" to racial and ethnic origin, colour and nationality, following a recommendation issued in 2018 by the Commission for Equality and Against Racial Discrimination (Comissão para a Igualdade e Contra a Discriminação Racial).

European Court of Justice Case-law concerning Article 18 of the TFUE

During 2021, the European Court of Justice ruled on two cases which concerned provisions of Portuguese legislation that, in the concrete cases, could result in discrimination based on nationality according to article 18 of the TFEU.

In B v O and Others<sup>7</sup>, the provisions invoked were article 481, of the Portuguese Trade Companies Code and article 334, of the Portuguese Labour Code. In brief, the claimant lodge a complaint against his employer, a Portuguese company, alongside with four other companies, parties of the same economic group which headquarters were located in Luxembourg. In the claim, it was argued that Portuguese legislation substantiated decimation based on nationality because a

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<sup>6</sup> Portugal, [Resolução do Conselho de Ministros n.º 61/2018, que aprova a Estratégia Nacional para a Igualdade e a Não Discriminação 2018-2030](#) (Resolution of the Council of Ministers 61/2018, approving the National Strategy for Equality and Non Discrimination 2018-2030); [Resolução do Conselho de Ministros n.º 141/2019, que aprova o Plano Nacional de Implementação do Pacto Global das Migrações](#) (Resolution of the Council of Ministers 141/2019, approving the National Plan to Implement the Global Pact on Migration); [Resolução do Conselho de Ministros n.º 25/2013, que aprova a Estratégia Nacional para a Integração das Comunidades Ciganas 2013-2022](#) (Resolution of the Council of Ministers 25/2013, approving the National Strategy to Integrate Roma Communities 2013-2022); [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 51/2020, approving the strategic guidelines of the Project Never Forget - National Programme concerning the Holocaust Remembrance).

<sup>7</sup> ECJ, [Case C-691/20](#), Request for a preliminary ruling from the Tribunal Judicial da Comarca do Porto Este - Penafiel - Juízo Trabalho, decided on 21/11/2021.

joint interpretation of the referred articles allowed discriminatory treatment of companies' workers/employees depending on the country where the respective employer company has its headquarters. Accordingly, while Portuguese-based companies are jointly liable for damages, Portuguese legislation excludes from joint liability companies based outside of Portugal, even when part of an economic group. As such, the claimant, whose work contract had been terminated, would not be entitled to a joint compensation from the employer's economic group because its headquarters were in Luxembourg, whereas if located in Portugal a joint compensation was legally foreseen. The European Court of Justice decided that article 18 of the TFEU would not be applicable in this case because the situation is addressed by EU law, specifically by article 49 of the TFEU. Consequently, the Court ruled that this legal disposition does not oppose to the joint liability regime established in Portuguese legislation that, in turn, does, legitimately, benefit those who hold credits due by Portuguese-based companies.

In *MK v Autoridade Tributária e Aduaneira* (Tax and Customs Authority, Portugal)<sup>8</sup>, it was claimed that the interpretation of Article 43(2) and Article 72(1), of the CIRS (Personal Income Tax Code) could constitute a restriction of articles 18, 63 and 65 of the TFEU because it allowed a discriminatory treatment of residents in Portugal and non-residents – in the case, the claimant resided in France –, subjecting the latter to a greater tax burden for the same type of transaction, i.e., the capital gains realised from the transfer of immovable property situated in a Portugal. In its decision, the European Court of Justice stated that although Member States may distinguish, in their national legislation, between resident and non-resident taxable persons, such distinction cannot constitute a means of arbitrary discrimination or a disguised restriction on the free movement of capital. It follows that “a national scheme which restricts a fundamental freedom guaranteed by the TFEU, in the present case the free movement of capital, remains incompatible with EU law, even if its application is optional” (paragraph 45) because such a choice is not capable of excluding the discriminatory effects of the taxation regime. The ECJ ruled that such national taxation regime is precluded by EU law.

### **1.1.2 Legal and policy measures regarding LGBTI people**

In 2021, there was one event that can be classified as a backward step in legal and policy developments or measures involving equality and anti-discrimination

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<sup>8</sup> ECJ, [Case C-388/19](#), Request for a preliminary ruling from the Tribunal Arbitral Tributário (Centro de Arbitragem Administrativa - CAAD), decided on 18/03/2021.

of LGBTQI+<sup>9</sup> people in Portugal (the Constitutional Court decision on gender identity, July 2021). In addition, the number of significant advances is not particularly encouraging, especially considering that in 2020 no major advances had been achieved, partially due to the COVID-19 outbreak. The scarcity of tangible advances in LGBTQI+ issues during 2021 triggers concerns amongst LGBTQI+ organisations and researchers, due to the increasing hostility to sexual and gender diversity related to the expansion of right-wing populism and conservative anti-gender and anti-LGBTQI+ movements.

Despite the small number of changes, their potential to trigger impact should not be dismissed, particularly in the field of health and education.

In this section, both state-based direct measures and private initiatives from NGOs with an impact on the implementation of equality and anti-discrimination policies will be mentioned. We have divided our analysis into 4 pillars, inspired by the EU LGBTIQ equality strategy 2020-2025:

- i. Tackling discrimination against LGBTIQ people;
- ii. Ensuring LGBTIQ people's safety;
- iii. Building LGBTIQ inclusive societies;
- iv. Leading the call for LGBTIQ equality around the world.

**i. Tackling discrimination against LGBTIQ people**

✓ **Standard on the Selection of Candidates for Blood Donation Based on the Individual Risk Assessment**

In March 2021, the General Directorate of Health issued changes to Standard No. 009/2016 of 09/19/2016 that eliminates discrimination in the selection process of Candidates for Blood Donation.<sup>10</sup> Later, in 15 December 2021, Law No. 85/2021 was published, which constitutes an amendment to Law No. 37/2012 of 12 August, which approves the Blood Donor Statute<sup>11</sup>. This standard constitutes a historic landmark for having involved a process of consultation and participation of civil society after years of denunciations and political pressure for

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<sup>9</sup> 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.

<sup>10</sup> Portugal, [Norma nº 009/2016 de 19/09/2016 atualizada a 19/03/2021](#) (Standard 009/2016 of 19/09/2016 updated on 19/03/2021), 19 March. 19/03/2021.

<sup>11</sup> Portugal, [Lei n.º 85/2021, que proíbe a discriminação em razão da identidade de género ou orientação sexual na elegibilidade para dar sangue](#) (Law No. 85/2021, which prohibits discrimination on the basis of gender identity or sexual orientation in eligibility to donate blood), 15 December.

the end of discrimination against gay and bisexual men. The previous rule was based on the concept of "risk group" and, therefore, based on prejudice. According to ILGA Portugal "This is the first standard with inclusive language, in compliance with good practices for Public Administration arising from the 5th National Plan for Gender Equality, Citizenship and Non-Discrimination and the Manual of the Council of the European Union".<sup>12</sup>

✓ **National Association of Psychology Professionals (OPP) issued advice on conversion therapies**

In June 2021, the OPP issued a document offering contributions for reflection and clarification on the lack of scientific evidence to support "Conversion Therapies", with their potential consequences for Psychological Health and Well-Being and the ethical issues in question. With this document, the OPP intends to "support the practice of Psychology professionals who practice the profession of Psychologist in Portugal (in accordance with Law No. 57/2008, of 4 September, with amendments to Law No. 138/2015, of 7 September)".<sup>13</sup>

✓ **Official celebrations of IDAHOTB 2021 (The International Day Against Homophobia, Transphobia and Biphobia)**

2021 is the year in which more Rainbow flags were raised on official public buildings in celebration of IDAHOTB (17 May).<sup>14</sup> The Prime Minister António Costa raised the LGBTI flag at the Official Residence to signal commitment to the National Strategy for Equality and Non-Discrimination 2018-2030 «Portugal + Igual», approved by the XXI Constitutional Government on 8 March, 2018.

Rainbow flags were also hoisted on the building of the Council of Ministers and of the Commission for Citizenship and Gender Equality (CIG), as well as in a series of Municipalities from the North to the South of Portugal, including the Autonomous Region of the Azores. These include Almada, Lisbon, Loures, Vila Nova de Gaia, Matosinhos (Youth Centre), Madalena (Pico Island), Vila do Porto (Santa Maria Island), Ribeira Grande (São Miguel Island), Povoação (São Miguel Island), Torres Vedras, Parish Council of Moita do Ribatejo and Parish Council of Misericórdia in Lisbon (last Friday). The Parish Council of São Victor, in Braga, did not fly a flag, but decided to illuminate the council building with rainbow colours and shared a message on social networks reinforcing its "commitment to equality and respect for all human beings". Several embassies with representation in Portugal also raised flags (e.g. the United States of America, United Kingdom, Australia and Canada). Fernando Medina, Mayor of Lisbon, also spoke on social media on the same day that the flag was hoisted on the City

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<sup>12</sup> For more information, see the [ILGA statement on the historic changes to the standard on the selection of candidates for blood donation](#).

<sup>13</sup> For more information, see the [Advice of the National Association of Psychology Professionals on conversion therapies](#).

<sup>14</sup> For more information, see the ["dezanove" website](#).

Hall. Several representatives of associations working on LGBTI issues were present.

✓ **Hate crime**

An additional sanction is provided for in a preliminary draft of a Government bill to amend Article 240 of the Penal Code, which is awaiting entry into the legislative circuit of the Presidency of the Council of Ministers and will be presented to Parliament later on this year. This will prevent anyone who holds a public position, be it a teacher or a journalist, from exercising their profession if they are convicted of a hate crime. The amendment to Article 240 of the Penal Code is part of the National Plan for Combating Racism and Discrimination 2021-2025 - Portugal against Racism, published by the Government. The document expands its remit to accommodate all prohibited discrimination. The crime of discrimination and incitement to hatred and violence provided for in Article 240 of the Penal Code covers discrimination based on racial or ethnic origin, such as colour, national origin, ancestry, religion, sex, **sexual orientation, gender identity** or physical or mental disability. Now the Government wants it to cover all types of discrimination and to "strengthen efforts to combat intolerance, stereotypes, prejudice and discrimination against vulnerable and minority groups, including Roma, Afro-descendants, Muslims and **lesbian, gay, bisexual and transgender people.**"<sup>15</sup>

In the year 2021, the Gis Centre provided 97 legal support attendances to citizens regarding hate crime and speech inciting to hatred and violence<sup>16</sup>.

✓ **Absence of LGBTQI+ data in Census 2021**

Despite demands and critiques both from civil society and academia, the 2021 Census did not collect any data based on sexual orientation, gender identity or gender expression, and sexual characteristics, which prevents access to updated and evidence-based information considered crucial.<sup>17</sup> Such absence of data further hinders the quality of comparative, cross-national studies, as there are, to date, no large surveys targeting the LGBTQI+ population in Portugal.

✓ **Antidiscrimination campaigns / raising awareness**

The state-based Commission for Citizenship and Gender Equality (CIG) launched the social media campaign Trans and Intersex **#DireitoASer** (the right to be)<sup>18</sup>

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<sup>15</sup> Público (2021), [Racismo: Governo quer que condenados por ódio possam ser expulsos de várias profissões](#) (Racism: Government wants hate convicts to be expelled from various professions), 27 August.

<sup>16</sup> Associação Plano i, written response, 5 January 2022.

<sup>17</sup> Público (2021), [Censos: "Invisibilidade das pessoas lésbicas, gay, bissexuais, 'trans' e intersexo" motiva críticas](#) (Censuses: "Invisibility of lesbian, gay, bisexual, 'trans' and intersex people" prompts criticism), 21 April.

<sup>18</sup> For more information, see the campaign on the [Commission for Citizenship and Gender Equality Facebook](#).

and relaunched the campaign #**direitoslgbtisãodireitoshumanos** (LGBTI rights are human rights).<sup>19</sup>

In addition, there were social media cards promoted by the State Secretary for Citizenship and Equality and published on government and CIG social media networks about: the 5 years since the entry into force of Law No. 2/2016, which eliminates discrimination in access to adoption, civil sponsorship and other family legal relationships, extending it to same-sex couples (01/03/2021); and the International LGBTI+ Pride Day (28/06/2021).

Finally, the Gis Centre, promoted 93 training sections with strategic publics with the potential to promote inclusion and diversity, reaching a total of 2970 people<sup>20</sup>.

✓ **LGBTI issues included in Healthcare training and provision**

According to information provided by the Health Ministry and the General Directorate of Health<sup>21</sup>, in 2021 there was a reinforcement of the performance of the national network of proximity teams under the National Health Service working in primary and hospital care. This included specific training on various topics, one of which was discrimination against LGBTI+ people.

✓ LGBTI in the field of health

In the field of health, the Gis Centre provided 931 consultations regarding psychological support, 193 consultations regarding psychosocial support, 52 consultations regarding psychiatry and 71 regarding endocrinology<sup>22</sup>.

**ii. Ensuring LGBTIQ people's safety**

✓ **Conversion "therapies"**

In April and in May 2021, two proposals for a new law were submitted to the Assembly regarding so called conversion "therapies". The first was by the non-registered deputy Cristina Rodrigues for a bill that provides for a prison sentence of up to three years or a fine for anyone who promotes "conversion therapy" practices. Bill No. 777/XIV/2nd reinforces the protection of the fundamental rights of LGBTI+ people through the prohibition of "sexual reorientation therapies."<sup>23</sup> The second was prepared by the Left Block (BE) which proposes an amendment to the penal code that includes a prison sentence of up to three years (or a fine) for "whoever advertises, facilitates, promotes or practices continued efforts, measures or procedures aimed at changing the sexual

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<sup>19</sup> For more information, see the see the campaign on the Commission for Citizenship and Gender Equality [Facebook](#), [Instagram](#), [Twitter](#).

<sup>20</sup> Associação Plano i, written response, 5 January 2022.

<sup>21</sup> General Directorate of Health, written response, 05 January 2022.

<sup>22</sup> Associação Plano i, written response, 5 January 2022.

<sup>23</sup> Observador (2021), [Deputada Cristina Rodrigues propõe proibição de "terapias de reorientação sexual"](#) (Cristina Rodrigues proposes ban on "sex re-orientation therapies"), 5 April.

orientation of another person, their gender identity or gender expression". In addition, it suggests an aggravated penalty for those who "carry out medical-surgical interventions and treatments" in intersex minors, in breach of the gender self-determination law". It further provides an amendment to Law No. 38.<sup>24</sup>

There was also a petition to end these practices gathering over 5,000 signatures.

✓ **Specialised health services for trans people**

In May 2021, Hospital de Santo António, in the city of Porto, started a new trans healthcare service which brings together a multidisciplinary medical team of ten clinical specialties – psychology, psychiatry, child psychiatry, endocrine paediatrics, plastic surgery, urology, gynaecology, anaesthesiology, endocrinology and paediatric endocrinology – which allows trans patients to be monitored by the same unit. This was included in the strategy for trans health that the Portuguese Government launched in 2019. Until then, there was only one multidisciplinary health team to assist trans people and they were based in Coimbra.<sup>25</sup>

Within the scope of the 1st Health Strategy for LGBTI people (Vol. 1 Health promotion for trans and intersex people), the General Directorate of Health (DGS) is currently developing and drafting a Standard on the intervention model in care of transgender people's health and also translating and adapting frameworks – namely the World Professional Association for Transgender Health (WPATH) Standards of Care for the Health of Transgender and Gender-Nonconforming People.

✓ **Constitutional Court ruling against gender identity law no. 38/2018**

In July 2021, there was the publication of the decision of the Constitutional Court (TC) on the request for successive inspection submitted by members of the PSD, CSD and PS, in 2019. The constitutional analysis carried out by the Constitutional Court focuses on the rules presented in paragraphs 1 and 3 of Article 12 of Law No. 38/2018, which deal with "measures in the educational system, at all levels of education and study cycles, that promote the right to self-determination of gender identity and gender expression and of the right to protection of a person's sexual characteristics ". Decision No. 474/2021 points out that these measures are within the competence of Parliament and not of an administrative nature. This Court decision rendered null the standard issued by the Ministry of Education regarding specific measures to be implemented by all

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<sup>24</sup> Esquerda (2021), [Bloco propõe criminalização de terapias de reconversão sexual](#) (*Bloco proposes criminalisation of sexual reversion therapies*), 17 May.

<sup>25</sup> For more information, see the ["dezanove" website](#).

schools in respect of gender diversity.<sup>26</sup> Two political parties, PAN and BE, submitted bills aiming to provide a Parliament-based response to the need to protect LGBTI children, following the Constitutional Court decision.<sup>27</sup>

✓ **Promoting safety and combating violence**

The National Commission for the Promotion of the Rights and Protection of Children and Youth (CNPDPJ) has worked with NGO *Casa Qui*, of which it is a partner in the Project "Knowing to Protect: Good Support Practices for LGBTI Children and Youth", which, among its activities, includes the creation and management of the Platform "Knowing to Protect", a digital platform for sharing resources, support and consultancy in the field of Education and Protection of Children and Youth. Since its launch, on 27 November 2020, until now, the "*Conhecer para Proteger*" Platform has attracted 157 entries. The team has continued to enrich this platform through the dissemination of recently published national and international scientific articles, as well as practical resources such as, for example, a video on homophobic bullying and scripts on how to make a school more inclusive.

The "Knowing to Protect" Project also registered a second activity that had the support of the National Commission in terms of consultancy and dissemination, which included the creation and implementation of two different versions of a survey, between April and August 2021, which aims to strengthen the training of professionals and the support provided via the Platform, as well as contribute to the content of a Guide of Good Practices in Support of LGBTI Children and Youth.

According to information provided by the Ministry for Internal Affairs (*Ministério de Administração Interna*)<sup>28</sup>, members of the police force GNR attended to three training sessions on hate speech against the LGBTI community, provided by the LGBTI+ NGO ILGA Portugal, as part of the 4th Course on Criminal Prevention (in May 2021).

Since 20 December 2021, is available on the website of the Commission for Citizenship and Gender Equality (CIG) a form<sup>29</sup> to make a complaint of discrimination on the grounds of sex, sexual orientation and gender identity.

According to information provided by the Health Ministry and the General Directorate of Health<sup>30</sup>, in 2021 the Form "Clinical Record of Violence in Adults",

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<sup>26</sup> For more information, see the [Joint appeal of LGBTI+ associations to the Parliament on the decision of the Constitutional Court](#).

<sup>27</sup> Público (2021), [BE e PAN defendem que alunos e funcionários possam escolher casas de banho e balneários em função do género](#) (BE and PAN argue that students and staff should be able to choose bathrooms and changing rooms according to gender), 12 July.

<sup>28</sup> Ministry for Internal Affairs, written response, 26 October 2021.

<sup>29</sup> For more information, see the [Queixa por discriminação em razão do sexo, da orientação sexual e da identidade de género - CIG](#)

<sup>30</sup> General Directorate of Health, written response, 05 January 2022.

available in the Electronic Health Registry (EHR), was also disseminated more broadly. It aims at improving the quality of the care provided, promoting the screening and early detection of situations of violence, assessing risk indicators, establishing intervention plans adjusted to the situation of victims, in the principle of guaranteeing the protection and safety of users, following the already existing protocols under the National Health Service. This form enables the recording of any form of violence against adults, regardless of individual variables such as sex, gender and sexual identity/orientation, among others.

According to the information provided by NGO Opus Diversidades<sup>31</sup>, during the year 2021, the Emergency Temporary Shelter (CATE) continued to give support to people in situations of vulnerability and with social support needs, mostly LGBTQI+ people, sex workers, and transgender people in the process of transition. According to the information provided, these people come from situations where the minimum conditions for survival were not ensured, with need of immediate help and imminent danger to physical and psychological integrity, requiring immediate intervention. Due to the pandemic context, measures were implemented, namely through less bureaucracy, improvement in the infrastructures and new equipment.

Finally, according to the information provided by Associação Plano i, during the year of 2021, 68 domestic violence LGBTI+ victims were received at Casa Arco Iris - Casa de Acolhimento de Emergência de Vítimas de Violência doméstica. Within the scope of Plan 3 C- Autonomous flats for LGBTI+ victims of domestic violence, 5 people were allocated<sup>32</sup>.

### **iii. Building LGBTIQ inclusive societies**

#### **✓ Creation of support structures at local level for LGBTQI+ people approved in Parliament**

Draft Resolution 1280/XIV/2, the Left Block (BE) proposal approved in the Portuguese Parliament, enables the creation of multi-sector support structures at the local level for LGBTI people. These support structures include professionals invested in monitoring and training, who will best respond to needs such as lack of housing, help in finding employment and in accessing medical care and psychological support, as well as legal and social support.<sup>33</sup>

Draft Resolution 1241/XIV/2, on the creation of Social Shelter Centres for the LGBTQI Community, submitted in May 2021 by the Independent Member of

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<sup>31</sup> Opus Diversidades, written response, 05 January 2022.

<sup>32</sup> Associação Plano i, written response, 05 January 2022.

<sup>33</sup> Portugal, [Projeto de Resolução n.º 1280/XIV/2ª - Criação de estruturas de apoio multisectorial de âmbito local para as pessoas LGBTI](#) (Draft Resolution No 1280/XIV/2ª - Creation of local multi-sectoral support structures for LGBTI people), 20 May.

Parliament Cristina Rodrigues was also approved. This draft resolution that aims for “the creation of specific social facilities (social shelter centres) and /or responses aimed at the LGBTQI+ community”.<sup>34</sup>

Finally, Draft Resolution 1288/XIV/2, submitted by the Independent Member of Parliament Joacine Katar Moreira, was also approved in Parliament. It aimed to strengthen local responses to access housing and guarantee the social rights of LGBTQI+ people who are socially and economically vulnerable.<sup>35</sup>

These three draft resolutions were approved in Parliament which, in July 2021, recommended that the Government implement measures to support the LGBTQI+ community facing aggravated hardships as a result of the COVID-19 crisis (Resolution AR 216/2021).<sup>36</sup> As these are recommendations, they do not hold mandatory power. Moreover, with the dissolution of the Portuguese Parliament in November 2021 these questions were put on hold.

On 22 December 2021 a Letter of Commitment was signed between the Secretary of State for Citizenship and Equality and the NGO AMPLOSIG – Association of Mothers and Fathers for Freedom of Sexual Orientation and Gender Identity, which aims to strengthen the commitment and to achieve the objectives set out in the Action Plan to Combat Discrimination on the grounds of Sexual Orientation, Identity and Gender Expression and Sexual Characteristics (PAOIEC), of the National Strategy - Portugal More Equal<sup>37</sup>.

#### ✓ **Funding LGBTQI+ organisations**

The state-based Commission for Citizenship and Gender Equality (CIG) launched a national bid for Technical and Financial Support to LGBTI Non-Governmental Organisations 2021 in the amount of 60,000 euros, awarded to 11 civil society organisations that work in the field of defence, promotion and protection of LGBTI rights (LGBTI organisations) to carry out projects, actions or measures in this area.

#### ✓ **LGBTQI+ Municipal Plans (Local level/ City Council)**

In 2021, the 1<sup>st</sup> Municipal Plan for the city of Porto was approved. However, local officers who support the City Mayor Rui Moreira as well as local officers from the

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<sup>34</sup> For more information, see the [“dezanove” website](#).

<sup>35</sup> Portugal, [Projeto de Resolução 1288/XIV/2 - Pelo reforço das respostas locais de acesso a alojamento e habitação e pela garantia dos direitos sociais das pessoas da comunidade LGBTQI+ que se encontrem em situação de vulnerabilidade social, económica e emocional](#) (Draft Resolution 1288/XIV/2 - For strengthening local responses to access to housing and accommodation and for guaranteeing the social rights of LGBTQI+ people in situations of social, economic and emotional vulnerability), 20 May.

<sup>36</sup> Portugal, [Resolução da Assembleia da República 216/2021 - Recomenda ao Governo medidas de apoio a pessoas LGBTQI+](#) (Resolution of the Portuguese Parliament 216/2021 - Recommends to the Government measures to support LGBTQI+ people), 28 July.

<sup>37</sup> Secretary of State for Citizenship and Equality, written response, 04 January 2022.

centre-right wing party PSD rejected a proposal to hoist the Rainbow Flag on the City Hall on the 17 May.<sup>38</sup>

During 2021, there is still the ongoing LGBTI+ Municipal Plan in Lisbon (2020-2021). The plan includes a housing grant for transgender people and an empowerment apartment for young LGBTI+ people.<sup>39</sup>

✓ **Creation of the first LGBTI+ support centres in the Autonomous Region of the Azores and in Guimarães**

In May 2021, (A)MAR: *Azores pela Diversidade*, the first support centre and specialised service for the LGBTI population in the Autonomous Region of the Azores was launched, constituting a remarkable milestone for the LGBTQI+ community in Portugal.<sup>40</sup> According to information provided by the (A)MAR centre, the Autonomous Region of the Azores is of particular concern when it comes to the rights and freedoms of non-cis-heteronormative people. These concerns include increased difficulty in enjoying LGBTI rights at the local level, despite the progressive legal framework at national level. The (A)MAR centre intends to be at the forefront of helping this population at a regional level, serving as a catalyst in reducing this significant distance between law and practice.

In Guimarães, in the North of Portugal, a similar centre was launched in July, called *Bússola*. This centre is mostly focused on supporting LGBTI youth and their families.<sup>41</sup>

✓ **Creation of the Espaço LIV(r)e in Porto**

With the support of IKEA and CIG, Espaço LIV(r)E was opened to the public, in the city of Porto, as a community centre for LGBTI+ people, providing psychosocial support, training to staff of private companies on sexual orientation, gender identity and expression and sexual characteristics and legal support to victims of labour discrimination. The Project team has already developed 18 training actions, in a total of 41 hours, covering a total of 324 people. The trainees were professionals from the following entities/companies: Sopro - Projeto Envolver, ANEP, Cáritas Braga, CLEANIC, CPCJ Porto Oriental, Lar dos Carvalhos and EFASEC. From 4 October to 31 December 2021, 7 people received psychosocial support and help in the active search for employment. Plano I Association also indicated: an HIV, Syphilis and Hepatitis testing activity

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<sup>38</sup> TSF (2021), <https://www.tsf.pt/portugal/sociedade/plano-municipal-lgbti-aprovado-no-porto-be-critica-resistencia-do-executivo-de-rui-moreira-13865094.html>.

<sup>39</sup> For more information, see the [First Lisbon LGBTI+ Municipal Plan 2020-2021](#).

<sup>40</sup> For more information, see the [\(A\)MAR – Açores pela Diversidade website](#).

<sup>41</sup> Jornal de Guimarães (2021), "Estamos aqui". Chegou a Bússola, um projeto de apoio à comunidade LGBTQIA+ ("We are here". Compass has arrived, a project to support the LGBTQIA+ community), 24 [September](#).

(six people were tested) and a STI prevention campaign with the distribution of internal and external condoms and lubricant gel<sup>42</sup>.

#### ✓ **Creation of a TRANS Space - community centre in Almada**

In May 2021, the organization TransMission: Trans and Non-Binary Association opened the TRANS Space – Territory of Resistance, Support, Non-conformity and Solidarity. This space is located in Almada. They consider it is the first community centre dedicated to the trans and non-binary population. Thus, Espaço TRANS aims to be a space for sociability, mutual support and trans and non-binary community events<sup>43</sup>.

#### ✓ **Gender neutral academic attire for university students**

At the University of Minho, the body responsible for *praxe* (traditional students' initiation rituals) declared in July 2021 that, from that moment on, "anyone is free to wear the costume with which they most identify." The measure calls for the "inclusion, mutual help and, above all, union" of university students, as can be read on their website.<sup>44</sup> Recalling the motto that generated the creation of academic attire, the group intends to "mitigate any type of personal, social and economic difference between everyone who wears it".<sup>45</sup>

#### ✓ **Sports for All**

The Portuguese Institute of Sport and Youth, in partnership with the ACM, I.P. (PE), developed the *Clube Escolhas* initiative - Partnership of the National Sports for All Programmes with the *Escolhas* programme (Measure 128), to boost projects that encourage specific measures to promote equality in the integration and participation of young people in sport (equality gender, young people at risk of poverty, young people with disabilities, young migrants, young refugees, young people deprived of liberty, **young people from LGBTI communities**).

#### ✓ **Memory and acknowledgement**

In March 2021 an online petition to name a street in Porto after Gisberta, a trans woman assaulted and raped by a group of teenagers and found dead in 2006, was launched by the Organising Committee of the Porto Pride March. Addressed to the Commission of Toponymy, the proponents consider this possibility "a giant step towards representation, as well as a source of pride for the city of Porto". "The initiative aims to promote reflection on how we can make Porto a more inclusive city and how we can combat the oppression to which LGBT + people

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<sup>42</sup> Associação Plano i, written response, 5 January 2022.

<sup>43</sup> ILGA Association, written response, 25 January. For more information, see the news published in [dezanove website](#).

<sup>44</sup> For more information, see the [Cabido de Cardeais website](#).

<sup>45</sup> Público (2021), [Com esta nova regra, o traje não tem género na Universidade do Minho](#) (With this new rule, dress has no gender at Universidade do Minho), 7 July.

are subjected", reads a statement.<sup>46</sup> No positive answer was received at the moment of writing.

#### ✓ **LGBTI+ in the field of education**

The Directorate-General for Education promoted a training session focusing the sexual orientation, gender identity and expression, and sexual characteristics. The training session lasted 25 hours and reached 29 teachers<sup>47</sup>. It was held in the context of the National Strategy for Equality and Non-Discrimination, published on 21 May 2018, by Council of Ministers Resolution 61/2018<sup>48</sup>, that includes the Action Plan to Combat Discrimination on the grounds of Sexual Orientation, Gender Identity and Expression, and Sexual Characteristics.

#### **iv. Leading the call for LGBTIQ equality around the world**

##### ✓ **Portuguese Presidency of the EU Council (January-June 2021)**

In March 2021, under the Portuguese Presidency of the EU Council (January-June 2021), the Secretary of State for European Affairs, Ana Paula Zacarias, argued at the plenary session of the European Parliament that "there should be no place for homophobia anywhere in Europe" and that "all European Union (EU) citizens must be able to live in freedom". She concluded that "we recognise the initiative to declare the EU an LGBTIQ freedom zone, because every citizen has the right to human dignity".<sup>49</sup> However, in June 2021 Portugal was involved in controversy when it became one of the member-states who refused to sign a letter to the European Commission urging the community executive to "use all the instruments at its disposal to guarantee full respect for European law", in the face of a Hungarian law considered "discriminatory against LGBT people". In other words, during the Portuguese presidency of the EU Council, invoking the duty of neutrality, Portugal refrained from signing.<sup>50</sup> Portugal signed this document in early July 2021, as soon as the EU Council Presidency was no longer based in Portugal.<sup>51</sup>

In May 2021, also under the Portuguese Presidency of the EU Council, the state Commission for Citizenship and Gender Equality (CIG) organised two webinars

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<sup>46</sup> For more information, see the [Trans lives matter](#).

<sup>47</sup> Directorate-General for Education, written response, 5 January 2022.

<sup>48</sup> Portugal, [Resolução do Conselho de Ministros 61/2018, que aprova a Estratégia Nacional para a Igualdade e a Não Discriminação 2018-2030](#) (Resolution of the Council of Ministers 61/2018, which approves the National Strategy for Equality and Non-Discrimination 2018-2030), 21 May 2018.

<sup>49</sup> Jornal de Negócios (2021), [UE/Presidência: Zacarias defende que "não deve haver lugar para a homofobia" na UE](#) (EU/Presidency: Zacharias says "there should be no place for homophobia" in the EU), 10 March.

<sup>50</sup> Euronews (2021), [Von der Leyen: Lei húngara anti-LGBT é "uma vergonha"](#) (Von der Leyen: Hungary's anti-LGBT law is a "disgrace"), 23 June.

<sup>51</sup> Público (2021), [Portugal assinou declaração contra lei húngara "no minuto seguinte" ao fim da presidência da UE](#) (Portugal signed declaration against Hungarian law 'the minute after' the end of the EU presidency), 7 July.

as a joint initiative of the Portuguese Presidency of the Council of the European Union 2021 Portugal.eu and the European Commission, in connection with the International Day Against Homophobia, Transphobia and Biphobia (IDAHOTB). The webinars brought together scholars, decision-makers, activists and other stakeholders: Webinar 1, Together with LGBTI persons: paces, challenges and dialogues, 12 May 2021; Webinar 2, Experiences and good practices in LGBTI intervention, 17 May 2021. The aim of these events was to focus on the needs and rights of LGBTI people, highlighting the importance of IDAHOTB, and reaffirming the commitment to fight discrimination and violence based on sexual orientation, gender identity/expression or sexual characteristics. In the aftermath of the presentation of the LGBTIQ 2020-2025 Strategy, by the European Commission last November, the Portuguese Presidency took the opportunity to promote debate and to highlight policies, actions, projects and good practices that contribute to these shared objectives.

## **1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against LGBTI people**

### **1.2.1 Based on nationality**

In 2021, the High Commission for Migration, kept the website on information related to European citizens<sup>52</sup> updated and promoted the continuation of the Project Promoting Immigrant Entrepreneurship<sup>53</sup> that addresses all immigrant citizens who want to structure a business idea, with a view to its implementation.

The General Directorate of Economic Activities, launched in April 2021, the "Guide of Economic Activities to support the free movement of workers"<sup>54</sup>.

The Social Security Institute has published the "Practical guide to posting workers from other countries to Portugal"<sup>55</sup>, which includes a section on European workers and the "Practical guide to requesting a pension using

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<sup>52</sup> For more information, see the ACM [website on information related to European citizens](#).

<sup>53</sup> For more information, see the website of the [Project Promoting Immigrant Entrepreneurship](#).

<sup>54</sup> Directorate-General for Economic Activities (2021), [Guia de atividades económicas para apoiar a livre circulação de trabalhadores](#) (Guide of Economic Activities to support the free movement of workers).

<sup>55</sup> Social Security Institute (2021), [Guia prático: destacamento de trabalhadores de outros países para Portugal](#) (Practical guide to posting workers from other countries to Portugal).

international instruments - invalidity, old age and death"<sup>56</sup>, which also includes a section on European citizens.

### **Multilevel discrimination situations encompassing discrimination based on nationality (EU citizens)**

The number of foreigners residing in Portugal has increased, according to the data provided by the Immigration and Borders Service<sup>57</sup>. With regards to EU citizens residing in Portugal, the top three is composed by Romanian, Italian and French nationals that rank, respectively, in the fourth, sixth and eighth overall positions<sup>58</sup>. Considering these findings as well as the current absence of other reports and/or studies that refer to situations of discrimination against EU citizens based on nationality, the events highlighted below address situations where EU citizens were involved. As previously mentioned, the depicted situation can be considered as an example of multilevel discrimination in which the targeted group combines several factors – third country nationals; migrants; different ethnic and/or national origin - leading to discriminatory acts that are not based, exclusively, on their nationality, but can also encompass this reason. Following an outbreak of COVID-19 among agriculture workers, in May, in the Alentejo region (southern Portugal), national and local authorities inspected their living and working conditions and detected unhealthy and overcrowded housing conditions, as well as the severe working conditions faced by these workers, mostly migrants and residing illegally in Portugal<sup>59</sup>. This situation was widely covered by the media<sup>60</sup> that reported its linkages to criminal activities, particularly, human trafficking and aiding illegal immigration. Many of these migrant workers are from the Indian Subcontinent and Sub-Saharan African, but also from Eastern Europe, particularly Romania and Bulgaria<sup>61</sup>.

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<sup>56</sup> Social Security Institute (2021), [Guia prático: pedido de pensão com aplicação de instrumentos internacionais – invalidez, velhice e morte](#) (Practical guide to requesting a pension using international instruments - invalidity, old age and death).

<sup>57</sup> Observador, [Foreigners in Portugal reach in 2020 its highest number ever](#) (Estrangeiros em Portugal alcançam em 2020 número mais elevado de sempre), 23 June 2021.

<sup>58</sup> Immigration and Borders Service (2021), [Relatório de Imigração, Fronteiras e Asilo 2020](#) (Immigration, Borders and Asylum Report 2020). Lisboa: SEF.

<sup>59</sup> Lusa (2021) [COVID-19: Inspections in Odemira to workers' lodgings will continue](#) (Covid-19: Vistorias em Odemira a alojamentos de trabalhadores vão continuar), 12 may 2021.

<sup>60</sup> For example, Publico (2021) [Job insecurity to trafficking: a portrait of the "almost 50 thousand immigrant workers" in agriculture](#) (Da precariedade ao tráfico: um retrato dos "cerca de 50 mil trabalhadores" imigrantes na agricultura), 17 may 2021.

<sup>61</sup> Jornalismo Documental (2021) [Misery, hunger, prostitution, suicide, here's the life of Migrants in the Baixo Alentejo](#) (Miséria, fome, prostituição, suicídios, eis a vida dos Migrantes no Baixo Alentejo), 7 february 2021.

### 1.2.2. **LGBTQI+ people**

#### **Ongoing LGBTQI+ studies in 2021, including the context of COVID-19**

- **Cyberbullying in Portugal during the pandemic: the 2<sup>nd</sup> lockdown** (*Cyberbullying em Portugal durante a pandemia: 2<sup>o</sup> confinamento*), coordinated by Raquel António, Ispa - APPsyCI and CIS, Iscte – Instituto Universitário de Lisboa. The use of digital platforms is associated with various benefits (e.g. increased personal well-being), but cyberbullying is one of the most common risks associated with it. Cyberbullying is the use of technology to harass, threaten or victimise another person repeatedly and intentionally. This type of bullying carried out through digital means can happen anywhere and anytime, beyond the school gates; it enables the aggressor to remain anonymous and can generate several negative effects in victims, such as anxiety. In 2020, a study carried out in Portugal on the 1st period of compulsory lockdown and distance learning revealed that 61% of young people claimed to have been victims of cyberbullying and that eight out of ten witnessed this type of online behaviour. In Portugal, the EU Kids Online 2019 report, which surveyed young people between 9 and 17 years old, revealed that cyberbullying predominates over traditional (in-person) bullying. More than a fifth of those who suffer from this type of aggression indicated that it occurs several times a month, through calls, messages or otherwise. During the lockdown period resulting from the COVID-19 pandemic, several experts warn that millions of children and young people have been affected by the closing of schools, taking classes and socialising more online, leaving them more vulnerable and exposed to being victims of cyberbullying. The main contribution of this study is to analyse the frequency of cyberbullying in Portuguese youth during the second period of mandatory lockdown due to the coronavirus pandemic, between January and April 2021. It also concluded that LGB students presented higher levels of victimization and observation of cyberbullying. Full reference to the project: António, R., Guerra, R., & Moleiro, C. (2021). *Cyberbullying em Portugal durante a pandemia: 2<sup>o</sup> confinamento*. APPsyCI - Ispa & Centro de Investigação e de Intervenção Social (CIS, Iscte – Instituto Universitário de Lisboa).<sup>62</sup>
- **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 the end of life. The key objective is to provide cross-cultural evidence, for the first time ever, concerning life course

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<sup>62</sup> For more information, see <https://ciencia.iscte-iul.pt/publications/files/private/4b22cdd9fc1fb855fd97214830304d00>.

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 relating 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 has been 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 Portugal. The methods used consisted of semi-structured interviews to a sample of 53 self-identified LGBTQ+ people between 21 and 74 years old. The transcripts were analysed through thematic analysis using NVivo with a focus on experiences at school, employment and retirement<sup>63</sup>. Published results in 2021 include the following:

- Alcaire, Rita (2021), "[\(In\)Visible \(a\)sexuality? Media discourses and representations on asexuality in Portugal](#)", *Antropologia Portuguesa*, 38, 23-42.
  - Alcaire, Rita (2021), "[LGBTQI+ Healthcare \(in\)Equalities in Portugal: What Can We Learn from Asexuality?](#)", *Healthcare*, 9, 5, 583.
  - Santos, Ana Cristina (2021), "[Nothing from Them: LGBTQI+ Rights and Portuguese Exceptionalism in Troubled Times](#)", in Möser C., Ramme J., Takács J (org.), *Global Queer Politics. Paradoxical Right-Wing Sexual Politics in Europe*. Springer International Publishing, 61-85.
  - Santos, Ana Cristina (2021), "[Sexual and Gender Diversity in Healthcare Provision](#)" edited Special Issue in the *Healthcare Journal*, 9.
- **Diversity and Childhood - Changing social attitudes towards gender diversity in children across Europe**, funded by the European Commission (2019-2021). This project aimed to make a social diagnosis in a participative way of the needs experienced by both children and professionals in the area of gender and sexual diversity in children and youth. Activities included 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 the family. In Portugal, "Diversity and Childhood" is led by Ana Cristina Santos and Mafalda Esteves, and is formally supported by the Ministry of Education, the state-based Commission for Citizenship and Gender Equality (CIG) and the NGO Rede ex aequo. The methods used were: Survey, semi-structured individual interviews and hands-on workshops. The sample consisted of 69 professionals who

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<sup>63</sup> For more information, see the [CILIA project webpage](#).

worked with children and young people (for the survey), 10 stakeholders in the area of sexual and gender diversity in childhood (interviews), and 14 children between 11 and 12 years old (workshop). Published results in 2021 include the following:

- o Esteves, M. Santos, AC & Santos, A. (2021). Zonas de Liberdade LGBTI+? Práticas e gramáticas para uma intervenção profissional inclusiva com crianças e jovens LGBTI+";
- o Santos, AC., Esteves, M., Santos, A. (2021). Como Prevenir e Combater a Violência contra Crianças e Jovens LGBTI+ e de Género Diverso<sup>64</sup>.

- The **Iris project – Life trajectories of LGBTI victims of domestic violence**, coordinated by the organisation Plano I, started on 1 December, 2019, maintaining its activity until the end of 2022. In the first 24 months of the project's life, the necessary instruments were created to hold interviews and focus groups (e.g. the creation of the individual and focus group interview guide; informed consent; sociodemographic form; survey), and contact was also established with partner entities (Tudo Vai Melhorar, APF, Red Cross, Médicos do Mundo, AMPLOS, Saber Compreender, ISMAI, Casa Qui, CCLGBTI, Opus Diversidades). Fifty individual interviews were carried out with participants, as well as four focus groups with NGOs/associations, collectives, academics and specialists and professionals in the health area, which had 27 participants. 120 individual interviews were also carried out with professionals who intervene directly or indirectly with these victims. The study also completed 192 online surveys. Within the scope of this project, 3 master's theses were developed and another 3 master's theses are under development.
- **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 a Management Committee Member.
- **Social support and psychological health networks in young LGBT+ during the COVID-19 pandemic** is a study led by Jorge Gato and run by the Faculty of Psychology and Educational Sciences of the University of Porto (FPCEUP) involving more than 630 young LGBT+ participants living in Portugal. The objective of the research, which is in its first phase, is to assess the psychological health and social support networks of LGBT + young people who lived with their parents, or in other family settings, during this period. Given the COVID-19 pandemic and the recommended lockdown, one in five returned to their parents' homes. According to the data, "6 out of 10 considered that the situation affected their life very much 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

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<sup>64</sup> For more information, see the [Diversity and Childhood - Changing social attitudes towards gender diversity in children across Europe project webpage](#).

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 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 Association<sup>65</sup>.

- **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<sup>66</sup>.
- **National study on the needs of LGBTI people and discrimination due to LGBTQIphobia.** Promoted by Commission for Citizenship and Gender Equality (CIG), this study started in September 2021 aiming at gathering updated knowledge and enabling a comprehensive social diagnosis. This study is being funded by CIG through POISE (Social Inclusion and Employment Operational Program). No further information or known results in November 2021.
- **LGBTQI+ migration and other cross-border situations.** The organisation Queer Tropical launched a survey of the LGBTQA+ Brazilian population living in Portugal. The aim of this survey is to make a social diagnosis of the situation regarding migration processes, discrimination, employment, and access to healthcare, amongst other factors. According to information provided by this organisation, the survey gathered 132 responses<sup>67</sup>.

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<sup>65</sup> For more information, see [the Porto University webpage on the study](#).

<sup>66</sup> For more information, see <https://ilga-portugal.pt/projetos/way-out/>.

<sup>67</sup> The survey was available [online](#).

## Chapter 2. Racism, xenophobia and related intolerance

### 2.1 Findings and methodology of research, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

The **Annual Report on the Situation of Racial and Ethnic Equality and Non-Discrimination**<sup>68</sup> of the Commission for Equality and Against Racial Discrimination (CICDR) presents the statistical and administrative data collected in 2020 to better understand the reality of racism. During 2020, the CICDR received 655 complaints, corresponding to an increase of 50.2% compared to 2019, when 436 complaints were registered. The epidemiological situation caused by COVID-19 and the increasing use of communication technologies brought a new dynamic to the type of complaints reported to the CICDR. The majority of complaints concerned discrimination on the Internet/social media (319 complaints, 48.7%), using discriminatory, racist or xenophobic language and sometimes of a more serious nature, inciting to hatred or violence. In addition, as part of its competence to promote equality and non-discrimination, the CICDR registered 142 requests for information, by telephone, email, post and in person. The information requests consisted mainly of providing the victims of discrimination with the necessary information to defend their rights, but there were also institutional requests, from several governmental and non-governmental bodies and associations, both national and international.

The book **“The State of Racism in Portugal. Anti-Black and Anti-Roma racism in Law and Public Policy”**<sup>69</sup> (*O Estado do Racismo em Portugal. Racismo antinegro e antiganismo no direito e nas políticas públicas*), coordinated by Silvia Rodríguez Maeso, gathers texts of specialists, scholars and activists. The book aims to contribute to the decoding of institutional racism, by identifying and analysing the routine practices that promote anti-Black and anti-Roma racial order in various contexts of Portuguese society: in the implementation of legislation to combat discrimination and racial hatred, in security policies and policing, in the devices for the protection of «children at risk», in the media and in the responses to precariousness and residential segregation.

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<sup>68</sup> Commission for Equality and Against Racial Discrimination (2021), [Annual Report 2020. Equality and Non-Discrimination on the grounds of Racial and Ethnic Origin, Colour, Nationality, Ascendancy and Land of Origin](#) (*Relatório Anual 2020. Igualdade e Não Discriminação Em Razão da Origem Racial e Étnica, Cor, Nacionalidade, Ascendência e Território de Origem*). Lisbon: CICDR.

<sup>69</sup> Rodríguez Maeso, Silvia (Coord.) (2021), [O Estado do Racismo em Portugal. Racismo antinegro e antiganismo no direito e nas políticas públicas](#) (The State of Racism in Portugal. Anti-Black and Anti-Romani sentiment in Law and Public Policy), Lisbon: Edições Tinta da China.

The book **"When nobody could stay. Racism, Housing and Land"** (*Quando ninguém podia ficar. Racismo, habitação e território*)<sup>70</sup> presents the results of some research which analysed how the Special Re-housing Programme - the most significant public housing policy in Portugal - reinforced spatial segregation through the territorialisation of racial inequalities and the racialisation of public intervention through the various instruments of urban planning and territorial governance. Based on a critical review and analysis of political, academic and media contexts, this book seeks to understand how the relationship between the periphery, the right to housing and race/racism has been historically reconstructed in contemporary Portugal, starting with the case of the neighbourhood of Santa Filomena in the city of Amadora. This is an important work on the overlap between urban planning and racial segregation in Portuguese society.

The book **"Liberdade de expressão e discurso de ódio. Consequências para o campo jornalístico"** (*Freedom of expression and hate speech. Consequences for the journalistic field*)<sup>71</sup>. The book presents the results of a study on the nature, frequency and impact of in-person and digital violence against Portuguese journalists, mapping personal and professional experiences, perceptions and consequences for the journalistic field. The study followed a qualitative methodological research: 31 semi-structured in-depth interviews were conducted with journalists from the main media in Portugal. All interviewees had experienced some form of aggression or had been in the presence of hostile environments. The methodological strategy articulated critical thematic analysis with the feminist perspective.

The book chapter **"The power of racism in academia: knowledge production and political disputes"**<sup>72</sup> questions the dominant concept of racism that circulates within academia and political debates and, at the same time, enshrines a specific set of power relations. The authors examine how proposals for an in-depth, systemic analysis of racism have not been accepted, thus evading any effective confrontation with the legacy of a racial governmentality rooted in imperial European projects and institutionalised in contemporary democracies. Examining international debates regarding the Portuguese situation, this chapter shows how the hegemony of a particular concept of racism — closely connected to political and academic concerns over

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<sup>70</sup> Alves, Ana Rita (2021), [Quando ninguém podia ficar. Racismo, habitação e território](#) (When nobody could stay. Racism, Housing and Land). Lisbon: Edições Tigre de Papel.

<sup>71</sup> Costa, Bruno Frutuoso (2021), [Liberdade de expressão e discurso de ódio. Consequências para o campo jornalístico](#) (Freedom of expression and hate speech. Consequences for the journalistic field). Ramada: Media XXI.

<sup>72</sup> Araújo, Marta; Maeso, S (2021), *The power of racism in academia: knowledge production and political disputes*, in B. S. Santos, S. S. Martins (org.), [The Pluriverse of Human Rights: The Diversity of Struggles for Dignity](#) *The Diversity of Struggles for Dignity*. New York & London: Routledge, 186-204.

fascism and anti-Semitism and with little interest in structural racism — has become complicit in protecting and reproducing racial privilege in the academia. Considering the fundamental divergences affecting anti-racism as a political field, the authors support an interpretation which recognises racism as a political phenomenon linked to the notion of institutional racism, in which prejudice and attitudes should be considered merely as the tip of the iceberg.

The essay "**Racism Today, Portugal in a European Context**"<sup>73</sup> (*Racismo Hoje, Portugal em Contexto Europeu*), proposes to combat the issue of racism in Portugal, the limited empirical research and the lack of information and categories to discuss them. The author reveals data on the racism as a biological and cultural product produced in the West and immersed in preconceived ideas regarding the association between race and school failure, crime and unwillingness to work. It aims to be a contribution, in data and reflection, to the pressing debate on the norm of anti-racism and the need for pro-equality public policies. The analysis is accompanied by concrete references to scientific studies over several decades.

The article "**The Cycle of Attention to Political Events: Racism and Police Violence in Portugal**"<sup>74</sup> analyses the phenomenon of racism and police violence in the "Bairro da Jamaica" (in the city of Setúbal) and other peripheral neighbourhoods. In January 2019, the police were called to "Bairro da Jamaica" to solve a conflict between residents and ended up using disproportionate means and assaulting several residents. The press, television and social networks appropriated the events and amplified them. The reporting versions did not always coincide, but even those who did not consider it a phenomenon of racism recognised some excess of the police. Also in 2019, in Amadora (a peripheral area of Lisbon where some resident population live with several difficulties related to poverty, habitability conditions, etc.), a woman accused the police of racism because of an alleged assault by officers of the Public Security Police (PSP). The woman complained that the police officers beat her in front of her eight-year-old daughter after a disagreement with a bus driver because the minor had forgotten her bus ticket at home. The author reflects on this incident from Downs' model, which he considers relevant for the analysis of the interaction between social problems of significance to the general public, the media and policy makers. The article concludes that the political actors will have to adopt effective policies in order to solve the problem of racism in Portugal, highlighting the key role of the media coverage of the phenomena of racism and police violence.

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<sup>73</sup> Vala, Jorge (2021), [Racismo Hoje, Portugal em Contexto Europeu](#) (Racism Today, Portugal in a European Context). Lisbon, Fundação Francisco Manuel dos Santos.

<sup>74</sup> Rocha, José António Oliveira (2021), "[The Cycle of Attention to Political Events: Racism and Police Violence in Portugal](#)" (O Ciclo de Atenção aos Acontecimentos Políticos: Racismo e Violência Policial em Portugal), *Perspectivas - Journal of Political Science*, 24, 56-64.

The **National Study on Racism in Football in Portugal: Perceptions and Experiences** (*Estudo Nacional sobre o Racismo no Futebol em Portugal: Percepções e vivências*)<sup>75</sup> was developed within the Project Black Lives Matter in Football – Matosinhos. It was implemented by Associação Plano i and funded by the Black Lives Matter in Football line of Fare Network. This is an interdisciplinary study, carried out by a research team from areas such as social psychology, applied mathematics and communication and information sciences. Its main objective was to find out about the perceptions and experiences of situations of racism in the context of football practice in Portugal. There were four specific objectives: to identify manifestations of racism and other forms of discrimination in football in Portugal, from the point of view of direct and indirect actors; to analyse how perceptions and experiences of racism are regarded according to gender, age and condition of the players; to assess the mechanisms for resolving cases of racism; to assess the resolution of cases of racism and their effectiveness; and to map potential measures to prevent and combat racism. An anonymous online questionnaire survey was used to collect the data, from October 2020 to February 2021. A total of 1,736 people responded to the survey. The results of the study highlight the importance of including racism in football in Portugal in the political, social and academic agenda, and assume it as a priority. For future research, the authors identify the significance of qualitative studies that could increase understanding of the impacts of racism and discrimination on the health of the people who suffer them, as well as on sports practice.

The article **“Portugal – The Return of the Colonial War”**<sup>76</sup> analyses discussions around Portugal’s colonial past and its legacies which have reappeared in the country, resurrected by an episode related to Lisbon City Council’s proposal to renovate the gardens of *Praça do Império*<sup>77</sup>. In 2021, six years after Lisbon City Hall announced this intention, work began on the Praça do Império garden in Belém to remove the floral coats of arms representing the former Portuguese colonies<sup>78</sup>. The square, situated in west Lisbon, was inaugurated in 1940, during the Portuguese World Exhibition. The event, organised by the Estado Novo dictatorship, was a celebration of both Portuguese nationality and its colonial empire. In the 1960s, when Salazar’s regime pursued colonial wars in Africa, flowers were planted in the Praça do Império gardens. The floral arrangements were designed as coats of arms representing the

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<sup>75</sup> Neves, Sofia et al. (2021), [Estudo Nacional sobre o Racismo no Futebol em Portugal: Percepções e vivências](#) (National Study on Racism in Football in Portugal: Perceptions and Experiences). Matosinhos Associação Plano i.

<sup>76</sup> Cardina, Miguel (2021), [“Portugal: The Return of the Colonial War”](#). *Strife - Blog and Journal*.

<sup>77</sup> For more information, see the news item “End of coats of arms in the Praça do Império garden met with criticism”, from 19 May 2016, on the [Lisbon Municipal Assembly website](#).

<sup>78</sup> Público (2021), [“Obras que retiram brasões do jardim da Praça do Império estão quase a começar”](#) (Work to remove coats of arms from the Praça do Império garden is about to begin), 4 January.

capitals of each district of the country and the 'overseas provinces' – a name that from the 1950s onwards was used in an effort to internationally conceal the fact that Portuguese colonialism had 'colonies'. The fact that the renovation proposed by the Lisbon City Council did not include the restoration of the coats of arms raise some voices against and mobilised sectors from the right and the far-right and even two former presidents.

The article **"We are sons of the ghetto, we are sons of immigrants, sons of Cape Verde': aesthetics, anti-racism, and engagements in Creole rap in Portugal"** ("*Nos e fidju la di gueto, nos e fidju di imigranti, fidju di Kabu Verdi'*: *estética, antirracismo e engagements no rap crioulo em Portugal*")<sup>79</sup> focuses on the relevance of rap in making the problem of racism visible in the Portuguese society. It analyses lifestyles, lyrics, access to digital networks and the engagement of rappers in the anti-racist movement. Throughout decades, rap music has been central to the construction of an anti-racist discourse in Portugal. With songs denouncing police violence, social exclusion, colonial legacy and racism, black rappers from the peripheries of Lisbon play a vanguard role in the fight against racial oppression, particularly those who sing in Cape Verdean Creole. Supported by digital devices and networks, these young people build circuits of sociability and musical production that promote an insurgent aesthetic capable of challenging their subordinated status that was imposed on them.

The article **"Football, race and national identity in Portugal"**<sup>80</sup> argues that hegemonic conceptions of Portugueseness are racially marked, despite the current narratives not acknowledging it. Given the central role of the media in shaping and re-enforcing common assumptions of belonging, the empirical component of this study is based on their discourses, especially during the Euro 2016, won by the Portuguese national team. In addition to a critical analysis on these narratives, a series of interviews of journalists and former Portuguese football players, from different ethnic and racial origins, is also presented. In order to clarify how the idea of racial homogeneity is (re)produced in Portuguese football, this study promotes a dialogue between race critical theories and literature on society and sport. Considering the absence of studies on sport, racism and national identity in Portugal, it highlights football's extraordinary capacity to embody racial imagery and national identity.

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<sup>79</sup> Raposo, Otávio; Varela, Pedro; Simões, José Alberto; Campos, Ricardo (2021), "[Nos e fidju la di gueto, nos e fidju di imigranti, fidju di Kabu Verdi': estética, antirracismo e engagements no rap crioulo em Portugal](#)" ("We are sons of the ghetto, we are sons of immigrants, sons of Cape Verde": aesthetics, anti-racism, and engagements in Creole rap in Portugal). *Revista Sociedade e Estado*, 36 (1): 269-291.

<sup>80</sup> Almeida, Pedro (2021), "[Football, race and national identity in Portugal](#)". *Soccer & Society*, DOI: [10.1080/14660970.2021.1920013](https://doi.org/10.1080/14660970.2021.1920013)

The article **“Global gendered anti-Black belonging and racial ideology”**<sup>81</sup> proposes gendered anti-Black non-belonging as an alternative framework for addressing African descendant women's expressions and realities of belonging in the United States and Portugal. The authors highlight that the experiences of belonging among African descendant women in the United States and Portugal challenge the veracity of the racial ideologies which work to render gendered anti-Black oppression invisible. In both cases, anti-Black non-belonging means that African descendant women are vulnerable to gendered state violence and racist practices impacting their individual and group belonging; as a result, the right for Black bodies to be in a particular place and space is constantly contested, and, often, violently regulated and disciplined.

The article **“Racism, spaces of representation and the voice of black women in Portugal”** (Racismo, espaços de representação e a voz das mulheres negras em Portugal)<sup>82</sup> presents some reflections about the occupation of spaces predominantly male, white and heterosexuals by black women in a context in which the colonial positions of subject and object are recovered. The author reflects about the candidacy and election of deputy Joacine Katar Moreira, under racist attacks, and proposes that changing the reality of racism presupposes the increasing occupation of representative spaces, where black women's participation is effective.

The article **“‘There was no freedom to leave’: Global South international students in Portugal during the COVID-19 Pandemic”**<sup>83</sup> analyses the impact of the COVID-19 pandemic on international students, focusing on Portuguese-speaking African and Brazilian students during the lockdown of spring 2020. Using evidence from interviews conducted with 27 students domiciled in Portugal, it illustrates some of the challenges faced by students when coping with the pandemic, including difficulties in meeting the cost of higher education and the centrality of working to sustain their stays abroad, alongside the emotional impact of prolonged domestic confinement and separation from families. It is also considered the paradoxes of online teaching, which have made visible the digital gap between local and international Global South students in the context of their stays. Their experiences of obtaining visas, finding a home or a job and also episodes of racism and xenophobia are the extra burden suffered by these students. In this sense, pre-existing

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<sup>81</sup> Curington, Vaughan Celeste and Bailey-Hall, Miara (2021), [“Global gendered anti-Black belonging and racial ideology”](#), *Sociology Compass*, e12927, 1-16.

<sup>82</sup> Mattia, Bianca Rosina (2021), [“Racism, spaces of representation and the voice of black women in Portugal”](#) (Racismo, espaços de representação e a voz das mulheres negras em Portugal), *Nau Literária*, 17, 2, 45-64.

<sup>83</sup> Calvo, Daniel Malet; Cairns, David; França, Thais; Azevedo, Leonardo Francisco de (2021), **“‘There was no freedom to leave’: Global South international students in Portugal during the COVID-19 Pandemic”**, *Policy Futures in Education* 0(0). 1-20.

inequalities are more at the centre of students' concerns than new issues raised by COVID-19. The authors conclude that there is a need for greater recognition of the vulnerabilities facing certain African and Brazilian students at Global North universities, including their dependence upon precarious work.

The **Foundation for Science and Technology** in conjunction with the **Secretary of State for Citizenship and Equality** launched a call for proposals to produce knowledge on the impact of the COVID-19 pandemic on hate crimes and incitement to violence<sup>84</sup>. The call was open between 25 January and 15 February, with an allocation of €200,000, for projects to produce and disseminate knowledge and research-action regarding hate crimes and violence and the expression of hate speech, following the pandemic. Fifty eligible applications were received, and six projects were selected, with funding ranging from €25,000 to €36,000 per project, with a maximum length of 10 months. The projects are currently ongoing in three research lines: racist, xenophobic, gender, homophobic and other hate speech on the internet; exposure of young people and children to hate speech and cyberbullying in online communities and groups; and legal framework of the crime of incitement to hatred and violence and hate speech, specifics and difficulties of criminal investigation and evidence. The projects cover the following lines of research and action: hate speech on the internet (3 projects), exposure of youth and children to hate speech (2 projects) and the legal framework of the crime of hate speech (1 project)<sup>85</sup>. These six projects are:

- "Gender in hate pandemics: social media, Covid 19 and women journalists"<sup>86</sup>;
- "HATE COVID-19.PT - Detecting Overt and Covert Hate Speech in Social Media"<sup>87</sup>;
- "Racism and Xenophobia in Portugal: the normalisation of hate speech in the public space of the internet"<sup>88</sup>;
- "EducHate: An educational approach to detect, combat and prevent online hate speech"<sup>89</sup>;

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<sup>84</sup> For more information, see the [FCT webpage on the Special Support to Research Projects - COVID-19 impact on hate crimes and violence](#).

<sup>85</sup> For more information, see the [FCT webpage on the Results of the support "COVID-19 impact on hate crimes and violence"](#).

<sup>86</sup> For more information, see the [webpage of the Institute of Communication of the New University of Lisbon \(ICNOVA\) on the project](#).

<sup>87</sup> For more information, see the [webpage of the Institute for Systems Engineering and Computers: Research and Development in Lisbon \(INESC-ID\) on the project](#).

<sup>88</sup> For more information, see the [webpage of the Network Centre for Research in Anthropology \(CRIA\) on the project](#).

- "Social|HaterS - Hate Speech during the COVID-19: prevalence, dynamics and patterns among young people"<sup>90</sup>;
- "Addressing ideologically inspired hate crimes: Victims' narratives and unconscious cognitive biases in the criminal justice system"<sup>91</sup>.

The **Pilot Survey on the Conditions, Origins and Trajectories of the Resident Population in Portugal** started to be applied on 18 October in the municipalities of Cascais, Lisbon, Loures, Sintra, Amadora, Odivelas and Seixal<sup>92</sup>. The implementation of this survey was foreseen in the Plan of Activities 2021 of the National Statistical Institute (INE), published in *INEWS - The INE Magazine* (No. 47, page 7)<sup>93</sup>. The pilot survey is intended to serve as a test for the final survey. Being a sensitive issue and on which there is no previous experience in official statistics in Portugal, it is recommended to precede the survey by one pilot survey to test the questionnaire on a small sample of the target population. INE conducts the survey by telephone, online and in person. This survey is part of the activities under the responsibility of the Presidency of the Council of Ministers in the National Plan to Combat Racism and Discrimination 2021-2025 - Portugal against racism (PNCRD 2021-2025)<sup>94</sup>.

The pilot survey comes after the decision of the National Statistics Institute - the State body that guides and coordinates the national statistical system - to refuse the proposal to include questions on ethno-racial origins in the Census 2021<sup>95</sup>. Although some policymakers, activists and the United Nations itself recognise the importance of knowing the ethnic-racial composition of the population, this question was not included in Census 2021. The "Census Working Group 2021 - Ethnic-Racial Issues" presented, on 28 March 2019, a summary of the work carried out, in which recommended to include the question of "ethnic and racial

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<sup>89</sup> For more information, see [webpage of the Faculty of Psychology and Education Sciences of the University of Porto \(FPCEUP\) on the project](#).

<sup>90</sup> For more information, see the [webpage of the Faculty of Psychology and Education Sciences of the University of Porto about the project](#) coordinated by União de Mulheres Alternativa e Resposta (UMAR).

<sup>91</sup> For more information, see the [webpage of the Centre for International Studies \(CEI-IUL\) announcing the opening of a competition for a Research Fellowship within the project](#).

<sup>92</sup> Público (2021), "[Identifica-se mais como asiático, branco, cigano, negro? INE começa a perguntar dia 18 de Outubro](#)" (You identify yourself more as Asian, Caucasian, Romani or Afro descendent? The National Statistics Institute starts asking on October 18), 14 October.

<sup>93</sup> For more information, see the [INEWS - The INE Magazine](#), 47, March 2021.

<sup>94</sup> Portugal, [Resolução do Conselho de Ministros n.º 101/2021, que aprova o Plano Nacional de Combate ao Racismo e à Discriminação 2021-2025 - Portugal contra o racismo](#) (Resolution of the Council of Ministers 101/2021, approving the National Plan to Combat Racism and Discrimination 2021-2025 - Portugal against Racism), 28 July 2021.

<sup>95</sup> For more information, see the [webpage of the Parliament](#) and the [response of the President of the National Statistical Institute \(05 July 2019\)](#) to the [Request 86-EI/XIII/4 \(26 June 2019\)](#) about the inclusion of a question in the Censuses 2021 on racial-ethnic origin, submitted by a deputy of the Parliament.

origin and/or belonging” in the 2021 Census<sup>96</sup>. Following the recommendation of the High Council of Statistics<sup>97</sup>, this proposal was rejected, seeing the complexity of the question formulation and the risk of institutionalising ethnic-racial categories and legitimising people’s classification. Additionally, it was considered that Census is not the most appropriate statistical instrument to obtain this information, with the quality, depth and regularity required for this knowledge.

## **2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive**

**Order 309-A/2021**<sup>98</sup>, of 8 January, of the Presidency of the Council of Ministers - Office of the Secretary of State for Citizenship and Equality, created the Working Group for the Prevention and Combat of Racism and Discrimination. The Working Group was set up with a multidisciplinary composition, including the technical secretariat of the Commission for Equality and Against Racial Discrimination, experts involved in anti-racist associations and representatives of Roma and migrants. The mission of the Working Group was to present a report to the member of the Government responsible for the area of citizenship and equality with contributions and recommendations for public policies on preventing and combating racism and racial/ethnic discrimination. The Working Group should promote the hearing and participation of other bodies or personalities whose contribution is considered relevant to the continuation of the work, namely specialists, representatives of observatories, consultative bodies, social partners and civil society associations, as well as other entities of relevance to its mission. The working group presented on 16 March a preliminary report which sets out the reasons for the need for the action plan, international framework, international commitments and guidelines, as well as identifying areas of intervention and proposals for each<sup>99</sup>. The working group outlined ten areas of action: information and knowledge for a non-discriminatory society; education; higher education; work and employment; housing; health and social action; justice and security; participation and representation; sports; and media

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<sup>96</sup> See the High Commissioner for Migration [webpage to read the summary of the work produced by the Census Work Group 2021](#).

<sup>97</sup> See the [3rd Deliberation of the High Council of Statistics for the follow-up to the Census 2021 on the inclusion of a question on origin/organic-racial pretence in the Census 2021](#)

<sup>98</sup> Portugal, [Despacho n.º 309-A/2021, que procede à criação do Grupo de Trabalho para a Prevenção e o Combate ao Racismo e à Discriminação](#) (Order 309-A/2021, of 1 January, establishing the Working Group for the Prevention and Combating of Racism and Discrimination), 8 January.

<sup>99</sup> TSF (2021) [“Proposta de plano de combate ao racismo vai a discussão pública na próxima semana”](#) (Proposed plan to combat racism goes up for public discussion next week), 21 March 2021.

and digital. The draft national plan to combat racism and discrimination that was in public consultation<sup>100</sup> resulted from several proposals made by the Working Group for the Prevention and Combating of Racism and Discrimination.

**Directive 1/2021**<sup>101</sup>, of 14 January, of the Attorney-General's Office establishes general guidelines and instructions for the implementation of the Criminal Policy Act for the period 2020-2022, which is binding on the Public Prosecutors and the criminal police bodies. Regarding crime in schools and health services, special attention should be paid, for example, when criminal acts, even if non-violent, are motivated by hatred or racial, religious or ethnic motivations, sexual orientation, gender identity or disability.

The **Resolution of the Parliament 11/2021**<sup>102</sup>, of 28 January, recommends the Government to adopt transversal measures to combat racism such as to: provide the necessary conditions to carry out studies leading to the collection of statistical information on ethno-racial discrimination in Portugal; increase the proximity between policing projects and young people and communities in the peripheral neighbourhoods of metropolitan areas so that it leads to an increase in trust between the community and the security forces; carry out a study on the ethno-racial origin of the Portuguese prison population to find out its size as a proportion of the total population and understand the discrimination factors; promote studies on integrating young people of African descent: develop mechanisms to prevent the exclusion of people in the selection of workers for ethnic-racial reasons; promote specific training for inspectors of the Authority for Working Conditions on racism, xenophobia and ethno-racial discrimination, as exists in other sectors of the Public Administration.

**Resolution of the Parliament 15/2021**<sup>103</sup>, of 1 February, recommends that the Government develops a national anti-racist campaign, extending to schools and universities, public services and police forces, to be implemented in collaboration with anti-racist associations and representatives of ethnic communities and including institutional advertising in the media.

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<sup>100</sup> For more information, see the [ConsultationLEX platform](#) where the proposal was in public consultation.

<sup>101</sup> Portugal, [Diretiva n.º 1/2021, da Procuradoria-Geral da República, com Diretivas e instruções genéricas para execução da Lei da Política Criminal para o biénio de 2020-2022](#) (Directive 1/2021 of the Attorney General's Office, with Generic directives and instructions for the implementation of the Criminal Policy Act for the period 2020-2022), 14 January.

<sup>102</sup> Portugal, [Resolução da Assembleia da República n.º 11/2021, que Recomenda ao Governo a adoção de medidas transversais de combate ao racismo](#) (Resolution of the Parliament 11/2021, Recommending that the Government adopt common measures to combat racism), 28 January.

<sup>103</sup> Portugal, [Resolução da Assembleia da República n.º 15/2021, que Recomenda ao Governo uma campanha nacional antirracista](#) (Resolution of the Assembly of the Republic no. 15/2021, which recommends to the Government a national anti-racist campaign), 1 February.

**Resolution of the Parliament 16/2021**<sup>104</sup>, of 1 February, recommends that the Government drafts and carries out a national strategy to combat racism, to be implemented with the participation of antiracist organisations and organisations representing the ethnic communities, which includes measures to correct inequalities in the areas of employment, housing, education, health, social protection, justice and security, among others. The strategy must be based on a national study on inequalities resulting from ethno-racial discrimination in the above-mentioned areas.

**Decree-Law 22/2021**<sup>105</sup>, of 15 March, approves the organic law of the Inspectorate-General of Internal Administration. This Decree-Law follows the internationally recognised principles regarding external control bodies of police activity, namely the standards set by the Committee for the Prevention of Torture, established under the 1987 Convention of the Council of Europe, as well as Recommendations 2 and 11 of the European Commission against Racism and Intolerance of the Council of Europe.

**Order 4616/2021**<sup>106</sup>, of 6 May, of the Ministry of Labour, Solidarity and Social Security, concerning the Regulation on the Use of Information and Communication Technologies of the Authority for Working Conditions (ACT). The user must fully respect the duty not to make undue or illicit use of the network to develop, foster or promote actions contrary to the ACT Acceptable Use Policy regarding e-mail accounts, mobile devices and social networks with regard to the prevention and fight against racism, religious freedom, trade union freedom, political propaganda or others.

**Law 27/2021**<sup>107</sup>, of 17 May, approves the Portuguese Charter of Human Rights in the Digital Era. Regarding the right to access the digital environment, it establishes that everyone, regardless of gender, race, language, territory of origin, religion, political or ideological convictions, education, economic situation, social condition or sexual orientation, has the right to free access to the Internet. Everyone has the right to benefit from public measures to promote

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<sup>104</sup> Portugal, [Resolução da Assembleia da República n.º 16/2021, que Recomenda ao Governo a elaboração e implementação de uma estratégia nacional de combate ao racismo](#) (Resolution of the Assembly of the Republic no. 16/2021, which recommends to the Government the drafting and implementation of a national strategy to combat racism), 01 February.

<sup>105</sup> Portugal, [Decreto-Lei n.º 22/2021, que aprova a orgânica da Inspeção-Geral da Administração Interna](#) (Decree-Law 22/2021, which approves the organic structure of the Inspectorate General of Internal Administration), 15 March.

<sup>106</sup> Portugal, [Despacho \(extrato\) n.º 4616/2021, do Ministério do Trabalho, Solidariedade e Segurança Social - Autoridade para as Condições do Trabalho, com o Regulamento de Utilização das Tecnologias de Informação e Comunicação da Autoridade para as Condições do Trabalho](#) (Order 4616/2021, from the Ministry of Labour, Solidarity and Social Security - Authority for Working Conditions, with the Regulation on the Use of Information and Communication Technologies of the Authority for Working Conditions), 6 May.

<sup>107</sup> Portugal, [Lei n.º 27/2021, que aprova a Carta Portuguesa de Direitos Humanos na Era Digital](#) (Law 27/2021 approves the Portuguese Charter of Human Rights in the Digital Era), 17 May.

responsible use of the cyberspace and to protect against all forms of discrimination and crime, including incitement to hatred and violence against a person or a group of persons because of their race, colour, ethnic or national origin. It also establishes that, except for the cases provided for by law, the dissemination of information on any aspect related to racial or ethnic origin is prohibited.

**Recommendation 2/2021**<sup>108</sup>, of 14 July, from the National Council of Education, on the voice of children and young people in school education, emphasises the effort to make the values of freedom, pluralism and equality a daily reality, with policies of zero tolerance towards manifestations of racism and xenophobia, combating prejudice, misinformation and hate speech. It also involves the implementation of strategies for the voice, representation and participation of children and young people in decision-making, aiming to contribute to transforming the classroom and the school towards social cohesion, valuing diversity and equality, and aiming to combat all forms of discrimination and violence.

**Resolution of the Council of Ministers 101/2021**<sup>109</sup>, of 28 July, approves the National Plan to Combat Racism and Discrimination 2021-2025 - Portugal against racism (PNCRD). This is the first national plan in this area and it connects with other existing national strategies, plans and programmes aimed at certain groups and vulnerabilities, namely the National Strategy to Combat Poverty and Social Exclusion, the National Strategy for Equality and Non-Discrimination 2018-2030, the National Implementation Plan of the Global Migration Pact, the National Strategy for the Integration of Roma Communities 2013-2022 and the National Programme on the Memory of the Holocaust. The plan is structured around four principles: deconstruction of stereotypes; coordination, integrated governance and territorialisation; integrated intervention in the fight against inequalities; and intersectionality. These principles are divided into ten areas of intervention: governance, information and knowledge for a non-discriminatory society; education and culture; higher education; work and employment; housing; health and social action; justice, security and rights; participation and representation; sports; and the media and the digital world. The implementation of the National Plan includes a gender perspective, namely through the disaggregation by gender of the respective monitoring indicators. It contains contributions and recommendations of the

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<sup>108</sup> Portugal, [Recomendação n.º 2/2021, sobre «A voz das crianças e dos jovens na educação escolar»](#) (Recommendation 2/2021, on «The voice of children and young people in school education»), 14 July.

<sup>109</sup> Portugal, [Resolução do Conselho de Ministros n.º 101/2021, que aprova o Plano Nacional de Combate ao Racismo e à Discriminação 2021-2025 - Portugal contra o racismo](#) (Resolution of the Council of Ministers 101/2021, approving the National Plan to Combat Racism and Discrimination 2021-2025 - Portugal against Racism), 28 July.

report by the aforementioned Working Group for the Prevention of and Combat against Racism and Discrimination (Order 309-A/2021, of 8 January<sup>110</sup>), presented to the Government on 16 March and it was under public consultation from 9 April to 10 May. During this period, 139 contributions were received, with 433 specific proposals, most of them favourable (only 15% were unfavourable to the plan). The areas with the highest number of proposals were education and culture, justice, security and rights and governance.

**Resolution of the Parliament 265/2021**<sup>111</sup>, of 27 October, recommends the Government to implement public policies for an effective fight against hate crime in Portugal. Within these public policies, Parliament recommends restructuring the operational procedures of the criminal police bodies in order to ensure that police officers have the appropriate methods and tools to recognise the presence of a discriminatory motivation in a criminal situation and to report such cases; ensuring that the mechanisms used in the recording of incidents by the criminal police bodies facilitate the documentation of the crime motivation; urging the competent national authorities to promote the collection and public dissemination of statistical data on hate crimes; fostering cooperation between law enforcement and judicial authorities and civil society organisations providing support to victims of hate crime; and promoting specific and continuous training for those working in the justice system and law enforcement agencies on the issues of hate crime, human rights and the protection of victims, in particular victims with physical or mental disabilities, migrants, asylum seekers and refugees, members of ethnic-racial, cultural or religious minorities, or members of communities that are often marginalised and vulnerable.

The General Secretariat of the Presidency of the Council of Ministers is the coordinating entity for the PNCRD 2021-2025<sup>112</sup>, and is responsible for a) carrying out an intermediate evaluation of the plan's implementation and submitting a report with possible proposals for revision by the end of the first quarter of 2023; b) preparing a final report on the plan's implementation by the end of the first quarter following the end of its term; and c) liaising with the technical secretariat of the Commission for Equality and Against Racial Discrimination. The National Plan to Combat Racism and Discrimination foresees

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<sup>110</sup> Portugal, [Despacho n.º 309-A/2021, que procede à criação do Grupo de Trabalho para a Prevenção e o Combate ao Racismo e à Discriminação](#) (Order 309-A/2021, of 1 January, establishing the Working Group for the Prevention and Combating of Racism and Discrimination), 8 January.

<sup>111</sup> Portugal, [Resolução da Assembleia da República n.º 265/2021, que recomenda ao Governo a implementação de políticas públicas para um combate eficaz aos crimes de ódio em Portugal](#) (Resolution of the Portuguese Parliament no. 265/2021, which recommends that the Government implement public policies to effectively combat hate crime in Portugal), 27 October.

<sup>112</sup> Portugal, [Resolução do Conselho de Ministros n.º 101/2021, que aprova o Plano Nacional de Combate ao Racismo e à Discriminação 2021-2025 - Portugal contra o racismo](#) (Resolution of the Council of Ministers 101/2021, approving the National Plan to Combat Racism and Discrimination 2021-2025 - Portugal against Racism), 28 July 2021.

that the Commission for Equality and Against Racial Discrimination (Comissão para a Igualdade e Contra a Discriminação Racial) becomes an autonomous body, no longer under the competence of the High Commission for Migration (Alto Comissariado para as Migrações), and reinforces its role in preventing and combating all forms of discrimination in several areas, including access to health care, social security, education, housing and culture.

There is a high-level inter-ministerial commission responsible for analysing, monitoring and evaluating the implementation of the PNCRD 2021-2025<sup>113</sup>, including the members of the Government responsible for the areas of internal administration, justice, public administration, education, labour and housing. A network of focal points was also created<sup>114</sup>, composed of one representative from each governmental area, for defining, linking, converging and executing the measures, actions and projects included in the plan. It is up to each governmental area involved in these actions and activities to ensure the implementation the Plan. The amounts to be allocated for the implementation of the Plan are limited by the budget of the services and organisms responsible for its implementation. The costs arising from the implementation of this resolution shall also be met with European funds, in particular under the next multiannual financial framework for the period 2021-2027, within the limits and under the conditions set out in the applicable European Union regulations.

The first meeting of the focal points network was held on 24 November and was attended by a Senior Advocacy Officer of the European Network against Racism. This was a first training session, addressing issues as: the national plans of other European countries; the importance of the national plan; and its positioning in relation to other plans. The General Secretariat of the Presidency of the Council of Ministers has developed a platform for monitoring the Plan's implementation, consisting of a share point that allows all focal points to directly introduce information on the Plan's implementation<sup>115</sup>.

Within the framework of the PNCRD, the Secretary of State for Citizenship and Equality started the preparation of the next national campaign against racism and discrimination, to be launched in 2022. To this end, she set up an informal group including 11 people of African descent (researchers, artists, media and

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<sup>113</sup> Portugal, [Resolução do Conselho de Ministros n.º 101/2021, que aprova o Plano Nacional de Combate ao Racismo e à Discriminação 2021-2025 - Portugal contra o racismo](#) (Resolution of the Council of Ministers 101/2021, approving the National Plan to Combat Racism and Discrimination 2021-2025 - Portugal against Racism), 28 July 2021.

<sup>114</sup> Portugal, [Resolução do Conselho de Ministros n.º 101/2021, que aprova o Plano Nacional de Combate ao Racismo e à Discriminação 2021-2025 - Portugal contra o racismo](#) (Resolution of the Council of Ministers 101/2021, approving the National Plan to Combat Racism and Discrimination 2021-2025 - Portugal against Racism), 28 July 2021.

<sup>115</sup> Secretary of State for Citizenship and Equality, written response, 04 January 2022.

NGO representatives, as well as the Commission for Equality and Against Racial Discrimination) to participate in the design of the campaign<sup>116</sup>.

**Draft Law 922/XIV/2**<sup>117</sup>, of 01 September, included proposals to amend the Criminal Code, strengthening the fight against discrimination and hate crimes. It proposes the amendment of article 188 of the Criminal Code, providing that the prosecution of crimes against honour depends on a private prosecution, except in the cases of articles 180, 181 and 182, when the facts are determined by racial, religious or political hatred or based on the skin colour, physical or psychological disability, ethnic or national origin, sex, sexual orientation or gender identity of the victim, in which a complaint or participation is sufficient. It also proposes an addition to the Criminal Code concerning aggravation for reasons of hatred or discrimination (Article 71-A): when the acts committed are determined by racial, religious or political hatred or based on the victim's skin colour, physical or psychic disability, ethnic or national origin, sex, sexual orientation or gender identity, the minimum and maximum sentences are increased by half.

The proposal to amend the Criminal Code to exclude those convicted of hate crimes from various professions has not yet advanced, according to information provided by the Minister of Justice<sup>118</sup>. This is an amendment to article 240 of the Penal Code, which includes the possibility of an accessory penalty: prohibition of the exercise of the profession for holders of public offices and functions, teachers or journalists convicted of hate crimes. With the dissolution of the Government<sup>119</sup>, and since the preliminary draft diploma had not yet been discussed by the Council of Ministers, there will no longer be time to follow what was foreseen. In the next Government, the process must be restarted.

The **Plan for the Prevention of Manifestations of Discrimination in the Security Forces and Services**<sup>120</sup> was presented on 19 March, after its adoption and entry into force. The drafting of the Plan was coordinated by the Inspectorate General of Internal Administration (IGAI), with the participation of the National Republican Guard (GNR), the Public Security Police (PSP) and the Immigration and Borders Service (SEF). The plan identifies five areas of

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<sup>116</sup> Secretary of State for Citizenship and Equality, written response, 04 January 2022.

<sup>117</sup> Portugal, [Projeto de Lei n.º 922/XIV/2, que altera o Código Penal, reforçando o combate à discriminação e aos crimes de ódio](#) (Draft Law 922/XIV/2 amends the Criminal Code, strengthening the fight against discrimination and hate crimes), 01 September 2021.

<sup>118</sup> Público (2021), [Mudança de lei para expulsar condenados por ódio de várias profissões já não avança nesta legislatura](#) (Change in law to exclude hate convicts from various professions no longer advances in this legislature), 19 November.

<sup>119</sup> For more information, see the [website of the Presidency of the Republic](#) on the dissolution of Parliament and the calling of elections by the President of the Republic.

<sup>120</sup> Inspectorate General of Internal Administration (2021), [Plano de Prevenção de Manifestações de Discriminação nas Forças e Serviços de Segurança](#) (Plan for the Prevention of Manifestations of Discrimination in the Security Forces and Services). Lisbon: IGAI.

intervention: recruitment; training; interaction of agents with citizens, and with other elements of the security forces, including in social networks; image promotion and preventive mechanisms, and monitoring. One of the proposed measures will be the active recruitment of a greater diversity of candidates, in terms of gender and ethno-racial origin. The security forces – GNR, PSP and SEF - will have a Human Rights Officer who will accompany and monitor the Plan, aiming to implement measures to identify manifestations or attitudes of members of the security forces in the exercise of their functions that violate human rights. Furthermore, the plan defines the evaluation criteria for the selection of candidates that expose attitudes, behaviour or characteristics that conflict with these values. Candidates with low levels of empathy, who have a radical and intolerant attitude, who do not control their aggressiveness, who do not tolerate frustration, who are impulsive and out of control will be rejected.

As part of the implementation of this Plan, the Inspectorate-General of Internal Administration provided training courses on "Prevention of Manifestations of Discrimination" to the following target groups: 4 for members of the Immigration and Borders Service (22-25 November); and 2 for National Republican Guard officers (10 December)<sup>121</sup>.

**The Centre for Judicial Studies** (the national judicial training school) focused on the issues of racism, xenophobia and intolerance, in particular to combat hate speech and hate crimes in the initial training of the 135 judges and public prosecutors for the judicial courts and administrative and fiscal courts. Additionally, within the continuous training programme, the Centre for Judicial Studies promoted, on 5 February, the Colloquium "Hate crimes, social networks and freedom of expression" (online), which was mostly aimed at judges, prosecutors and other judicial professionals<sup>122</sup>.

The National Counter-Terrorism Unit of the **Criminal Police** (Polícia Judiciária) participated, on 2 March, in an online meeting of the Working Group for the Prevention and Fight against Racism and Discrimination. On 24 and 25 March, the International Cooperation Unit of the Criminal Police participated in the 1st Meeting of the Working Group on hate crime training and capacity building for national law enforcement. **The Institute of Criminal Police** and Criminal Sciences of the Criminal Police promoted the training action "Violent Crime: Criminal Profiles and Models of Interviewing Crime Victims" for 18 public prosecutors. There are training sessions of the 43rd Training Course for Inspectors scheduled for the second semester of 2021. These sessions will include the participation of the Portuguese Association for Victim Support (Associação Portuguesa de Apoio à Vítima), ILGA Portugal, the Commission for

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<sup>121</sup> For more information, see the [website of the Inspectorate General of Internal Administration](#).

<sup>122</sup> Centre for Judicial Studies, written response, 23 August 2021.

Citizenship and Equality (Comissão para a Cidadania e a Igualdade de Género) and the Commission for Equality and Against Racial Discrimination (Comissão para a Igualdade e Contra a Discriminação Racial)<sup>123</sup>.

The **Public Security Police** (PSP) participated in the implementation of the Plan for the Prevention of Manifestations of Discrimination in the Security Forces and Services. As foreseen, the PSP created the position of Human Rights Officer with the following competences: to answer requests from national and international bodies on human rights, to contribute to the various national strategies in the area of human rights and to coordinate and monitor the implementation of the Plan in the PSP. The operation "Yes to Difference" - an initiative of the Special Programme "Safe School" run by the Public Security Police - was held between 17 and 29 January, aiming to raise awareness on intercultural dialogue and the prevention of hate crimes, focusing on differences of gender, ethnicity, language, religion and culture and promoting universal respect for justice and human rights. The Public Security Police also reformulated the Criminal Investigation Course, to understand and apply the concepts of fundamental rights in criminal investigations and ensure that criminal investigations are run with respect for diversity, equality and non-discrimination<sup>124</sup>.

The **National Republican Guard** (GNR) was involved in several initiatives aimed at preventing and combating racism. As part of the Plan for the Prevention of Manifestations of Discrimination in the Security Forces and Services, the GNR created internally the figure of the Human Rights Officer, who monitors the implementation of the plan. The campaign "Zero Discrimination Day 2021", on 1 March, aimed to raise awareness of the different forms of discrimination and inequalities and to prevent discriminatory behaviours. Aiming to promote the recruitment of new elements for the GNR, in April, it was launched the campaign "The Guard is much more than you imagine", which consisted in the production and dissemination on social networks of 35 promotional videos featuring GNR military personnel of different racial-ethnic origins. Through the tools provided by social networks, some of these videos were promoted. Several digital contents were made available, under the protocol signed between GNR and the High Commission for Migrations, to raise awareness among the school community, in particular, between 22 and 26 March, on Racial Discrimination. GNR invited school directors and teachers to join the inaugural digital event commemorating the International and National Day for the Elimination of Racial Discrimination, to attend the presentation of the Resources for the awareness-raising action "teaching our children and youth", which took place on the Windows Teams platform<sup>125</sup>. The "Back to School

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<sup>123</sup> Criminal Police, written response, 13 September 2021.

<sup>124</sup> Public Security Police, written response, 10 September 2021.

<sup>125</sup> National Republican Guard, written response, 5 January 2022.

operation" consisted of awareness-raising initiatives aimed at teachers, students and guardians, with the purpose of transmitting safety advice, particularly those related to discriminatory practices<sup>126</sup>.

Within the **protocol between the High Commission for Migration (ACM) and the National Republican Guard (GNR)**, several initiatives were carried out. Two events were held to commemorate the National and International Day for the Elimination of Racial Discrimination (21 March): training for GNR guards (16 March); presentation at a public event of the course conducted by GNR and ACM, addressed to school directors and teachers (19 March). From 22 to 26 March, themed initiatives on "Citizenship and non-discrimination" were carried out, aiming to raise awareness of racial discrimination and reaching about 6,000 students and 60 teachers. On 4 May 2021, there was an online training session on the topic "Legal Framework to Combat Racial Discrimination", as part of the 4th Course on Criminal Prevention, Community Policing and Human Rights. The continuous focus on the training of security forces is essential not only to make known the legal regime to combat racial and ethnic discrimination, but also due to their central role as cooperation bodies as regards assisting ACM in the instruction of administrative offence proceedings. The session was attended by 122 members of the Criminal Prevention Sections of all GNR Territorial Commands<sup>127</sup>. On 17 November it was held a training session on "Legal Framework to Combat Racial Discrimination", as part of the 5th Course on Criminal Prevention, Community Policing and Human Rights, continuing the commitment to disseminate the legal framework to combat racial and ethnic discrimination<sup>128</sup>.

The **Ministry of Education** and the **Directorate-General for Education** have developed several initiatives to prevent and combat racism, xenophobia and related intolerance. The awareness-raising brochure on racism in sport "**Dislike Racism in Sport**"<sup>129</sup> was developed by the Ministry of Education, in partnership with the National Plan for Ethics in Sport of the Portuguese Institute for Sport and Youth, Amnesty International - I Play for Human Rights, Authority for the Prevention and Combating of Violence in Sport and Commission for Equality and Against Racial Discrimination. It is targeted at children and young people, and aims to prevent acts of racism in sport.

The **Safe Internet Centre**<sup>130</sup>, of which the Directorate-General for Education is part, promotes awareness-raising actions and initiatives on digital citizenship.

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<sup>126</sup> National Republican Guard, written response, 1 October 2021.

<sup>127</sup> High Commission for Migration, written response, 1 October 2021 and National Republican Guard, written response, 1 October 2021.

<sup>128</sup> Commission for Equality and Against Racial Discrimination, written response, 6 January 2022.

<sup>129</sup> For more information, see the awareness-raising [brochure on racism in sport "Dislike Racism in Sport"](#).

<sup>130</sup> For more information, see the [Safe Internet Centre website](#).

The Portuguese Association for Victim Support is responsible for the Centre's support services, which responds to many cases of bullying and cyberbullying, several forms of violence, as well as combating online hate speech.

The **Safe Internet Line**<sup>131</sup> is a service that is coordinated by the Portuguese Association for Victim Support in collaboration with the Ministry of Education, and it provides anonymous and confidential telephone or online support on issues related to the use of online platforms and technologies. It has a system that allows serious incidents to be reported to the competent authorities when there are indications that a child may be in danger. This helpline also includes a service for reporting illegal online content (apology for violence, racism and child sexual abuse and exploitative content), where a series of resources is made available through which, in a totally anonymous way, it is possible to report illegal content. Considering the increase in cases of hate speech on social media reported to the Commission for Equality and Against Racial Discrimination (CICDR), contacts between the CICDR support team and the Safe Internet Line have been strengthened in order to facilitate a more effective action in pursuing the fight against hate speech and racial and ethnic discrimination.

The **REEI Programme - Network of Schools for Intercultural Education**<sup>132</sup> is a joint initiative of the High Commission for Migration, the Ministry of Education through the Directorate-General for Education, and the Aga Khan Foundation Portugal, and it aims to create a network for sharing practices between public education and teaching establishments and private and cooperative schools, aimed at intercultural education. The REEI intends to promote the reception, integration and educational success of all children and young people from pre-school to secondary education, as well as to develop respect for differences and promote positive interaction and closeness between students and other members of the educational community that are from different cultures.

On the National and International Day for the Elimination of Racial Discrimination (21 March), the **Commission for Equality and Against Racial Discrimination** (CICDR) developed an awareness-raising initiative on social media and digital and traditional media to disseminate its work and mission, as well as to present the mechanisms available to citizens to make complaints. Digital posters were published on Facebook with the hashtags #ForEquality #ForDiversity #ForRespect, in order to raise awareness among social media users to problem of the spread of hate speech on social media<sup>133</sup>.

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<sup>131</sup> For more information, see the [Safe Internet Line website](#).

<sup>132</sup> For more information, see the [Network of Schools for Intercultural Education \(REEI\) website](#).

<sup>133</sup> High Commission for Migration, written response, 1 October 2021

The **Commission for Equality and Against Racial Discrimination** (CICDR) congratulated on 26 March the Portuguese delegation for the broad ethno-racial diversity of its athletes at the European Athletics Indoor Track and Field Championships, which included Portuguese athletes of immigrant descent and other nationalities who represented the country so well<sup>134</sup>. The CICDR believes that the successive victories achieved, as well as the qualifications in these sports, demonstrate the meaning and importance of this diversity in Portugal. The vote was publicised on the CICDR website and social media.

The team of the Technical Secretariat of the CICDR has been reinforced by 4 technicians since January 2021, in response to the upward trend in the number of complaints received by this Commission in recent years<sup>135</sup>. Under the National Plan to Combat Racism and Discrimination 2021-2025, the CICDR developed the online workshop on Facebook, "Addressing Online Harm", on 29 November, targeting, among others, the CICDR's Councillors<sup>136</sup>.

Following a filed a complaint by the **Commission for Equality and Against Racial Discrimination** (CICDR) against the leader of the Chega political party for the crime of discrimination<sup>137</sup>. The political party was convicted of offending the honour and good name of a family based on the colour of the skin and the socio-economic situation<sup>138</sup>. The case happened during a television debate, in January, during the presidential campaign, with the leader of Chega and the President of the Republic. The Chega deputy showed a photo of a visit that the President of the Republic had made to the Jamaica neighbourhood, in Seixal, about two years earlier, in which a family of that neighbourhood appeared. He accused the President of socialising with "bandits". The civil action that the family brought against the Chega party had its first decision in May 2021. The civil court of first instance convicted him of offending the honour and good name of that family. The complainants have not asked for any compensation. The judge responsible for the conviction considered that the most relevant aspect of the case was not even the discriminatory character of the statements made by the party leader, but "the illicit character of the statements with reference to the photograph that was exhibited and the offence to the complainants' personality rights". Chega political party appealed against the decision, which was confirmed in September by the Lisbon Court of Appeal, whose judges concluded that the offences had, after all, "a discriminatory aspect based on the colour of the skin

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<sup>134</sup> For more information, see the [CICDR vote of congratulation](#) on its website.

<sup>135</sup> Secretary of State for Citizenship and Equality, written response, 04 January 2022.

<sup>136</sup> Secretary of State for Citizenship and Equality, written response, 04 January 2022.

<sup>137</sup> Diário de Notícias (2021) "[MP abre inquérito a declarações de \[líder do partido Chega\] sobre família do Bairro da Jamaica](#)" (Public Prosecutor opens enquiry into statements by [the leader of the Chega Party] about Jamaica neighbourhood family), 29 June 2021.

<sup>138</sup> Court of Appeal of Lisbon, [Judgement no. 8777/21.3T8LSB](#).

and the socio-economic situation" of the family<sup>139</sup>. In December, the Supreme Court refused to re-examine the conviction of the Chega leader for having offended the honour and good name of that family and consequently the case was ended, maintaining the previous conviction<sup>140</sup>.

**SOS Racism** promoted, in October, the 8th edition of the International Anti-Racist Film Festival<sup>141</sup>. On 19 June, SOS Racism organised the public presentation of the Dictionary of Invisibility, whose drafting involved around 170 people from Portugal and several other countries. SOS Racism promoted the crowdfunding campaign for the documentary "Alcindo"<sup>142</sup>, directed by Miguel Does, which is a documentary filmed with many hours of voluntary and collaborative work about the Alcindo Monteiro case. This case occurred on 10 June 1995. A group of Portuguese ethno-nationalists went around Bairro Alto in Lisbon to celebrate Portugal Day and the victory of the sports club *Sporting* for the Portuguese Cup. During the celebrations, they beat up black people who were in the neighbourhood. There were 11 victims, one of them - Alcindo Monteiro - ended up dying.

The **Portuguese Association for Victim Support** (APAV) promoted the CAPACITAR Project - Awareness raising and training of professionals for the protection of migrants and third country nationals<sup>143</sup>, funded by the Asylum, Migration and Integration Fund. It runs from November 2020 to December 2022. The project aims to train and raise awareness among professionals from different public and private services with direct contact or who participate in the reception and integration of migrants and third country nationals (as security forces officers; justice professionals; professionals from civil society organisations; health professionals and employees of municipalities) to prevent and combat discrimination on the grounds of nationality and migratory background, as well as all forms of exploitation. In this context, awareness-raising activities have been run in the form of workshops and training sessions with various professionals. APAV also developed and disseminated the Racial or Ethnic Discrimination Fact Sheet<sup>144</sup>, focusing on acts of racial discrimination that constitute an offence in Portugal, on the International Day for the Elimination of Racial Discrimination (21 March).

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<sup>139</sup> Público (2021), [Ventura diz que retractação pública que teve de fazer no caso do Bairro da Jamaica não é pedido de desculpa](#) (Ventura says the public retraction he had to make in the Jamaica neighbourhood case is not an apology), 29 October 2021.

<sup>140</sup> Público (2021), ["Supremo Tribunal de Justiça recusa reapreciar condenação de André Ventura"](#) (Supremo Tribunal de Justiça recusa reapreciar condenação de André Ventura), 06 December.

<sup>141</sup> For more information, see the [SOS Racism website](#).

<sup>142</sup> For more information, see the [Alcindo: Documentary on the Alcindo Monteiro case website](#).

<sup>143</sup> For more information, see the [CAPACITAR Project website](#).

<sup>144</sup> For more information, see the [APAV Racial or Ethnic Discrimination Fact Sheet](#).

Following a case involving racism and xenophobia in the police forces, the GNR officers involved in aggressions, mistreatment and kidnapping of immigrants in Vila Nova de Milfontes, in the municipality of Odemira, were accused by the Public Prosecution of torturing and humiliating immigrants out of satisfaction and contempt based on videos and images found in the mobile phone of one of the officers. The Minister of Justice and Internal Administration has preventively suspended seven officers from their functions. The victims are from Bangladesh, Nepal and Pakistan, and were working in agriculture. The GNR officers ambushed the immigrants using false traffic control operations. The suspension will last 90 days, which can be extended<sup>145</sup>.

## Chapter 3. Roma equality and inclusion

### 3.1 Policy developments in regards to the application of the EU Roma strategic Framework for equality, inclusion and participation for 2020-2030

The High Commission for Migration (ACM) has been involved in the preparation and implementation of the EU strategic framework for equality, inclusion and participation of Roma people for 2020-2030<sup>146</sup>. During 2021, ACM participated in the following activities:

- EU National Roma Contact Point meeting (January). The discussion focused issues relating to promoting equality and combating anti-Romanyism under the new European Framework; the International Holocaust Remembrance Day, incorporating the national Roma Holocaust Commemoration as a measure of valuing Roma history; the use of financing instruments to promote the inclusion of Roma communities;
- Rome Working Party-FRA meeting (February). The discussion was on the methodology for monitoring and defining indicators of the New Framework and the new National Strategies for the Inclusion of Roma communities;
- EU National Roma Contact Point meeting (June). The discussion was about: how the EU Strategic Framework interacts with other policy initiatives to help strengthen gender equality and fight multiple discrimination; the promotion of children's rights through relevant EU

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<sup>145</sup> Público (2021), "[Sete militares da GNR acusados de torturar imigrantes e filmar agressões: 'É gás pimenta, ó animal!'](#)" (Seven GNR soldiers accused of torturing immigrants and filming assaults: "It's pepper spray, you animal!"), 16 December 2021.

<sup>146</sup> Written answer of the High Commission for Migration, 01/10/2021.

initiatives and policy measures implemented in Member States; information on future activities; the point of situation in the implementation of the EU Strategic Framework;

- EU Roma Network meeting (EU and *Fundación Secretariado Gitano*) (June). The discussion focussed the cohesion funds and their key elements for equality and inclusion of Roma communities; the presentation of the European Anti-Racism Action Plan and the European Children's Guarantee and its implications for Roma children; the coordination between National Strategies and EU funds, and the perspectives of the combined approach (targeted and mainstream) to promote equality and inclusion of Roma communities.

Please put down the name of the national Roma framework/Roma strategy/integrated set of policy measures and the link	The current national Roma framework predates the European framework. The <a href="#">National Roma Communities Integration Strategy 2013-2022</a> was approved in 2013 and revised in 2018.
Please add a hyperlink if the strategy is publicly available.	Hyperlink
Did an evaluation of the previous Roma inclusion strategy take place? If yes, please provide reference	Yes/No/Other (please specify)
Does the strategy use the (headline) indicators as suggested in the new portfolio of indicators?	Yes Partially No
Was Roma civil society involved in the development of the strategy? Please provide examples?	Yes/No
Were NHRIs and/or equality bodies involved in the strategy development? Please provide example?	Yes/No
Does the new strategy link to the operational programmes for the new EU funding period 2021-2027?	Yes/No/Other (please specify)

**The National Roma Communities Integration Strategy 2013-2020**<sup>147</sup> (ENICC) was approved by the Resolution of the Council of Ministers 25/2013<sup>148</sup>,

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<sup>147</sup> Portugal, [Estratégia Nacional Para a Integração das Comunidades Ciganas 2012-2020](#) (National Roma Communities Integration Strategy 2013-2022).

of 17 April, and was initially expected to be carried out until 2020. Nonetheless, in 2017, the process of revising the National Strategy began, as a result of the need to introduce changes, both in defining the Strategy, for the clarification and operationalisation of the measures, and in identifying priority areas of intervention, namely equality between women and men, knowledge about Roma people and their participation in the implementation of the ENICC. Following this process, the Strategy was extended until 2022, allowing for a deeper intervention and the introduction of measures adjusted to the new ambition. Thus, in 2018, through Council of Ministers Resolution 154/2018<sup>149</sup>, of 29 November, the revision of the National Roma Communities Integration Strategy 2013-2022 was approved. In this revised ENICC, the priority is to reinforce schooling and professional integration and to improve the housing conditions of Roma people in a situation of social exclusion, as well as the recognition and reinforcement of intervention in intercultural mediation, improving information and knowledge and combating discrimination against Roma people. It is intended to reinforce the importance of integrating Roma people into the political and public agenda, as well as coordinating different sectors in promoting this integration, highlighting, in particular, the central role of local policies in the integration of the most vulnerable Roma populations. The current National Strategy is running until the end of the year 2022. The evaluation is performed through annual reports and a final report based on an external and independent evaluation<sup>150</sup>.

A warning about the low implementation of the National Strategy for the Integration of Roma Communities (ENICC 2013-2022) was published in the newspaper “Público”<sup>151</sup>, in April 2021, by a group of organisations and activists for the rights of the Roma community, demanding the right to decent housing for Roma people in Portugal. The article states that, according to a study conducted by the Institute for Housing and Urban Renewal in 2015, at least one third of the Roma population live in non-classic accommodation (32%) and half live in public housing (46%). They question what measures for housing were implemented in the scope of the ENICC 2013-2022, which aims to promote the improvement of well-being and integration indicators of Roma people, by

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<sup>148</sup> Portugal, [Resolução do Conselho de Ministros n.º 25/2013, que aprova a Estratégia Nacional para a Integração das Comunidades Ciganas \(2013-2020\)](#) (Resolution of the Council of Ministers 25/2013, that approves the National Strategy for the Integration of Roma Communities (2013-2020), 17 April.

<sup>149</sup> 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](#) (Resolution of the Council of Ministers 154/2018, which approves the revision of the National Strategy for the Integration of Roma Communities 2013-2022), 29 November.

<sup>150</sup> High Commission for Migrations, written response, 13 January 2022.

<sup>151</sup> Público (2021), [Exigimos o direito à habitação digna das pessoas Ciganas/Roma em Portugal: reparação, já!](#) (We demand the right to decent housing for Roma people in Portugal: reparations now!), 25 April 2021.

ensuring the conditions for an effective equal access to adequate housing. This opinion article comes after the Council of Europe conclusion that Portugal hasn't taken appropriate measures to integrate Roma people and that "precarious housing conditions persist for a large part of the community", leading to segregation<sup>152</sup>.

The new Strategy for the Integration of Roma Communities will be prepared during the first semester of 2022, with the contribution of different organisations, including the several entities of the Advisory Council for the Integration of Roma Communities<sup>153</sup>.

### **3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers inclusion**

The **Council of Ministers Resolution 101/2021**<sup>154</sup>, of 28 July, approved the **National Plan to Combat Racism and Discrimination 2021-2025** — Portugal against Racism. This is the first national plan in this area and it connects with other existing national strategies, plans and programmes aimed at certain groups and vulnerabilities, namely the National Strategy for the Integration of Roma Communities 2013-2022. Among other measures, the national plan foresees: (a) awareness raising actions for the employment of Roma people targeted at employers; (b) a programme of Higher Education Scholarships for Roma people; (c) a campaign against anti-Romanyism and dissemination of good practices and awareness raising actions in different contexts.

The **Resolution of the Parliament 130/2021**<sup>155</sup>, of 29 April, recommends that the Government, in conjunction with the National Association of Portuguese Municipalities and with organisations representing the Roma community in Portugal, take measures to provide persons from nomadic communities with an

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<sup>152</sup> Observador (2021), [Portugal continua a violar direito a habitação digna da comunidade cigana, avança Conselho da Europa](#) (Portugal continues to violate right to decent housing of Roma community, says Council of Europe), 24 March 2021.

<sup>153</sup> High Commission for Migrations, written response, 13 January 2022.

<sup>154</sup> Portugal, [Resolução do Conselho de Ministros n.º 101/2021, aprova o Plano Nacional de Combate ao Racismo e à Discriminação 2021-2025 — Portugal contra o racismo](#) (Resolution of Council of Ministers No. 101/2021, approves the National Plan to Combat Racism and Discrimination 2021-2025 — Portugal against racism), 28 July 2021.

<sup>155</sup> Portugal, [Resolução da Assembleia da República n.º 130/2021, recomenda que o Governo tome medidas para dotar as pessoas de comunidades nómadas de uma morada que lhes possibilite a obtenção de cartão de cidadão](#) (Resolution of the Assembly of the Republic no. 130/2021, of 29 April, recommends that the Government take measures to provide persons from nomadic communities with an address that enables them to obtain a citizen card), 29 April.

address that enables them to obtain a citizen's card and exercise their rights under equal conditions.

**Resolution of the Parliament 265/2021**<sup>156</sup>, of 27 October, recommends the Government to implement public policies for an effective fight against hate crime in Portugal, concerning, among others, to the Roma people. Within these public policies, Parliament recommends, among other measures, promoting specific and continuous training for those working in the justice system and law enforcement agencies on the issues of hate crime, human rights and the protection of victims, in particular those with physical or mental disabilities, migrants, asylum seekers and refugees, members of ethnic-racial, cultural or religious minorities, or members of communities that are often marginalised and vulnerable.

The High Commission for Migration (ACM) was part of the National Delegation during the negotiations of the **adoption of the Council Recommendation on the Equality, Inclusion and Participation of Roma Populations** (12 March 2021)<sup>157</sup>, during the presidency of Portugal over the Council of the European Union. It was during the Portuguese Presidency that a consensus was reached among the 27 Member States necessary for the approval of this recommendation, which reveals the EU's commitment to improving the living conditions and participation of Roma populations and urges the Member States, among other things, to deepen the application of the National Strategies for the Integration of Roma populations.

On 15 April, the Portuguese Presidency of the European Union, in partnership with the General Secretariat of the European Council, organized the **Conference Working together for Roma Rights - online conference on Roma equality, inclusion and participation in the EU**<sup>158</sup>. The Conference debated the challenges and opportunities related to the integration of Roma communities in the different Member States of the European Union. It was mentioned that, in general, these communities have a disadvantaged position in terms of equality rights vis-à-vis other citizens. The need to empower Roma communities was highlighted, namely by supporting the associations that represent them, as well as ensuring the revision of legislation against racism, with a view to overcoming stereotypes and prejudices. It was considered essential to promote partnerships

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<sup>156</sup> Portugal, [Resolução da Assembleia da República n.º 265/2021, que recomenda ao Governo a implementação de políticas públicas para um combate eficaz aos crimes de ódio em Portugal](#) (Resolution of the Portuguese Parliament no. 265/2021, which recommends that the Government implement public policies to effectively combat hate crime in Portugal), 27 October.

<sup>157</sup> Official Journal of the European Union, [Recomendação do Conselho de 12 de março de 2021 relativa à igualdade, à inclusão e à participação dos ciganos \(2021/C 93/01\)](#) (Council Recommendation of 12 March 2021 on Roma equality, inclusion and participation (2021/C 93/01)).

<sup>158</sup> Portugal, online conference on the Roma equality, inclusion and participation in the EU: "[Working Together for Roma Rights](#)".

between multiple parties interested in issues of equality and non-discrimination, creating instruments with concrete initiatives. The importance of a European Union agenda that promotes the inclusion of the Roma population in decision-making processes, particularly at the political level, was highlighted.

In the context of the **pandemic crisis**, a case of discrimination was identified. On 27 January, the media<sup>159</sup> reported that **Castro Verde City Council** (south of the country) published some news on Facebook about the number of people in the Roma community infected with Covid-19 and the neighbourhood where they lived, announcing that it would establish a plan to “ensure inspection” of its “strict confinement” with the Republican National Guard and Civil Protection. The announcement made by the municipality was deleted from Facebook after numerous protests. The Castro Verde City Council, the associations *Letras Nómadas*, *SOS Racism* and *Sílaba Dinâmica* and the High Commission for Migration, issued a statement informing that they would work together to not discriminate against this population. In this document, the municipality “clarifies that it did not intend to promote any type of stigmatisation or discrimination against any specific group of residents and recognises that this communication was probably not the most appropriate given the specific situation”. It also guaranteed that the inspection carried out by the Republican National Guard is the same for all people with a duty of confinement.

The High Commission for Migration (ACM) implemented several activities in benefit of Roma communities:

- In the field of education, two programmes were developed. **OPRE – Operational Programme for the Promotion of Education**<sup>160</sup> – aims to alleviate the existing barriers between Portuguese Roma communities and the formal education system, providing university scholarships, as well as a set of training, mentoring and monitoring measures for young scholarship holders and their respective families. In the academic year 2020/2021, 41 candidates were selected, 19 girls and 22 boys, coming from 30 different municipalities. To this scholarship, the candidates had to cumulatively meet the following requirements: a) come from Roma communities and reside in the national territory; b) being enrolled in an approved higher education course. The applications for the 6th edition of the programme (2021/2022 academic year) are ongoing (since 31 December 2021 and until 17 January 2022). The requirements remain the same<sup>161</sup>. **ROMA Educa Programme**<sup>162</sup> is part of the National Strategy for

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<sup>159</sup> Público (2021), “[Câmara de Castro Verde alvo de 15 queixas por divulgar testes à covid-19 e por querer confinar comunidade cigana](#)” (Castro Verde City Council targeted with 15 complaints for disclosing tests for Covid-19 and for wanting to confine the Roma community), 27 January 2021.

<sup>160</sup> For more information on this program, see the [website of the High Commission for Migration](#).

<sup>161</sup> For more information on this program, see the [website of the High Commission for Migration](#).

the Integration of Roma Communities. The 2nd Edition of this Programme was launched in the 2020/2021 school year, aiming to award scholarships to support attendance and permanence in the 3rd cycle of basic education and secondary education. In this 2nd Edition 120 scholarships were awarded (20 scholarships for the 7th and 8th grades of schooling, 50 grants for the 9th grade and 50 grants for secondary education). To this scholarship, the candidates had to cumulatively meet the following requirements: a) being enrolled and attending the 3rd cycle of basic education (7th, 8th and 9th year of schooling) or secondary education (10th, 11th or 12th year of schooling), or courses equivalent to these levels of education; b) come from Roma communities; and c) be residents in national territory. Considering the great interest in the Programme and the high number of applications (a total of 446 applications were submitted), ACM also signed a partnership protocol with the company Domingos da Silva Teixeira, SA, which supported 20 Roma students.

- In terms of employment, the **Municipal and Intercultural Mediators Project**<sup>163</sup> aims to promote the creation of teams of intercultural mediators and municipal intervention aimed at the integration of immigrant and Roma communities. Currently, the project is taking place in 12 municipalities with the integration of 42 mediators, 22 of whom are from the Roma community. In 2021, two regional meetings and 12 follow-up meetings were held within this project. In January 2021, it was opened a new call for this initiative. The results will be available soon.
- The **Support Programme for Roma Associations**<sup>164</sup> aims to promote associative training, the promotion of equal opportunities, education for citizenship, mediation and the fight against discrimination. The 4th Edition (2020-2021) supported 10 projects from 7 Roma associations with €50,000. In December, the 5th Edition (2021-2022) was launched, aiming to support projects up to 12 months, during the year 2022. The total financial allocation for this new edition is 124,000.00€ and provides for support to projects up to 10,000.00€. The **Support Fund for the National Strategy for the Integration of Roma Communities**<sup>165</sup>, which intends to financially support civil society entities, develop projects that directly contribute to the execution of the priorities and goals established in the National Roma Communities Integration Strategy and, consequently, to the integration of Roma communities. The 4th edition (2020-2021) supported 15 projects in different parts of the country with financial support ranging from €5,000 to €25,000 per project. The 2nd

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<sup>162</sup> For more information on this program, see the [website of the High Commission for Migration](#).

<sup>163</sup> For more information on this program, see the [website of the High Commission for Migration](#).

<sup>164</sup> For more information on this program, see the [website of the High Commission for Migration](#).

<sup>165</sup> For more information on this fund, see the [website of the High Commission for Migration](#).

edition of the **Local Plans for the Integration of Roma Communities**<sup>166</sup>, launched in May, is aimed at Portuguese municipalities and local communities. The ACM, as a coordinating entity, intends to reinforce the follow-up and monitoring of the plans, as well as to support the creation of at least six new Local Plans, and to elaborate a manual of best practices. In 2021, 15 project presentation meetings were held.

- The **Project “Roma Music enjoying itself”**, promoted by the ACM and co-financed by POISE (Social Inclusion and Employment Operational Programme), Portugal 2020 and the European Union, through the European Social Fund, implemented by the Association “Portuguese music enjoying itself”. This project intends to survey Roma music in the national territory, with audio and video recordings, contributing to its preservation, recognition and dissemination.
- In the context of the Covid-19 pandemic crisis, ACM provided information about the pandemic on its website and addressed recommendations to Roma associations, municipal and intercultural mediator projects.

**The High Commission for Migration** (ACM) also established the following protocols:

- On 9 July, ACM and the Municipality of Beja signed a cooperation protocol for the establishment of a new **National Support Centre for the Integration of Migrants**<sup>167</sup> in Beja. The protocol seeks the implementation and functioning of this Centre in Beja, to provide a fully integrated service offering information, support and personalised referral of migrants, refugees and Roma, through the decentralisation of services.
- On 20 September, ACM and the Republican Nacional Guard signed a collaboration protocol aiming to regulate the cooperation on the implementation and development of the **Programme to Support Integration and Promotion of Cultural Diversity** (PADC)<sup>168</sup>. This programme aims at promoting human rights, preventing discriminatory situations and protecting migrants and their descendants, refugees and applicants for international protection and Roma communities, thus contributing to guaranteeing decent living conditions and feelings of security, while seeking to involve the whole community in achieving an inclusive society.

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<sup>166</sup> For more information on this program, see [the website of the High Commission for Migration](#).

<sup>167</sup> For more information, see the High Commission for Migration [webpage “ACM and Beja City Council sign protocol for installation of new CNAIM in Beja”](#) (“ACM and Beja City Council sign protocol for installation of new CNAIM in Beja”).

<sup>168</sup> Portugal, [ACM e GNR assinam protocolo de colaboração](#) (ACM and GNR sign collaboration protocol)

The **Observatory of Roma Communities** (ObCig) of the High Commission for Migration was involved in the following activities:

- From 14 May to 30 June, the Observatory of Roma Communities (ObCig) promoted two awards. The 3rd edition of the **ObCig Integrators Companies Award**<sup>169</sup> aims to recognise companies with an important role in the labour integration of Roma people, namely companies that employ Roma people and inspire other employers to promote cultural diversity, combat discrimination based on ethnic origin and the integration of Roma people in Portugal. The 2nd edition of the **ObCig Person of Merit Award**<sup>170</sup> intends to recognise people who have been involved, for more than 10 years, in voluntary work in the field of integrating Roma people.
- The Observatory of Roma Communities continued the cycle of **"Talks with..."**<sup>171</sup> (online) to promote dialogue between researchers, association leaders of Roma communities and Roma university students, to debate issues regarding the daily lives of Roma people: "Decent housing and good places: policies and contexts" (25 March); "Health as disease prevention: the importance of close care" (27 May); "Roma children's educational success experiences: the RISE Project" (29 July); "The Political and Civic Participation of Roma People" (28 October).
- The Observatory of Roma Communities has published several editions of the **Newsletter ObCig**. On 8 April, on the 50th anniversary of the International Day of Roma People, the Newsletter **"Women in the Context of a Pandemic"**<sup>172</sup> included opinions of Roma women about their position in the domestic, community and public spheres. On 24 June, the Newsletter **"Racism and Discrimination"**<sup>173</sup> published interviews and texts on the social expression of discrimination, including situations of racism and discrimination experienced by Roma people. In October, the Newsletter **"The Political and Civic Participation of Roma People"**<sup>174</sup> published interviews (of political candidates for local elections) and texts on the political and civic participation of Roma people. In December, the

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<sup>169</sup> Portugal, [Prémio ObCig Empresas Integradoras, 3ª Edição, Regulamento](#) (ObCig Integrators Companies Award, 3rd Edition, Regulation).

<sup>170</sup> Portugal, [Prémio ObCig Pessoa de Mérito, 2ª Edição, Regulamento](#) (ObCig Person of Merit Award, 2nd Edition, Regulation).

<sup>171</sup> For more information, see the [Observatory of Roma Communities webpage](#).

<sup>172</sup> Observatório das Comunidades Ciganas (Observatory of Roma Communities) (2021), [ObCig Newsletter](#), April 2021.

<sup>173</sup> Observatório das Comunidades Ciganas (Observatory of Roma Communities) (2021), [ObCig Newsletter](#), 24 June 2021.

<sup>174</sup> Observatório das Comunidades Ciganas (Observatory of Roma Communities) (2021), [ObCig Newsletter](#), October 2021.

Newsletter "**Human Rights by the Voice of Children**"<sup>175</sup> focussed the role of Roma children in accessing rights.

- On 29 November, the ObCig held the **International Seminar "Adult Education and Roma Communities: policies and processes"**. This seminar aimed to discuss the impact of adult education on Roma communities and the policies for action. It was also **presented the ObCig Person of Merit Award**<sup>176</sup>.

On 16 December, it was held the **Diversity Seals Award Ceremony**<sup>177</sup>, promoted by the Portuguese Association for Diversity and Inclusion, and coordinated by the High Commission for Migration. The Diversity Seals aims to distinguish organisations that implement practices framed in policies and strategies to promote diversity and equal opportunities at work, regardless of cultural, ethnic and social origin, sexual orientation, gender, age, personal style, religion, physical or other characteristics. The 3rd Edition of the Seal of Diversity had 34 applications.

The **Directorate-General for Education** (DGE)<sup>178</sup> has been developing several initiatives aiming to promote the integration and educational success of children and students belonging to the Roma communities. Within the National Strategy for the Integration of Roma Communities (ENICC), and in accordance with the strategic objective of *guaranteeing effective conditions for access to education, educational success and lifelong learning for Roma people*, the following activities were carried out by DGE: elaboration of a pedagogical guide with guidelines and good practices for the inclusion of Roma children in pre-school education<sup>179</sup>; training on "Inclusivity and Interculturality as critical dimensions of the education of Roma children and young people" for kindergarten teachers and primary and secondary education teachers.

The Portuguese Regulatory Authority of the Media (ERC) made the following deliberations on the issue of Roma communities<sup>180</sup>:

- On January 13, ERC appreciated a notification against the edition of the newspaper "Brados do Alentejo" regarding the news entitled "Monforte

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<sup>175</sup> Observatório das Comunidades Ciganas (Observatory of Roma Communities) (2021), [ObCig Newsletter](#), December 2021.

<sup>176</sup> For more information, see the [ObCig website on this international seminar](#).

<sup>177</sup> For more information, see the [website of the Ceremony for Attributing the Seals of Diversity – III Edition](#).

<sup>178</sup> Written answer of the Ministry of Education, 22/09/2021.

<sup>179</sup> Directorate General for Education (2021), [Promover a Inclusão e o Sucesso Educativo das Comunidades Ciganas - Guião pedagógico para a Educação Pré-Escolar](#) (Promoting the Inclusion and Educational Success of Roma Communities - Pedagogical Guide for Pre-School Education), Lisbon: Ministry of Education/Directorate General of Education.

<sup>180</sup> Regulatory Authority of the Media, written response, 2 January 2022.

fire station invaded by Roma people", published on 19 April 2020. The ERC decided to raise awareness to the "Brados do Alentejo": a) on the importance of the fulfillment of the duty of rigorous information; b) whenever it is not necessary for the understanding of the news to identify the ethnicity of the persons involved, to avoid placing a stigma on the whole community as a result of the criminal or socially reprehensible activities of some elements, safeguarding the community as a whole<sup>181</sup>.

- On March 10, ERC appreciated the notification regarding the podcast "Ideas made - Are you sure there isn't a problem with the Roma people?" published in the online newspaper Observador on 28 May 2020. The ERC confirmed the inexistence of an illicit act and decided to close the case. However, the ERC appealed to the media to guide their actions by compliance with the principle of equality set out in Article 13 of the Constitution of the Portuguese Republic and the need to continue to maintain a critical and vigilant attitude regarding the content to be published, in order to ensure respect for constitutional principles and fundamental rights of citizens<sup>182</sup>.
- On July 28, the ERC analysed the participation against the Sábado magazine concerning the report "Roma camp refuses to test Covid-19 in Moura", published online on 19 April 2020. Considering the situation of health and public health crisis, the ERC appealed to Sábado magazine, but also to the media in general, to consider, in similar situations, the need to deepen the contextualisation of news that may generate greater social concern<sup>183</sup>.

On March 8, the association *Sílaba Dinâmica*, in partnership with the association *Letras Nómadas* and *Ribalta Ambição* held a women's day session "**We are women and Roma of the 21st century**"<sup>184</sup>. The session featured testimonies from Roma women from different regions of Portugal and Spain. This was an event that showed what has already been done and what remains to be done to achieve gender equality.

On 8 April, High Commission for Migration and Observatory of Roma Communities promoted the meeting "**Around Freedom: Women in a Pandemic Context**"<sup>185</sup>, to celebrate the 50th anniversary of International Roma Day. The session brought together women to promote joint reflection and dialogue on the impacts of the COVID-19 pandemic and the economic and social in the daily life of Roma women.

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<sup>181</sup> For more information, see the [Deliberation ERC/2021/10 \(CONTJOR-I\)](#).

<sup>182</sup> For more information, see the [Deliberation ERC/2021/87 \(CONTJOR-NET\)](#).

<sup>183</sup> For more information, see the [Deliberation ERC/2021/358 \(CONTJOR-NET\)](#).

<sup>184</sup> The session can be seen on the [Facebook of the Association Letras Nómadas](#).

<sup>185</sup> For more information, see the [High Commission for Migration webpage](#).

On 24 June, the National Day of Roma People, it was held the **Seminar National Day of Roma People: Participated Interventions and New Housing Policies**<sup>186</sup>, promoted by the Office of the Secretary of State for Integration and Migrations, the Municipality of Leiria and InPulsar-Association for Community Development, in partnership with the High Commission for Migrations. During the seminar, the High Commission for Migration (ACM) and the Institute for Housing and Urban Rehabilitation signed a cooperation protocol aimed at promoting adequate access to housing for Portuguese Roma populations, migrants and their descendants and for refugees or applicants for international protection.

On 28 June, the animated **short film *Senhelo Calhim- Eu sou Cigana [Senhelo Calhim- I am a Roma]***<sup>187</sup> was screened. This film was made by the Digital Creativity Centre of the Catholic University of Portugal, under the "Integrated Approaches for Active Inclusion – North 2020" application, in collaboration with the Municipality of Matosinhos. This project was created with the aim of deconstructing stereotypes, myths and representations associated with Roma and non-Roma culture, valuing multiculturalism and school as an integrative space open to all children. The film lasts 10 minutes and is intended to be a resource that contributes to the appreciation of cultural diversity inside and outside school institutions. The film is accompanied by a pedagogical guide<sup>188</sup>, which serves as a support for promoting the discussion of the various issues associated with the integration and enhancement of Roma culture in different contexts, allowing its use, contributing to the construction of solutions that facilitate the process of multicultural integration.

From 10 to 12 September, the **8th Roma Political School** took place. This event, created since 2017, is organised by the associations *Letras Nómadas* and *Ribaltambição*, funded by the Council of Europe. Its main objective is to raise awareness and stimulate political participation of Roma people. During the event, an appeal to vote campaign was launched with the slogan "Your vote matters!". The media reported that around a dozen Roma people are candidates for local elections, almost always in ineligible places, predominantly in the Left Bloc and the Socialist Party<sup>189</sup>. Some of these Roma candidates campaigned in person in strategic places, such as Moura or Beja, where the risk of election of extreme right candidates seems high. From 5 to the 7 November, it was held the

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<sup>186</sup> For more information, see the High Commission for Migration, [Seminário "Dia Nacional das Pessoas Ciganas: Intervenções Participadas e as Novas Políticas de Habitação"](#) (Seminar "National Day of Roma People: Participative Interventions and New Housing Policies").

<sup>187</sup> For more information, see the [video "Senhelo Calim"](#).

<sup>188</sup> For more information, see the [Guide for Exploring the Work "Senhelo Calim"](#).

<sup>189</sup> Público (2021), ["Ciganos nas listas autárquicas. Estamos numa fase embrionária"](#) (Roma on municipal lists. We are at an embryonic stage), 10 September 2021.

**9th Roma Political School**<sup>190</sup>. This initiative was organised by Associação Letras Nómadas and by Ribaltambição, with the support of the Municipality of Figueira da Foz. As in previous editions, this 9th Edition also aimed to reflect on the involvement of elements of Roma communities in local and national political life.

Regarding political participation of Roma people, according to the media<sup>191</sup>, there was an unprecedented mobilisation and **participation by the Roma population in the electoral campaign** for the 2021 presidential elections. This was a campaign in which Roma communities were targeted, with one of the presidential candidates producing discriminatory speeches. On 10 January<sup>192</sup>, as part of the electoral campaign for the presidential elections, around four dozen members of the Roma community in Serpa (in the south of the country) gathered to **protest against the presence of the extreme right candidate**, André Ventura, who was going to hold a rally in that city. In reaction to the candidate's presence, the protesters held up posters and banners with slogans that revealed the indignation of the Roma community: "Serpa without racism", "We don't want Social Inclusion Income. We want work" and "Fascism never again".

In October, the reportage "Revolução Cigana"<sup>193</sup>, by Bárbara Baldaia, won the Lisbon Sport Film Festival. The reportage, from March 2020, addresses the issue of racism in football, at a time when there were several racist incidents in football stadiums in Portugal and how a football team of Roma girls was created in a community in Braga, thus trying to break existing biases.

From the 10 to 21 November, **LEFFEST – Lisbon & Sintra Film Festival**<sup>194</sup> was held, dedicated to the culture of Roma communities. The festival's programme brought together some of the leading names of international Roma culture. Additionally, the festival also organised debates about the past of the Roma community and about the current situation. In a press conference, the programmer stated that this celebration is a response and reaction to all the xenophobic and anti-Roma speeches that are taking place throughout Europe. The festival director affirmed the importance of the contribution of Roma culture, especially when discussing Roma identity.

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<sup>190</sup> For more information see ["IX Academia de Política Cigana de Portugal decorre na Figueira da Foz"](#) (IX Academy of Roma Political School of Portugal takes place in Figueira da Foz)

<sup>191</sup> Público (2021), ["População cigana mobilizou-se mais do que nunca para votar"](#) (Roma population mobilised more than ever to vote), 25 January

<sup>192</sup> Público (2021), ["Comunidade cigana de Serpa contra André Ventura. Líder do Chega manda manifestantes "trabalhar"](#) (Serpa Roma community against André Ventura. Leader of Chega orders protesters to "work"), 10 January 2021.

<sup>193</sup> For more information, see the website of [Portuguese Football Federation](#).

<sup>194</sup> For more information, see the website of [LEFFEST – Lisbon & Sintra Film Festival](#).

The project **100+Preconceitos 5.0**<sup>195</sup>, which main goal is the social inclusion of Roma people living in Matosinhos, is implemented by the Association for Family Planning and funded by the High Commission for Migrations through the Support Fund for the National Strategy for the Integration of Roma Communities. This project enabled the employment of seven Roma people and contributed to the acquisition of active job search and vocational training skills, preparation and writing of a Curriculum Vitae, acquisition of communication skills with potential employers and increased skills regarding the use of the Internet as a means of communication. It also promoted education for health in general, sexual and reproductive health and early pregnancy, enforcing gender equality between men and women, pre-school education, lifelong learning and reducing school dropout. The Association for Family Planning registered 5,316 consultations, 2,051 about health, 509 about sexual and reproductive health, 106 about housing, 549 about education/training, 1,239 about social security/finance, 180 about employment and 682 about other matters.

In 9 November, the High Commission for Migrations, together with the Directorate General of Education, in Torres Vedras, promoted the conference cycle "**Roma Communities - Educational Success: recovery to move forward**", and aimed to deepen the reflection on the inclusion of children and young people from Roma communities in school and to promote their educational success. The first panel had the theme "Mobilisation and resilience in context" and focused on practices, projects and testimonials on the work developed in this area. The second panel addressed the theme "Roma students: a path under construction" and included several testimonies from the Municipality of Torres Vedras, the ObCig, Sendas e Pontes - Intercultural Association and Inclusion of Roma Communities and a Torres Vedras secondary school student<sup>196</sup>. During the conference cycle, the Director General of Education mentioned the problem of non-inclusion of the Roma community at school and several participants highlighted the educational gap in the Roma community in general<sup>197</sup>.

On 30 November, the Commission for Equality and Against Racial Discrimination (CICDR) and the Roma Communities Support Centre of the High Commission for Migrations promoted an informative session on anti-Roma and hate speech for 4 journalists<sup>198</sup>.

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<sup>195</sup> For more information, see the [Projeto "100 + preconceito 5.0" website](#).

<sup>196</sup> For more information, see the [website of the High Commission for Migrations](#).

<sup>197</sup> Jornal de Notícias (2021), "[Exclusão dos ciganos da escola deve "envergonhar-nos" a todos](#)" ("Exclusion of Roma from school must "shame us all"). 11 November 2021.

<sup>198</sup> Commission for Equality and Against Racial Discrimination, written response, 6 January 2022.

It was published the **European Values Study: what are the values of the Portuguese people?**<sup>199</sup>. The study concluded that Roma people, along with drug addicts and alcoholics, are the people that the Portuguese would most not like to have as neighbours, which suggests a high perception of risk associated with the Roma people. According to the authors, "Roma do not have any legislation that protects them. The anti-racism movement has not reached the Roma, who are still not seen as people, but as a group in which all individuals have exactly the same characteristics: they are criminals, hooligans and swindlers".

The book "**The State of Racism in Portugal. Anti-Black and Anti-Roma racism in Law and Public Policy**"<sup>200</sup> (*O Estado do Racismo em Portugal. Racismo antinegro e anticiganismo no direito e nas políticas públicas*), coordinated by Silvia Rodríguez Maeso, gathers texts of specialists, scholars and activists. The book aims to contribute to the decoding of institutional racism, by identifying and analysing the routine practices that promote anti-Black and anti-Roma racial order in various contexts of Portuguese society: in the implementation of legislation to combat discrimination and racial hatred, in security policies and policing, in the devices for the protection of «children at risk», in the media and in the responses to precariousness and residential segregation.

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<sup>199</sup> Ramos, Alice and Magalhães, Pedro (2021). *European Values Study: quais os valores dos portugueses?*. Lisbon: Fundação Calouste Gulbenkian.

<sup>200</sup> Rodríguez Maeso, Silvia (Coord.) (2021), *O Estado do Racismo em Portugal. Racismo antinegro e anticiganismo no direito e nas políticas públicas* (The State of Racism in Portugal. Anti-Black and Anti-Romani sentiment in Law and Public Policy), Lisbon: Edições Tinta da China.

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

### 4.1 Number of beneficiaries of international protection whose protection status was revoked in 2021

Country	Cessation of refugee status		Cessation of subsidiary protection	
	Number of refugee status revoked	Main reasons	Number of subsidiary protection status revoked	Main reasons
Portugal	According to statistics provided by the Immigration and Borders Service <sup>201</sup> , until 27 December 2021 there was 1 refugee status revoked.	There is no information on the main reasons for the status being revoked. The beneficiary of refugee status who had the status revoked was from Guinea-Bissau <sup>202</sup> .	According to statistics provided by the Immigration and Borders Service, until 27 December 2021 there were 33 subsidiary protection status revoked <sup>203</sup> .	According to information provided by the Ministry of Home Affairs and the Immigration and Borders Service <sup>204</sup> , until 27 December 2021, the right to subsidiary protection of 33 citizens ceased under the terms set out in Article 41 (2) and (3) of Law 27/2008, of 30 June (Asylum Law) <sup>205</sup> . Article 41 (2) of the Asylum Law states that the "subsidiary protection ends when the circumstances that led to its granting no longer exist or have changed to such an extent that protection is no longer needed". However, the subsidiary protection can only cease if

<sup>201</sup> Immigration and Borders Service, written response, 27 December 2021.

<sup>202</sup> Immigration and Borders Service, written response, 27 December 2021.

<sup>203</sup> Immigration and Borders Service, written response, 27 December 2021.

<sup>204</sup> Ministry of Internal Affairs, written response, 10 September 2021; Immigration and Borders Service, written response, 27 December 2021.

				<p>the Immigration and Borders Service concludes that the change in circumstances in the country of nationality or usual residence of the beneficiary of the right to subsidiary protection is sufficiently significant and durable to eliminate the well-founded fear of persecution or the risk of suffering serious harm (Article 41 (3) of the Asylum Law). This cessation ground respects the principle of <i>non-refoulement</i> established in Article 47 of the Asylum Law.</p> <p>The number of subsidiary protection status revoked in 2021 is significantly less when compared to the previous year. In 2020, there were 262 decisions ceasing subsidiary protection (176 concerning beneficiaries from Ukraine, 25 beneficiaries from Guinea and 20 beneficiaries from Pakistan)<sup>206</sup>. In 2021, of the 33 decisions ceasing subsidiary protection, 13 concerned beneficiaries from Ukraine, 3 from Ghana, 3 from Pakistan, 3 from Guinea, 3 from Sri Lanka, 2 from Colombia, 2 from Sierra Leone, 1 from Guinea-Bissau, 1 from</p>
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<sup>205</sup> 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.

<sup>206</sup> Portuguese Council for Refugees, written response, 2 September 2021. For more information, see Portuguese Refugee Council, [National Report – Portugal](#), Asylum Information Database. The information was last updated on May 2021.

				<p>Angola, 1 from Bangladesh and 1 from Peru<sup>207</sup>.</p> <p>In this regard, the Portuguese Refugee Council (<i>Conselho Português para os Refugiados</i>, CPR) has identified some shortcomings in the cessation proceedings, including the poor quality of the assessment conducted into the change in circumstances in the country of nationality of the beneficiary of the right to subsidiary protection, one of the requirements for the cessation of the subsidiary protection. According to CPR, in the past few years the assessment conducted lacks an actual assessment of whether there was a significant and durable change in circumstances for each individual, since the same information is being used for all persons. As such, the assessments conducted did not take into consideration the specific/individual circumstances of each person concerned<sup>208</sup>.</p>
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<sup>207</sup> Immigration and Borders Service, written response, 27 December 2021.

<sup>208</sup> Portuguese Council for Refugees, written response, 2 September 2021. For more information, see Portuguese Refugee Council, [National Report – Portugal](#), Asylum Information Database. The information was last updated on May 2021.

## 4.2 National border monitoring mechanisms

Country	Legal source providing for border monitoring	Organisation(s) responsible for monitoring	Is the monitoring body at the at same time the National Preventative Mechanism? (Y/N)	Are reports publicly available? [if yes, please add hyperlink]	Number of monitoring operations in 2021	Is monitoring (at least partially) funded by the EU? If so, under which modalities?
Portugal	Portugal, <a href="#">Council of Minister's Resolution 32/2013, that designates the Ombudsman as the National Preventative Mechanism</a> ( <i>Resolução do Conselho de Ministros n.º 32/2013, que designa o Provedor de Justiça como mecanismo nacional para a prevenção da tortura</i> ), 20 May 2015.	Ombudsman (Provedor de Justiça).	Yes. The Ombudsman, as the National Preventative Mechanism, conducts regular visits to places where persons deprived of their liberty are held, including border detention centres.	Provedoria de Justiça (Ombudsman) (2021), <a href="#">Relatório à Assembleia da República 2020 – Mecanismo Nacional de Prevenção</a> , Lisbon, Provedoria de Justiça. This report was published in 2021 and has data regarding the conditions of the border detention centres in Portugal in 2020. This is the last publicly available report of the Ombudsman on this subject. In 2020, the Ombudsman conducted 6 visits to the four border detention centres that	No information available on the public official databases regarding the number of monitoring operations carried out by the Ombudsman in 2021.	No.

				<p>exist in Portugal (Equivalent Space to Temporary Accommodation of Lisbon, Equivalent Space to Temporary Accommodation of Oporto, Equivalent Space to Temporary Accommodation of Faro and Santo António Housing Unit). The two main conclusions of the report are the need to standardize the procedures applied in the different Portuguese border detention centres and the need to create alternatives to the Equivalent Spaces to Temporary Accommodation in the centre and south of the country. In fact, Portugal only has one Temporary Accommodation Centre in the north of the country (Santo António Housing Unit), which is not sufficient to provide an adequate response to the current migration</p>		
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				flows. In addition, the Ombudsman highlights the need to ensure dignified conditions for foreign citizens who are deprived of their liberty in the Equivalent Spaces to Temporary Accommodation <sup>209</sup> .		
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<sup>209</sup> Provedoria de Justiça (Ombudsman) (2021), [Relatório à Assembleia da República 2020 – Mecanismo Nacional de Prevenção](#), Lisbon, Provedoria de Justiça.

## Chapter 5. Information society, privacy and data protection

### 5.1 Legal and policy developments or measures that have been implemented related to data protection and private life with regards to security issues

During 2021, the National Data Protection Authority (CNPD) published:

- a) in total, by 31 December 2021, 104 opinions<sup>210</sup> were issued 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;
- Regarding the COVID-19 vaccination scheme, it should be highlighted **Opinion 2021/108**<sup>211</sup>, requested by the Office of the Minister of Health, on the request of the coordinator of the Task Force on Vaccination for access to information contained in health databases, with the purpose of evaluating and monitoring procedures related to vaccination. It was intended to access data on identification, vaccination, positive test results, and hospital admission data. The CNPD stated that as long as measures such as encrypting the information used, using and maintaining the data in a "black box" system, and that user accounts were individual and the system be equipped with a log recording system, were adopted, data could be accessed. Following this decision, the Office of the Minister of Health, issued the **Order 9556/2021**<sup>212</sup>, allowing the Task Force Coordinator Support Nucleus to access and process personal data residing in the Ministry of Health's databases, in the context and for the purposes of the Vaccination Plan against COVID-19 in Portugal.
  - Regarding private life in relation to security issues, the **Opinion 2021/143**<sup>213</sup>, issued at the request of the Parliament, on a draft law

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<sup>210</sup> For more information, see the National Data Protection Authority's [webpage on the opinions issued by the CNPD](#).

<sup>211</sup> National Data Protection Authority (*Comissão Nacional de Proteção de Dados*), [Opinion 2021/108](#) (*Parecer 108/2021*), 18 August 2021.

<sup>212</sup> Portugal, [Despacho n.º 9556/2021, que permite ao Núcleo de Apoio ao Coordenador da Task Force o acesso e tratamento de dados pessoais residentes nas bases de dados do Ministério da Saúde, no contexto e para efeitos do Plano de Vacinação contra a COVID-19 em Portugal](#) (Order 9556/2021, which allows the Task Force Coordinator Support Nucleus to access and process personal data residing in the Ministry of Health's databases, in the context and for the purposes of the Vaccination Plan against COVID-19 in Portugal), 30 September 2021.

<sup>213</sup> National Data Protection Authority (*Comissão Nacional de Proteção de Dados*), [Opinion 2021/143](#) (*Parecer 143/2021*), 4 November 2021.

of the Government, regarding the use of video surveillance by security forces and services, the CNPD concluded that several rules contained in the draft were unconstitutional, and likely to affect the essential content of the right to respect for private life, by allowing mass surveillance in public space and in private spaces of access to the public. The CNPD also added that there was no justification to combine a multiplicity of means of image collection, namely by drones, bodycams or even by real time access to video-surveillance systems operated by private entities, with the possibility of converting said images into biometric templates, without any limitation and guarantees of non-discrimination, thus enabling the monitoring of movements of specific citizens through facial recognition, without setting criteria regarding the application of artificial intelligence technologies, without the control of an independent entity, representing a risk for the invasion of private and family life. Following this opinion, the text of the draft law was replaced, notably by amending the provision on the processing of biometric data, which now states that capturing and processing of biometric data is not permitted, where based on an analytical data management system. This new version of the draft law was approved by Parliament and published as **Law 95/2021**, of 29 December<sup>214</sup>, which regulates the use and access by the security forces and services and by the National Authority for Emergency and Civil Protection to video surveillance systems for capturing, recording and processing images and sound, regulating, among other things, the processing of data collected.

- b) one deliberation<sup>215</sup> on its website on violations of provisions of the GDPR that incur administrative fines. The deliberation relates to the publication by a municipality of information about cases of COVID-19 contagion that could lead to the identification of actual cases;
- c) two deliberations on its website:
  - **Deliberation 2021/533**<sup>216</sup> – following some complaints about the conditions for collecting Census data over the Internet, the CNPD conducted an investigation, concluding that the National Statistics

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<sup>214</sup> Portugal, [Lei 95/2021, que regula a utilização e o acesso pelas forças e serviços de segurança e pela Autoridade Nacional de Emergência e Proteção Civil a sistemas de videovigilância para captação, gravação e tratamento de imagem e som, revogando a Lei n.º 1/2005, de 10 de janeiro](#) (Law 95/2021, which regulates the use and access by security forces and services and by the National Authority for Emergency and Civil Protection to video surveillance systems for capturing, recording and processing images and sound, revoking Law 1/2005, of 10 January), 29 December 2021.

<sup>215</sup> For more information, see the National Data Protection Authority [webpage on decisions on violations of provisions of the GDPR that incur administrative fines](#).

<sup>216</sup> National Data Protection Authority (*Comissão Nacional de Proteção de Dados*), [Deliberation 2021/533](#) (*Deliberação/2021/533*), 27 April 2021.

Institute (INE) had used a company based in the USA to conduct the census, which in its contract provides for the transfer of personal data to the USA. Due to the type of services which it provides, it is directly subject to US surveillance legislation for the purposes of national security, which imposes a legal obligation on it to give the US authorities unrestricted access to personal data in its possession or custody, without being able to disclose that to its customers. Taking into account the jurisprudence of the Court of Justice of the European Union, in the Schrems II judgment, the CNPD issued this deliberation giving INE 12 hours to suspend any international transfer of personal data to the US or other third countries without an adequate level of protection, within the scope of the Census 2021 surveys. This decision was given, taking into account that personal data of an almost total universe of citizens resident in national territory is at stake, including sensitive data such as that relating to religion or health conditions.

- **Deliberation 2021/662**<sup>217</sup> – following a complaint, the CNPD conducted an investigation into the tool "Respondus" for monitoring distance assessment of higher education students, and concluded that it is likely to breach the GDPR. During an exam session a wide variety of personal data is automatically processed, from the continuous recording of the student through the webcam, which may include recording sound, the use of video analysis techniques combined with biometric patterns that monitor the student's behaviour, based on facial detection and their movements, as well as students' interactions with the computer through keyboard and mouse movements, measurements of response times to each question, and so on. Taking into account that the company that provides the service would be able to take samples of the audio/video recordings for its own purposes, without obtaining the students' consent, and that personal data would be hosted in the US on Amazon servers under the standard contractual clauses without any additional measures in place to ensure a level of protection essentially equivalent to that guaranteed in the EU, the CNPD warned the controller that the envisaged data processing is likely to breach the principles of lawfulness, purpose, data minimisation and proportionality. As regards the data collected in the meantime within the framework of the early experimentation of the Respondus applications, their erasure was ordered.

d) an information note on the cases of exposure of personal data from the social networks Facebook and LinkedIn and made a set of recommendations to

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<sup>217</sup> National Data Protection Authority (*Comissão Nacional de Proteção de Dados*), [Deliberation 2021/662](#) (*Deliberação/2019/495*), 28 May 2021.

users and public and private service providers that use the telephone number as a means of authentication<sup>218</sup>.

Following media reports that the Municipality of Lisbon had provided personal data to the Russian Embassy about the organisers of a demonstration, the CNPD announced that it had issued an indictment against the Municipality. Thus, the CNPD accused the Municipality of Lisbon of having violated the GDPR by communicating the personal data of the promoters of demonstrations to third parties (the Russian Embassy). It also concluded for the Municipality had violated the GDPR regarding communications to several Municipal services<sup>219</sup>.

**Law 54/2021 of 13 August**<sup>220</sup> transposed into national law Directive (EU) 2019/1153 which lays down rules aimed at facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of serious criminal offences (such as violent and especially violent crime, organised crime and economic-financial criminality), and amended the Legal Framework of Credit Institutions and Financial Companies. The law regulates the access and use of financial and bank account information by authorities responsible for the prevention, detection, investigation and prosecution of criminal offences. It also establishes a set of rules on access to and search of information on bank accounts, in particular on respect for the protection of personal data.

**Law 68/2021 of 26 August**<sup>221</sup> approved the general principles on open data and transposes into national law Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information, which is expected to increase the sharing and re-use of data. This law establishes the dados.gov portal as the central catalogue of open data in Portugal, and also acts as an indexing portal for descriptions of

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<sup>218</sup> For more information, see the National Data Protection Authority's [webpage on the information note and recommendations on the cases of exposure of personal data from the social networks Facebook and LinkedIn issued by the CNPD](#).

<sup>219</sup> For more information, see the National Data Protection Authority's [webpage on the indictment against the Municipality of Lisbon](#).

<sup>220</sup> Portugal, [Lei n.º 54/2021 que transpõe a Diretiva \(UE\) 2019/1153 do Parlamento Europeu e do Conselho, de 20 de junho de 2019, que estabelece normas destinadas a facilitar a utilização de informações financeiras e de outro tipo para efeitos de prevenção, deteção, investigação ou repressão de determinadas infrações penais, e altera o Regime Geral das Instituições de Crédito e Sociedades Financeiras](#) (Law No 54/2021 transposing Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019, which lays down rules aimed at facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and amending the Legal Framework of Credit Institutions and Financial Companies), 13 August 2021.

<sup>221</sup> Portugal, [Lei n.º 68/2021 que aprova os princípios gerais em matéria de dados abertos e transpõe para a ordem jurídica interna a Diretiva \(UE\) 2019/1024 do Parlamento Europeu e do Conselho, de 20 de junho de 2019, relativa aos dados abertos e à reutilização de informação do setor público, alterando a Lei n.º 26/2016, de 22 de agosto](#) (Law 68/2021 that approves the general principles on open data and transposes into national law Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information, which is expected to increase the sharing and re-use of data), 26 August 2021.

datasets hosted on other open data portals. It also increases the amount of public data of value for the purposes of reuse, including data from public companies and publicly funded research organisations; restricts new forms of exclusivity agreements to avoid distortions to free competition; establishes free competition, making high-value datasets free of charge and formalising them as open data; encourages making all data available in machine-readable form. Since the beginning of 2021, the open data portal of the Public Administration (dados.gov.pt) has more than doubled the number of datasets in comparison to the beginning of the year, now making 4,869 datasets available and have already given rise to 42 reuses, with a monthly average of around 33,000 visitors<sup>222</sup>.

In April 2021, the **More Transparency portal** – a digital platform that allows citizens to consult information on various management issues and public resources made available by the State – was launched. It currently contains information on the implementation of European funds, the state budget, and, as of 22 December, an area exclusively dedicated to municipalities, with information on five areas of analysis and 73 relevant indicators for municipal transparency<sup>223</sup>. Another particular highlight of this Portal is the information about the Recovery and Resilience Plan. The portal also provides a set of functionalities, namely through the presentation of graphics, tabular views, technical data sheets and file exports. The publication of information is done following the good practices of open data, using as a source of information the repository of the portal data.gov.pt. It has the gold seal of accessibility, which ensures compliance with the requirements of digital accessibility with respect for the inclusion of all citizens with disabilities or other limitations. Since its launch, the portal has received 138 thousand visits and already has 33 thousand users<sup>224</sup>.

In March 2021, the Portuguese Parliament approved Draft Law 473/XIV<sup>225</sup>, that was published in May as Law 27/2021, that approved the **Portuguese Charter of Citizens' Fundamental Rights for the Digital Age**<sup>226</sup>, 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. After its publication, the President of the Republic decided to submit the provisions of Article 6 of that law to a successive review of constitutionality. In this law, the concept of disinformation is defined and

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<sup>222</sup> For more information, see the [dados.gov.pt portal](https://dados.gov.pt).

<sup>223</sup> For more information, see the [Mais Transparência portal](https://mais.transparencia.gov.pt).

<sup>224</sup> Ministry of State Modernisation and Public Administration, written response, 30 December 2021.

<sup>225</sup> Portugal, [Draft Law 473/XIV](#) (Projeto de Lei 473/XIV).

<sup>226</sup> Portugal, [Lei n.º 27/2021, de 17 de maio, que aprova a Carta Portuguesa de Direitos Humanos da Era Digital](#) (Law 27/2021 that approves the Portuguese Charter of Citizens' Fundamental Rights for the Digital Age), 17 May 2021.

mechanisms for its elimination are established. It also attributes to the Regulatory Authority of the Media powers to decide on complaints related to those facts. In his petition to the Constitutional Court, the President of the Republic considered that the concept of disinformation is defined through vague and indeterminate concepts, which could lead to the violation of freedom of expression. The case is pending before the Constitutional Court.

**Decree-Law 65/2021**<sup>227</sup> regulates the Legal Framework for Cyberspace Security and defines cybersecurity certification obligations in the implementation of Regulation (EU) 2019/881 of the European Parliament. According to the preamble of the law "the challenge of the digital transition, of transversal reach, and the emergence of new disruptive technologies, such as artificial intelligence, virtual and augmented reality and the Internet of Things, highlight the need to ensure a high level of security in the networks and information systems that support the use of these technologies, so that this takes place in an environment of trust, protected from threats that can have considerable destabilising effects on life in society, especially in crisis situations, which tend to exacerbate the exploitation of vulnerabilities by threatening actors with various motivations".

Also aiming at making the Internet a safer place, the Portuguese Safer Internet Centre (PT SIC) – Centro Internet Segura -, a partnership of six organisations (the National Center for Cybersecurity, the Directorate-General of Education, the National Institute for Sports and Youth, the Scientific Computing Unit of the FCT - Foundation for Science and Technology, the Portuguese Association for Victim Support, Altice Portugal Foundation, and Microsoft), co-funded by the European Commission, through the Connecting Europe Facility (CEF), developed several activities on three main areas: awareness raising, helpline and a hotline. It is worth highlighting the activity developed by the safe internet line, coordinated by APAV. The safe internet line provides information and support to citizens for safer, more responsible and healthier use of the internet and associated technologies, as well as a service for reporting illegal online content - namely, Child Sexual Abuse Content, Apology of Racism, Apology of Violence. In 2020 APAV became a trusted flagger of Facebook, Instagram, Youtube, TilkTok, Roblix, Twitter and Pornhub, enhancing the possibility of a rapid removal of those contents from the respective platforms<sup>228</sup>.

In September 2021, Resolution of the Ministers' Council 131/2021 was published, approving the **Digital Transformation Strategy for Public**

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<sup>227</sup> Portugal, [Decreto-Lei n.º 65/2021, de 30 de julho, que regulamenta o Regime Jurídico da Segurança do Ciberespaço e define as obrigações em matéria de certificação da cibersegurança em execução do Regulamento \(UE\) 2019/881 do Parlamento Europeu, de 17 de abril de 2019](#) (Decree-Law 65/2021 that regulates the Legal Framework for Cyberspace Security and defines cybersecurity certification obligations in implementation of Regulation (EU) 2019/881), 30 July 2021.

<sup>228</sup> For more information, see the website of the [Portuguese Safer Internet Centre](#).

**Administration 2021-2026** and the respective **Transversal Action Plan** for the legislature<sup>229</sup>. The vision of the Digital Transformation Strategy for Public Administration 2021-2026 is for a "More digital Public Administration: better services, greater value" with the aim of making the Public Administration more responsive to the expectations of citizens and businesses, providing simpler, more integrated and inclusive services, operating more efficiently, intelligently and transparently by exploiting the transformation potential of digital technologies and the intelligent use of data. This vision is based on six strategic lines of action: 1) digital public services; 2) valorisation of data; 3) reference architectures; 4) ICT skills; 5) ICT infrastructures and services; and 6) security and trust. Objectives and measures are defined for each strategic line.

In October, two draft laws related to the protection of copyright and related rights were discussed in the Assembly of the Republic. The **Draft Law 113/XIV/3**<sup>230</sup>, seeks to transpose the Directive (EU) 2019/789, which lays down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes, aiming to strengthen European diversity and increase the number of radio and TV programmes available online to European consumers. The **Draft law 114/XIV/3**<sup>231</sup>, intends to transpose the Directive (EU) 2019/790, which regulates copyright and related rights in the digital single market, seeking to make the regulation of the use of copyright works in digital environment (namely on Internet platforms) compatible with the defence of freedom of expression, research progress and technological development. Both proposals were not subjected yet to the final vote. With the dissolution of the Government<sup>232</sup>, the process will be restarted during the next legislature.

In November 2021, **Law 82/2021**<sup>233</sup> was published. This Law seeks to delimit the circumstances under which access in a digital environment to protected

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<sup>229</sup> Portugal, [Resolução do Conselho de Ministros n.º 131/2021, de 10 de setembro, que aprova a Estratégia para a Transformação Digital da Administração Pública 2021-2026 e o respetivo Plano de Ação Transversal para a legislatura](#) (Resolution of the Ministers' Council 131/2021 that approved the Digital Transformation Strategy for Public Administration 2021-2026 and the respective Transversal Action Plan for the legislature), 10 September 2021.

<sup>230</sup> Portugal, [Proposta de Lei 113/XIV/3, que transpõe a Diretiva \(UE\) 2019/789, que estabelece normas sobre o exercício do direito de autor e direitos conexos aplicáveis a determinadas transmissões em linha dos organismos de radiodifusão e à retransmissão de programas de televisão e de rádio](#) (Draft Law 113/XIV/3 transposing Directive (EU) 2019/789 on rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes), 28 September 2021.

<sup>231</sup> Portugal, [Proposta de Lei 114/XIV/3, que transpõe a Diretiva \(UE\) 2019/790, relativa aos direitos de autor e direitos conexos no mercado único digital](#) (Draft Law 114/XIV/3, transposing Directive 2019/790 on copyright and related rights in the digital single market), 29 September 2021

<sup>232</sup> For more information, see the [website of the Presidency of the Republic](#) on the dissolution of Parliament and the calling of elections by the President of the Republic.

<sup>233</sup> Portugal, [Lei 82/2021, que delimita as circunstâncias em que deve ser removido ou impossibilitado o acesso em ambiente digital a conteúdos protegidos, bem como os procedimentos](#)

content must be removed or made impossible, as well as the procedures and means to achieve that result, thus combating online piracy and illegitimate access to computer systems. This bill intends to supervise and protect copyright and related rights in a digital context, establishing that these functions will be ensured by the Inspectorate General of Cultural Activities.

**Law 93/2021**<sup>234</sup>, of 20 December, establishes the general regime for the protection of whistleblowers, transposing Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law, providing that the internal reporting channels that may be created must ensure independence, impartiality, confidentiality, data protection, secrecy and absence of conflict of interest in the performance of the functions.

During 2021, the **COVID-19 Insights**<sup>235</sup> – a platform that aims to analyse and monitor the evolution of the pandemic, integrating multiple variables representing different economic, social and natural aspects, which are analysed using advanced analytical methods – continued to deliver updated and structured information, displaying epidemiological data on the disease and correlating them with other indicators, including socio-demographic and economic indicators.

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[e meios para alcançar tal resultado](#) (Law 82/2021, delimiting the circumstances in which access to protected content in the digital environment must be removed or made impossible and the procedures and means for achieving that result), 30 November 2021.

<sup>234</sup> Portugal, [Lei 93/2021, que estabelece o regime geral de proteção de denunciadores de infrações, transpondo a Diretiva \(UE\) 2019/1937 do Parlamento Europeu e do Conselho, de 23 de outubro de 2019, relativa à proteção das pessoas que denunciam violações do direito da União](#) (Law 93/2021, establishing the general regime for the protection of whistleblowers, transposing Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law), 20 December 2021.

<sup>235</sup> For more information, see the [COVID-19 Insights website](#).

## 5.2 Artificial intelligence and big data

Actor*	Type**	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Parliamentary	Adopted Act	Law 68/2021 approved the general principles on open data and transposes into national law Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information, which is expected to increase the sharing and re-use of data. This law establishes the dados.gov portal as the central catalogue of open data in Portugal, and also acts as an indexing portal for descriptions of datasets hosted on other open data portals. It also increases the amount of public data of value for the purposes of reuse, including data from public companies and publicly funded research organisations; restricts new forms of exclusivity agreements to avoid distortions to free competition; establishes free competition, making high-value datasets free of charge and formalising them as open data;	Yes (data protection; privacy; information); By establishing the dados.gov portal as the central catalogue of open data in Portugal, this law aims to protect the right to information, by increasing and encouraging transparency. Also by including data from public companies and publicly funded research	Portugal, <a href="#">Lei n.º 68/2021 que aprova os princípios gerais em matéria de dados abertos e transpõe para a ordem jurídica interna a Diretiva (UE) 2019/1024 do Parlamento Europeu e do Conselho, de 20 de junho de 2019, relativa aos dados abertos e à reutilização de informação do setor público, alterando a Lei n.º 26/2016, de 22 de agosto</a> (Law 68/2021 that approves the general principles on open data and transposes into national law Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information, which is expected to increase the sharing and re-use of data), 26 August 2021

		encourages making all data available in machine-readable form	organisations, this law also aims to protect copyright and related rights	
Parliamentary	Adopted act	Law 54/2021 transposed into national law Directive (EU) 2019/1153 which lays down rules aimed at facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and amended the Legal Framework of Credit Institutions and Financial Companies	Yes (data protection; privacy; security); By facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, this law intends to increase security and combat certain criminal offences, specially economic and financial crimes, and, at the same time still protect the rights of	Portugal, <a href="#">Lei n.º 54/2021 que transpõe a Diretiva (UE) 2019/1153 do Parlamento Europeu e do Conselho, de 20 de junho de 2019, que estabelece normas destinadas a facilitar a utilização de informações financeiras e de outro tipo para efeitos de prevenção, deteção, investigação ou repressão de determinadas infrações penais, e altera o Regime Geral das Instituições de Crédito e Sociedades Financeiras</a> (Law No 54/2021 transposing Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019, which lays down rules aimed at facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and amending the Legal Framework of Credit Institutions and Financial Companies), 13 August 2021

			privacy and data protection of the citizens	
Government	Adopted Act	Resolution of the Ministers' Council 131/2021 approved the Digital Transformation Strategy for Public Administration 2021-2026 and the respective Transversal Action Plan for the legislature. The Digital Transformation Strategy for Public Administration 2021-2026 is based on six strategic lines of action: 1) digital public services; 2) valorisation of data; 3) reference architectures; 4) ICT skills; 5) ICT infrastructures and services; and 6) security and trust. Objectives and measures are defined for each strategic line.	Yes (privacy; data protection; information); This strategy aims to increase transparency, protecting the right to information and ensuring that all citizens are included in this transformation process, implementing policies and measures that contribute to a fairer and more inclusive society, with less asymmetries	Portugal, <a href="#">Resolução do Conselho de Ministros n.º 131/2021, de 10 de setembro, que aprova a Estratégia para a Transformação Digital da Administração Pública 2021-2026 e o respetivo Plano de Ação Transversal para a legislatura</a> (Resolution of the Ministers' Council 131/2021 that approved the Digital Transformation Strategy for Public Administration 2021-2026 and the respective Transversal Action Plan for the legislature), 10 September 2021
Government	Adopted act	Decree-Law 65/2021 regulates the Legal Framework for Cyberspace Security and defines cybersecurity certification obligations in implementation of Regulation (EU) 2019/881 of the European Parliament	Yes (data protection; privacy; security); By regulating the legal framework for	Portugal, <a href="#">Decreto-Lei n.º 65/2021, de 30 de julho, que regulamenta o Regime Jurídico da Segurança do Ciberespaço e define as obrigações em matéria de certificação da cibersegurança em execução</a>

			cyberspace security, this decree intends to increase security in the cyberspace and protect the privacy and the right to data protection of the citizens	<a href="#">do Regulamento (UE) 2019/881 do Parlamento Europeu, de 17 de abril de 2019</a> (Decree-Law 65/2021 that regulates the Legal Framework for Cyberspace Security and defines cybersecurity certification obligations in implementation of Regulation (EU) 2019/881), 30 July 2021
NPA	Opinion	The CNPD issued an opinion on the draft decree-law that aims to regulate facial recognition in the context of the use of the Mobile Digital Key. It considered to be at stake the processing of biometric data using Artificial Intelligence technologies of deep neural networks, exposing the risk of certain uses. The CNPD recommended the review of some regulations in order to ensure compliance with the GDPR.	Yes (data protection; privacy); This Opinion stated that this draft would violate the right to data protection and privacy	CNPD, <a href="#">Parecer n.º 2021/99 de 22 de julho</a>
Academia; Independent State Institution; Business	Other Projects	On November, 5GAIner - 5G + IA Networks Reliability Center was launched, resulting from the partnership between Huawei, the University of Aveiro and the Telecommunications Institute. This centre aims to enhance the digital transition in Portugal by developing 5G technology and Artificial	No	Universidade de Aveiro (2021), " <a href="#">Portugal inaugura Laboratório de 5G e IA com investimento da Huawei</a> " (Portugal inaugurates 5G and AI Lab with investment from Huawei), 16 November 2021

		Intelligence.		
Independent State Institution	Report	ANACOM, the national communications authority in Portugal, approved the allocation of 5G auction frequency usage rights, giving this rights to 6 private companies.	No	ANACON (2021), <a href="#">Leilão para a atribuição de direitos de utilização de frequências nas faixas dos 700 MHz, 900 MHz, 1800 MHz, 2,1 GHz, 2,6 GHz e 3,6 GHz</a>
Government	Adopted Act	Order 11092-B/2021 recognises additional Digital Innovation Hubs for integration in the National Network and for designation for access to the European Network	No	Portugal, <a href="#">Despacho 11092-B/2021, que procede ao reconhecimento de Polos de Inovação Digital adicionais para integração na Rede Nacional e para designação para acesso à Rede Europeia</a> (Order 11092-B/2021, which recognises additional Digital Innovation Centres for integration in the National Network and for designation for access to the European Network), 11 November 2021.

## Chapter 6. Rights of the child

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

<p>Measures to address the specific vulnerabilities of children living in poverty</p>	<p><b>Parliament Resolution 104/2021, of 1 April</b>, recommended the Government to ensure the provision of school meals to students benefiting from school social action<sup>236</sup>.</p> <p><b>Parliament Resolution 108/2021, of 1 April</b>, recommended the Government to adopt a series of measures that ensured conditions for mixed and non-presential schooling, such as ensuring that students have face-to-face social and pedagogical monitoring; students that benefit from social benefits who attend compulsory education in vocational education and art education in private and cooperative institutions financed or co-financed with public money, have computers and access to the internet; create a temporary discount on telecommunications bills for all households with students from primary and secondary education receiving child benefit, as long as a social Internet tariff with the same coverage is not implemented<sup>237</sup>.</p> <p><b>Council of Ministers Resolution 132/2021, of 13 September</b>, approved the National Strategy for Food Security and Nutrition, which stated that food was one of the priority areas in education in Portugal, therefore, the offer of food in schools (food support) was one of the measures of educational social action and involved the daily and free distribution of milk; provide free or subsidised meals; promotion of actions in the field of education and food hygiene; and the distribution of fruit and vegetables to students who are part of the school system<sup>238</sup>.</p> <p><b>Council of Ministers Resolution 184/2021, of 29 December</b> approved the National Strategy to Combat Poverty 2021-2030.</p>
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<sup>236</sup> Portugal, [Resolução da Assembleia da República n.º 104/2021, que recomenda ao Governo que assegure o fornecimento de refeições escolares aos alunos beneficiários da ação social escolar através da rede de escolas do 1.º ciclo e jardins de infância](#) (Parliament Resolution n.º 104/2021, which recommends that the Government ensure the provision of school meals to students who are beneficiaries of school social action through the network of 1st cycle schools and kindergartens, 1 April 2021.

<sup>237</sup> Portugal; [Resolução da Assembleia da República n.º 108/202, que recomenda ao Governo que garanta condições para o ensino misto e não presencial, utilizando recursos do plano para a transição digital](#) (Parliament Resolution 108/202, which recommends that the Government guarantee conditions for mixed and non-presential education, using resources from the plan for the digital transition), 1 April 2021.

<sup>238</sup> Portugal, [Resolução do Conselho de Ministros n.º 132/2021, que aprova a Estratégia Nacional de Segurança Alimentar e Nutricional](#) (Council of Ministers Resolution 132/2021, which approves the National Strategy for Food and Nutritional Security), 13 September 2021.

	<p>One of its strategic axes is the reduction of poverty among children and young people and their families, establishing as targets the reduction of income poverty among children by half (this target represents a reduction of 170,000 children in poverty) and bringing the child material deprivation indicator closer to the European average (in percentage points)<sup>239</sup>.</p> <p>The Government approved the creation of the <b>National Child Guarantee Coordinator</b>, in a meeting of the Council of Ministers, on 23 September 2021, following the recommendation of the EU Child Guarantee<sup>240</sup>. The coordinator, among others, will have the responsibilities of drawing up and presenting a national action plan for the implementation of the EU Child Guarantee, covering the period until 2030, as well as carrying out a diagnosis of vulnerable children in Portugal, considering the regional and local context. In October, the appointment of a national coordinator of the Children's Guarantee was approved<sup>241</sup> and the national coordinator was appointed<sup>242</sup>.</p> <p><b>Draft Law 116/XIV/3, approving the State Budget for 2022.</b> The proposal presented by the Government for the 2022 State Budget<sup>243</sup> included the creation of a financial support called Childhood Guarantee aimed at children and youth under 18 years of age, belonging to households that were in extreme poverty, consisting of a regular financial benefit, which would complement the family allowance benefit, as to ensure that, in 2023, a global amount of 1,200.00 euros per year per child or young person, and in 2022 the support would complement the family allowance benefit, so as to guarantee, 840.00 euros per year per child or young person. However, the State Budget for 2022 was rejected and, as a result, the President of the Republic dissolved the parliament and called for elections to be held in 30 January 2022<sup>244</sup>, this proposal will not enter into force and may be revised or withdrawn from the State Budget of 2022.</p>
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<sup>239</sup> Portugal, [Resolução do Conselho de Ministros n.º 184/2021, que aprova a Estratégia Nacional de Combate à Pobreza 2021-2030](#) (Resolution of the Council of Ministers 184/2021, approving the National Strategy to Combat Poverty 2021-2030), 29 December 2021.

<sup>240</sup> Council of Ministers (2021), "[Comunicado do Conselho de Ministros de 23 de setembro de 2021](#)" (Communiqué from the Council of Ministers of September 23, 2021), press release, 23 September 2021.

<sup>241</sup> Portugal, [Resolução do Conselho de Ministros n.º 136/2021, que determina a designação de um coordenador nacional da Garantia para a Infância](#) (Council of Ministers Resolution 136/2021, which determines the appointment of a National Coordinator of the Child Guarantee), 1 October 2021.

<sup>242</sup> Portugal, [Despacho n.º 10047/2021, que nomeia a coordenadora nacional para a implementação da Garantia para a Infância em Portugal](#) (Order 10047/2021, which appoints the graduate the national coordinator for the implementation of the Child Guarantee), 15 October 2021.

<sup>243</sup> Portugal, [Proposta de Lei 116/XIV/3, que aprova o Orçamento do Estado para 2022](#) (Draft Law 116/XIV/3, approving the State Budget for 2022), 11 November 2021.

<sup>244</sup> For more information see the [official website of the Presidency of the Republic](#).

The **Ministry of Labour, Solidarity and Social Security** increased food support to citizens, especially those who had children under their care, either through meals organised in Social Canteens or through the European Aid Fund for the Most Deprived People of the Operational Support Program for the Most Deprived People<sup>245</sup>.

The **Ministry of Education** has implemented several measures to address the specific vulnerabilities of children living in poverty and to alleviate the effects of school closures due to the pandemic situation, namely:

- a.** Reactivation of host schools in January (about 1.500). In January, during the state of emergency decreed by the President of the Republic, all educational and teaching activities of public, private and cooperative educational establishments and of the social and solidarity sector, pre-school education and teaching basic and secondary education were suspended and schools were. However, hosts schools were kept open, with the aim of welcoming and protecting the right to education for children and youth or other dependents in charge of essential service workers, children and youth with educational needs and all those identified as belonging to risk groups.
- b.** Attribution of free meals to students benefiting from school social action (around 45 thousand meals a day).
- c.** Maintenance of face-to-face therapeutic support.
- d.** Students identified by the Commissions for the Protection of Children and Youth and those for who distance learning are ineffective continued to attend schools. The teachers who work at the Commissions for the Protection of Children and Youth were also mobilized in teams for availability and attending in each case.
- e.** Increased hiring of more psychologists and other social intervention technicians to monitor students and communities.
- f.** Guarantee of access to computer equipment and internet connection for students benefiting from social benefits.
- g.** Reinforcement of School Social Action in the State budget of 2021, together with a wide range of support measures, programs and intervention plans to support children and young people with less support at home<sup>246</sup>.

The **Santa Casa da Misericórdia of Lisbon**, an institution governed by private law and of administrative public utility,

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<sup>245</sup> Ministry of Labour, Solidarity and Social Security, written response, 29 September 2021.

<sup>246</sup> Ministry of Education, written response, 22 September 2021.

	<p>developed the following activities:</p> <ul style="list-style-type: none"> <li>a. Support for 18 users at the Temporary Shelter Centre which provides accommodation for women with children in socially vulnerable situations. To minimize the impacts of the atypical environment resulting from the pandemic, the celebration rituals (birthdays, festive seasons, traditional festivals) were especially valued as a strategy to approach and intervene with families. Computers were also made available so that children could follow the lessons at a distance.</li> <li>b. Support for 1,649 children in the scope of proximity responses – day care centres and kindergarten, of which 147 are monitored in the scope of promoting the rights and protection of children and young people at risk. Intervention with the most vulnerable families was intensified, even at a distance, individualizing responses and ensuring more regular contact, also adding a prevention dimension to an intervention marked by the context of crisis, contributing to the identification of emerging risk/danger situations.</li> <li>c. From January 2021 until the end of general confinement, the Santa Casa da Misericórdia of Lisbon ensured the functioning of 3 facilities to accommodate children whose parents could not carry out their professional activity in telework and to respond to more vulnerable situations in the scope of Promotion and Protection, namely to families with processes in this area. A total of 71 children in vulnerable situations were supported in these 3 facilities<sup>247</sup>.</li> </ul> <p>On the 32nd Anniversary of the Convention on the Rights of the Child (20 November), the <b>ProChild Collaborative CoLAB against Poverty and Social Exclusion</b> (an entity that aims to develop a national strategy to combat poverty and social exclusion in childhood within a transdisciplinary scientific approach, articulating the public and private sectors, linking academics and professionals in the field, and actively contributing to evidence-based public policies), launched the petition "Pact for Childhood". This petition is subscribed by several entities and experts in the field of childhood and draws attention to four aspects to improve. (1) The promotion of social inclusion and combat child poverty, with the adoption of redistributive measures that guarantee food, housing, health and educational conditions for all children. (2) Extending prevention and protection against all forms of discrimination and violence against children. (3) The promotion of active participation of children in decisions and processes relevant to the promotion of their rights, namely in school and institutional settings, in cities and communities. (4) The active promotion of a culture of children's rights, which implies placing them on the political agenda, and</p>
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<sup>247</sup> Santa Casa da Misericórdia de Lisboa, written response, 9 September 2021.

	imposes the coordination of childhood policies at the governmental level <sup>248</sup> .
Measures to protect children from violence	<p>Following the President of the Republic renewal of the declaration of the state of emergency, the <b>Decree 2-A/2021, of 7 January</b>, regulated the extension of the state of emergency and stated that one of the exceptions for not respecting the general duty of staying at home at high risk cities 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<sup>249</sup>.</p> <p>Article 4 of <b>Decree-Law 8-B/2021, of 22 January</b>, provides that within the scope of the regular monitoring of children and young people, whenever there is any risk or danger situation, schools, in articulation with the entities with competence in matters of childhood and youth, Commissions for the Protection of Children and Young People and multidisciplinary teams for technical support to courts, organise dynamics of reception and school work, through the multidisciplinary team to support to inclusive education, in order to provide them with the conditions to promote their safety, training, education, well-being and integral development<sup>250</sup>.</p> <p>Articles 4 (3), 15 (1), and 20 of <b>Law 27/2021, of 17 May</b>, enshrined the right to a safe access and use of online spaces to children and young people, being the State responsibility to define public policies to guarantee the protection of citizens, and create mechanisms to increase security in the use of the Internet, especially by children and young people<sup>251</sup>.</p> <p><b>Parliament Resolution 213/2021, of 27 July</b>, recommended the Government to adopt measures to prevent and combat crimes of domestic violence, including the review of risk assessment sheets to include concrete knowledge about the situation of children and young people in the household, as well as the victim's degree of dependence on the aggressor, namely in economic and financial matters<sup>252</sup>.</p> <p><b>Parliament Resolution 202/2021, of 14 July</b>, recommended</p>

<sup>248</sup> For more information, see the [ProChild Collaborative CoLAB against Poverty and Social Exclusion website](#).

<sup>249</sup> Portugal, [Decreto n.º 2-A/2021, que regulamenta a prorrogação do estado de emergência decretado pelo Presidente da República](#) (Decree 2-A/2021, which regulates the extension of the state of emergency decreed by the President of the Republic), 7 January 2021.

<sup>250</sup> Portugal, [Decreto-Lei n.º 8-B/2021, que estabelece um conjunto de medidas de apoio no âmbito da suspensão das atividades letivas e não letivas presenciais](#) (Decree-Law 8-B/2021, which establishes a set of support measures in the context of the suspension of classroom and non-teaching activities), 22 January 2021.

<sup>251</sup> Portugal, [Lei n.º 27/2021, que aprova a Carta Portuguesa de Direitos Humanos na Era Digital](#) (Law 27/2021, that approves the Portuguese Charter of Human Rights in the Digital Age), 17 May 2021.

<sup>252</sup> Portugal, [Resolução da Assembleia da República n.º 213/2021, que recomenda ao Governo a implementação de medidas para prevenir e combater o crime de violência doméstica](#) (Parliament Resolution 213/2021, which recommends to the Government the implementation of measures to prevent and combat the crime of domestic violence), 27 July 2021.

	<p>the Government to take measures to applying the status of victim to children who witness situations of domestic violence, objectively including them in risk assessment forms<sup>253</sup>.</p> <p><b>Ordinance 209/2021, of 18 October</b>, approved the standard report model for domestic violence, to be used by the National Republican Guard, the Public Security Police, the Criminal Police and by Public Prosecutor's Office in cases of domestic violence, which now includes children who witness situations of domestic violence in the risk assessment form<sup>254</sup>.</p> <p><b>Law 57/2021, of 16 August</b>, amended the Law of Domestic Violence (Law 112/2009, of 16 July<sup>255</sup>) and the Code of Criminal Procedure and the Criminal Code, to reinforce the protection of children and young victims, namely of the crime of domestic violence, following the recommendations of the Team of Retrospective Analysis Team in Domestic Violence Homicides and the Parliament. The definition of victim in the Code of Criminal Procedure now expressly includes "the child or young person up to 18 years of age who has suffered harm caused by action or omission in the context of a crime", being highlighted in this Code [article 67-A/1, a), iii)] and in the Domestic Violence Law [art. 2, a)] "those who have suffered harm related to exposure to contexts of domestic violence". On the other hand, article 152 of the Penal Code, which defines the crime of domestic violence, now, punishes mistreatment perpetrated against a minor who is a descendant of the aggressor or of a person with whom the aggressor maintains or has maintained an intimate relationship<sup>256</sup>.</p> <p>The Retrospective Analysis Team in Domestic Violence Homicides (EARHVD) presented in dossier No. 1/2020-MM<sup>257</sup> (03 November 2021) a report analysing a case of two children, aged 8 and 2, who were exposed to domestic violence against their mother,</p>
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<sup>253</sup> Portugal, [Resolução da Assembleia da República n.º 202/2021, que recomenda ao Governo o reforço da proteção social e amplificação dos mecanismos de apoio às vítimas de violência doméstica no âmbito da pandemia de COVID-19 e dos sucessivos confinamentos](#) (Parliament Resolution 202/2021, which recommends to the Government the reinforcement of social protection and amplification of support mechanisms for victims of domestic violence within the scope of the COVID-19 pandemic and successive confinements), 14 September 2021.

<sup>254</sup> Portugal, [Portaria n.º 209/2021, que aprova o modelo de auto de notícia/denúncia padrão de violência doméstica, a utilizar pela Guarda Nacional Republicana, Polícia de Segurança Pública, Polícia Judiciária e pelos Serviços do Ministério Público em situações de violência doméstica](#) (Ordinance 209/2021, which approves the standard report model for domestic violence, to be used by the National Republican Guard, the Public Security Police, the Criminal Police and by the Public Prosecutor's Office in situations of domestic violence), 18 October 2021.

<sup>255</sup> Portugal, [Lei n.º 112/2009, que estabelece o regime jurídico aplicável à prevenção da violência doméstica, à protecção 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, which establishes the legal regime applicable to the prevention of domestic violence, protection and assistance to its victims and revokes Law 107/99, of 3 August, and Decree-Law 323/2000, of 19 December), 16 September 2009.

<sup>256</sup> Portugal, [Lei n.º 57/2021, que alarga a proteção das vítimas de violência doméstica, alterando a Lei n.º 112/2009, de 16 de setembro, o Código Penal e o Código de Processo Penal](#) (Law 57/2021, which extends the protection of victims of domestic violence, amending Law 112/2009, of 16 September, the Penal Code and the Code of Criminal Procedure), 16 August 2021.

<sup>257</sup> For more information, see the [EARHVD website](#) with the report presented in the Dossier 1/2020-MM.

	<p>which resulted in attempted murder. The situation of the children was communicated by the health services to a Commission for the Protection of Children and Young People (CPCJ), whose actions were examined by the EARHVD. The <b>EARHVD addressed the following recommendations to the National Commission for the Promotion of Rights and Protection of Children and Young People (CNPDPJ)</b>: (1) to promote the effective accomplishment Law of the Protection of Children and Young People in Danger (Law No. 147/99, of 1 September<sup>258</sup>), namely by formulating recommendations and promoting articulation and cooperation agreements between several institutions with legal competences in this field in order to ensure that, when the situation of a child in danger is transmitted by an entity with competence in childhood and youth matters to a CPCJ, there is no interruption in the protection and promotion of their rights, which should continue to be guaranteed by that entity until the legitimating assumptions of the CPCJ's intervention are verified; (2) the specialized training of the CPCJ staff to improve the quality of their intervention should include the analysis and reflection on cases already dealt with by the protection system, selected according to the relevance of the issues addressed, the difficulties encountered, the options taken and the effects of the action developed.</p> <p><b>Parliament Resolution 296/2021, of 25 November</b>, recommended the Government to implement several measures concerning the residential homes of children and young people, namely: the definition of the guidelines for the organisation and functioning of residential care; the guarantee of specialisation of residential homes according to the needs of the children and youth in care and the integration of therapeutic resources; and the initiation of a phased transition process for family care and adoption measures. It also recommends the urgent approval of an Ordinance of the Residential Homes, considering the implications of its absence on the functioning and management of these homes<sup>259</sup>.</p> <p><b>Parliament Resolution 373/2021, of 29 December</b>, recommended the Government to define integrated and immediate policies to promote adoption, which include: the creation of simplified and regular monitoring and updating mechanisms for all information and legislative changes, in order to ensure that adoptive families know, understand and feel supported throughout these processes; the reinforcement of awareness-raising and training measures for judicial actors and professionals of the services involved in adoption processes; the</p>
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<sup>258</sup> Portugal, Lei n.º 147/99, Lei de protecção de crianças e jovens em perigo

<sup>259</sup> Portugal, [Resolução da Assembleia da República n.º 296/2021, que recomenda ao Governo que aprove uma portaria para o acolhimento residencial de crianças e jovens](#) (Resolution of the Assembly of the Republic 296/2021, which recommends the Government to approve an ordinance for the residential care of children and young people), 25 November 2021.

	<p>guarantee of positive integration of the children in foster families as a strategy model to facilitate further successful adoption processes; the compliance with the maximum time limit defined for the completion of administrative processes and, if not possible, the identification of all constraints that hinder such compliance; the implementation of programmes to prepare and monitor children and young people for the challenges of adoption processes; the empowering of parents in the application stage on the implications of adopting an older child; and the implementation of integrated specialised responses to support families before, during and after adoption processes, such as training, clinical, social and psycho-pedagogical orientation responses<sup>260</sup>.</p> <p><b>Decree-Law 126-A/2021, of 31 December</b>, amended the legal framework for all social support services, which include social security services for children and young people. Although this Decree-Law is related to administrative issues such as, for example, the construction or licensing of the establishments, it has a wide impact on the improvement the services provided by the State, thus ensuring better services and support to citizens, namely children<sup>261</sup>.</p> <p><b>Directive 1/2021 of the Attorney General Office</b> established generic guidelines and instructions for the implementation of the Criminal Policy Act for the biennium 2020-2022, binding on the Public Prosecutors and the criminal police bodies. It highlights issues concerning the protection and promotion of the rights of victims of domestic violence and homicides in context, human trafficking, and cybercrime and has a chapter dedicated to victims of crime in general, with special attention to especially vulnerable people, including children and young people. Through this hierarchical binding instrument, it was also established the evaluation, follow-up and monitoring of homicides in the context of domestic violence and the crime of trafficking in persons, under the responsibility of the Office of the Prosecutor General and the Office of the Family, Children and Youth<sup>262</sup>.</p> <p>The <b>Ministry of Education</b> has implemented the following measures to protect children from violence:</p>
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<sup>260</sup> Portugal, [Resolução do Parlamento n.º 373/2021, que recomenda ao Governo a definição de políticas integradas e céleres de promoção da adoção](#) (Parliament Resolution 373/2021, which recommends the Government to define integrated and speedy policies to promote adoption), 29 December 2021.

<sup>261</sup> Portugal, [Decreto-Lei n.º 126-A/2021, que altera o regime jurídico dos estabelecimentos de apoio social e estabelece a comunicação prévia para o funcionamento das respostas sociais](#) (Decree-Law 126-A/2021, which amends the legal regime for social support establishments and establishes the prior communication for the operation of social responses), 31 December 2021.

<sup>262</sup> Portugal, [Diretiva n.º 1/2021 da Procuradoria-Geral da República, que estabelece as diretivas e instruções genéricas para execução da Lei da Política Criminal para o biênio de 2020-2022](#) (Directive 1/2021 of the Attorney General Office, which establishes the generic directives and instructions for the execution of the Criminal Policy Law for the 2020-2022 biennium), 14 January 2021.

	<ul style="list-style-type: none"> <li>a. Integrated the Intervention Guide for Children or Young Victims of Domestic Violence (<i>Guia de Intervenção Integrada Junto de Crianças ou Jovens Vítimas de Violência Doméstica</i><sup>263</sup>), as a complement to the Annual Joint Training Plan for Violence Against Women and Domestic Violence<sup>264</sup>.</li> <li>b. Certification that supports the adoption of strategies that promote citizenship and well-being for students and the entire educational community, namely the Seal "School Without Bullying. School Without Violence".</li> <li>c. "Start to Talk" awareness campaign, targeting the associative sports movement, on the sexual abuse of children and young people in the context of sport and an appeal for them to contribute with concrete measures of prevention and response.</li> <li>d. "Child Safeguarding in Sport" project, a joint project of the Council of Europe and the European Commission, which aims to guide and accompany partner countries in the development of effective national policies for the protection of young people in sport for a better prevention of violence and protection of victims<sup>265</sup>.</li> </ul> <p>The <b>General Directorate of Education</b> has carried out several activities and implemented measures to protect children and young people from violence:</p> <ul style="list-style-type: none"> <li>e. The Safe Internet Centre, of which the Directorate-General for Education is part, in collaboration with the Portuguese Association for Victim Support, responded to many cases relating to bullying and cyberbullying and the various forms of violence, through the "Safe Internet Line" (<i>Linha Internet Segura</i>). This is a service that provides anonymous and confidential telephone or online support on issues related to the use of online platforms and technologies. It has a system that makes it possible to report serious occurrences to the competent authorities when a child may be in danger and also integrates a service for reporting illegal online content.</li> <li>f. The Miracle Learning+ (<i>MILAGE APRENDER+</i>) platform provides a set of educational resources on Digital Citizenship. The 3rd Edition of the Miracle Learning+ (<i>MILAGE APRENDER+</i>) Awards includes the themes of bullying and cyberbullying, combating hate speech and helplines for schools<sup>266</sup>.</li> </ul> <p>The <b>General Directorate of Health</b> has implemented the following measures to protect children and young people from violence:</p> <ul style="list-style-type: none"> <li>g. Strengthening the action of the national network of</li> </ul>
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<sup>263</sup> XXII Governo Constitucional (2020), [Guia de Intervenção Integrada Junto de Crianças ou Jovens Vítimas de Violência Doméstica](#), Portugal.

<sup>264</sup> XXII Governo Constitucional (2020), [Plano Anual de Formação Conjunta Violência Contra as Mulheres e Violência Doméstica](#), Portugal.

<sup>265</sup> Ministry of Education, written response, 22 September 2021.

<sup>266</sup> General Directorate of Education, written response, 10 September 2021.

	<p>outreach teams in the National Health System, existing in primary and hospital health care (295 teams in the National Network of Support Centres for Children and Youth at Risk): development of specific interventions in the area of abuse of children and youth, domestic violence, sexual violence, human trafficking, among others. These teams intend to establish themselves as focal points for articulation with local networks.</p> <ul style="list-style-type: none"> <li><b>h.</b> Reinforcing intra and inter-sectoral dissemination of the National Network contacts of Support Centres for Children and Young People at Risk and Hospital Centre for Support of Children and Young People at Risk, as well as the continuity of intervention, surveillance and support for children and families by the various health teams in close proximity with the local networks of those centres.</li> <li><b>i.</b> Strengthening the dissemination of technical benchmarks of good practices in the National Health System, with specific action protocols for situations of violence against children and adults from a life cycle perspective, including prevention of all forms of violence and discrimination<sup>267</sup>.</li> <li><b>j.</b> Increasing the dissemination of the Family Risk Assessment (available in the information system for primary health care, integrated in the Support Module for the National Child and Youth Health Program). This registration system allows for the early identification of protective and risk factors of child and youth maltreatment, according to good practices regarding diagnosis, intervention and respective signalling.</li> <li><b>k.</b> Campaign on the institutional website and social networks to celebrate the month of April as International Month for the Prevention of Child Abuse, the theme Working with and for Children, for the Right to Grow Equally (Trabalhar com e para as Crianças, pelo Direito a Crescer com Igualdade)<sup>268</sup>.</li> <li><b>l.</b> Dissemination on digital social networks and regional coordination of the Translated Materials Program on Parenthood and COVID19<sup>269</sup>, in partnership with End Violence Against Children (the global partnership and fund to end violence against children, launched in July 2016 by the UN Secretary-General).</li> <li><b>m.</b> Campaign to celebrate the 30th of July - World Day Against Trafficking in Human Beings (UN), with dissemination on the DGS digital channels and animated banner to raise awareness on the prevention of trafficking human beings<sup>270</sup>.</li> </ul>
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<sup>267</sup> For more information, see the [General Directorate of Health website on the technical references of good practices in the national health system](#).

<sup>268</sup> For more information, see the [General Directorate of Health website on the International Month for the Prevention of Child Abuse](#).

<sup>269</sup> For more information, see the [The COVID-19 Playful Parenting resources website](#).

<sup>270</sup> For more information, see the [General Directorate of Health website on the World Day Against Trafficking in Human Beings](#).

- n. Training webinar Maltreatment of Children and Young People - Health Action for Children and Young People at Risk (Maus-tratos a Crianças e Jovens - Ação de Saúde para Crianças e Jovens em Risco), focusing the theme of children and young people at risk and particularly, on the Family Risk Assessment, aimed at health professionals in Health Primary Health Care. Thirty-two professionals from the fields of medicine, nursing, psychology and social work participated<sup>271</sup>.

In the fields of **citizenship and equality**, several activities to protect children from violence actions were carried out:

- o. Creation of the public policy programme Psychological Support Responses for children and youth victims of domestic violence (RAP). The **Secretary of State for Citizenship and Equality** launched on January 5 a tender with an allocation of 2.788 million euros for the creation of the first specialized responses of psychological and psychotherapeutic support for children and young people who are victims of domestic violence assisted and/or hosted in the National Network of Support for Victims of Domestic Violence, under the Social Inclusion and Employment Operational Programme. This funding will support 31 entities throughout the country, with the recruitment of 67 new psychology professionals specifically to work with children and young people who are victims of domestic violence, ensuring the articulation with other structures of the national network, as well as with other entities with competence in intervention with children and young people.
- p. Approval, within the scope of the EEA Grants program, in July 2021, of a new pre-defined intervention project promoted by the National Commission for the Promotion of Rights and Protection of Children and Youth - "By your side - Breaking the intergenerational cycle of domestic violence" - which aims to break the intergenerational cycle of domestic violence, intervening with children and young victims.
- q. Two research projects are underway in the scope of the exposure of young people and children to hate speech and cyberbullying in online communities and groups, before, during and after COVID-19, and should also address prevention and combat tools and instruments, namely scientific and technologies, built in articulation with key actors, from the public and private sectors, and the promotion of digital skills and criticisms against online hate speech. The two projects approved in this line are: "EducHate: An educational approach to detect, combat and prevent online hate speech: Young people and children's exposure to hate speech", with funding of 35 995.77 euros; and "Social|HaterS - Hate speech during COVID-19: prevalence, dynamics and patterns among

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<sup>271</sup> General Directorate of Health, written response, 21 September 2021.

	<p>young people", with funding of 35 640 euros. Both projects will have a maximum duration of 10 months<sup>272</sup>.</p> <ul style="list-style-type: none"> <li>r. Launch of the #NamorarSemViolência (#DatingWithoutViolence) campaign, whose protagonists are the singer Agir and six young people recognized through TikTok, Youtube and Instagram who joined the campaign, recording messages that deconstruct abusive behaviour, in a national movement to combat dating violence<sup>273</sup>.</li> <li>s. The 1st Portugal Against Violence Forum took place on 17 and 18 November 2021, an initiative of the <b>Secretary of State for Citizenship and Equality</b>. It aimed to discuss the new instruments of multi-sectoral intervention to prevent and combat domestic violence, as well as its impacts on the ground, while marking the International Day for the Elimination of Violence Against Women. This Forum included a panel dedicated to "Strategies of intervention with children and young people". A session was also held to launch the EEAGrants project "By your side - Breaking the intergenerational cycle of domestic violence", mentioned above<sup>274</sup>.</li> <li>t. To mark the International Day for the Elimination of Violence against Women, the <b>Secretary of State for Citizenship and Equality</b>, launch the campaign #PortugalContraAViolência (#PortugalAgainstViolence), on 22 November, aiming to strengthen surveillance against domestic violence and warning to the impacts of this crime not only on women, but also on children. This campaign is being publicised in several national, regional and local media, movie theatres, public transportation, gas stations, hypermarkets and ATM cash machine networks<sup>275</sup>.</li> </ul> <p>The national body responsible for the promotion and defence of gender equality, the <b>Commission for Citizenship and Gender Equality</b>, launched, at the beginning of the year, the tender "POISE-37-2021-01", which aims to systematically reinforce psychological and psychotherapeutic support services specifically aimed at children and young victims of domestic violence within the scope of the National Support Network for Victims of Domestic Violence, through the reinforcement of the respective technical teams, through the recruitment of psychologists with the technical profile foreseen, and using individual or group intervention methodologies and based on specialized approaches, such as trauma-focused psychotherapeutic practices. Thirty-one projects were approved covering the entire national territory (the</p>
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<sup>272</sup> For more information on this two projects, [see the webpage for the projects chosen](#).

<sup>273</sup> Office of the Secretary of State for Citizenship and Equality, written response, 17 September 2021.

<sup>274</sup> Office of the Secretary of State for Citizenship and Equality, written response, 4 January 2022.

<sup>275</sup> XXII Governo Constitucional (2021), "[Campanha #PortugalContraAViolência lançada hoje](#)" ("Campaign # PortugalContraViolência launched today"), 22 November 2021. For more information about the campaign, [see the website of the Commission for Citizenship and Gender Equality](#).

	<p>Lisbon Metropolitan Area and the Faro District weren't covered by this tender)<sup>276</sup>.</p> <p>The National Commission for the Promotion of Rights and Protection of Children and Youth, developed several activities to protect children from violence:</p> <ul style="list-style-type: none"> <li><b>u.</b> Telephone helpline for children in danger, launched in 2020 under the national campaign Protecting children is everyone's responsibility (Proteger crianças compete a tod@s)<sup>277</sup>, as well as continuing to ensure the possibility of electronic communication of situations of children in danger, by filling out a form available online, with direct forwarding to the competent entities to analyse the situation and decide on possible protective measures to be applied.</li> <li><b>v.</b> Within the scope of the implementation of the National Strategy for the Rights of the Child<sup>278</sup>, the Interministerial Commission and Technical Commission for Monitoring and Follow-up were set up. The preparation/execution of the Biannual Plan 2021/2022 of this national Strategy is ongoing.</li> <li><b>w.</b> Also within the scope of the implementation of the National Strategy for the Rights of the Child, eight Regional Meetings were held regarding the National Strategy for the Rights of the Child 2021-2024 and the production of contributions to the respective Biannual Plan.</li> <li><b>x.</b> Opening of the application submission process for the 4th edition of the Protective Seal (Selo Protetor) Project, which aims to distinguish entities that implement good practices in the promotion of children's rights; to identify and disseminate good practices in this area, with a view to innovation and development of a collaborative and preventive culture; to guarantee children a safe environment; to train entities in the promotion of children's rights; and to facilitate the implementation of the National Strategy for the Rights of the Child. Fifty-four applications were received, which are currently under analysis for decision to award.</li> <li><b>y.</b> Implementation of Adélia Project<sup>279</sup> to support positive parenting and parental training, with a preventive strategy for the promotion and protection of children's rights, based on knowledge of the reality of children and youth, through participatory methodologies. In this context, training sessions were held for three parental training</li> </ul>
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<sup>276</sup> Commission for Citizenship and Gender Equality, written response, 10 September 2021.

<sup>277</sup> For more information see, [the website of the National Commission for the Promotion of Rights and Protection of Children and Youth](#).

<sup>278</sup> Portugal, [Resolução do Conselho de Ministros n.º 112/2020, que aprova a Estratégia Nacional para os Direitos da Criança para o período 2021-2024](#) (Council of Ministers Resolution 112/2020, that approves the National Strategy for the Rights of the Child for the period 2021-2024), 27 November 2020.

<sup>279</sup> For more information, see the website of [the website of the National Commission for the Promotion of Rights and Protection of Children and Youth on Project Adelia](#).

	<p>programs - "Incredible Years", "More Family and Younger" and "Children in the Middle of Conflict", with a view to dissemination and implementation with families. In the total of the three trainings, 225 professionals were involved, of which 180 from entities with competence in the field of childhood and youth and 45 from the National Commission for the Promotion of the Rights and Protection of Children and Young People. Training sessions were also held using the design thinking method, within the scope of social innovation, identifying challenges, problems and opportunities in the area of promoting Children's Rights and Positive Parenting in local territories, based on Local Diagnoses or in the experience of institutions.</p> <p><b>z.</b> Within the scope of the Adélia Project, were developed Tips on the rights of children and young people and positive parenting (Dicas sobre os direitos das crianças e jovens e parentalidade positiva), published on social networks and on the website of the National Commission to fulfil the need to develop intervention strategies with families, promoting their responsibility through positive parental roles resulting in routines that promote more protective and quality family contexts<sup>280</sup>.</p> <p>Regarding <b>the responses aimed to include children who are involved with promotion and protection processes and/or with parental responsibilities regulation process</b>, the following activities were carried out:</p> <p><b>a.</b> Guidelines for the professionals of the Social Security Institute, who are responsible for monitoring children and young people with promotion and protection processes; specific guidelines, issued in articulation with the General Directorate of Health for residential social responses for children and young people with promotion and protection processes; guidelines for the professionals of the Social Security who monitor these social responses<sup>281</sup>.</p> <p><b>b.</b> Within the scope of the extraordinary measures to control the pandemic outbreak, the Social Security created District Reference Teams to monitor the residential homes for children and young people. This is an organised response disseminated among the 18 districts. A weekly monitoring of the activity was also performed to assess: the children's health situation; school attendance; absences from the foster homes; the organisation of the teams and the overall assessment of the functioning and the guarantee of the rights of fostered children<sup>282</sup>.</p> <p><b>c.</b> Also in this context, in July 2021, <b>the Social Security Institute</b> published the report "CASA 2020 - Report on the Annual Characterisation of the Foster Care Situation of Children and Young People" ("CASA 2020 - Relatório de</p>
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<sup>280</sup> National Commission for the Promotion of Rights and Protection of Children and Youth, written response, 21 September 2021.

<sup>281</sup> All of these guidelines are available at the [website of the Social Security Institute](#).

<sup>282</sup> Ministry of Labour, Solidarity and Social Security, written response, 4 January 2022.

	<p>Caracterização Anual da Situação de Acolhimento das Crianças e Jovens”), regarding the data collected during 2020. The report identified the challenges faced by children and youth and their families concerning adaptation, given the successive impositions derived from the pandemic state, with necessary implications for the functioning of the residential social responses. New routines were also created and improvised, plans were redesigned and it was necessary to integrate new professionals without specific training, a situation that brought added difficulties<sup>283</sup>.</p> <p><b>Association Plano I</b> assisted thirteen young people under 18 years of age victims of domestic violence, in the Gis Centre - Centre for Responses to LGBTI People, between January and August. Within this association, the project Espaço Lara (aiming to provide specialised psychological support for children and youth victims of domestic violence) started in October 2021 and assisted 28 children and youth victims of domestic violence (a total of 48 consultations)<sup>284</sup>.</p> <p>The <b>National Republican Guard (GNR)</b>, within the scope of Operation Nonviolence and Peace Day in schools, held the campaign against violence #NaoSouUmAlvo, aiming to contribute to prevent and combat violence in schools<sup>285</sup>. The National Republican Guard held 155 awareness-raising actions on “Domestic Violence” and 642 actions on “Violence against children”, “Bullying”, “Cyberbullying”, “Violência na escola” e “Violência no namoro”<sup>286</sup>.</p> <p>GNR also reported a total of 2199 children to the National Commission for the Promotion of Rights and Protection of Children and Youth (1247 males and 952 females). In this context, a total of 15 urgent procedures were also initiated (03 procedures</p>
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## 6.2 Legal and policy developments or measures relating to criminal proceedings

Legislative changes	The transposition of Directive 2016/800 was carried out through <b>Law 33/2019 of 22 March</b> <sup>287</sup> . In 2021, there was no legislative change in this area.
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<sup>283</sup> Social Security Institute (2021), [CASA 2020 - Relatório de Caracterização Anual da Situação de Acolhimento das Crianças e Jovens](#), Portugal.

<sup>284</sup> Associação Plano I, written response, 05 January 2022.

<sup>285</sup> National Republican Guard, written response, 01 October 2021. Campaign available on the [website of the National Republican Guard](#).

<sup>286</sup> National Republican Guard, written response, 05 January 2022.

<sup>287</sup> 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 arquivados em processo penal](#) (Law 33/2019 that alters the Code of Criminal Procedure transposing Directive(EU)

<p>Policy developments</p>	<p>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 <b>Centre for Judicial Studies</b>. However, the ongoing training sessions that were scheduled were not carried on site, but in a remote format, due to the measures adopted to combat the Covid-19 pandemic<sup>288</sup>.</p> <p>The <b>Criminal Police</b> adopted procedures in accordance with the entry into force and application of the normative content resulting from Law 33/2019, of 22 May<sup>289</sup>, namely the care to be taken with the provision of information to people who have parental guardianship of minors that defendants are constituted in criminal proceedings, to the enshrinement of the right that they now hold, in terms of monitoring the underage defendants in relation to the criminal procedural steps in which they intervene. There has also been greater awareness among investigators regarding the writing of press releases mentioning minor defendants. The <b>Institute of Criminal Police and Criminal Sciences</b> provides training on these issues within the scope of Criminal Procedural Law<sup>290</sup>.</p> <p>The <b>National Republican Guard</b> reinforced the procedures provided in the law, through the approval of internal regulations that defined the procedures for the appointment of defenders, in criminal investigations and the rules to be observed by the Guard regarding contacts within territorial posts, always guaranteeing the right to communicate with the defender, a procedure that is streamlined with the implementation of the SINOA system<sup>291</sup>.</p>
<p>Other measures or initiatives</p>	<p>The <b>Attorney General's Office</b> informed us that it is keeping track of the impact of the legislative changes implemented by the Directive<sup>292</sup>.</p> <p>The <b>General Directorate of Justice Policy</b> is keeping track of the impact of the legislative changes implemented by the Directive, especially the alteration on article 87 of the Criminal Proceeding Code that extended the rule of secrecy to criminal proceedings involving minors<sup>293</sup>. This monitoring focuses on the criminal acts committed by young people and the possible route they may have taken until they are in the probation and/or educational tutelage system. Notwithstanding the fact that this activity is essentially intended to improve the efficacy of the</p>

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.

<sup>288</sup> Centre for Judicial Studies, written response, 23 August 2021.

<sup>289</sup> 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 arquivados 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.

<sup>290</sup> Criminal Police, written response, 13 September 2021.

<sup>291</sup> National Republican Guard, written response, 1 October 2021.

<sup>292</sup> Attorney General's Office, written response, 10 September 2021.

<sup>293</sup> General Directorate of Justice Policy, written response, 13 September 2021.

protective and educational tutelage response and, consequently, to prevent criminal activity by young people, the universe of criminal enquiries considered as the starting point of the analysis has allowed monitoring the compliance with the procedural norms regarding juvenile defendants<sup>294</sup>.

The **General Directorate of Reinsertion and Prison Services**, considers that is complying, with the European Directive 2016/800, having separated the 15 young people (12 boys and 3 girls) under the age of 18 years old that are deprived of liberty, from the other prison population, being 11 boys interned in the Leiria prison for young people and 1, for being ill, in the prison hospital, and, the 3 girls are in a female prison. It is also evaluating how the Directive is being applied in the field, in order to better adapt and improve practical procedures<sup>295</sup>.

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<sup>294</sup> General Directorate of Justice Policy, written response, 16 December 2021.

<sup>295</sup> General Directorate of Reinsertion and Prison Services, written response, 14 September 2021.

## Chapter 7. Access to justice

### 7.1 Legal and policy developments or measures relevant to the implementation of the Victims' Rights Directive and the EU strategy for Victims' Rights 2020-2025

The Major Options 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 75-C/2020 of 31 December**<sup>296</sup> that approves the Major Options for 2021-2023<sup>297</sup> recognised the need to strengthen the response and support provided to victims of crime, in partnership with public and private entities, and to improve the functioning of the Commission for the Protection of Victims of Crime (CPVC). It also highlights the Government's commitment to ensuring that notifications, warrants or subpoenas addressed to individual persons always use clear language easily understandable by all citizens and to improving the training of judges and public prosecutors, with particular focus on domestic violence, fundamental rights, European law and procedural management. The Major Options for 2021-2023 also foresees the government's willingness to allow and encourage the reaching of an agreement between the victim and the accused in cases where there is no other relevant public interest.

**Law 75-B/2020 of 31 December**<sup>298</sup> that approves the State Budget for 2021 establishes that the government shall ensure a differentiated approach to sheltering victims of trafficking in human beings when they are couples or family members<sup>299</sup>. It also foresees that, during 2021, the government shall develop support measures for victims of child, early or forced marriage that include, among other aspects, assistance, information, support, referral and the creation of a Shelter, ensuring a better follow-up of these victims<sup>300</sup>. The State Budget for 2021 has a dedicated article to the National Network for Supporting to Victims of Sexual Abuse and Intervening with Young Offenders. It states that, during 2021, the government shall: a) carry out, during the first quarter, an evaluation of the needs and existing resources for the psychological support of victims of sexual abuse and young sexual offenders; b) ensure that the identified victims of sexual

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<sup>296</sup> Portugal, [Lei n.º 75-C/2020 que aprova a Lei das Grandes Opções para 2021-2023](#) (Law 75-C/2020 approving the Major Options for 2021-2023), 31 December 2020.

<sup>297</sup> The Major Planning Options is a national instrument of economic and social planning that underpins the strategic orientation of economic and social development policy. It is presented by the Government to the Parliament, each year, together with the Budget, as is approved in the form of a Law.

<sup>298</sup> Portugal, [Lei n.º 75-B/2020, de 31 de dezembro, que aprova o Orçamento do Estado para 2021](#) (Law 75-B/2021 that approved the State Budget for 2021), 31 December 2020.

<sup>299</sup> Article 198 of [Law 75-B/2020, 31 December](#).

<sup>300</sup> Article 200 of [Law 75-B/2020, 31 December](#).

abuse are receiving the appropriate follow-up, guaranteeing the reinforcement of the network of responses for this purpose; c) establish a national network of specialised responses within the scope of psychological intervention with victims of sexual abuse, capable of providing a timely and proximity-based response to the situations identified by the competent court and covering the children and young people identified; d) establish a national network for intervention with young sex offenders, capable of providing a timely and proximity-based response to situations identified by the competent court and covering young sex offenders who are under the responsibility of their families<sup>301</sup>.

In view of the COVID-19 pandemic special restrictions to the functioning of courts were established. Once again, **deadlines for legal and procedural acts were suspended** between 22 January and 6 April 2021, although with a more flexible regime than the one established in 2020. Thus, according to Law 4-B/2021 of 1 February<sup>302</sup>, that amended Law 1-A/2020 of 19 March, **proceedings and acts declared urgent by law or by decision of the judicial authority were not suspended or interrupted**. In these cases, trials and other procedural acts that require the presence of the parties were carried out through appropriate means of remote communication, namely teleconference, video call or other equivalent, or, if not possible, in person. In the case of non-urgent proceedings, deadlines were also not suspended if the parties agreed to continue the proceedings, if only the delivery of the final decision was missing or if the proceedings were pending before higher courts. During this period, the Public Prosecutors' High Council, the collegial body in charge of the management and discipline of the staff of the Attorney General Office, issued instructions<sup>303</sup> and the Public Prosecutor General issued a Directive for the Public Prosecution Service on the handling of urgent proceedings, the procedure for carrying out acts in person and the definition of preventive measures for defendants, referring to the need to adequately weigh the rights of the victims. **Directive 2/2021 of 4 February**<sup>304</sup>, once again, stated that the

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<sup>301</sup> Article 202 of [Law 75-B/2020, 31 December](#).

<sup>302</sup> Portugal, [Lei n.º 4-B/2021, de 1 de fevereiro, que estabelece um regime de suspensão de prazos processuais e procedimentais decorrente das medidas adotadas no âmbito da pandemia da doença COVID-19, alterando a Lei n.º 1-A/2020, de 19 de março](#) (Law 4-B/2021 approving the suspension of procedural deadlines and procedures arising from the measures adopted in the scope of the COVID-19 pandemic, amending Law 1-A/2020, of 19 March), 1 February 2021.

<sup>303</sup> Public Prosecutors' High Council (2021), [Deliberação do Conselho Superior do Ministério Público. Orientações para o Ministério Público. Publicação da Lei n.º 4-B/2021, de 1 de fevereiro](#) (Deliberation of the Public Prosecutors' High Council. Guidelines for the Public Prosecution Service. Publication of Law 4-B/2021, 1st February). 3 February 2021.

<sup>304</sup> Attorney General Office (2021), [Diretiva n.º 2/2021, de 4 de Fevereiro de 2021, 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 2/2021 of 4 February 2021 of the Attorney General Office, on the "Functional Performance of the Public Prosecution Service during the Exceptional Situation of Prevention, Containment, Mitigation

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 April<sup>305</sup>, which established an exceptional regime for making the execution of sentences more flexible in view of the COVID-19 pandemic, judges should review pre-trial detention conditions in order to assert the need to maintain the measure. Directive 2/2021 of 4 February 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.

Following the approval of Law 55/2020 of 27 August<sup>306</sup> that defines the objectives, priorities and guidelines for criminal policy in 2020-2022 and that established as a priority the protection and compensation of the victim, to whom information and support to exercise his/her rights should be given, the Attorney General issued **Directive 1/2021 of 4 January**<sup>307</sup> with general instruction for the Public Prosecution Service on the execution of such law. It reinforces the need to provide information to victims on the Compensation Scheme for Victims of Violent Crimes and Domestic Violence Act<sup>308</sup>, on the existing public and private institutions that carry out activities to support victims of crime, and on the main judicial decisions affecting their status, particularly in cases of recognised potential dangerousness of the aggressor. The Directive highlights that special attention should be given to the right of victims to be accompanied by a lawyer in any proceedings in which they are involved and, except if it proves to be contrary to the interests of the victims or to the smooth progress of the proceedings, to be further accompanied by a person of their choice, namely

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and Treatment of the Epidemiological Infection by SARS- COV-2 and COVID-19 Disease and State of Emergency”), 4 February 2021.

<sup>305</sup> Portugal, [Lei n.º 9/2020, que aprova o regime excecional 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.

<sup>306</sup> Portugal, [Lei n.º 55/2020, de 27 de Agosto, que define os objetivos, prioridades e orientações de política criminal para o biênio 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 guidelines on 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.

<sup>307</sup> Attorney General Office (2021), [Diretiva n.º 1/2021, de 4 de janeiro de 2021, da Procuradora-Geral da República, com diretivas e instruções genéricas para a execução da Lei da Política Criminal para o biênio 2020-2022](#) (Directive 1/2021 of 4 January 2021 of the Attorney General’s Office, with directives and general instructions on the execution of the of Criminal Policy for the 2020-2022 period), 4 January 2021.

<sup>308</sup> Portugal, [Law 104/2009 that approved the Compensation Scheme for Victims of Violent Crimes and Domestic Violence Act](#) (*Lei n.º 104/2009, de 14 de setembro, que aprova o regime de concessão de indemnização às vítimas de crimes violentos e de violência doméstica*), 14 September 2009. Last amended by Law 121/2015 of 1 September.

a victim support professional; in the case of child victims, the presence of a lawyer is compulsory when there are conflicting interests with their legal representatives. It also foresees that the Public Prosecutor should: hear the victim in an informal and restricted environment, without undue delay, to avoid repeated hearings; make use of videoconferencing and teleconferencing, whenever depositions and statements require the presence of the aggressor, if this is necessary to guarantee their hearing without embarrassment or pressure; promote and effectively supervise the adoption of measures that prevent the victim and her/his relatives coming into contact with the aggressors, namely in court buildings; promote the psychosocial support of the victims, whenever it proves to be indispensable for their protection; promote and apply urgent coercive measures to prevent the continuation of criminal activity; apply early on the procedure special protection measures (for the victims of domestic violence, tele-assistance and the national support network) and of refer to support structures for victims of any crime; promote the assessment the level of risk and effectively monitor the execution of security plans; take statements for future memory; request compensation for the damage suffered by the victim, when particular protection requirements of the victim require it, and also file a civil compensation claim, in cases where there is the possibility of representation by the Public Prosecutor, particularly in the case of underage victims; request restrictions on the publicising hearings and the removal of the defendant from the courtroom during the provision of statements. The Directive also establishes the need to evaluate, follow-up and monitor homicides in the context of domestic violence and of the crime of human trafficking, under the responsibility of the Office of the Attorney General and the Office of the Family, Children and Youth.

In July 2021, **Ordinance 138-E/2021**<sup>309</sup>, that approves the templates of documents for the attribution of the status of victim and especially vulnerable victim, including for crimes of domestic violence, was published. This Ordinance aims to solve the constraints found in practice with the attribution of two different victim statuses to victims of domestic violence: the one resulting from Law 112/2009<sup>310</sup>, and the one foreseen for especially vulnerable victims,

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<sup>309</sup> Portugal, [Portaria n.º 138-E/2021, de 1 de julho, que aprova os modelos dos documentos comprovativos da atribuição do estatuto de vítima e do estatuto de vítima especialmente vulnerável, incluindo por crime de violência doméstica](#) (Ordinance 138-E/2021, that approves the templates of documents for the attribution of the status of victim and especially vulnerable victim, including for crimes of domestic violence), 1 July 2021.

<sup>310</sup> 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 57/2021 of 16 August.

resulting from Law 130/2015<sup>311</sup>. These constraints were identified by the Multidisciplinary Technical Commission to improve the Prevention and Fight against Domestic Violence (CTM) – a commission created by the Council of Ministers Resolution 52/2019<sup>312</sup>, with the mission of providing proposals for a series of issues relating to domestic violence – which emphasised the particularly fragile situation in which victims find themselves in the first contact with the judicial authorities or criminal police bodies and their difficulties in interpreting the complexity of the legal language and information about their rights. The Ordinance also foresees the templates that must be used for the purposes of attributing the status of victim and attributing the status of especially vulnerable victim, in accordance with the provisions set out in the Annex to Law 130/2015. The existence of specific rights was also taken into account, as enshrined in the legislation in force, provided for other especially vulnerable victims, such as victims of human trafficking, of aiding illegal immigration (Law 23/2007, of 4 July<sup>313</sup>) and of terrorism (Law 52/2003, of 22 August<sup>314</sup>), which were also included in the respective template. The general aim of the Ordinance is to ensure that victims better understand and exercise their rights, thus becoming more empowered and protected.

Under the **research project *PROVICTIMS: the role of the Public Prosecutor's Office in Promoting Victims' Rights***, funded by the European Union's Justice Programme, carried out by the Portuguese Association for Victim Support (*Associação Portuguesa de Apoio à Vítima*, APAV), in partnership with the Attorney General's Office and the Research Centre for Criminal Law and Criminal Sciences of the Faculty of Law of the University of Lisbon, a leaflet explaining the role of the Public Prosecutor's Office and the rights of victims of crime, in a form of 10 questions and answers, was disseminated online and in different courts and Public Prosecutors' Departments around the country.

Under the **"ROAR: cybercrime victims' empowerment"** (*ROAR: empoderamento das vítimas de cibercrime*), launched in 2019 by APAV, aiming to promote the prevention of and complaints about cybercrime, as well as the

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<sup>311</sup> Portugal, [Lei n.º 130/2015, procede à vigésima terceira alteração ao Código de Processo Penal e aprova o Estatuto da Vítima, transpondo a Diretiva 2012/29/UE do Parlamento Europeu e do Conselho, de 25 de outubro de 2012](#) (Law 130/2015, twenty-third amendment to the Criminal Procedure Code and approves the Victim's Statute, transposing Directive 2012/29/EU of the European Parliament and of the Council, of 25 October 2012), 4 September 2015.

<sup>312</sup> Portugal, [Council of Ministers Resolution 52/2019 that creates a multidisciplinary technical commission for improvements in the prevention and fight against domestic violence](#) (*Resolução do Conselho de Ministros n.º 52/2019 que cria uma comissão técnica multidisciplinar para a melhoria da prevenção e combate à violência doméstica*), 28 February 2019.

<sup>313</sup> 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.

<sup>314</sup> Portugal, [Lei n.º 52/2003, que aprova a Lei de combate ao terrorismo](#) (Law 52/2003, approving the Law to Combat Terrorism), 22 August 2003. Last amended by Law 16/2019 of 14 February.

victims' protection and access to specialized support services, in 2021, a Manual of Procedures<sup>315</sup> and a Training Manual were published<sup>316</sup>.

Under the ***Project WithYou: accompaniment of victims and witnesses in the justice system***, funded by the EU Justice Programme, carried out by 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 to help mitigate secondary/repeated victimisation during criminal proceedings, the presentation session was held on the 4<sup>th</sup> November 2021, promoting the debate and reflection upon the perks of victims and witnesses accompanying by a specialized skilled technician, in the multiple procedural steps during their participation in the justice system<sup>317</sup>. The project's main activities are: workshops for judicial and law enforcement authorities; creation of awareness raising materials for legal actors; development of a practical guide containing guidelines on how to promote the accompaniment of victims during judicial proceedings by a Victim Support Worker; and implementation of a pilot model of accompaniment of victims and witnesses during criminal proceedings. This project has two main expected results: enhanced knowledge and awareness of practitioners dealing with victims and witnesses of crime on the advantages of a good support process provided to them; and development of a general practice that allows victims and witnesses to be accompanied by a Victim Support Worker during judicial proceedings<sup>318</sup>.

Since March 2021, the National Counterterrorism Unit of the Criminal Police has had an expert appointed in the **EU Centre of Expertise for Victims of Terrorism**, dedicated to supporting a referral system for cross-border victims.

In May 2021, the Protocol for the Definition of Procedures for the Prevention, Detection and Protection of (Alleged) Child Victims of Trafficking in Human Beings was published<sup>319</sup>. This protocol aims to consolidate and strengthen the cooperation mechanisms between professionals involved in all stages of child

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<sup>315</sup> APAV (2021), [ROAR Manual - From understanding and preventing cybercrime to supporting and empowering victims](#).

<sup>316</sup> APAV (2021), [Training Manual: Specialised Support to Victims of Cybercrime](#).

<sup>317</sup> APAV (2021) [Presentation session of the Project With You \(Part 1\)](#); [Presentation session of the Project With You \(Part 2\)](#).

<sup>318</sup> For more information, see the [Project WithYou: accompaniment of victims and witnesses in the justice system website](#).

<sup>319</sup> Observatory on Trafficking in Human Beings - Ministry of Internal Administration (coord) (2021). [Protocolo para a definição de procedimentos de atuação destinado à prevenção, deteção e proteção de crianças \(presumíveis\) vítimas de tráfico de seres humanos - Sistema de Referenciação Nacional](#)

trafficking, from a perspective of flagging and protection, as well as the communication procedures that are required.

## **7.2 Measures addressing violence against women**

**Law 57/2021 of 16 August**<sup>320</sup>, that amended the Law 112/2009, the Penal Code and the Code of Criminal Procedure, introduced significant amendments to the aforementioned laws. The crime of domestic violence now includes the impediment of access or fruition of economic resources and own or common property. It has also expressly added to the concept of victim in the Code of Criminal Procedure "a child or young person up to 18 years of age who has suffered harm caused by action or omission in the commission of a crime, including those who have suffered abuse related to exposure to contexts of domestic violence". The attribution of the status of victim to the child or adult person is immediately communicated by the judicial authorities or by the criminal police bodies to the Commission for the Protection of Children and Young People and to the territorially competent family and juvenile court.

Law 57/2021 also amends the urgent coercive measures that may be imposed on domestic violence offenders by adding the obligation for the defendant to leave the residence where the crime was committed, where the victim lives or which is the family home; the prohibition on contacting, approaching or visiting the pets of the victim or of the family; and the possibility of restricting the exercise of parental responsibilities and guardianship. It determines that the coercive measures that require the restriction of contact between parents or between parents and their descendants must be immediately communicated to the Public Prosecutor's Office so that it can initiate, as a matter of urgency, proceedings to regulate or modify the exercise of parental responsibilities and/or the appropriate civil tutelary measure.

On the other hand, Law 57/2021 created the Database on Violence Against Women and Domestic Violence which shall promote in-depth knowledge of violence against women and domestic violence, contributing to the development of criminal policy, security policy and other public policies aimed specifically at preventing and combating such violence; and obtain a global and integrated vision on homicides and other forms of violence against women and domestic violence, through the processing and cross-referencing of information from the

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<sup>320</sup> Portugal, [Lei n.º 57/2021, de 16 de agosto, que alarga a proteção das vítimas de violência doméstica, alterando a Lei n.º 112/2009, de 16 de setembro, o Código Penal e o Código de Processo Penal](#) (Law 57/2021 that extends protection for victims of domestic violence, amending Law 112/2009, the Penal Code and the Code of Criminal Procedure), 16 August 2021.

criminal justice system and that includes data originating from other sectors, and that enables the analysis of the trajectories of cases. Within this context, **Order 9054/2021 of 13 September**<sup>321</sup>, approved the constitution of the Working Group for the Development of the Database on Violence against Women and Domestic Violence, within which the operating regulations of the database will be drawn up, as well as the articulation between entities and the necessary IT developments will be promoted.

In October 2021, the **Ordinance 209/2021**<sup>322</sup>, which approved the standard model for reporting domestic violence or related crimes, to be used by the National Republican Guard, the Public Security Police, the Criminal Police and by the Public Prosecutor's Office in situations of domestic violence, was published, harmonising the way the various police forces receive reportings of these crimes and encouraging an organised, detailed, early and better gathering of information at this first stage of the procedure.

**Decree-Law 26/2021 of 31 March**<sup>323</sup> created the National Urgent and Temporary Accommodation Pool to deliver a structured and cross-cutting response to provide emergency or transitional housing solutions for persons at risk and in an emergency situation, with a view to their social inclusion, protection and empowerment, and to fight inequalities and ensure adequate social protection. Victims of domestic violence and of trafficking in human beings are considered persons at risk.

Under the **National Programme for the Prevention of Violence in the Life Cycle**, created in 2019, the **Directorate-General for Health** produced a Technical Guideline, containing guidelines for addressing situations of violence during the COVID-19 pandemic, with the creation of a specific 3V algorithm for early detection of situations and speeding up responses with the National Network for Support to Victims of Domestic Violence. This Technical Guideline is still pending publication. Another document still pending publication is the Technical Guideline, produced by the Directorate-General for Health, in 2021, for the dissemination and operationalisation of the new Clinical Record of Violence in Adults. A Manual on the use of this new Clinical Record has been disseminated.

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<sup>321</sup> Portugal, [Despacho n.º 9054/2021, que aprova a constituição do Grupo de Trabalho para o desenvolvimento da Base de Dados de Violência contra as Mulheres e Violência Doméstica](#) (Order 9054/2021, which approves the constitution of the Working Group for the development of the Database on Violence against Women and Domestic Violence), 13 September 2021.

<sup>322</sup> Portugal, [Portaria n.º 209/2021, que aprova o modelo de auto de notícia/denúncia padrão de violência doméstica, a utilizar pela Guarda Nacional Republicana, Polícia de Segurança Pública, Polícia Judiciária e pelos Serviços do Ministério Público em situações de violência doméstica](#) (Ordinance No. 209/2021, which approves the standard report model for domestic violence, to be used by the National Republican Guard, the Public Security Police, the Criminal Police and by the Public Prosecutor's Office in situations of domestic violence), 18 October 2021.

<sup>323</sup> Portugal, [Decreto-Lei n.º 26/2021, de 31 de março, que procede à criação da Bolsa Nacional de Alojamento Urgente e Temporário](#) (Decree-Law 26/2021 that created the National Urgent and Temporary Accommodation Pool), 31 March 2021.

In order to divulge information on the prevention of violence throughout the life cycle during a pandemic, the Directorate-General for Health carried out a campaign called #ViolênciaOFF, Professionals On/ Community On/ Families On, designed to raise awareness among health professionals, families, and the community around the following themes: healthy relationships, social inequalities, gender equality, rights of children and young people, stress and burnout, domestic violence and abuse of children and young people.

During 2021, the Domestic Homicide Review Team (*Equipa de Análise Retrospectiva de Homicídio em Violência Doméstica*, EARHVD) produced four reports reviewing domestic violence homicide situations. The first report of 2021 was published on 8 February 2021 and approached the suicidal mindset of the perpetrator of the homicide and the importance of suicide prevention also from the perspective of prevention of femicide, and the media's treatment of the facts<sup>324</sup>. The second report was published on 23 April 2021.<sup>325</sup> In the light of this analysis, it recommended an urgent evaluation of the model for assessing and managing the degree of risk of victims of domestic violence, in view of its update and improvement, as well as the need to increase the qualifications of those who use it. The third report<sup>326</sup>, published in June 2021, set out recommendations to the Ministry of Health, and to the criminal police bodies. It encourages entities within the National Health Service to define procedures to ensure compliance with the duty to report domestic violence situations and at the same time preserve the safety of the victims and of health professionals, the relationship of trust between them and the continuity of care. It also recommends criminal police forces gather further information on special needs of the victim or of a family member, in order to activate the necessary support system. The fourth report, published in 12 November 2021, addresses the issue of the exposure of children to a domestic violence environment. It addresses recommendations to the National Commission for the Protection of Children, encouraging specialised training to improve the quality of their intervention. It recommends that this training should have a strong component of analysis and reflection on cases already handled by the protection system, selected according to the relevance of the issues addressed, difficulties encountered, options made and the effects of the of the action taken<sup>327</sup>

To mark the International Day for the Elimination of Violence against Women, the **Secretary of State for Citizenship and Equality** launched the

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<sup>324</sup> Equipa de Análise Retrospectiva de Homicídio em Violência Doméstica (2021), [Relatório Final – Dossiê n.º 7/2018-VP](#), Lisbon, Domestic Homicide Review Team .

<sup>325</sup> Equipa de Análise Retrospectiva de Homicídio em Violência Doméstica (2019), [Relatório Final – Dossiê n.º 1/2019-JP](#), Lisbon, Domestic Homicide Team.

<sup>326</sup> Equipa de Análise Retrospectiva de Homicídio em Violência Doméstica (2019), [Relatório Final – Dossiê n.º 2/2020-VP](#), Lisbon, Domestic Homicide Team.

<sup>327</sup> Equipa de Análise Retrospectiva de Homicídio em Violência Doméstica (2019), [Relatório Final – Dossiê n.º 1/2020-JMM](#), Lisbon, Domestic Homicide Team.

#PortugalContraAViolência (#PortugalAgainstViolence) campaign on 22 November, with the objective of strengthening surveillance against domestic violence and alerting to the impacts of this crime not only on women, but also on children that witness situations of domestic violence<sup>328</sup>.

In the context of violence against women, specifically regarding the crimes of domestic violence, genital mutilation and human trafficking, the **Superior Council of the Judiciary** in collaboration with the **Centre for Judicial Studies** promoted 3 online training sessions<sup>329</sup>

Also, in 2021, the **Associação Plano I**, a non-governmental organisation with the status of private institution of social solidarity, monitored and developed several activities, such as training and awareness raising actions<sup>330</sup>. Free access digital materials were produced with a view to, among other objectives, preventing and combating violence against women<sup>331</sup>. In their Gis Centre, a total of 30 women, 10 cis women and 20 trans women, victims of domestic violence were hosted. Within the context of the UNi+ Programme - Prevention of and Fight against Dating Violence in Higher Education, 280 consultations (psychological, legal and/or psychosocial) were provided to victims of domestic/gender violence and/or vulnerable people. The Observatory of Dating Violence, run by Associação Plano I, received 39 complaints. The data of the National Observatory on Dating Violence and the Report of the National Study on Dating Violence for the year 2020 were published<sup>332</sup>.

As a result of the operational activity carried out by the **National Republican Guard**, 155 awareness-raising actions were carried out throughout 2021, under the theme "Domestic Violence"<sup>333</sup>. The National Republican Guard also held the 40th Training Course for Sergeants, where the following subjects were addressed: Fundamental Rights and Gender Equality: Action Plan for Equality between Women and Men; Action Plan for Preventing and Combating Violence against Women and Domestic Violence); Action Plan for Combating Discrimination on the grounds of Sexual Orientation, Gender Identity and Expression, and Sexual Characteristics<sup>334</sup>.

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<sup>328</sup> XXII Governo Constitucional (2021), "[Campanha #PortugalContraAViolência lançada hoje](#)" ("Campaign # PortugalContraViolência launched today"), 22 November 2021. For more information about the campaigning, [see the website of the Commission for Citizenship and Gender Equality](#).

<sup>329</sup> Superior Council of the Judiciary, written response, 6 January 2022. For more information, see the [website of the Centre for Judicial Studies](#).

<sup>330</sup> Associação Plano i, written response, 5 January 2022.

<sup>331</sup> See the digital material on the [Youtube channel of the Associação Plano i](#).

<sup>332</sup> See the data on the [website of the Observatory of Dating Violence](#).

<sup>333</sup> National Republican Guard, written response, 5 January 2022.

<sup>334</sup> National Republican Guard, written response, 5 January 2022.

During the first quarter of 2021, 4,187 victims benefited from tele assistance (a protective measure that provides immediate intervention in emergency situations) and during the second quarter that number decreased to 3,892<sup>335</sup> and to 3,801 in the third quarter of 2021<sup>336</sup>. Reports for domestic violence decreased by 13.2% in the first quarter of 2021, by 5% in the second quarter and by 8,3% in the third quarter when compared to the same periods in 2020, with a total of 19,738 incidents reported to the Public Security Police and to the National Republican Guard until the end of the third quarter of 2021<sup>337</sup>. Until the end of the third quarter of 2021, fourteen women and five men were murdered as a result of domestic violence<sup>338</sup>.

**Order 1498-A/2021**<sup>339</sup> created the Working Group on Preventing and Combating Child, Early and Forced Marriages with the mission to produce a report with contributions and recommendations on preventing and combating child, early and forced marriages, by the end of 2021.

In 2021, the National Centre for Support to Migrant Integration North, in Porto (February 2021), and the National Centre for Support to Migrant Integration Algarve (November 2021) opened **Support Offices for Victims of domestic violence and/or harmful traditional practices**, namely female genital mutilation and child, early and forced marriages. The opening of these offices is the result of joint work between the High Commission for Migration (ACM), the Commission for Citizenship and Equality (CIG); and Association for Family Planning (APF), as proposed by the Government. They ensure a specialised service, also guaranteeing information, support and personalised referral to migrant people and descendants who are victims.

The Directorate-General for Health published **Guideline 8/2021 of 30 June** on female genital mutilation for health professionals with general guidelines on how to act when confronted by a victim of female genital mutilation and how to interact with the community and other support services.

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<sup>335</sup> Source: XXII Constitutional Government (2021). [Quarterly data on domestic violence](#) – 2<sup>nd</sup> Quarter.

<sup>336</sup> Source: XXII Constitutional Government (2021). [Quarterly data on domestic violence](#) – 3<sup>rd</sup> Quarter.

<sup>337</sup> Source: XXII Constitutional Government (2021). [Quarterly data on domestic violence](#) – 2<sup>nd</sup> Quarter; XXII Constitutional Government (2021). [Quarterly data on domestic violence](#) – 3<sup>rd</sup> Quarter.

<sup>338</sup> Source: Source: XXII Constitutional Government (2021). [Quarterly data on domestic violence](#) – 1<sup>st</sup> Quarter.; XXII Constitutional Government (2021). [Quarterly data on domestic violence](#) – 2<sup>nd</sup> Quarter; Source: XXII Constitutional Government (2021). [Quarterly data on domestic violence](#) – 3<sup>rd</sup> Quarter.

<sup>339</sup> Portugal, [Despacho n.º 1498-A/2021, de 2 de fevereiro, que procede à criação do Grupo de Trabalho para a Prevenção e Combate aos Casamentos Infantis, Precoces e Forçados](#) (Order 1498-A/2021 that creates the the Working Group on Preventing and Combating Child, Early and Forced Marriages). 2 February 2021.

In the context of the *National Strategy for Equality and Non-Discrimination 2018-2030*, approved by the Resolution of the Council of Ministers 61/2018, of 21 May<sup>340</sup>, a model for signalling and protection of victims in Portugal and travelling to countries with practice of Female Genital Mutilation/Cutting and early and forced child marriages was developed by the Immigration Border Services in collaboration with the Commission for Citizenship and Gender Equality. Thus, the latest version of the "**Model of signalling and protection of victims in Portugal and travelling to countries with practice of Female Genital Mutilation/Cutting and child, early and forced marriages**"<sup>341</sup> was published in November 2021.

In 2021, the **first female genital mutilation criminal case** that was tried in Portugal resulted in a three-year sentence for the mother of the victim. The convicted defendant appealed the first instance sentence, and the Appeal Court reduced the sentence by means of suspending the execution of the prison sentence for a period of 4 years.

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

### **8.1 CRPD policy & legal developments**

During 2021 the implementation of the Convention on the rights of Persons with Disabilities continued to be hampered by three main issues. First, the lack of a National Strategy for the Inclusion of Disabled People, that was only approved for the period 2021-2025 by the end of July (**Resolution of the Council of Ministers 119/2021 of 31 August**) maintaining this vacuum in disability policies during the first semester of the year. Secondly, the unrealistic set of goals by the government and the slowness in achieving some of these goals, in

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<sup>340</sup> Portugal, [Resolução do Conselho de Ministros n.º 61/2018, que aprova a Estratégia Nacional para a Igualdade e a Não Discriminação 2018-2030](#) (Resolution of the Council of Ministers No. 61/2018, approving the National Strategy for Equality and Non-Discrimination 2018-2030), 21 May 2018.

<sup>341</sup> Immigration Border Services (2021) "[Modelo de sinalização e proteção de vítimas em Portugal e em viagem para países com prática de Mutilação Genital Feminina/Corte \(MGF/C\) e casamentos infantis, precoces e forçados](#)" (Model of signalling and protection of victims in Portugal and travelling to countries with practice of Female Genital Mutilation/Cutting and child, early and forced marriages), Novembro 2021.

clear contrast to the government's intentions in the state budget for the following year and the real measures implemented and the extended timings for implementing them - for example, the stated intention in the State Budget for 2020 (Article 75) of studying 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, which was continuously postponed. The report has only recently been presented to public and discussed by the Parliament and is now being analysed<sup>342</sup>. Thirdly, maintaining most of the restrictions imposed by the government on people and institutions due to the more acute COVID-19 outbreak during the first semester of 2021.

Next, we will present the various policy and legal initiatives that contributed to the implementation of the CRPD.

**Law 75-B/2020** of 31 December<sup>343</sup> approves the State Budget for 2021. This law introduces several measures that, if implemented, will have a positive impact on disabled people's lives and on the implementation of the CRPD in Portugal: as already announced in the 2020 State Budget, it restates the government's intention to implement digital accessibility in all public entities (Article 27); it sets the intention to regulate the profession of sign language interpreters (Article 57) , during the first quarter of the year; to deepen responses to unemployment foreseen by ATIVAR.PT – Reinforced Programme to Support Employment and Professional Training [Programa Reforçado de Apoios ao Emprego e à Formação Profissional] "in particular professional internships, to promote sustainable and long-term employment, in order to prevent precariousness among young people and in the most exposed segments of the labour market, adopting, when necessary, exceptional protection measures during the pandemic period." (Article 140); the expansion and improvement of the social equipment network in several areas including disability, in order to increase the capacity and quality of social responses (Article 161); sets the intention to survey the human resources and existing needs in each school as regards inclusive education, to implement an inclusive education training programme for teachers and operational assistants for which a report will be published by the end of the academic year, to start the negotiation process for the creation of a recruitment group in the area of early childhood intervention (Article 264); defines measures to eliminate architectural barriers, namely that all Public Administration bodies shall create budget items provided with the necessary funds to carry out adaptations to build heritage that allow compliance with the technical standards on accessibility, so that all Public Administration bodies must send a report, through their respective department, to the Mission

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<sup>342</sup> Observador (2021), [Governo disponível para refletir antecipação da reforma para pessoas com deficiência](#), 16 September 2021.

<sup>343</sup> Portugal, [Law 75-B/2020 approving the State Budget for 2021](#) (*Lei n.º 75-B/2020 que aprova o Orçamento do Estado para 2021*), 31 December 2020.

Structure for the Promotion of Accessibilities, by 31 March of the following year, indicating the appropriation entered to eliminate existing barriers, the funds used and activities carried out and, finally, that the Government takes measures to ensure accessibility to digital content, of an informative, cultural and recreational nature, in order to guarantee the access of disabled people (Article 354); to promote the access of disabled people to public services by creating, in each district, a pool of Portuguese sign language interpreters, under the responsibility of the National Institute for Rehabilitation, to guarantee the presence of Portuguese sign language interpreters in public services, the provision of subtitles for deaf people and the provision of inclusive masks, with a transparent mouthpiece, for assistance in public services (Article 355).

**Ordinance 5/2021** of 6 January<sup>344</sup> updates the annual reference value of the base component of the social benefit for inclusion to 0.7% and the maximum annual accumulation limit of the base component with work income. The annual reference value of the base component of the social benefit for inclusion is set at 3,303.58 Euros (€275.30 per month); the maximum annual limit for accumulating the base component with income from work is set at 9,215.01 Euros (€767.92 monthly).

The base component of the social benefit for inclusion was at €264.32 in 2017. In 2018 it was updated to €269.08 (an increase of 1.8%) with retroactive payments to January 2018, and in 2019 it was updated to €273.39 (an increase of 1.6%). There was no update in 2020 and the update introduced by this Ordinance in January 2021 defines retroactive payments only to October 2020.

**Decree Law 11/2021** of 8 February<sup>345</sup> extends the Social Benefit for Inclusion (created by Decree Law 126-A/2017 of 6 October) to people whose incapacity results from an accident while performing duties relating to protection and relief missions. This benefit can be accumulated with the informal caregiver subsidy and payment to the care institution is provided to the disabled person.

**Ordinance 70/2021** of 26 March<sup>346</sup> creates and regulates the Centres for Activity and Training for Inclusion (Centros de Atividades e Capacitação para a Inclusão - CACI). The CACIs succeed and replace the Centres for Occupational Activities (Centros de Atividades Ocupacionais - CAO) established in 1989 by Decree Law 9/1989 of 11 January. As stated in Art. 1(2) of this ordinance, these

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<sup>344</sup> Portugal, [Ordinance 5/2021 that Updates the annual reference value of the base component of the social benefit for inclusion](#) (*Portaria n.º 5/2021 que atualiza o valor de referência anual da componente base da prestação social para a inclusão*), 6 January 2021.

<sup>345</sup> Portugal, [Law-Decree 11/2021 that extends the Social Benefit for Inclusion](#) (*Decreto-lei n.º 11/2021 que alarga a prestação social para a inclusão*), 8 Fevereiro 2021.

<sup>346</sup> Portugal, [Ordinance 70/2021 that creates and regulates the Centres for Activity and Training for Inclusion](#) (*Portaria n.º 70/2021 que cria e regulamenta o Centros de Atividades e Capacitação para a Inclusão*), 26 March 2021.

facilities are "designed to develop occupational activities for people with disabilities, aiming to promote their quality of life, enabling greater access to the community, its resources and activities and that constitute a means of training for inclusion, depending on their respective needs, capabilities and level of functionality." These social facilities are aimed at disabled people, "aged 18 years or over, who cannot by themselves, temporarily or permanently, continue their training path or develop a professional activity, or who are in the process of socio-professional inclusion, namely between different labour experiences." (Art. 5).

April 2021 – **Recovery and Resilience Plan**<sup>347</sup> presented to the European Commission – This strategic document introduces measures on disability in its Component 3 - Social Responses. Based on the challenges identified by the government, this component states the need to speed up some reforms, namely the "Refurbishment of Social Facilities and Social Responses" and "National Strategy for the Inclusion of Disabled People 2021-2025". Regarding the first, the government announces the creation of innovative social facilities, such as Collaborative Housing facilities, i.e. "small-scale residential facilities favouring a more family-oriented and humanised environment and less focused on a large-capacity institutional model" (page 94), and the strengthening of the social responses to disabled people's needs which, according to the document, "must be equated according to diversity, from a perspective of flexibility and having as a priority the guarantee of quality and the promotion of autonomy of the people supported" (page 95). Regarding the second, the government reiterates its intention to develop the strategy with the declared intention of enhancing disabled people's autonomy, self-determination and participation in society. The document announces the spending of €417M for the creation of this new generation of facilities and social responses (around disability the document refers to the extension of exit networks with new facilities and responses). This document also announces the creation of the 360\* accessibility programme (Acessibilidades 360\*) (€45M), that intends to boost investment in improving physical accessibility for disabled people across the country. As stated, "The investment covers interventions to improve accessibility in public spaces for circulation and mobility (200,000 m2 intervention), in public buildings that serve the public (1,500 buildings) and in 1,000 dwellings (specifically related to disability)" (page 99). Moreover, it announces the creation of the investment programme "Platform +Access" (€3M), which aims to implement new useful digital solutions for the inclusion of disabled people.

19-20 April 2021 – **High Level Videoconference on the European Strategy**

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<sup>347</sup> Ministry of Planning (2021), [PRR – Recuperar Portugal, Construindo o Futuro](#), Lisboa, Ministry of Planning.

**for the Rights of Persons with Disabilities 2021-2030**<sup>348</sup> within the Portuguese Presidency of the Council of the European Union. This Videoconference aimed to promote a broad reflection on policies for the inclusion of disabled people and to discuss their future development within the European framework, with special focus on the themes of accessibility, independent living, deinstitutionalization, community-based social services focused on people, employment and inclusive education.

**Joint Notification 1/2021/CNE/INR** of 11 August<sup>349</sup>, by the National Election Committee (Comissão Nacional de Eleições) and the National Institute for Rehabilitation (INR) to the different municipalities, urges the adoption of the necessary measures to ensure adequate conditions of accessibility and safety to all voters, in particular to people with limited mobility, and provides a checklist to assess the accessibility of physical spaces. This joint notification intends to improve the accessibility during the forthcoming local elections that will take place on the 26 September 2021.

**Resolution of the Council of Ministers 119/2021** of 31 August<sup>350</sup> approves the National Strategy for the Inclusion of Disabled People 2021-2025. The strategy is divided into eight axes: (1) citizenship, equality and non-discrimination; (2) promoting an inclusive environment; (3) education and qualifications; (4) work, employment and professional training; (5) promotion of autonomy and independent living; (6) social measures, services and support; (7) culture, sport, tourism and leisure; (8) knowledge, research, innovation and development. For each strategic axis, general and specific objectives are defined, and for each specific objective, measures or actions are defined as well as responsible entities, indicators and deadlines for implementation.

**Signature** by the National Institute for Rehabilitation and the Mission Structure (task force) Recovery Portugal **of the funding contracts for the programs Accessibility 360° and Platform Access + included in the Recovery and Resilience Plan for Portugal**<sup>351</sup>, on 1 September. The program Accessibility 360° (€45M) intends to improve accessibility conditions for disabled people in public spaces, public buildings and dwellings, throughout the territory. It consists

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<sup>348</sup> Portugal, [High Level Videoconference on the European Strategy for the Rights of Persons with Disabilities 2021-2030](#) (Videoconferência de Alto Nível relativa à Estratégia Europeia sobre os Direitos das Pessoas com Deficiência 2021-2030), 19 and 20 April 2021.

<sup>349</sup> Portugal, [Joint Notification 1/2021/CNE/INR urges the adoption of the necessary measures to ensure adequate conditions of accessibility and safety to all voters](#) (Circular conjunta n.º 1/2021/CNE/INR insta à adoção das medidas necessárias para garantir condições adequadas de acessibilidade e segurança a todos os eleitores) 11 August 2021.

<sup>350</sup> Portugal, [Resolution of the Council of Ministers 119/2021 that approves the National Strategy for the Inclusion of Disabled People 2021-2025](#) (*Resolução do Conselho de Ministros n.º 119/2021 que aprova a Estratégia Nacional para a Inclusão das Pessoas com Deficiência 2021-2025*), 31 August 2021.

<sup>351</sup> Portugal, [Recovery and Resilience Plan for Portugal](#).

of three strands: Public Way Intervention Programme 2021-2025 (PIVP) (€25M); Intervention Programme in Public Buildings 2021-2025 (PIEP) (€10M) and Housing Intervention Programme 2021-2025 (PIH) (€10M). The program Platform Access + intends promote the inclusion of disabled people through digital information tools and services. It includes 5 strands: Geo-referencing of the location and accessibility conditions of public buildings (€850,000); Global Information and Positioning Systems (GPS) for large public buildings and enabling the inclusion of private buildings (€850,000); Geo-referencing of parking spaces for people with reduced mobility (€300,000); digital information platform (€200,000) and the creation of call-centre for interpretation of the Portuguese sign language by 2025 (€800,000). The money allocated is, however, very short for the needs of the entire country and for the four years of implementation.

**Ordinance 230/2021** of 29 October<sup>352</sup>, defines the competent certifying entity and the respective certification process regarding the proof of the disability of the applicants to the social benefit for Inclusion. This ordinance materializes the stipulated in the **Decree Law 126-A/2017** of 6 October regarding the proof that the disability is congenital or that it was acquired before the age of 55, as well as that the corresponding incapacity was between 60% and 79%, or was equal to or greater than 80%.

**Dispatch 11227/2021** of 16 November<sup>353</sup>, sets the amount of the funds (€17,498,000) intended for the financing of Support Products 2021, through the Support Product Allocation System (SAPA). This Support Product Allocation System is intended for disabled people or people with a temporary incapacity who need Support Products.

**Law 75/2021** of 18 November<sup>354</sup>, strengthens access to credit and insurance contracts for people who have overcome or mitigated situations of aggravated health or impairment risk, prohibiting discriminatory practices and enshrining the right to be forgotten. In the case of disabled people, it is considered that the impairment has been overcome when people are proven to have a level of impairment equal to or greater than 60% and have recovered their psychological, intellectual, physiological or anatomical structures or functions, reducing their impairment level below the 60% threshold. Moreover, it is

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<sup>352</sup> Portugal, [Ordinance 230/2021 that defines the competent certifying entity and the respective certification process regarding the proof of the disability of the applicants to the social benefit for Inclusion](#) (*Portaria n.º 230/2021 que define a entidade certificadora competente e o respetivo processo certificador respeitante à comprovação da deficiência dos requerentes da prestação social para a Inclusão*), 29 Outubro 2021.

<sup>353</sup> Portugal, [Dispatch 11227/2021](#) (Despacho n.º 11227/2021 Proceda à fixação do montante das verbas destinadas ao financiamento dos produtos de apoio) of 16 November.

<sup>354</sup> Portugal, [Law 75/2021](#) (Lei n.º 75/2021 Reforça o acesso ao crédito e contratos de seguros por pessoas que tenham superado ou mitigado situações de risco agravado de saúde ou de deficiência, proibindo práticas discriminatórias e consagrando o direito ao esquecimento) 18 November.

understood that the situation of aggravated health risk or impairment is mitigated when people are undergoing treatments proven to be capable of significantly and lastingly limiting the effects of such situations. This law grants people the right to be forgotten, meaning that people in those conditions when accessing credit and insurance contracts cannot be subject to an insurance premium increase or exclusion from the guarantees of insurance contracts. Plus, it means that no health information relating to the medical situation that gave rise to the aggravated health risk or disability may be collected or processed by credit institutions or insurance companies.

**26 November**, approval by the Assembly of the Republic of the reduction of retirement age for disabled workers<sup>355</sup>. This legal document, already enacted by the President of the Republic but still waiting to be published, establishes that disabled workers with a minimum of 15 years of contributory career and an incapacity level equal or higher than 80% during these 15 years can retire from work at the age of 60 years old with no penalties for anticipating the retirement age.

**Law 80/2021** of 29 November<sup>356</sup>, clarifies the review and reassessment processes of the level of incapacity, amending Decree-Law 202/96, of October 23, which establishes the regime for assessing the incapacity level of people with impairments to access the measures and benefits foreseen by law. This law establishes that in the assessment process it should prevail the principle of assessment more favorable. Plus, whenever the incapacity review or reassessment process results in the attribution of a lower level of incapacity than the one previously attributed, and consequently the loss of rights or benefits already recognized, the result of the previous assessment (more favorable) remains in force, provided that it is related to the same clinical pathology that determined the attribution of the incapacity and that this does not result in damage to the individual.

**Presentation** by the Secretary of State for the Inclusion of Disabled People and by the Assistant Secretary of State and Cultural Heritage **of the Strategy for Promoting Accessibility and Inclusion in Museums, Monuments and Palaces 2021-2025**<sup>357</sup> (**EPAI 2021-2025**), on **21 December**. The EPAI 2021-2025 echoes the European Strategy for the Rights of Persons with Disabilities 2021-2030, and intends to ensure the participation of disabled

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<sup>355</sup> Portugal, [Decree of the Assembly of the Republic N. 217/XIV](#) (Decreto da Assembleia da República N.º 217/XIV) 29 November.

<sup>356</sup> Portugal, [Law 80/2021](#) (Lei n.º 80/2021 Clarifica os processos de revisão ou reavaliação do grau de incapacidade, alterando o DecretoLei n.º 202/96, de 23 de outubro, que estabelece o regime de avaliação de incapacidade das pessoas com deficiência para efeitos de acesso às medidas e benefícios previstos na lei) 29 November.

<sup>357</sup> Portugal, [Strategy for Promoting Accessibility and Inclusion in Museums, Monuments and Palaces 2021-2025](#).

people in cultural activities and the inclusion through culture. The EPAI 2021-2025 is structured into five strategic axes: Accessibility and inclusion in museums, monuments and palaces (strategic axis 1), accessible and inclusive programming (strategic axis 2), empowerment of people and institutions (strategic axis 3), governance, networks and partnerships (strategic axis 4), participation of disabled people, of vulnerable groups and those at risk of exclusion in the dynamics of the Museums, Monuments and Palaces (strategic axis 5). Each strategic axis presents general and specific objectives to be achieved. The EPAI 2021-2025 is open to contributions by civil society till the 21<sup>st</sup> of January and the presented version of the strategy is still missing the indicators, the measures/actions necessary to achieve them, the entities responsible for their implementation, the partners involved, as well as the budgetary burden involved.

In the area of work and employment, several initiatives should be considered, including the creation of the **Value T** (*Valor T*)<sup>358</sup> cooperative devoted to promoting the employability of disabled people. This Public Interest Cooperative brings together the Institute of Employment and Professional Training, the National Institute for Rehabilitation and the Santa Casa da Misericórdia of Lisbon. As stated on their website, the mission of *Valor T* is, “We support disabled people in seeking and fulfilling their professional potential through an employability promotion process focused on valuing the talent and merit of Candidates and on monitoring and sharing opportunities by Employers.” This is, however, a disability-specific solution, rather than a disability-mainstreaming solution. In this area, the report presented by the Institute of Employment and Professional Training also signals the launch of the Quality Mark of Inclusive Employer Entity – 2021 Edition (MARCA ENTIDADE EMPREGADORA INCLUSIVA – Edição 2021), a quality mark to recognise inclusive and open management practices developed by employers with regard to disabled people. This Quality Mark is awarded every 2 years in odd number years. In 2021, the quality mark received 133 applications from employers, and was awarded to 37 employers, with 2 receiving a grade of Excellent. Moreover, the Institute of Employment and Professional Training also reports initiatives to implement the law on the quota system for disabled people, to publicise measures to encourage the employment of people with disabilities, and implement the amendment introduced by Law 2/2020 of 31 March (State Budget for 2020) in the Support Products Assignment System (SAPA) to allow refund payments in urgent situations.

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

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<sup>358</sup> For more information about [Value T](#), see the organization webpage.

The specific legal and policy initiatives implemented to combat COVID-19 involving disabled people are a continuation of legal and policy initiatives initiated in 2020 and updated during 2021. These measures mirror, firstly, the general contingency measures applied to the overall population during the third outbreak of COVID-19 infections in Portugal in January 2021 and the general home confinement of the population from the 21 January 2021 until the 15 March 2021 and, second, the general improvement of the health situation of the country after this outbreak of COVID-19 as a result of the success of the vaccination programme that re-established control over the situation of this infection in Portugal.

During 2021, parallel to the policy initiatives to combat COVID-19 pandemic has been the vaccination plan for the Portuguese population. The exclusion of most disabled people from the initial vaccination plan brought the government and the representative organisations of and for disabled people into confrontation. According to the initial vaccination plan only disabled people living in institutions were considered a priority (phase 1) for vaccination<sup>359</sup>. This fact compelled the organisations *of* and *for* disabled people, by mid-February 2021, to mobilise and draft a collective document<sup>360</sup> (signed by 67 organisations of and for disabled people), later transformed into an on-line public petition. It was directed at the President of the Republic, the President of the Assembly of the Republic, the Minister of Health, the Coordinator of the task force for vaccination and the Director General of Health, and appealed for the inclusion of all disabled people with heart failure, coronary heart disease, kidney failure (GFR < 60ml/min), COPD or chronic respiratory disease under long-term ventilator support and/or oxygen therapy) and people with intellectual or psychosocial impairment or people with autism and their caregivers as a priority group for vaccination in Phase 1 and all disabled people in Phase 2. This plea was widely reported on the news.<sup>361</sup> This movement of disability organisations did not completely succeed, but managed to change the government's initial plan. As a result, people with Down's Syndrome (Trisomy 21) over 16 years old were included in Phase 1 of the vaccination plan<sup>362</sup>, and later the government, the vaccination task force and the public health authority also included people with cerebral palsy and with neuromuscular diseases in Phase 2 of the vaccination plan. Contrary to what had been demanded by this movement, people with cognitive impairments and autism were, however, left out of the priority groups.<sup>363</sup>

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<sup>359</sup> Ministry of Health (2021), [Plano de Vacinação Covid-19](#), presentation, 28 January 2021.

<sup>360</sup> To see this collective document, see the [website of "Vida independente"](#).

<sup>361</sup> Jornal de Notícias (2021), [Prioridade de pessoas com deficiência nas vacinas em avaliação](#), 24 March 2021.

<sup>362</sup> Público (2021), [Pessoas com trissomia 21 entram nos grupos prioritários da vacinação contra a covid-19](#), 1 March 2021.

<sup>363</sup> Observador (2021), [Vacinação de pessoas com deficiência, um balanço](#), 3 June 2021.

**Decree Law 3-A/2021** of 14 January<sup>364</sup> regulates the state of emergency decreed by the President of the Republic (Decree of the President of the Republic No. 6-B/2021, of 13 January that renews the declaration of the state of emergency). It 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. Within the exceptions the government also introduced visits to establishments offering social care in the area of disabilities, visits to users of residential structures for the elderly and for disabled people.

**Decree 3-C/2021** of 22 January<sup>365</sup> changes the regulation of the state of emergency decreed by the President of the Republic and determines a set of extraordinary measures that aim to limit the spread of the pandemic and protect public health. It stipulates, regarding disabled people, the suspension of educational and teaching activities of public, private and cooperative educational establishments and of the social and solidarity sector, of pre-school education and of primary and secondary education. It includes early childhood support activities, namely: child care centers, family day care centers and childminders, social support activities developed in occupational activity centers (CAO), day centers, social centers and leisure activities centers. With the exception of therapeutic support provided in special education establishments, schools and by the Resource Centers for Inclusion, as well as the reception in the units integrated in the Learning Support Centers, for students for whom additional measures were mobilized, being assured, safeguarding the guidelines of health authorities. Plus, it decrees that the occupational activity centers, despite closing, must ensure food support to their users in situations of economic need, and, whenever institutions have logistical and human resources conditions, they must provide occupational monitoring to users who have to stay in their home. Local Early Intervention Teams also had to continue to function in person, safeguarding all the hygiene and safety measures recommended by the General Directorate of Health and, exceptionally, and only in cases where the quality and pedagogical effectiveness of the support, may provide support using telematic means. The same applied to Support Centers for Independent Living (CAVIs) who had to guarantee the provision of in-person support to beneficiaries by the personal assistants. Nonetheless, the technical teams were able, exceptionally, to carry out some activities using telematic means. This document also establishes the extension of the validity of the medical multi-purpose impairment certificate.

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<sup>364</sup> Portugal, [Law-Decree 3-A/2021 regulates the state of emergency](#) (Decreto-lei n.º 11/2021 *regula o Estado de Emergência*), 14 January 2021.

<sup>365</sup> Portugal, [Decree 3-C/2021 of 22 January Changes the regulation of the state of emergency decreed by the President of the Republic](#) (Decreto n.º 3-C/2021 *Altera a regulamentação do estado de emergência decretado pelo Presidente da República*), 22 January 2021.

**Communication of the Secretary of State for the Inclusion of People with Disabilities of 28 January**<sup>366</sup> issues guidelines for the functioning of social support activities in the area of disability. It retains the functioning of some social responses and their activities, namely Local Early Intervention Teams (ELI), Resource Centres for Inclusion (CRI), Support Centres for Independent Living (CAVI), Residential Homes (LR) and Autonomous Residences (RA). However, it was decided to close Occupational Activity Centres (CAO).

**Ordinance 28/2021** of 8 February<sup>367</sup> sets out the extraordinary, temporary and transitory measures for the social and solidarity sector. It defines that the social responses with suspended activities, as well as residential social facilities for the elderly and disabled people, the financial contribution of social security remains unchanged, as regards the month of February 2020. In addition, it extends specific financing to the social and solidarity sector and strengthens the rapid intervention teams for immediate support in the containment and stabilisation of outbreaks of COVID-19 in residential homes for the elderly and in other similar residential facilities. Moreover, it extends the system of incentives to adapt social facilities for COVID-19 - *Programa Adaptar Social +* - established in 2020 by Resolution of the Council of Ministers 41/2020 of 29 May and regulated by Ordinance 178/2020 of 18 July.

**Ordinance 37/2021** of 15 February<sup>368</sup> exempts from the process of recognition process of the Informal Caregiver Statute documents which are difficult to obtain, especially the medical statement attesting that the person under care is in full use of his/her intellectual faculties. For this process, people now have 180 days to submit the aforementioned documents.

**Decree 6/2021** of 3 April<sup>369</sup> regulates the state of emergency decreed by the President of the Republic. Among various measures, this Decree lifts the suspension of the activities of social facilities in the area of disability, namely the Centres for Activity and Training for Inclusion (Centros de Atividades e Capacitação para a Inclusão - CACI), and lifts the suspension of social support activities carried out in Day Centres.

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<sup>366</sup> Portugal, [Communication of the Secretary of State for the Inclusion of People with Disabilities](#) (Comunicado da Secretária de Estado par a Inclusão das Pessoas com Deficiência), 28 January 2021.

<sup>367</sup> Portugal, [Ordinance 28/2021 sets the extraordinary, temporary and transitory measures, intended](#) for the social and solidarity sector (*Portaria n.º 28/2021 Determina as medidas de carácter extraordinário, temporário e transitório, destinadas ao setor social e solidário*), 8 February 2021.

<sup>368</sup> Portugal, [Ordinance 37/2020 change to the recognition and maintenance of the Statute of Informal Caregiver](#) (Portaria n.º 37/2020 Alteração ao reconhecimento e manutenção do Estatuto do Cuidador Informal), 15 February 2021.

<sup>369</sup> Portugal, [Decree 6/2021 Regulates the state of emergency decreed by the President of the Republic](#) (*Decreto n.º 6/2021 Regulamenta o estado de emergência decretado pelo Presidente da República*), 3 April 2021.

**Communication** of 16 April<sup>370</sup> Official Announcement by the Secretary of State for the Inclusion of Disabled People following the implementation Decree 6/2021 that opens the activities of social facilities in the area of disability, namely in the Centres for Activity and Training for Inclusion. This Official Announcement provides some guidelines for the functioning of the CACIs: 1) the evaluation and decision about the possibility of allowing the attendance of the CACI by the users of Residential Homes will be the responsibility of the Board of each institution managing the CACI; 2) until all users and professionals are fully vaccinated, the Institutions need to guarantee the adequate physical distance between external users and residents of the Residential Homes within CACI premises.

**Ordinance 273/2021** of 29 November<sup>371</sup> introduces changes to the Regulation of the Social Equipment Network Enlargement Program (PARES 2.0) to accommodate the economic and social consequences of the current pandemic situation, namely the escalation in the prices of raw materials and labor, which increases the final cost of the works. This document establishes an additional amount to public funding, equal to 29.75 % of the eligible amount, for the posts to be created and related to the “infrastructure” heading, applicable to projects approved under the opening notice of PARES 2.0. Plus, it considers the possibility that the public financing rate may be higher than the maximum set in the Regulation, which is 75% of the total eligible investment reference.

Within the scope of the Ministry of Labour, Solidarity and Social Security, initiatives have been established to support homes and jobs to ensure the safety, health care and sanitary conditions of the elderly and/or disabled people, as well as the promotion of funding for the financing of social services for the elderly and/or disabled. Extraordinary support has also been created for the social and solidarity sector, with a view to supporting private social solidarity institutions, social solidarity cooperatives and non-governmental organizations for persons with disabilities. Moreover, extraordinary support has also been created to families, for workers who are employed and who are absent from work for reasons of caring for children or other dependent minors, under 12 years old, or with an impairment/chronic illness regardless of age, resulting from the closure of the educational establishment (following the first confinement this measure was first extended till the 1<sup>st</sup> of June 2021 and, due to the measures introduced to contain the spread of the Omicron variant, for the period 27<sup>th</sup> – 31<sup>st</sup> of December 2021 and 2<sup>nd</sup> – 9<sup>th</sup> of January 2022). Allocation of child care

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<sup>370</sup> Portugal, [Communication - Official Announcement by the Secretary of State for the Inclusion of Disabled People](#) (Comunicação – comunicação oficial da Secretária de Estado par a Inclusão das Pessoas com Deficiência), 16 Abril 2021.

<sup>371</sup> Portugal, [Ordinance 273/2020 Amendment to the Regulation of the Social Equipment Network Enlargement Program](#) (Portaria n.º 273/2021 Alteração à Portaria n.º 290/2019, de 5 de setembro, que aprova o Regulamento do Programa de Alargamento da Rede de Equipamentos Sociais - 2.ª Geração (PARES 2.0)), 29 November 2021.

allowance and grandchild care allowance in case of prophylactic isolation of a child under the age of 12 or, regardless of age, with an impairment or chronic illness (Ordinance 10-A/2020). Exceptional regime of justified absences from work for the care of a child or other dependent under 12 years of age or, regardless of age, with an impairment or chronic illness (Ordinance 10-A/2020). Finally, the validity of the main document certifying the disability/incapacity, the medical certificate of multipurpose incapacity, for the purposes of social, economic and tax benefits was extended<sup>372</sup>.

## 8.2 CRPD monitoring at national level

In order to implement Article 33 of the CRPD, States must set up national independent mechanisms to monitor the implementation process of the CRPD. Portugal had to establish a 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 body has faced several problems that have impacted on its duties, as reported in the 2020 report. Following the elections for the new board and consultative committee of the mechanism in March 2020, it entered a kind of limbo due to the inaction of the public entities responsible for the mechanism, including the National Assembly, in nominating its representatives to the consultative committee of the mechanism and, consequently, did not swear in the new members of the mechanism. This, as reported in 2020 by the previous President of the Mechanism, has left the National Mechanism for Monitoring the Implementation of the United Nations Convention on the Rights of Persons with Disabilities completely inactive. One year later, public entities solved this issue as can be seen in the following legal initiatives:

**Resolution of the Parliament 93/2021** of 29 March<sup>373</sup> Election by the National Assembly of two people of recognised merit to be part 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).

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<sup>372</sup> Office of Strategy and Planning of the Ministry of Labour, Solidarity and Social Security, written response, 29 September 2021.

<sup>373</sup> Portugal, [Resolution of the Assembly of the Republic 93/2021 Elects the members for the National Mechanism for Monitoring the Implementation of the United Nations Convention on the Rights of Persons with Disabilities](#) (Resolução da Assembleia da República n.º 93/2021 Eleição de membros para o mecanismo nacional de monitorização da implementação da Convenção sobre os Direitos das Pessoas com Deficiência), 29 March 2021.

**Declaration 4/2021** of 30 March<sup>374</sup> appoints the members for the advisory board of the National Mechanism for Monitoring the Implementation of the Convention on the Rights of Persons with Disabilities - one from each parliamentary group to the consultative committee of the mechanism.

**Declaration 6/2021** of 4 April<sup>375</sup> appoints all the new members for the National Mechanism for Monitoring the Implementation of the United Nations Convention on the Rights of Persons with Disabilities.

However, as reported by the current President of the Mechanism, the Mechanism remains almost inactive due to the lack of staff. This has impacted the execution of most of the activities that were scheduled for 2021 which, consequently, were postponed and included in the Activity Plan for 2022. Moreover, the physical space where the mechanism will be located is still non-operational due to the lack of accessibility. As reported, the Consulting Board of the Mechanism is still in the process of drafting its internal regulations for subsequent approval, in order to ensure its normal functioning. Moreover, it should also hold elections to fill the missing seats reserved for ONGPD. On the 2 November 2021<sup>376</sup> it was published the list of the admitted applications submitted by nationwide confederations, federations and associations, registered as disability non-governmental organisations, to the election for the members of the Advisory Council of Me-CDPD. The election took place on the 27<sup>th</sup> of December and four new organisations were elected to fill the missing places in the Consulting Board of the Mechanism (the board counts a total of 10 nationwide confederations, federations and associations, registered as disability non-governmental organisations).

**Resolution of the Parliament 264/2021** of 26 October<sup>377</sup>, recommends the Government to publish the translation into Portuguese, by the National Institute for Rehabilitation, as well as the availability in sign language, of the general comments and comments on the periodic reports of Portugal prepared by the

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<sup>374</sup> Portugal, [Declaration 4/2021 Appointment of members for the advisory board of the national mechanism for monitoring the implementation of the Convention on the Rights of Persons with Disabilities](#) (Declaração 4/2021 Designação de membros para o conselho consultivo do mecanismo nacional de monitorização da implementação da Convenção sobre os Direitos das Pessoas com Deficiência), 30 March 2021.

<sup>375</sup> Portugal, [Declaration 6/2021 Composition of the National Mechanism for Monitoring the Implementation of the Convention on the Rights of Persons with Disabilities](#) (Declaração 6/2021 Composição do Mecanismo Nacional de Monitorização da Implementação da Convenção sobre os Direitos das Pessoas com Deficiência), 4 April 2021.

<sup>376</sup> Portugal, [Election of Members of the Me-CDPD Advisory Board: Confederations, federations and associations nationwide, registered as ONGPD](#) (Eleição de Membros do Conselho Consultivo do Me-CDPD: Confederações, federações e associações de âmbito nacional, com registo de ONGPD), 2 November 2021.

<sup>377</sup> Portugal, [Resolution of the Assembly of the Republic 264/2021 Recommends the Government to publish the general comments of the Committee on the Rights of Persons with Disabilities](#) (Resolução da Assembleia da República n.º 264/2021 Recomenda ao Governo a publicação dos comentários gerais do Comité dos Direitos das Pessoas com Deficiência), 26 October 2021.

## Committee for the Rights of Persons with Disabilities.

Within the activities undertaken during 2021, it is worth highlighting the draft of the document "Country snapshot – Portugal - "From isolation, invisibility and segregation into inclusion of persons with disabilities in the community. Identifying and overcoming barriers to the successful process of deinstitutionalisation." produced by the *Committee on the Rights of Persons with Disabilities*. This document states that "People with disabilities in Portugal are still experiencing great difficulties in becoming visible citizens. Although the lack of participation is common to all disability fields, it is more pressing for people with intellectual and/or psychiatric disabilities.". Moreover, "The implementation of the CRPD in terms of deinstitutionalisation has not yet been fully achieved and the results obtained have been insufficient." Stressing, again, the difficulties of people with cognitive impairments and/or mental health problems "People with intellectual and/or psychiatric disabilities still lack adequate support to fully live in the community, and face barriers to accessing effective support for their social inclusion and independence, having to rely on family members or friends or DPO's to access these rights.". The document then reviews legislation on support measures for legal capacity (Law 49/2018), on independent living and community inclusion (Decree Law 129/2017), Mental Health and mental health care (Law 38/98 and Ordinance 68/2017), and singles out the lack of efficiency of these documents and the urgent need to have them revised in order to implement the process of deinstitutionalisation. In addition, the document highlights the general lack of public funding to support initiatives of this type and the anecdotal numbers of people involved in these initiatives when compared to the overall number of disabled people in Portugal. Regarding the pandemic, the document refers to the total isolation from the community and family of disabled people living in institutions and the failures in the provision of accessible information about the pandemic in all formats<sup>378</sup>.

The first semester of 2021 coincided with the Portuguese Presidency of the Council of the European Union (EU). During this period, several initiatives were introduced in the area of disabled people's rights that may contribute to the monitoring process of the CRPD at national level. These included the High-Level Videoconference on the European Strategy for the Rights of Persons with Disabilities 2021-2030 (included in the Portuguese Presidency of the Council of the European Union) (19 and 20 April)<sup>379</sup>. It also included a discussion on combating gender violence against disabled women, that took place within the Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons (FREMP) (20 May). As reported by the Ministry of Justice, this meeting

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<sup>378</sup> National Mechanism for Monitoring the Implementation of the United Nations Convention on the Rights of Persons with Disabilities, written response, 17 August 2021.

<sup>379</sup> Institute of Employment and Professional Training, written response, 26 August 2021.

featured presentations by external entities - EIGE, European Disability Forum, GREVIO and FRA - as well as an exchange of good practices between Member States, with Portugal also presenting important developments (CERCIAG, CHUC, INR).

Other initiatives that have contributed to the monitoring of the CRPD:

**March 2021** (until 14 May 2021) - launch by the *Portuguese Football Federation* and by the *Centre for Access to Football in Europe (CAFE)* of a national survey of disabled supporters.<sup>380</sup> As stated on the survey's website, "The aim of this survey is to investigate the level of accessibility of football stadiums in PORTUGAL, to find out about the disabled supporters who watch live football matches and to better understand the existing issues and barriers that can harm or prevent people with disabilities from watching the games live". No results of this survey have been released yet.

**May 2021** - Approval and publication of the 2020 Activity Report of the National Commission on Human Rights (Ministry of Foreign Affairs)<sup>381</sup> This document reports that the inclusion of disabled people was one of the specific priorities of the Portuguese Presidency of the Council of the European Union and highlights the good practices carried out by the members of the CNDH during the reference period of the report, divided into thematic areas. The report highlights two good practices involving disabled people, one in the governmental area of *Work, Solidarity and Social Security* and another around *Infrastructure and Housing*. The first refers to the implementation of the "Open Market Supported Employment" (*Emprego Apoiado em Mercado Aberto*) programme, which involved 1,872 people until October 2020 and an increase of 16.27% compared to the numbers in 2019. The second refers to the partnership between the National Laboratory of Civil Engineering and the Job Training Centre of the Lisbon Cerebral Palsy Association, which resulted in the inclusion of one trainee to do a workplace internship.

**25 May 2021** – The Committee on the Rights of Persons with Disabilities (treaty body of the United Nations established by the Convention on the Rights of Persons with Disabilities to monitor how State parties to the Convention implement or give effect to their obligations under this legal instrument) promoted the online regional consultation with persons with disabilities and their representative organisations from the European Union and other European countries (and Israel), under the right to independent living and being included in the community and the drafting of guidelines on deinstitutionalisation,

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<sup>380</sup> Portuguese Football Federation and by the Centre for Access to Football in Europe (CAFE), [FPE lança inquérito para adeptos com deficiências](#)

<sup>381</sup> Comissão Nacional para os Direitos Humanos (2021), [Relatório de Atividades da Comissão Nacional para os Direitos Humanos 2020, Lisboa, Comissão Nacional para os Direitos Humanos.](#)

including in emergency situations.

**Portuguese Observatory of Web Accessibility.**<sup>382</sup> This a public observatory of accessibility and usability practices on websites and mobile applications. The Observatory aims to: “Evaluate, identify and promote the application of best accessibility and usability practices on websites and mobile applications; Monitor and present statistics on the level of accessibility and usability, in particular on public sector websites and mobile applications; Generate everyone's awareness, support learning and alert public sector decision makers, contributing to more inclusive digital services and a better user experience.”. Their website provides statistics about web accessibility, highlighting bad and best practices mainly of public sector websites and provides scores for each webpage and conforming with the Web Content Accessibility Guidelines (WCAG 2.1 (W3C)) and classification levels. According to the data collected between 15 December 2020 and 18 September 2021, during which 9 Directories, 865 Entities, 898 Websites and 69,267 pages were analysed, the average score was 6.3 (out of 10). Regarding the level of compliance of the Declaration provided for in Decree-Law No. 83/2018, in 2021, 38 Websites and mobile applications received the Accessibility Declaration, out of which 20 were Fully compliant, 10 Partially compliant and 8 Non-compliant. Regarding the number of awards with the Seal of Excellence and the level reached - Gold, Silver or Bronze, 6 Gold badges and 6 Silver badges were awarded.<sup>383</sup>

**December 2021** – Publication of the report Social Charter – Services and Equipment 2020<sup>384</sup>. This publication presents yearly updated information about the Social Services and Equipment Network. The 2021 edition reports to the area of disability the following information: a growth of 111% in the number of social responses aimed at disabled people between 2000 and 2020; in 2020, 70% of the responses available were performed by the Residential Homes and Occupational Activities Centers (CAO) represented; the response Residential Home registered a growth rate of 140% and the CAO response of 88% between 2000 and 2020; the number of places available in responses aimed at disabled people amounted in 2020 to 44,200 places; a growth of 205% in the number of places in the main answers (CAO, residential home, autonomous residence and home support service) between 2000 and 2020; the response CAO was the most expressive in 2020 amounting a total of 24,544 places; 76 % of the total response offer were concentrated in the districts arranged along the coast line (79 % in the case of the CAOs); despite the positive increase (39%) in the number of responses and in terms of the number of places between 2010-2020,

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<sup>382</sup> For more information, see website of the [Portuguese Observatory of Web Accessibility](#).

<sup>383</sup> For more information on the data of the Portuguese Observatory of Web Accessibility, see website about [the observatory in numbers](#).

<sup>384</sup> [Social Charter – Services and Equipment 2020 – Report 2020](#) (CARTA SOCIAL – REDE DE SERVIÇOS E EQUIPAMENTOS - Relatório 2020), Dezembro 2021.

there was only a slight growth in the coverage rate, evidencing that the metropolitan areas of Porto and Lisbon and the region of Algarve were the most deficient of this type of answers; most of the users of these responses were aged between 35 and 49 years old (except in the the case of the home support service were 60% of the users were over 60 years old); the time of permanence of the users in the answers reveals that 35% of the users of the CAO and 27% of the users of Residential Homes used the service for more than 15 yers.

According to the report on the Evaluation of the financing of support products for disabled people for the year 2020<sup>385</sup>, there was an increase in the number of beneficiaries and the number of reimbursed products compared to the previous year. The programmed budget for 2020 was of €21,601,000.00, from which €19,550,534.06 was executed, corresponding to an execution rate of 90.50%. Plus, 22,373 support products were allocated/financed; 13,326 people benefited from this system.

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<sup>385</sup> [Report on the Evaluation of the financing of support products for disabled people for the year 2020.](#)

## Annex 1 – Promising Practices

Thematic area	<p style="text-align: center;"><b>EQUALITY AND NON-DISCRIMINATION</b></p> <p style="text-align: center;"><b>Please provide one example of a practice to tackle nationality-based discrimination, or discrimination against LGBTI people, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2021 relevant to equality and non-discrimination of EU citizens or LGBTI people, preferably one conducted by a national equality body.</b></p>
<b>Title (original language)</b>	(A)MAR- Açores pela diversidade
<b>Title (EN)</b>	(A)MAR – Azores for Diversity
<b>Organisation (original language)</b>	APF Açores – Associação para o Planeamento da Família
<b>Organisation (EN)</b>	APF Açores – Association for Family Planning
<b>Government / Civil society</b>	Civil Society
<b>Funding body</b>	CIG – Commission for Equality and Citizenship
<b>Reference (incl. URL, where available)</b>	<a href="https://amarpeladiversidade.pt/index">https://amarpeladiversidade.pt/index</a>

<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	May 2021
<b>Type of initiative</b>	Local Support and Network
<b>Main target group</b>	LGBTI+ people living in the Autonomous Region of Azores
<b>Indicate level of implementation: Local/Regional/National</b>	Local
<b>Brief description (max. 1000 chars)</b>	<p>(A)MAR is the first support centre for LGBTI people in the Autonomous Region of the Azores. It is part of APF-Azores. APF is the Association for Family Planning and it is organized in six delegations at a national level. Since 2011, APF Azores has been an autonomous organization with the name of Association for Family Planning and Sexual and Reproductive Health (APFSSR) and continues to work in close partnership with the national APF.</p> <p>(A)MAR's primary objective is to provide Azores with instruments to combat discrimination based on sexual orientation, identity and/or gender expression. Main actions: intervention and provision of support to LGBTI people in the region and/or their families; organization of information and awareness-raising projects and activities; consultancy and the creation of a regional network to combat discrimination against LGBTI people. Main services:</p> <p>LGBTI support centre: a physical, safe space where anyone is welcome to drop by to talk, enjoy psychological support and, whenever necessary, be referred to other areas of specific intervention</p>

	<p>(i.e. health care, legal support etc.);</p> <p>Azores LGBTI support network: facilitating the promotion of information and interventions about human rights, specifically the human rights of LGBTI people;</p> <p>National LGBTI support network: The (A)MAR project has partnerships with various entities at national level that provide support and share services;</p> <p>Help line: +351 911102363;</p> <p>Consultancy: assisting public policies that promote equality, such as the Municipal Equality Plans.</p>
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	All elements are transferrable. More specifically, the creation of a support Centre, the helpline and a support network in articulation with both private and public bodies is transferable to other regions, especially those considered peripheral, as it is the case with Autonomous Regions.
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	<p>A Support Centre that occupies a physical space constitutes a fundamental step for the visibility and safety of LGBTI+ people, especially those who are particularly vulnerable due to intersectional discrimination (i.e. racialized or migrant LGBTI; young people; disabled). A space such as this tends to consolidate and to become a reference in cities where it exists.</p> <p>The same can be said about other elements of this action (the support network, the helpline and the consultancy).</p>
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	Due to the work of (A)MAR, 5 out of 6 municipalities in the Azorean Island of Sao Miguel agreed to raise the Rainbow Flag on the 17 <sup>th</sup> May for the first time. This is a very impressive impact, considering Azores is one of the most conservative regions of Portugal. The media coverage, both at the local and national level, was also very significant, which further enhances the visibility, hence the impact of the action. Additionally, its impact can be measured through the number of entities in the network.
<b>Give reasons why you consider the</b>	Particularly in regions that struggle with isolation, poverty and other features related with the peripheral or semi-peripheral conditions this practice is well adjusted providing the necessary support with limited resources.

<p><b>practice as transferable to other settings and/or Member States?</b></p>	
<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	<p>NGOs, scholars, artists and LGBTI activists working individually were called into meetings and created a platform (support network) at the local level to liaise with the general target audience, local public bodies (e.g. municipalities) and organizations at a national level.</p>
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>Number of attendees or participants in the Centre's activities: Since its inauguration, the centre has counted with the participation of more than one hundred participants in its activities.  Number of professionals benefitting from specialized training; The three psychologists of the centre have successfully concluded the professional training "Sexual Orientation, Gender Identity and Expression and Sexual Characteristics at Birth", provided and certified by the Association Plano i.  Number of entities in the network: (A)MAR has been meeting partners in the social area, health, school context and local authorities. Several institutions have already shown their interest in joining this network and in some cases have even signed Letters of Intent (12); The association is awaiting response to meet with the Board of Directors of the Divino Espírito Santo Hospital (Ponta Delgada). Also in the regional context, contacts have also been made with the Social Security Institute of the Azores, the Regional Directorate of Social Solidarity, the Regional Directorate for the Promotion of Equality and Social Inclusion and local authorities, as well as numerous local and regional numerous local IPSS'S and the Commissariat for Childhood and the Public Security</p>

	<p>Police. Also part of the network are national associations and entities, to whom (A)MAR turns to for advice and when necessary to forward requests for help: Associação Plano I; AMPLOS; CIG;ILGA Portugal; Casa Qui; and Rede ex aequo.</p> <p>Number of calls to the helpline: 20 requests for help were made. Six of them directly through the helpline.</p> <p>Number of requests for consultancy: Three requests for consultancy were made.</p>
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<b>Thematic area</b>	<p style="text-align: center;"><b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b></p> <p style="text-align: center;"><b>Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about either: active cooperation with CSOs in addressing racism and hate crime; or combating racism and unequal treatment in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</b></p>
<b>Title (original language)</b>	Programa REEI - Rede de Escolas para a Educação Intercultural
<b>Title (EN)</b>	REEI Programme – School Network for Intercultural Education
<b>Organisation (original language)</b>	Alto Comissariado para as Migrações / Direção-Geral da Educação / Fundação Aga Khan Portugal
<b>Organisation (EN)</b>	High Commissioner for Migration / Directorate-General for Education / Aga Khan Foundation Portugal
<b>Government / Civil society</b>	Government and civil society
<b>Funding body</b>	High Commissioner for Migration / Directorate-General for Education / Aga Khan Foundation Portugal (with financial and human resources)
<b>Reference (incl. URL, where available)</b>	<a href="https://www.acm.gov.pt/pt/-/rede-de-escolas-para-a-educacao-intercultural-reei-">https://www.acm.gov.pt/pt/-/rede-de-escolas-para-a-educacao-intercultural-reei-</a>

<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	From 2020 (July) to 2023
<b>Type of initiative</b>	Educational
<b>Main target group</b>	Schools, the educational community and in particular all children and young people from pre-school to secondary education.
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	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. REEI programme started the year 2021 with three regional meetings. The online sessions were held on 12, 13 and 14 January and brought together member schools from all over the country. The sessions were attended by around 130 professionals from 45 schools' clusters.
<b>Highlight any element of the actions that is</b>	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.

<b>transferable (max. 500 chars)</b>	
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	<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>
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	<p>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).</p>
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	<p>REEI programme can be easily transferable to other Member States, since Europe is a diverse social and cultural space due to migration inside and outside the EU and intercultural issues are common to all member states.</p>
<b>Explain, if applicable, how the practice involves</b>	<p>The promoting bodies of the project are the High Commissioner for Migration, Directorate-General for Education and Aga Khan Foundation Portugal. Schools were consulted and helped in defining the diagnostic tools and the action plan of the programme. The design, planning and evaluation of the REEI was always a result of a collaborative effort of the promoting bodies.</p>

<p><b>beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>The results of the REEI can be measured through the number of members (schools' clusters, professional schools, and private schools). Due to the positive evaluation of the pilot experiment carried out between 2017-2019, it was relaunched 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.</p>

<b>Thematic area</b>	<b>ROMA EQUALITY AND INCLUSION</b> <b>Please provide one example of promising practice related to the two topics addressed in the chapter. Please make the link between the selected practice and the topics explicit.</b>
<b>Title (original language)</b>	VIII Academia de Política Cigana
<b>Title (EN)</b>	8th Roma Political School
<b>Organisation (original language)</b>	Letras Nómadas - Associação de Investigação e Dinamização das Comunidades Ciganas Ribaltambição – Associação para a Igualdade de Género nas Comunidades Ciganas
<b>Organisation (EN)</b>	Letras Nómadas [Nomads Letters] - Association for Research and Dynamization of Roma Communities Ribaltambição – Association for Gender Equality in Roma Communities in Portugal
<b>Government / Civil society</b>	Civil Society organisations
<b>Funding body</b>	Council of Europe
<b>Reference (incl. URL, where available)</b>	<a href="https://www.facebook.com/Academia-de-Pol%C3%ADtica-Cigana-de-Portugal-107500871092968/">https://www.facebook.com/Academia-de-Pol%C3%ADtica-Cigana-de-Portugal-107500871092968/</a>
<b>Indicate the start date of the promising practice</b>	10 to 12 September 2021

<b>and the finishing date if it has ceased to exist</b>	
<b>Type of initiative</b>	Political and civic
<b>Main target group</b>	People from Roma communities
<b>Indicate level of implementation: Local/Regional/National</b>	Local, Regional and National
<b>Brief description (max. 1000 chars)</b>	Portuguese Roma Political School is an initiative funded by the Council of Europe and implemented in Portugal since 2017. This activity, which held its 8th edition in September 2021, aims to create training spaces for Roma women and men, so that they have an effective position on local, national and international policies; and to contribute to their political participation and involvement as candidates in elections. This School bring together about 30 men and women from all over the country who have some standing within their communities and play a leading role in associations or have a high profile due to their political interventions in the media. Each edition seeks to deepen knowledge of the respective political systems, raise awareness of Roma people as political actors, mobilise collective networking, establish action strategies, plan political initiatives and assume leadership in opinion-forming. These Political Schools are nonpartisan.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	The main elements transferable are: the creation of spaces for discussing the association and leadership of Roma people; sharing civic and political ideas and arguments with non-Roma intellectuals, academics and politicians; the political visibility of Roma associations; the effective possibility of intervention by Roma people in the political sphere. This action is also implemented in other countries.
<b>Give reasons why you consider the</b>	This action has been taking place since 2017 and held its 8th edition on 2021. The continued participation of people in the initiative shows a willingness to continue, as well as a perception of its relevance. By encouraging the active participation of Roma communities in civic and political life, it is hoped to overcome the poor political perception of the association movement and Roma leadership. It is hoped to get Roma

<p><b>practice as sustainable (as opposed to 'one off activities')</b></p>	<p>people involved in the public sphere, occupying positions within political parties, and be able to define policies to promote Roma communities. This School bring together about 30 participants from all over the country who have some standing within their communities and play a leading role in associations, or have a high profile due to their political interventions in the media. Each edition seeks to deepen knowledge of the respective political systems, raise awareness of Roma people as political actors, mobilise collective networking, establish action strategies, plan political initiatives and assume leadership in opinion-forming.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>The political participation of Roma people in Portugal is restricted by profound processes of discrimination, which discourage and demobilize their participation in political and social options, as well as in civic life. Considering this context, the general and specific objectives of the Roma Political School events are extremely important in the pursuit of a fair, egalitarian and non-discriminatory society, where everyone, without exception, can have a voice in the decisions that determine their lives. The Roma Political School will be important to create leaders in the community who can promote social transformation and the effects of this initiative will be felt when: there are Roma in the membership of political parties; Roma candidates on the electoral lists of political parties or independent citizens' groups; Roma as commentators on behalf of Roma communities and other vulnerable groups; Roma occupying political positions in the government.</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>This activity follows a model initiated by the Council of Europe in other member states, namely in Bosnia and Herzegovina, Turkey and Ukraine. In its latest edition, the model is also being implemented in Greece. Just as the Portuguese Roma have benefited from these experiences, the Roma from other member states will also be able to benefit from the Portuguese experience.</p> <p>Despite the existence of many common aspects of discrimination and political demotivation amongst Roma people across Europe, there are some specificities of the Portuguese society. The eight Portuguese editions may constitute a reflection on the political action of the Roma people that can be used in other southern European member states in particular. On the other hand, the experience of these Political Schools can also be used and promoted among other discriminated groups in political life, especially immigrants. In a context of increasing racist and ideologically extremist speeches and actions in all member states, this Political School model is naturally important to be developed in other countries.</p>
<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design,</b></p>	<p>The organisation of the Roma Political School is a result of a collaborative effort of the associations <i>Letras Nómadas</i> - Association for Research and Dynamization of Roma Communities and <i>Ribaltambição</i> - Association for Gender Equality in Roma Communities in Portugal. These associations, as well as other entities that have participated in the design, planning, implementation and evaluation of this initiative, are unanimous in considering that it will be the Roma youth who will be able in the future to have a political voice encouraged by these Schools.</p>

<p><b>planning, evaluation, review assessment and implementation of the practice.</b></p>	
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>The results of the Roma Political School can be can be reviewed and evaluated through the number of participants (about 30 participants) and their political participation. Following the positive assessment of this 8th edition, the organising associations of the Roma Policy Academy promoted the 9th edition, on 5, 6 and 7 November 2021.</p>

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> <b>Please provide one example of a promising practice related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</b>
<b>Title (original language)</b>	COVID-19 Insights
<b>Title (EN)</b>	COVID-19 Insights
<b>Organisation (original language)</b>	NOVA Information Management School COTEC Portugal
<b>Organisation (EN)</b>	NOVA Information Management School COTEC Portugal
<b>Government / Civil society</b>	Civil society
<b>Funding body</b>	Information not available
<b>Reference (incl. URL, where available)</b>	<a href="https://insights.cotec.pt/">https://insights.cotec.pt/</a>
<b>Indicate the start date of the promising practice</b>	2020 - ongoing

<b>and the finishing date if it has ceased to exist</b>	
<b>Type of initiative</b>	Online platform with updated and structured data on the COVID-19 pandemic
<b>Main target group</b>	Community; companies
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	Platform that aims to analyse and monitor the evolution of the pandemic, integrating multiple variables representing different economic, social and natural aspects, which are analysed using advanced analytical methods. The platform presents the information in tables and graphs formed from the cross-referencing of dozens of data points, displaying epidemiological data on the disease and correlating them with other indicators, including socio-demographic and economic indicators.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	All elements are transferable.
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one</b>	The platform has a dynamic character and is permanently updated by new coming public and open data from different sources. The platform uses public and open data, reusing it and making the interpretation of complex information accessible. Through visual demonstrations of information, it simplifies large-scale, complex and disorganised data. Visualisations explain statistics, data correlations and predictive models, giving meaning to data and reducing misinterpretation by readers. It is a response to a continuous need.

<b>off activities')</b>	
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	The impact of this practice can be measured by the number of views of the platform.
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	The platform is an example of how public and open data can be re-used as a way of making information more accessible to the general population. By organising and presenting a complex set of data from various sources in an orderly manner, the platform allows for the understanding of information. This is a model that can be followed in other settings.
<b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b>	The platform was developed by a Portuguese business association for the promotion of innovation and business technological cooperation (COTEC Portugal) and an University (NOVA Information Management School).

<b>Explain, if applicable, how the practice provides for review and assessment.</b>	Information not available.
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<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> <b>Please provide one example of a promising practice related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</b>
<b>Title (original language)</b>	Linha Internet Segura
<b>Title (EN)</b>	Safer Internet Line
<b>Organisation (original language)</b>	Centro Internet Segura (Consórcio coordenado pela FCT - Fundação para a Ciência e a Tecnologia, que também envolve a Direção Geral da Educação do Ministério da Educação, o Instituto Português do Desporto e Juventude, a APAV - Associação Portuguesa de Apoio à Vítima, a Fundação Altice e a Microsoft Portugal) e APAV - Associação Portuguesa de Apoio à Vítima
<b>Organisation (EN)</b>	Portuguese Safer Internet Centre (Consortium coordinated by the FCT - Foundation for Science and Technology, which also involves the Directorate General of Education of the Ministry of Education, the Portuguese Institute for Sports and Youth, the APAV - Portuguese Association for Victim Support, the Altice Foundation and Microsoft Portugal) and Portuguese Association for Victim Support
<b>Government / Civil society</b>	Public administration and Civil Society
<b>Funding body</b>	European Commission; Government
<b>Reference (incl. URL, where available)</b>	<a href="https://www.internetsegura.pt/lis/sobre-a-lis">https://www.internetsegura.pt/lis/sobre-a-lis</a> <a href="https://apav.pt/cibercrime/index.php/linha-internet-segura">https://apav.pt/cibercrime/index.php/linha-internet-segura</a>
<b>Indicate the start date of the</b>	2019- ongoing Although this is an initiative that dates back to the beginning of the "safe internet project" (2011), APAV become part of the Safer Internet Centre on January 2nd 2019, taking over the Operational Management of

<b>promising practice and the finishing date if it has ceased to exist</b>	the Safer Internet Helpline (LIS), in both Helpline and Hotline dimensions.
<b>Type of initiative</b>	Helpline and hotline, safeguarding the rights of citizens in the digital space, promoting better uses, and reporting illegal content online, namely content relating to sexual abuse of minors, apology for racism and violence
<b>Main target group</b>	Citizens, and especially, young people
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	The Safer Internet Line, a service of the Portuguese Safer Internet Centre and coordinated by the Portuguese Association for Victim Support, includes two types of service: clarification and support for the citizens for safer, responsible and healthy use of the Internet and associated technologies; and a service for reporting illegal online content related to the sexual abuse of minors and apology of racism and violence. The objectives of this line are to provide anonymous and confidential telephone or online support; to analyse, discuss and provide results that contribute to awareness-raising strategies in the area of a safer internet use; and to refer serious occurrences to the competent authorities when a situation is considered to be dangerous.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	All elements are transferable.
<b>Give reasons why you consider the</b>	This line is a sustainable practice because it addresses the protection of several rights of citizens in the digital space, by promoting responsible, healthy and safer uses of the internet and establishes a safe line to report illegal content, protecting the rights of the victims, namely from sexual abuse (of minors) and minorities, often, the victims of racism and violence.

<p><b>practice as sustainable (as opposed to 'one off activities')</b></p>	
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>It has a concrete measurable impact, taking into account the feelings of shame and powerlessness associated with victims of computer crime, victims of sexual crimes (especially with regard to children, who are considered a more vulnerable group) and victims of racism and violence. Through this line, anonymously, citizens and victims can seek advice and report possible situations of crime.</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>This is a easily transferable practice to other settings or Member States, since a helpline is easily installed and can serve many purposes, and even be extended to include help in another domains, like, for example, reporting another crimes or provide clarifications in the various digital domains, not only cybercrime, but also data protection, use of social media, etc.</p>
<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review</b></p>	<p>Not applicable.</p>

<b>assessment and implementation of the practice.</b>	
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	The results of the line can be measured through the number of calls and the number of reported crimes.

Thematic area	<p style="text-align: center;"><b>RIGHTS OF THE CHILD</b></p> <p style="text-align: center;"><b>Please provide a promising practice related to the topics addressed in the chapter.</b></p>
<b>Title (original language)</b>	Reativação das escolas de acolhimento
<b>Title (EN)</b>	Reactivation of host schools
<b>Organisation (original language)</b>	Presidência do Conselho de Ministros
<b>Organisation (EN)</b>	Presidency of the Council of Ministers
<b>Government / Civil society</b>	Government
<b>Funding body</b>	Not Applicable
<b>Reference (incl. URL, where available)</b>	<a href="https://data.dre.pt/eli/dec/3-C/2021/01/22/p/dre">https://data.dre.pt/eli/dec/3-C/2021/01/22/p/dre</a> and <a href="https://www.dgeste.mec.pt/index.php/destaque_1/escolas-de-referencia-para-acolhimento/">https://www.dgeste.mec.pt/index.php/destaque_1/escolas-de-referencia-para-acolhimento/</a>
<b>Indicate the start date of the promising practice and the finishing date if it has</b>	January 2021 to March 2021

<b>ceased to exist</b>	
<b>Type of initiative</b>	Safeguarding the right to education
<b>Main target group</b>	Schools, the educational community, in particular children and young people in vulnerable social positions.
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	In January, due to the worsening epidemiological situation in Portugal, it became necessary to change the measures to combat the spread of the COVID-19 disease. Thus, the Council of Ministers decided to change the regulation of the state of emergency decreed by the President of the Republic, suspending the educational and teaching activities of public, private and cooperative educational establishments and of the social and solidarity sector, pre-school education and teaching basic and secondary education. However, host schools (schools that were kept open during the lockdowns) were kept open, with the aim of welcoming and protecting the right to education of children or other dependents in charge of essential service workers but also children with educational needs and all those identified as belonging to risk groups.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	All elements are transferable, since its object, principles and goals are applicable in other countries. It proven to be a good measure to safeguard the right to education of children whose parents couldn't stay at home, since they were considered to be essential service workers and of children with educational need or as belonging to risk groups that, otherwise, couldn't have access to education due to their social conditions.
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off</b>	The institutional articulation between the Ministry of Education, the schools and the Municipal Councils ensured the reactivation of host schools and the conditions to maintain its activities. This is a sustainable practice because it responded to a major need – the safeguard of the right to education, and can be applicable in extreme social conditions (e.g. during a pandemic). It aimed to protect children with educational needs and/or children that belong to a risk group.

<b>activities')</b>	
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	This practice has a measurable impact since it has able to provide and safeguarding the right to education of children and youths for whom, for various reasons, the distance learning was not an option during the order of confinement. According to the Ministry of Education, 700 initial host schools were reactivated, but at the end of the measure about 1500 host schools were reactivated, which shows the impact and need of this measure.
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	Since its aim is to safeguard the right to education of children and youths for whom, for various reasons, the distance learning isn't an option, this is a measure that can be easily replicated in any educational system in any other European State Member. Also, it can also be an easy measure to implement on mixed systems of education (distance and present learning) that safeguards the right to education of children with education need that benefit more of a face-to-face learning and of children whom are considered to belong to a risk group.
<b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b>	Not applicable.
<b>Explain, if applicable, how the</b>	This practice started in January, with the prevision of 700 host schools. During its implementation, it was necessary to extend the number of host schools. In total, 1500 host schools were reactivated. The assessment was made according to the number of schools appropriate to protect children with educational

<b>practice provides for review and assessment.</b>	needs and/or children from a risk group.
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<b>Thematic area</b>	<b>ACCESS TO JUSTICE</b> <b>Please provide one example of a promising practice related to the topics addressed in the chapter.</b>
<b>Title (original language)</b>	O Ministério Público e as vítimas de crime: 10 perguntas e respostas
<b>Title (EN)</b>	The Public Prosecution Office and the victims of crime: 10 questions and answers
<b>Organisation (original language)</b>	Associação Portuguesa de Apoio à Vítima Procuradoria-Geral da República Centro de Investigação em Direito Penal e Ciências Criminais da Faculdade de Direito da Universidade de Lisboa
<b>Organisation (EN)</b>	Portuguese Association for Victim Support Attorney General Office Research Centre for Criminal Law and Criminal Sciences of the Faculty of Law of the University of Lisbon
<b>Government / Civil society</b>	Civil society
<b>Funding body</b>	European Union's Justice Programme
<b>Reference (incl. URL, where available)</b>	<a href="https://www.ministeriopublico.pt/ebook/projeto-provitimas">https://www.ministeriopublico.pt/ebook/projeto-provitimas</a>
<b>Indicate the start date of the promising practice</b>	Started on march 2021

<b>and the finishing date if it has ceased to exist</b>	
<b>Type of initiative</b>	Civic and dissemination of information
<b>Main target group</b>	Victims of crimes
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	Under the research project PROVICTIMS: the role of the Public Prosecutor's Office in Promoting Victims' Rights, funded by the European Union's Justice Programme, carried out by the Portuguese Association for Victim Support, in partnership with the Attorney General Office and the Research Centre for Criminal Law and Criminal Sciences of the Faculty of Law of the University of Lisbon, a leaflet explaining the role of the Public Prosecutor's Office and the rights of victims of crime, in the format of 10 questions and answers, was disseminated online and in different courts and Public Prosecutors' Departments around the country. In a simple and clear language, it explains the role of the Public Prosecution and of the judge, the main rights of the victim, and the general aspects of the criminal proceedings. It also provides for a flowchart of a typical criminal procedure.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	The simple and clear language that is used; the high visibility of the dissemination of the leaflets in courtyards and public prosecutors attendance rooms.
<b>Give reasons why you consider the</b>	This is a sustainable practice addressing the identified need to better enlighten and inform victims of crimes, not only of their rights, but also on how the judicial system works and what to expect from it. This practice responds to an ongoing need, rather than a one off necessity. It is an activity that can be easily reproduced continuously. The partners involved in the initiative also constitute a guarantee of the continuity of the

<p><b>practice as sustainable (as opposed to 'one off activities')</b></p>	<p>activity, ensuring that it can be broaden.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>400 in paper leaflets were printed and handed over in several courts and public prosecutors offices. The leaflet was also posted online, at the Attorney General's Office website and at APAV's website.</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>The format of the leaflet and the purpose behind the production of these materials, that guide the choices made to the presentation of the leaflet, can be easily transferred to other Member States.</p>
<p><b>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review</b></p>	<p>No information</p>

<b>assessment and implementation of the practice.</b>	
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	No information

<b>Thematic area</b>	<p align="center"><b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b></p> <p align="center"><b>Please provide one example of a promising practice related to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities.</b></p>
<b>Title (original language)</b>	Estratégia Nacional para a Inclusão das Pessoas com Deficiência 2021-2025
<b>Title (EN)</b>	National Strategy for the Inclusion of Disabled People 2021-2025
<b>Organisation (original language)</b>	Conselho de Ministros
<b>Organisation (EN)</b>	Council of Ministers
<b>Government / Civil society</b>	Government
<b>Funding body</b>	According to number 17º of the framing Resolution of the Council of Ministers (119/2021 of 31 August) the implementation of the different measures and actions that make up the ENIPD 2021-2025 is the responsibility of each entity, i.e governmental body/department, with competences in the specific matters in question. The different involved entities are responsible for the allocation of the respective financial resources, as well as the human and physical resources necessary for the respective implementation.
<b>Reference (incl. URL, where available)</b>	<p>Resolution of the Council of Ministers 119/2021</p> <p><a href="https://dre.pt/web/guest/home/-/dre/170514954/details/maximized">https://dre.pt/web/guest/home/-/dre/170514954/details/maximized</a></p> <p><a href="https://www.portugal.gov.pt/pt/gc22/comunicacao/noticia?i=estrategia-nacional-da-inclusao-das-pessoas-com-deficiencia-2021-2025-em-consulta-publica">https://www.portugal.gov.pt/pt/gc22/comunicacao/noticia?i=estrategia-nacional-da-inclusao-das-pessoas-com-deficiencia-2021-2025-em-consulta-publica</a></p>

<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	2021 - 2025
<b>Type of initiative</b>	Definition of a national strategy to promote the inclusion of disabled people
<b>Main target group</b>	Disabled People, Society at large, Public and private entities, governmental bodies and departments
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	The ENIPD 2021-2025 is a strategic document that will guide disability policies, legal reforms and actions directed to society and disabled people aiming to promote the rights of disabled people, in accordance with the principles of the UN CRPD, and the construction of an inclusive society. It is structured into eight strategic axes, with general objectives and specific objectives to be achieved being defined for each of them, with the respective indicators and measures being presented. Plus, it also defines the actions necessary to achieve them, the entities responsible for their implementation and the partners involved. The eight strategic axes are: (1) citizenship, equality and non-discrimination; (2) promoting an inclusive environment; (3) education and qualification; (4) work, employment and professional training; (5) promotion of autonomy and independent living; (6) social measures, services and support; (7) culture, sport, tourism and leisure; (8) knowledge, research, innovation and development.
<b>Highlight any element of the actions that is transferable</b>	Measure 2.2.1 (within the specific goal 2.2 - Create solutions at the municipal level for the consolidation of a policy of non-institutionalization and promotion of autonomy of Axe 5 - promotion of autonomy and independent living) - Create innovative community-based projects, in partnership with relevant entities, to respond to the empowerment needs of disabled people.

<b>(max. 500 chars)</b>	
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	As a strategic document guiding disability policies and politics in the next 5 years, the measures introduced, the policy reforms and actions developed will have a strong impact and a long lasting effect.
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	The document defines, for each specific objective to be achieved, the actions necessary to achieve them, the entities responsible for their implementation, the partners involved, plus indicators and measures are also identified along for a continuous assessment of the impact of the strategy.
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	The ENIPD 2021-2025 refers to and declares itself to be aligned with fundamental documents guiding the inclusion of disabled people, namely the CRPD and its General Comments, the recommendations of the United Nations Committee on the Rights of Persons with Disabilities, the goals of the 2030 Agenda for Sustainable Development, the European Disability Strategy 2010-2020 and the Council of Europe Disability Strategy 2017-2023. It is, therefore, a strategy to implement and incorporate these international strategic documents within the national context. In order to implement these strategic documents all Members States should have either a national strategy for disability or, due to the centrality of the CRPD for all the other documents, a national strategy to implement the CRPD.
<b>Explain, if applicable, how the practice involves beneficiaries and</b>	<p>Organisations of disabled people and civil society had the opportunity to contribute to the hearing process that took place between the before the approval of the ENIPD 2021-2025 by the Council of Ministers.</p> <p>The Monitoring Committee of the ENIPD includes 8 organisations of disabled people (One representative from each area of disability, namely visual, auditory, motor, cerebral palsy, organic, intellectual and developmental, autism and of a general scope, elected from among the NGOs of People with Disabilities,</p>

<p><b>stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</b></p>	<p>nationwide).</p>
<p><b>Explain, if applicable, how the practice provides for review and assessment.</b></p>	<p>Indicators and measures are identified for each action defined.</p> <p>The framing document of the ENIPD 2021-2025 establishes a Monitoring Committee that meets annually to review the annual reports on the implementation of measures and objectives and Technical Monitoring Group that meets quarterly to analyse, evaluate, follow up and monitor the action plans submitted by each government area.</p>

## Annex 2 – Case Law

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> <b>Please provide one high court decision addressing discrimination against EU citizens based on nationality or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.</b>
<b>Decision date</b>	29/06/2021
<b>Reference details</b>	Constitutional Court: <a href="#">Judgement no. 474 /2021</a>
<b>Key facts of the case</b> <b>(max. 500 chars)</b>	<p>Law 38/2018 is a very important document to the extent that protects the right to self-determination of trans and intersex people. Following its approval, a group of 86 deputies to the Assembly of the Republic requested the declaration of unconstitutionality, with general mandatory force, of paragraphs 1 and 3 of article 12 of Law 38/2018, which established a series of measures to be implemented in the educational system aiming at protecting the right to self-determination of gender identity and gender expression.</p> <p>According to the deputies, these measures violated article 43(2) and article 18(2) of the Constitution because it allegedly involved, on one hand, an inadmissible programming of education by the State according to defined philosophical, aesthetic, political, ideological or religious guidelines and, on the other hand, it involved the denial of this possibility to non-public schools, given that only in such schools, the possibility of having different guidelines is a constitutionally protected right. Furthermore, they also argued that these provisions of paragraphs 1 and 3 of article 12, didn't precisely determined the content of the measures that may be adopted by the Government and thus violate the principles of the determinability of the law and the reservation of parliamentary law enshrined in articles 2 and 165 (1) paragraph b) of the Constitution.</p>
<b>Main reasoning/argumentation</b>	It was asked to the Court to answer two questions of unconstitutionality. Regarding the first question of unconstitutionality for the violation of article 43 (2), the court considered

<p><b>(max. 500 chars)</b></p>	<p>that article 12 of Law 38/2018, by establishing that the State should ensure the adoption of measures in the education system, at all levels of education and study cycles that promoted the exercise of the right to self-determination of gender identity and gender expression and the right to protection of people's sexual characteristics, violated the freedom of education under the terms provided by articles 18 (2) and 43 (2) of the Constitution. It also violated the freedom to teaching of non-public schools, in the light of the same constitutional norms, by preventing them from programming education according to a particular confessional orientation.</p> <p>As to the second question of unconstitutionality, the Court considered that article 12 was excessively vague and ambiguous about the limits and boundaries of the established measures, not offering a legal measure capable of establishing guidelines with enough density to guide the members of the Government responsible for the areas of gender equality and education throughout the process of implementation of these measures, within 180 days. Thus, such indeterminacy, in addition to making unpredictable the content of the measures that the aforementioned members of the Government should adopt, also did not allow a judicial control of its legality appropriate to the importance of the matter in question, violating the principles of the determinability of the law and the reservation of parliamentary law enshrined in articles 2 and 165 (1) subparagraph b) of the Constitution.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>In this case, the Court clarified the terms of the legislative competence of the Assembly of the Republic in matters of rights, freedoms and guarantees, as well as the space that may be left to Government intervention.</p>
<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The Court decided to declare, with mandatory force, the unconstitutionality of the rules contained in paragraphs 1 and 3 of the article 12 of Law 38/2018 for infringement of the reserve of legislative competence of the Assembly of the Republic in matters of rights, freedoms and guarantees, a principle enshrined in articles 2 and 165 (1) subparagraph b) of the Constitution. The main consequence of this decision is that the Portuguese Parliament needs to prepare, submit and approve a law that responds to the gap created by this decision. Until this new law is approved, in our opinion, the creation of conditions for LGBTI children and youth to exercise their rights in a socially appropriate way within the educational community is very limited, remaining dependent on the good will of school staff, which adds significant difficulties to their already</p>

	vulnerable situation.
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>“A reserva de lei formal admite, assim, um sentido estrito, em que tem o alcance de reserva de lei parlamentar ou de decreto-lei autorizado, neste último caso apenas nas matérias e nos termos previstos no artigo 165.º da Constituição, e um sentido mais amplo, cuja existência como princípio geral na ordem constitucional portuguesa não é isenta de dúvidas, como reserva de função legislativa. Em ambos os casos, a reserva de lei traduz-se na proibição – ou, mais rigorosamente, na desautorização –, quer da invasão pelo poder regulamentar da esfera reservada ao legislador, quer do reenvio legislativo para o poder regulamentar da matéria sob reserva. Claro está que a reserva de lei formal em sentido estrito – a reserva de lei parlamentar – constitui um regime especial, fundado nos artigos 164.º e 165.º da Constituição, em relação a um putativo princípio mais geral e largamente implícito que respeita a toda a função legislativa. Nas matérias que aqueles preceitos enunciam, a Constituição desautoriza, não apenas a regulação por decreto-lei simples, como – <i>a fortiori</i> – por regulamento administrativo; e a desautorização constitucional opera simultaneamente contra a Administração Pública – vedando a invasão da reserva – e contra a Assembleia da República – impedindo o reenvio da regulação.”</p> <p>“The reservation of formal law thus admits a strict meaning, in which it has the scope of reserving parliamentary law or authorised decree-law, in the latter case only in the matters and under the terms set out in Article 165 of the Constitution, and a broader meaning, whose existence as a general principle in the Portuguese constitutional order is not without doubt, as a reservation of the legislative function. In both cases the reservation of law is translated into a prohibition - or more strictly speaking, disallowance - of both the invasion by the regulatory power of the sphere reserved for the legislator and the referral of the subject under reservation to the regulatory power. It is clear that the reservation of formal law in the strict sense - the parliamentary law reserve - constitutes a special regime based on Articles 164 and 165 of the Constitution, in relation to a putative principle that is more general and largely implicit, which concerns the entire legislative function. In the matters set out in these precepts, the Constitution disallows not only regulation by simple decree-law, but also - <i>a fortiori</i> - by administrative regulation; and the constitutional disallowance operates both against the Public Administration - by prohibiting encroachment on the reserve - and against Parliament - by preventing the regulation from being</p>

	sent back.”
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<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> <b>Please provide the most relevant <u>high court</u> decision concerning the application of <u>either the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.</u></b>
<b>Decision date</b>	14/09/2021
<b>Reference details</b>	Court of Appeal of Lisbon, <a href="#">Judgement no. 8777/21.3T8LSB</a>
<b>Key facts of the case</b>  <b>(max. 500 chars)</b>	<p>On 24 January 2021, during a public electoral debate, the now appellant A. showed a photo of the current President of the Republic with a family of black people that lived in a peripheral neighbourhood with several socio-economic problems and proceeded to call one of the elements of said family a "bandit", adding later that he would never be the president of "drug traffickers" and those "who live off the State with parallel survival schemes", while display the photograph. After the debate, A. continued to make comments with discriminatory content, comments that were published on the Twitter account of the now appellant B. Because of these actions, the now appellants were convicted by a lower court for making offensive statements and publicize a photograph without consent, and for having issued offensive statements on social media. Not conforming with this decision, A. and B. filled an appeal, claiming that the decision was null because the court had not ruled on one of the requests made by the respondents, in which they requested that the discriminatory character of the statements be evaluated and judged on the basis of the colour of their skin and their socioeconomic situation. The appellants also added that no circumstances or facts lead to the direct or indirect conclusion that they acted with discriminatory intentions on the basis of the colour or socioeconomic conditions of the respondents or that their attitudes violated the respondents' rights to honour and image; they only used their right to freedom of expression, which is particularly broadened in the context of a political debate.</p>
<b>Main reasoning/argumentation</b>  <b>(max. 500 chars)</b>	<p>In its main reasoning, the Court found that the decision was valid since the matter which the appellants claimed the court didn't appreciate, was implicitly decided in the judgment of the matter related to it, namely the discriminatory aspect on the basis of the colour of the skin and the socio-economic situation of the plaintiffs. The Court further stated that although the right to freedom of expression and information is a right protected by the Constitution, this isn't an absolute one, having limitations to what is necessary to safeguard other constitutionally protected rights or interests, with respect for the principles of proportionality, adequacy and necessity. Therefore, the right to the moral and physical integrity of people, and the rights to the development of</p>

	<p>personality, citizenship, a good name and reputation, image and the reservation of the intimacy of current private and family life act as limits to the right of freedom of expression and information.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>In this case, the Court clarified the relationship between the constitutionally protected rights and explained the existing doctrine on how to solve a case whenever there is a conflict between them. In this case the conflict was between the right of freedom of expression and information (article 37º of the Constitution) and the rights of moral and physical integrity (article 25º of the Constitution), and the rights to the development of personality, citizenship, a good name and reputation, image and the reservation of the intimacy (article 26º of the Constitution).</p>
<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The Court decided to dismiss the appeal, confirming the judgment under appeal. Therefore, the now appellants will have to issue a statement, written or oral, of public retraction, to be published in the media, with a periodic penalty payment of 750,00 euros for each day of delay in complying with it. In addition, the 2nd appellant must eliminate the publication of January 22, 2021, at 19:49h, from its official account on Twitter, which offends the authors' right to honor and image, with a financial penalty compulsory of 750,00 euros for each day of delay in compliance. Each of the defendants must also refrain from making or disclosing, in the future, statements or publications, written or oral, of identical content to the offensive statements of the good name of the plaintiffs, with a penalty payment of € 5,000,00 euros for each infraction.</p>
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>“Daqui resulta que a questão atinente ao alegado cariz discriminatório das ofensas imputadas aos réus, <i>em função da cor da pele e da situação socioeconómica dos autores</i>, foi expressamente analisada pelo tribunal <i>a quo</i>, tendo o mesmo entendido que não era essencial/necessária a inclusão de tal questão/qualificativo no dispositivo. Aceita-se a opção assumida pelo tribunal <i>a quo</i> na medida em que as imputadas, e reconhecidas, ofensas à honra e ao direito de imagem dos autores, por um lado, absorvem a vertente discriminatória em função da cor da pele e da situação socioeconómica dos autores e, por outro, tal autonomização não é essencial para efeitos de subsunção jurídica.”</p> <p>“It follows that the issue concerning the alleged discriminatory nature of the offences imputed to the defendants, <i>on the basis of the colour of their skin and the socio-economic situation of the plaintiffs</i>, was expressly analysed by the court of appeal, the court having considered that it was not essential/necessary to include such an issue/qualification in the operative part. We accept the option assumed by the court of appeal insofar as the imputed, and acknowledged, offences to the honour and image right of the plaintiffs, on the one hand, absorb the discriminatory aspect based on the colour of the skin and socio-economic situation of the plaintiffs and, on the other hand, such autonomisation is not essential for the purposes of legal subsumption.”</p> <p>“Ora é justamente isto que se passa com a liberdade de expressão e com os direitos à reserva da intimidade da vida privada ou ao bom nome e reputação. As normas que os preveem,</p>

	<p>respetivamente os artigos 37.º e 26.º da CRP, são consciente e deliberadamente abertas, tendo uma vocação de plenitude. Uma visão isolada destes preceitos faz surgir a convicção não só de que se pode exteriorizar tudo o que se pensa, sente ou julga saber, como, simultaneamente, que nada pode ser dito sobre a reserva da intimidade da vida privada ou que possa prejudicar a consideração de que uma pessoa é merecedora no seu meio. Uma visão integrada dos mesmos permite, contudo, perceber que um limita o outro e vice-versa.”</p> <p>“This is exactly what happens with freedom of expression and with the rights to reserve the intimacy of private life or to a good name and reputation. The rules that provide for them, respectively articles 37 and 26 of the CRP [Constitution of the Portuguese Republic], are consciously and deliberately open, having a vocation of fullness. An isolated view of these precepts gives rise to the conviction that not only can you externalize everything you think, feel or think you know, but, simultaneously, that nothing can be said about the reservation of the intimacy of private life or that could harm the consideration that a person is deserving in their midst. An integrated view of them, however, allows us to realize that one limits the other and vice versa.”</p>
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<b>Thematic area</b>	<b>ROMA EQUALITY AND INCLUSION</b> <b>Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.</b>
<b>Decision date</b>	09/09/2021
<b>Reference details</b>	Court of Appeal of Évora; <a href="#">Judgement 1674/18.1T8TMR.E1</a>
<b>Key facts of the case</b>  <b>(max. 500 chars)</b>	<p>In the context of a promotion and protection procedure initiated due to school absenteeism of 2 Roma minors, the lower court decided to apply the residential care measure. The 2 minors appealed from this decision, claiming that the applied measure was disproportionate. The applicants argue that they are well integrated in school, in the community and in their family, presenting themselves as well-cared for and nurtured minors. However, the applicants are part of a Roma household that follows the rules, traditions and cultural principles of this community, which devalues school attendance. However, against the convictions of their community, they're enrolled in school. Thus, the plaintiffs claimed that the court did not take into account the convictions of the Roma community, disrespecting the right to difference provided for in art. 3, paragraph d) of the Basic Law of the Educational System and the minor's right to their cultural identity. Thus, bearing in mind that the objective of the promotion and protection procedure is to avoid dangerous situations and promote the interests of children, and that, given the specific of the case, it can be concluded that this situation is not related to any risk factors, but rather to the diversity of values that is characteristic of the origin of the community where the minors are integrated. Thus, in the absence of a risk situation, the applicants claim that the option of the lower court to apply the measure of promotion and protection of residential care is disproportionate, doesn't respect the best interests of the minors, and is inevitably conducive to a strong emotional disturbance, susceptible to trigger a reaction contrary to the intended objectives. Therefore, the minors, understand that the support measure with another family member would be more appropriate.</p>
<b>Main reasoning/argumentation</b>  <b>(max. 500 chars)</b>	<p>The Court understood that the sentence applied by the appealed court did not demonstrate how the residential care measure would captivate the minors to schooling, and in the Court's conviction, the violence of the measure would not only drive away the minors from their community and family, but it would also make them feel sanctioned for a conduct that in their culture is not considered to be harmful. In addition, the Court also argued that an understanding of cultures is crucial for promoting the value of education. Thus, taking into account that the</p>

	<p>unquestionable need to promote the education of these minors would have to go through family interaction, under the penalty of promoting the minor's revolt, sadness and anguish; and that the promotion and protection procedure has to obey certain guiding principles, among which the principles of proportionality and the prevalence of the family are relevant, the court considered that the residential care measure was disproportionate, and that a measure of support for parents that promoted increased school involvement was more appropriate.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>In this decision, the Court clarified the balance that must exist between the right (and the value) of education and the right to cultural identity, explaining how in promotion and protection procedures the principle of proportionality should be applied to protect two fundamental rights.</p>
<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The Court decided to uphold the appeal and, as a result, revoked the appealed decision, applying the measure of support with the parents. As a result, the minors continued to live with their parents.</p>
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>“São muitos os estudos publicados sobre os problemas de assiduidade dos alunos de etnia cigana e, de modo geral, o que se advoga para os mitigar é o reforço das relações entre a escola e a família o que se consegue sobretudo com a existência de mediadores nas escolas tendo em vista a sensibilização e envolvimento desta comunidade na aprendizagem dos seus educandos. A compreensão das raízes e das culturas familiares revela-se determinante antes de qualquer intervenção junto das crianças e jovens tendente a promover a sua educação, sendo de relevar, na senda da imposição constitucional (art.º 67º, nº2, c) ) a cooperação do Estado com os pais na educação dos filhos.</p> <p>“There are many studies published on the problems of attendance by Roma students and, in general, what is advocated to mitigate them is the strengthening of relations between school and family, which is obtained above all with the existence of mediators in schools with a view to raising awareness and involving this community in the learning of their students. The understanding of family roots and cultures is decisive before any intervention with children and young people aimed at promoting their education, and it is important to point out, in the path of constitutional imposition (Art. 67, nº2, c) ) the cooperation of the State with parents in the education of their children.”</p>

<b>Thematic area</b>	<b>ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION</b> Please provide the most relevant high court decision – or any court ruling – relating to the implementation of the <u>right to an effective remedy</u> in the context of storing data in national large-scale databases and in EU IT systems (Eurodac, VIS, SIS) delivered in 2021.
<b>Decision date</b>	<i><b>No case law has been identified for this thematic area.</b></i>

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.
<b>Decision date</b>	30/08/2021
<b>Reference details</b>	Constitutional Court: <a href="#">Judgement 830/2021</a>
<b>Key facts of the case</b> <b>(max. 500 chars)</b>	The President of the Republic submitted to the Constitutional Court, in a process of preventive review of constitutionality, the provisions contained in Article 5 of Draft Decree 167/XIV, which, among other matters, intended to amend the Law on Cybercrime, approved by Parliament on 20 July 2021. Under the terms of such regulation, access to the content of electronic communications, pending a criminal investigation, would be admitted, firstly, to the Public Prosecutor's Office, who only afterwards would present it to the judge. Thus, the Public Prosecution would be allowed to access the content of electronic communications without a prior authorisation of a pre-trial judge.
<b>Main reasoning/argumentation</b> <b>(max. 500 chars)</b>	Seizure of and access to electronic communications during a criminal investigation constitutes a restriction to fundamental rights. The new legal solution, by waiving the prior intervention of the pre-trial judge, does not respect the requirements of exceptionality, necessity and proportionality that are imposed on laws restricting fundamental rights. There are no justified reasons to rule out the prior intervention of the Pre-trial Judge, during the investigation phase, with regard to seizures of email or similar. Thus, the legal solution under consideration, by establishing that the Public Prosecution could access such information without the prior authorisation of the pre-trial judge, would be unconstitutional.
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	The Constitutional Court describes the specific competences of the Pre-trial Judge and of the Public Prosecutor, making a distinction between their statutes, the latter having exclusive and non-delegable competence to guarantee fundamental rights within the scope of criminal proceedings. The law can only waiver the pre-trial intervention in exceptional cases duly delimited and justified, for example or example, within preventive or precautionary actions, where there is particular urgency or danger in delay as regards the preservation of evidence, and provided that subsequent judicial validation of the competent authorities' actions is ensured. This is not the case of the solution of the law under scrutiny in this judgement.

<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The Constitutional Court decided that the rule in question, by waiving the prior authorisation of the pre-trial judge, is unconstitutional since it violates the rules on the right to privacy, inviolability of correspondence and communications, protection of personal data in the use of information technology, constitutional guarantees of defence in criminal proceedings, and the principle of necessity and proportionality in restrictive interventions regarding fundamental rights.</p>
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>a Lei Fundamental reconhece tal relevo aos interesses e aos valores que a investigação criminal visa salvaguardar que expressamente permite a restrição [de direitos fundamentais], quando o não faz noutros âmbitos. Todavia, também não se olvida que o potencial ablativo da liberdade dos cidadãos é particularmente elevado em sede de processo penal, pelo que a CRP impõe a intervenção do Juiz de Instrução Criminal, enquanto titular de órgão de soberania independente, imparcial, e especialmente vocacionado para a proteção dos direitos fundamentais, sempre que se revele necessário garantir que os direitos e liberdades dos cidadãos não sofrem compressões desadequadas, desnecessárias ou desproporcionais, e para prevenir que intervenções restritivas abusivas atinjam a sua esfera jusfundamental. Existe, pois, uma ligação muito estreita entre a autorização constitucional de restrição, prevista no n.º 4 do artigo 34.º da CRP, e a previsão de competência primária do Juiz de Instrução Criminal para a prática de atos que diretamente contendam com direitos fundamentais, estatuída no n.º 4 do artigo 32.º da Constituição. Por isso, e como se disse, uma solução legal que dispense a prévia autorização daquele para a prática de atos de investigação penal que importam a invasão da esfera privada dos cidadãos só será constitucionalmente legítima se existir uma justificação cabal, robusta e bem determinada, não podendo, em caso algum, exceder os limites apertados de uma solução excecional.</p> <p>the Constitution recognises such importance to the interests and values that the criminal investigation aims to safeguard, expressly allowing the restriction [of fundamental rights], when it does not do so in other areas. However, it is also not forgotten that the potential restriction of the freedom of citizens is particularly high in criminal proceedings, so the Constitution requires the intervention of the Pre-trial Judge, as holder of independent sovereign body, impartial, and especially dedicated to the protection of fundamental rights, whenever it becomes necessary to ensure that the rights and freedoms of citizens do not suffer inappropriate, unnecessary or disproportionate compression, and to prevent abusive restrictive interventions from reaching their jusfundamental sphere. There is, therefore, a very close link between the constitutional authorisation of restriction, provided in paragraph 4 of Article 34 of the Constitution, and the provision for primary jurisdiction of the Pre-trial Judge to practice acts that directly conflict with fundamental rights, provided in paragraph 4 of Article 32 of the Constitution. Therefore, and as we have said, a legal solution that exempts the prior authorisation of the judge for the practice of acts</p>

	of criminal investigation that involve the invasion of the private sphere of citizens will only be constitutionally legitimate if there is a full, robust and well determined justification, and may not, in any case, exceed the tight limits of an exceptional solution.
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<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> <b>Please provide the most relevant high court decision related to the topics addressed in the chapter.</b>
<b>Decision date</b>	13/05/2021
<b>Reference details</b>	Supreme Court of Justice: <a href="#">Judgement no. 2481/17.4T8BRR.L1.S1</a>
<b>Key facts of the case</b> <b>(max. 500 chars)</b>	In 2017, 5 siblings aged between 4 and 9 years old were granted residential care because they were in a situation of danger, with developmental delays and lack of basic personal care, without their parents having a protective attitude. They remained institutionalized for more than 3 years and their parents showed little motivation and incapacity to reorganize their lives in order to receive their children. As they wanted the children to remain institutionalized, the parents appealed against the decision of adoption, which the Supreme Court of Justice confirmed.
<b>Main reasoning/argumentation</b> <b>(max. 500 chars)</b>	The Court concluded that "if at the date of the initial foster care agreement, the 5 minors were in a situation of danger (...) and if, after more than 3 years of residential foster care, the professional, housing and family situation of the family household had not registered any progress, with the parents continuing to fight for the institutionalization of their children, it can be said that "the parents (...) have put in serious danger the safety, health, training, education and development of the minors" - art. 1978 n. 1, d) CC", demonstrating a situation of "unpreparedness, lack of aptitude, inexistence of the possibility of consciously symbolizing the need to create caring bonds".
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	The prolongation of a residential foster care situation must be avoided, and it is urgent to find a solution that defines the children's future. The affective bonds proper to filiation, whose serious commitment is the basis for trust with a view to future adoption, "are not constituted as an abstraction, that is, they are not bonds of belonging <i>tout court</i> , but of care and responsibility, with reciprocal identification, bonds that can be born out of blood or natural or biological family - being, however, necessary that a reciprocal subjective bond is born and becomes conscious for all.
<b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b>	The Supreme Court of Justice confirmed the decision of the court of first instance, which applied in favour of the children the measure of promotion of rights and protection of trust with a view to future adoption, which had also been confirmed by the Court of Appeal.

<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>“(…) quando a família biológica é ausente ou apresenta disfuncionalidades que comprometem o estabelecimento de uma relação afectiva gratificante e securizante com a criança, impõe a Constituição [da República Portuguesa] que se salvguarde o superior interesse da criança, particularmente através da adoção”.</p> <p>“(…) when the biological family is absent or presents dysfunctionalities that compromise the establishment of a gratifying and securing affective relationship with the child, the Constitution [of the Portuguese Republic] imposes that the best interests of the child be safeguarded, particularly through adoption”.</p>
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<b>Thematic area</b>	<b>ACCESS TO JUSTICE</b> <b>Please provide the most relevant high court decision related to the topics addressed in the chapter.</b>
<b>Decision date</b>	14/07/2021
<b>Reference details</b>	Appeal Court of Lisboa: Judgement number 2701/19.0T9AMD.L1 (The decision is not available online. Following our request to the Court of Appeal of Lisbon, the decision was sent to us by email)
<b>Key facts of the case</b> <b>(max. 500 chars)</b>	A 19 years old mother, living in Portugal since she was 12, flew to Guinea-Bissau with her daughter, where they stayed for 3 months. During the stay in such country, at the request of the mother, the one and a half-year-old daughter was subjected to female genital mutilation.
<b>Main reasoning/argumentation</b> <b>(max. 500 chars)</b>	The first instance court considered that, in light of the facts of the case and of the general and special prevention needs in accordance to this type of crimes, a 3-year prison sentence, not subjected to any suspension, would be adequate. The Appeal Court, on the other hand, understood that there were facts able to produce a favourable prognosis regarding the defendant's conduct and, thus, allowing for the suspension of the prison sentence. The facts considered were the following: the defendant was also subjected to this practice, and probably all the women in her family; the defendant is a young mother, then aged 19, unable to overcome the pressure exerted by her family, in a context of great vulnerability, without conditions to resist the imposed social norms; she defendant has no criminal record and, given her family background, she decided not to confess the facts; the three-year prison sentence would represent a new punishment for her young daughter, already weakened by the suffering inflicted on her and needing her mother for her growth.
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	The Appeal Court pondered on the elements which should be considered favourable or unfavourable to a suspension of a prison sentence. The Appeal Court considered the family context of pressure on the defendant and her inability to act against the practices rooted in her community as factors justifying a favourable prognosis of the defendant's conduct. It is this prognosis on which the suspension of the prison sentence is based.

<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The first instance court convicted the mother (defendant) to a three-year prison sentence. The defendant appealed and the Appeal Court reduced the sentence by means of suspending the execution of the prison sentence for a period of 4 years.</p>
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>A arguida fez apenas o que era o anseio da sua família, assim como ela e a irmã também foram sujeitas a esta prática, e provavelmente todas as mulheres da sua família, sendo que a arguida não teria condições para criticar e opor-se àquelas práticas, defendidas pela sociedade em que está inserida. A arguida é uma jovem mãe então com 19 anos de idade, incapaz de se sobrepôr à pressão exercida pela sua família, encontrando-se num contexto de grande vulnerabilidade, sem condições para resistir às normas sociais impostas. Por outro lado, a arguida não tem antecedentes criminais e entendeu, face ao seu contexto familiar, não confessar os factos. Por fim refira-se que o cumprimento efectivo da pena de 3 anos de prisão por parte da arguida não deixaria de representar um novo castigo para a sua filha de tenra idade, já por si fragilizada pelo sofrimento que lhe foi infligido, e a precisar da mãe para o seu crescimento.</p> <p>The defendant only did what her family wanted, just as she and her sister were also subjected to this practice, and probably all the women in her family. The defendant is a young mother, then aged 19, unable to overcome the pressure exerted by her family, in a context of great vulnerability, without conditions to resist the imposed social norms. On the other hand, the defendant has no criminal record and, given her family background, she decided not to confess the facts. Finally, it should be noted that the three-year prison sentence would represent a new punishment for her young daughter, already weakened by the suffering inflicted on her and needing her mother for her growth.</p>

<b>Thematic area</b>	<b>DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)</b> <b>Please provide the most relevant court judgment, which quoted the CRPD or prominently referred to the CRPD in the reasoning.</b>
<b>Decision date</b>	07/09/2021
<b>Reference details</b>	Court of Appeal of Coimbra: <a href="#">Judgement n.º 1067/20.0T8LRA.C1</a>
<b>Key facts of the case</b>  <b>(max. 500 chars)</b>	<p>A., mother of B., filed an appeal against the first part of the decision taken by the lower Court that decided in favour of B., after he intervene in the initial process, asking the Court to give C., father of B., the powers of total representation and administration of B., considering that B. is unable to exercise consciously his rights and to fulfil his duties due to a cognitive impairment. Not conforming with this part of the decision, A. claimed that the judgment now under appeal made a wrong assessment of the evidence and asked the Court of Appeal to declare B. unable to intervene on its own in the process, deeming the power of attorney granted by him to be invalid; to subject the choice of residence to prior authorization of A.; to give A. the powers of total representation and administration of B., and to define instrumental measures that would able the representative to submit by the family council, for approval, a plan of learning and training activities to be carried out by B., favouring those that fit their personal characteristics and gave access to the exercise of a profession and eliminating those that constitute an inconsequential allocation of time and effort. Equally not conforming, C. filed an appeal against the second part of the decision, that decided that C. had the duty to encourage B. to visit A, claiming that this duty not only was a violation of the right of individual freedom of B., but also a violation to his right of personality, since imposing a "visitation regime" was treating B. like a minor, not respecting him as an adult, especially, when the proven factuality had shown that the cognitive impairment of B. was merely mild, thus violating articles 19 and 20 of the CRPD.</p>
<b>Main reasoning/argumentation</b>	<p>In its reasoning, as for the appeal filled by A., the Court found that the lower Court didn't misjudged the proven factuality, but comply with Law 49/2018, that approved the new legal regime of accompanied adults, which is a more humane regime that aims to protect without incapacitating. The Court also understood that the appeal filled by A. grossly violated articles 19 and 20 of the CRPD, whose spirit is precisely that of cultivating autonomy and</p>

<p><b>(max. 500 chars)</b></p>	<p>respecting as scrupulously as possible the individuality and will of the people whose rights it seeks to guarantee. As for the appeal filed by C., the Court understood that the fact that the appealed decision included the duty of C. to encourage B. to visit A., was not a “visitation regime”, but rather a duty attributed to C. that didn’t constitute a restriction or injury to the freedom of B. Thus, it was entirely unreasonable to invoke the violation of the provisions of the CRPD.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>The Court clarified the aim of new legal regime of accompanied adults approved by Law 49/2018, using the CRPD to establish the reasons why the new legal regime is more human, that wants to protect without incapacitating.</p>
<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The Court dismissed the appeal filled by A. and the appeal filled by B., deciding to maintain the decision of the lower Court.</p>
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>“Os tribunais e todos os intervenientes na feitura da Justiça, não podem arredar a nova filosofia, terrivelmente humanista, do novo regime do maior acompanhado: visa a máxima preservação da capacidade do individuo, assente em medidas a adotar casuisticamente e periodicamente revistas, reduzindo a intervenção ao mínimo possível, isto é, ao necessário e suficiente de molde a garantir, sempre que possível, a autodeterminação e a capacidade da pessoa maior incapacitada; proteger sem incapacitar”.</p> <p>“The courts and all those involved in the making of Justice, cannot move away from the new, terribly humanistic philosophy of the new regime of accompanied adults: it aims at maximum preservation of the individual's capacity, based on measures to be adopted on a case-by-case basis and periodically revised, reducing the intervention as little as possible, that is, as necessary and sufficient to ensure, whenever possible, the self-determination and capacity of the most disabled person; protect without incapacitating”</p> <p>«É um dever atribuído ao Acompanhante. E o conteúdo desse dever, tal como o seu</p>

eventual exercício, não constitui restrição ou lesão da liberdade do Beneficiário. A afirmação do Apelante de que "Não aceita ser coarctado ou incentivado por determinação judicial..." só pode provir de um lamentável equívoco. Coacção e incentivação não são sinónimos. Alterar a vontade de outrem pela força física ou psicológica é uma realidade absolutamente distinta de procurar alterar essa vontade pela persuasão. (...) É, por isso, inteiramente descabido invocar, nesta sede, a violação do princípio da igualdade, consagrado no art. 13.º da CRP, ou a Convenção de Nova Iorque Sobre os Direitos das Pessoas com Deficiência. Logo, das alegações do Apelante não resulta argumentação susceptível de fundamentar a revogação da dita sentença recorrida, no que toca ao dever do Acompanhante de incentivar o convívio do Beneficiário com a Mãe".»

«It is a duty assigned to the Companion. And the content of this duty, such as its possible exercise, does not constitute a restriction or injury to the Beneficiary's freedom. The Appellant's statement that "It does not accept being coerced or encouraged by a court order..." can only come from a regrettable mistake. Coercion and encouragement are not synonymous. Changing another's will through physical or psychological force is an absolutely different reality from seeking to alter that will through persuasion. (...) It is, therefore, entirely unreasonable to invoke, in this case, the violation of the principle of equality, enshrined in art. 13 of the CRP, or the New York Convention on the Rights of Persons with Disabilities. Therefore, from the Appellant's allegations there is no argument capable of substantiating the revocation of the appellant's learned sentence, with regard to the Companion's duty to encourage the Beneficiary's coexistence with the Mother."»