

# Franet National contribution to the Fundamental Rights Report 2023

**Portugal**

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## Policy and legal highlights 2022

Franet country study: policy and legal highlights 2022	
Issues in the fundamental rights institutional landscape	<b>360° Accessibility - Housing Intervention Programme:</b> <a href="#">Notice 03/C03-i02/2022</a> , of 1 May, calls for applications for the programme created under the <i>Recovery and Resilience Plan</i> to improve disabled people's home accessibilities in Portugal (total budget of €10M to intervene in at least 1000 houses).
EU Charter of Fundamental Rights	<b>Judgement of the Constitutional Court 268/2022:</b> The Ombudsperson requested the assessment and declaration of the unconstitutionality of the norms contained in articles 4, 6 and 9 of Law 32/2008, which transposed into national law Directive 2006/24/EC, considering that these articles violated Articles 7 and 8 of the Charter. However, according to the <a href="#">Court</a> , the problem is related to the incompatibility with internal national rules and not European Law.
Equality and non-discrimination	<b>National training programme for Police Departments and Security forces:</b> The Gender Equality and Citizenship Commission and the Ministry for Domestic Affairs established a national programme of training on LGBTI issues aimed at police departments. The training involves officers of the security forces, including prison services, border control and the public police.
Racism, xenophobia & Roma Equality and Inclusion	<b>More inclusive school:</b> <a href="#">Recommendation</a> of the National Education Council aims to contribute to welcome migrants and build a more inclusive school, namely, to overcome prejudice, discrimination and racism that affect particularly immigrants, refugees and ethnic minorities, including Roma people.
Asylum & migration	<a href="#">Law 18/2022</a> , of 25 August, amended Law 23/2007, of 4 July ( <b>Foreigners Law</b> ), expanding the data that the Foreigner and Borders Service can use to establish or confirm the identity of foreigners (copies of identification and travel documents, photographs, facial images and fingerprints).
Data protection and digital society	<a href="#">Law 16/2022</a> of 16 August approved the <b>Electronic Communications Law</b> , transposing Directives 98/84/EC, 2002/77/EC and (EU) 2018/1972. The final wording of the approved Law welcomed some of the recommendations issued by the CNPD in order to ensure respect for the General Data Protection Regime, namely the elimination of the concept of remuneration (in the draft law, it was recognized the possibility of monetization or commercialization of personal data).
Rights of the child	<a href="#">Law 2/2022</a> determinates the <b>extension of free day-care and nursery nurses employed by the Social Security Institute</b> . The Government is progressively extending free attendance at day-care centres: in 2022, to all children entering the 1st year of nursery school; in 2023, to all

	children entering the 1st year of nursery school and those who go on to the 2nd year; in 2024, to all children entering the 1st year of nursery school and children who go on to the 2nd and 3rd year.
Access to justice, including victims of crime	<b>Guideline 001/2022 of the Directorate-General of Health</b> (to health professionals and health institutions) <a href="#">creates rules</a> on how to prevent an act in situations of violence, namely the model for the Clinical Register of Violence in Adults, aiming to promote the electronic registration of the user's clinical file, in integrated process and facilitate articulation with the various entities of the National Network of Support to Victims of Domestic Violence, the National System for the Promotion of the Rights and Protection of Children and Young People, etc.
Convention on the Rights of Persons with Disability	<b>Bringing forward the age of the old-age pension on the grounds of disability:</b> <a href="#">Law 5/2022</a> , of 5 January, approves the early introduction of the old-age pension scheme for disabled people aged 60 years old or more, with an incapacity level equal to or greater than 80% and a minimum of 15 years of contributions constituted with that incapacity level. This law still needs to be regulated by the government.

# 1 Equality and non-discrimination

## 1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination focussing on LGBTIQ people and combating discrimination on the grounds of socio-economic status, health status and physical appearance

In 2022, there were not significant advances in LGBTIQ+ rights regarding legislation in Portugal<sup>1</sup>. Despite the lack of major achievements in terms of legislation, civil society and activism showed great vitality: the number of local initiatives, including in small towns, was high and the visibility of LGBTIQ+ issues in the media especially during Pride Month. Moreover, the large number of training sessions in schools, police stations, health centres and libraries show that LGBTIQ+ issues still need to be discussed, disseminated and made more visible.

Regarding measures to combat discrimination based on socio-economic status, the Educational Territories of Priority Intervention Programme (TEIP) is a public policy measure that benefits schools located in territories with higher rates of poverty and social exclusion, where it is necessary to ensure the inclusion of all students, combat school withdrawal, promote school success and improve the quality of learning. This measure aims to ensure the inclusion of all students, promoting equality and non-discrimination. One of the measures implemented following the publication of the Resolution of the Council of Ministers 90/2021<sup>2</sup>, of 7 July, was the extension of the TEIP network to ten more schools, identified by their multicultural community<sup>3</sup>.

In this section, we have included both state-based direct measures and local initiatives from NGOs.

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<sup>1</sup> The political framework experienced in Portugal during the first semester has influenced this situation. The dissolution of Parliament in December 2021 ([Decree of the President of the Republic 91/2021, of 5 December, dissolving the Assembly of the Republic](#)) suspended the regular parliamentary activity. The elections were held on 30 January 2022. Although the parliamentary committees restarted their work on 13 April 2022, until the end of May, their activity was dominated by the budgetary legislative process.

<sup>2</sup> Portugal, [Resolução do Conselho de Ministros 90/2021, que Aprova o Plano 21|23 Escola+, plano integrado para a recuperação das aprendizagens](#) (Resolution of the Council of Ministers 90/2021, which Approves the Plan 21|23 Escola+, an integrated plan for the recovery of learning), 7 July.

<sup>3</sup> Directorate-General for Education, written response, 30 September 2022.

## **i. Tackling discrimination against LGBTIQ people**

### **New Parliament and LGBTI issues in 2022 state budget.**

The new Parliament elected in 2022 was formed by a majority of politicians from the PS (Socialist Party). However, concerns were raised for the election of 12 politicians from the extreme right-wing party Chega: for the first time in Portugal's democratic history elements from radical right parties entered the Parliament.

During the debate to approve the state budget, proposals regarding the LGBTIQ community were advanced by different parties but only a few were included in the final version of the budget (Law 12/2022<sup>4</sup>, of 27 June, that approves the State Budget for the year 2022). The proposals that received financial support were the national training programme on LGBTI for police forces on LGBTI issues (see below); and training on sexual orientation and gender identity issues for healthcare professionals to improve the clinical support for LGBTQI people in the public health system.

Other proposals issued by PAN party were not approved. They included the creation of an emergency support network for housing of LGBTI victims of discrimination<sup>5</sup> and the creation of a financial instrument to support for LGBTI NGOs<sup>6</sup>.

### **National training programme for Police Departments.**

Following a partnership established in 2021 between the CIG (Gender Equality and Citizenship Commission) and the Ministry for Domestic Affairs, a national programme of training on LGBTI issues aimed at police departments was launched in 2022. The programme was included amongst other proposals directed at improving living conditions of LGBTI people within the debate on the state budget. The final budget focused on financial support to implement the training programme, which will involve the SEF (Serviço de Estrangeiros e Fronteiras), PSP (Public Police) and GNR (Guarda Nacional Republicana). The president of CIG declared that the programme will be crucial to provide public administration with the resources to tackle discrimination against LGBTIQ people<sup>7</sup>. Moreover, the National Institute for Police Sciences and State Safety launched a new curriculum unit called "Contemporary Police Issues" that will train attendants on issues such as diversity, gender, and LGBTQIA+ issues. The unit will have a 75-hour length

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<sup>4</sup> Portugal, [Lei 12/2022, que aprova o Orçamento do Estado para o ano 2022](#) (Law 12/2022, approving the State Budget for the year 2022), 27 June.

<sup>5</sup> Portugal, [Proposed Amendment 277C to Article 142a \(Network of Temporary Emergency Shelters specific for LGBTI persons\)](#), 06 May.

<sup>6</sup> Portugal, [Proposed Amendment 276C to Article 142b \(Funding of LGBTI Non-Governmental Organisations\)](#), 06 May.

<sup>7</sup> Sábado (2022), [Polícia vai ter formação sobre direitos lgbtiq](#) (Police will receive training on LGBTIQ rights), 17 May 2022.

and will count on the collaboration of the Centre for Human Rights “Ius Gentium Conimbrigae”<sup>8</sup>.

### **Local training for the Police Department and Prison Authorities.**

The organisation A(MAR), based in the Azores, established a partnership with the Police Department (PSP) to promote initiatives for the protection and safety of LGBTI people. Initially, the plan involves some locals in São Miguel Island (Ponta Delgada, Ribeira Grande, Lagoa, Vila Franca do Campo, Nordeste and Povoação). In the following months, the training will be extended to the remaining units in the other islands of the archipelago. Moreover, it established a partnership with the Azorian department for General Direction of Prison Services (DGRSP): one measure to be developed in the next few months will provide training on domestic and intimate violence in the context of LGBTI relationships, for the first time in the Azores.

### **Psychological support to LGBTIQ people.**

Plan I Association (*Associação Plano I*) organises on a regular basis and continued to provide a psychological support service to LGBTIQ people, through its project “Espaço Livre” (Free Space)<sup>9</sup>. In 2022, 75 people made use of the service. Within the context of the Centro Gis, a centre to help LGBTI people managed by this association, 1517 people were attended. Of these attendances, 1105 refer to psychological support, 158 to psychosocial support, 52 to psychiatry, 63 to endocrinology and 139 to legal support. In addition to face-to-face service, of the 1517 attendances, 598 took place remotely (video call, email or telephone). Moreover, the association also organizes weekly group sessions to train and promote social and personal skills with LGBTIQ people and raising awareness initiatives<sup>10</sup>. The organisation A(MAR) also provides a phone support line and an in-person service in Ponta Delgada (Azores). Between January and September 2022, the organisation provided psychological support to over a hundred LGBTI people. In order to ensure a better service to families, A(MAR) established a partnership with CTFIS (Azores Centre for Family Therapy and Systemic Intervention). Furthermore, during 2022, the Association Opus Diversidades also continued to provide psychosocial support to the community, by providing support for empowerment (which included training events for staff); psychotherapy and

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<sup>8</sup> National Institute for Police Sciences and State Safety, written response, 2 January 2022.

<sup>9</sup> For more information see [the Plano I Association website](#).

<sup>10</sup> Plan I Association, written response, 3 January 2023.



psychiatry consultations; legal advice and mediation (to migrants, asylum seekers, labour law, and discrimination and harassment)<sup>11</sup>.

### **Opening of two hospital units for trans people.**

The Deputy Ministry for Health announced a plan to open two new hospital units for trans people<sup>12</sup>, with the aim to provide a better service in terms of gender affirmation processes and hormone treatments. This specialisation requires various specialities such as psychiatry, psychology, endocrinology, gynaecology, urology. So far, the National Health System has only provided this type of service through two units, based in Coimbra and in Porto. The two units will operate in Lisbon and in Faro and will be integrated into the Centro Hospitalar de Lisboa Central and in the Centro Hospitalar Universitário do Algarve. The Ministry affirmed that the measure will ease pressure on existing units and waiting times for trans people.

### **Creation of Gender Incongruence Service in the Azores islands.**

The organisation A(MAR), based in the Azores Islands, formalised a partnership with the Divino Espírito Santos Hospital in Ponta Delgada, EPE, and PDL to create a service aimed at trans people<sup>13</sup>. Following the EU LGBTIQ European Strategy (2020-2025), the service is boosting the fight against discrimination in healthcare systems. In particular, it aims to tackle the discrimination and isolation that young trans people often encounter in the island context of the Azores. Since its foundation in May 2022, the service has supported four young trans people.

### **Rainbow benches in 15 cities.**

The LGBT section of the party Bloco de Esquerda (Left Block) organised a national initiative to signal the presence of LGBTQI people in the public space and tackle discrimination. During January and February 2022, in 15 cities, benches located in public squares and parks were painted with rainbow colours. The promoters of the initiative launched the hashtag #bancodoamor (Love bench) on social media and aimed at promoting inclusion, respect and equality for everyone in public

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<sup>11</sup> Opus Diversidades, written response, 12 December 2022.

<sup>12</sup> Diário de notícias (2022), [Vão ser criadas duas unidades de saúde especializadas para transexuais](#) (Two health units specialised in trans issues to be created), 11 May 2022.

<sup>13</sup> Açoriano Oriental (2022), [Médicas implementam consulta de Incongruência de Género no HDES](#) (Healthcare professionals implement service for Gender Incongruence in HDES), 24 May 2022.

spaces. According to the site of LGBTI news site Dezanove<sup>14</sup>, after a few days three benches had already been vandalized in Braga, Guarda and Guimarães.

## **Official celebrations of IDAHOTB 2022 (The International Day Against Homophobia, Transphobia and Biphobia)**

In 2022, more institutions and local entities signalled their participation in the official celebrations of IDAHOTB 2022. The celebrations of this day have been consistent since the approval, in 2015, of a national law that encourages institutions and local entities to organise a public display of support for LGBTI people on this day. The prime minister raised the LGBTI flag at the Official Residence and accompanied the event with a commitment to continue supporting the Portuguese LGBTI community<sup>15</sup>. The official website of the Government also signaled the day to reinforce the commitment.

For the first time, the rainbow flag was hoisted at the University of Coimbra. As the promoter of the event declared, it was a historical landmark for the life of the oldest university in Portugal<sup>16</sup>. In Coimbra the 13th LGBTI March also took place on the 17 May in the streets of the city. The flag was hoisted in 14 Municipalities, including some for the very first time, such as Mealhada and Vizela. Several city councils also supported the initiative. In the case of Almada, the flag was hoisted in different parts of the municipality and the day was accompanied by debates for parents of LGBTI people, healthcare professionals and users of the local library.

Local Pride marches took place between May and June in several places. For the first time, a Pride was organised in the cities of Tapada das Mercês (Sintra), Esposende, Covilhã and Caldas da Rainha. In most cities, the Pride celebrations were accompanied by events, debates, exhibitions and screenings.

## **Dedication of a street to trans victim of murder Gisberta.**

The Toponymy Commission of the Porto Council approved the attribution of the name of Gisberta to a street in the city<sup>17</sup>. Gisberta was a trans person murdered in 2006 in Porto: her violent death ignited a wave of protests and social change in

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<sup>14</sup> Dezanove (2022), [Bloco de Esquerda pintou bancos arco-íris em 15 concelhos do país. Alguns não resistiram ao vandalismo](#) (The Left Block painted rainbow benches in 15 cities in the country. Some didn't resist and vandalised them), 24 February 2022.

<sup>15</sup> Diário de Notícias (2022), [Dia contra a homofobia: Costa hasteia bandeira arco-íris em São Bento](#) (Day against homofobia: Costa raises rainbow flag in São Bento). 17 May 2022.

<sup>16</sup> Notícias UC (2022), [UC assinala dia internacional contra a homofobia, a transfobia e a bifobia](#) (University of Coimbra celebrates international day against homo, trans and biphobia). 17 May 2022.

<sup>17</sup> Dezanove (2022), [Aprovado: Gisberta terá uma rua no Porto, mas ficará na lista de espera](#) (Approved: Gisberta will have a street named after her in Porto, but will stay in waiting list), 20 March 2022.

Portugal and her name is well-known amongst the LGBTQI community. The dedication of a street to her name signals an important advance not only in recognising the importance Gisberta's case had in LGBTI local history but also in the celebration of LGBTI figures in public space. The Commission will include Gisberta's name on a waiting list to be used in future naming processes.

Knowledge to protect: the project "Conhecer para proteger"

Casa Qui launched, in partnership with CNPDPCJ (National Commission for the Promotion of Rights in the Protection of Children and Young People), a project to promote good practices in support of LGBTI children and youth. The project "Know to Protect: Good Practices in Supporting LGBTI Children and Young People"<sup>18</sup> aimed to create an online platform for sharing resources, provide support and offer consultancy in the field of education of children and young people. Moreover, the project produced a "Guide to Good Practices for the Promotion of Rights and Protection of LGBTI Children and Young People". The manual brings together in-depth and complete information on the phenomenon of family violence, in the school, dating and institutional context that this population may experience.

ANTIlab: Handbook of LGBTQ+ issues for journalists and media professionals

The organization API – Ação pela identidade launched a handbook to guide journalists and professionals<sup>19</sup> that work in the media in the correct use of LGBTQ+ terminology. The handbook aims at helping professionals in the understanding of discrimination and deconstructing internalized stereotypes and prejudices.

## ii. Ensuring LGBTIQ people's safety

### **Safe housing for victims of domestic violence and other vulnerable situations.**

LGBTI victims of domestic violence often need to be relocated to spaces where they can be guaranteed safety and psychological support. Associação Plano I provides safe housing to LGBTI victims of domestic violence through two projects, Plano 3C<sup>20</sup> and Casa Arco-íris<sup>21</sup>. During 2022, five people entered the facilities provided by Plano 3C. In Casa Arco-íris, 103 people have received support and

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<sup>18</sup> For more information, see the [website of Casa Qui](#).

<sup>19</sup> For more information, see the ["Manual LGBTI+ para jornalistas e profissionais de comunicação"](#) (LGBTI+ handbook for journalists and media professionals).

<sup>20</sup> For more information, see the [website of the Plano I Association](#).

<sup>21</sup> For more information see the [website of the Plano I Association](#).

housing since January 2022. Additionally, within the context of Centro Gis, 378 LGBTIQ people victims of domestic violence were attended<sup>22</sup>.

Furthermore, it should be noted that, the Emergency Temporary Shelter House (CATE), managed by Opus Diversidades (a non-profit institution of private social solidarity that promotes human rights with special incidence on sexual and ethnic minorities), during 2022, was renovated and expanded in order to receive more people (from 3 to 4 places). This temporary shelter house receives mostly, but not exclusively, LGBTIQ+ people in situations of vulnerability and destitution and in need of social support (such, as victims of domestic violence, people who are in a situation of loss or absence of autonomy, people experiencing homelessness, migrants/refugees, sex workers, transgender people in transition, etc). Within this context, it should also be noted that the Opus Diversidades also signed<sup>23</sup> a protocol to be integrated into the National Strategy for the Integration of People Experiencing Homelessness) 2017-2023<sup>24</sup>, and managing a Shared Apartment for LGBTI people experiencing homeless<sup>25</sup>.

### **Vaccination against monkeypox**

The Ministry for Health released guidelines to regulate the access to vaccines against monkeypox (Norm of the Directorate General of Health 006/2022<sup>26</sup>). In a document published on 12 July, the Ministry states that gay men, men who have sex with men, trans people and women who are HIV positive are to be given priority access to vaccination. The vaccination is available in 11 health centres in the country, and the list will be updated with new health centres in the coming months<sup>27</sup>.

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

#### **Training and education to high school students and the remaining educational community.**

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<sup>22</sup> Plan I Association, written response, 3 January 2023.

<sup>23</sup> Dezanove (2022), [Aprovado o financiamento da CATE da Opus Diversidades \(Casa de Acolhimento Temporário de Emergência\)](#) (Funding approved for the Opus Diversidades CATE (Temporary Emergency Shelter)), 5 May 2022.

<sup>24</sup> Portugal, [Resolution of the Council of Ministers 107/2017, which approves the National Strategy for the Integration of People Experiencing Homelessness: Prevention, Intervention and Monitoring, 2017-2023](#) (Resolução do Conselho de Ministros 107/2017, que aprova a Estratégia Nacional para a Integração das Pessoas em Situação de Sem-Abrigo: Prevenção, Intervenção e Acompanhamento, 2017-2023), 25 July 2017.

<sup>25</sup> Opus Diversidades, written response, 12 December 2022.

<sup>26</sup> Portugal, [Norm of the Directorate General of Health 006/2022](#), 20 September.

<sup>27</sup> Dezanove (2022), [A partir de hoje é possível agendar a vacina preventiva contra monkeypox](#) (From today you can book your preventive vaccination against monkeypox), 26 September 2022.

Several organisations implemented training courses and sessions directed at students, especially in the high schools. Associação Plano I launched the "Programa UNI+<sup>28</sup>", a programme directed at high school students, in partnership with Centro Gis. During the year, the programme involved 54 people through 8 hours of training in 4 different sessions.

The Directorate-General for Education<sup>29</sup>, promoted the training course "Bullying and Cyberbullying: Prevent & Act - 3rd Edition" in MOOC format (Massive Open Online Course). This training course ended on 16 December 2022, corresponding to an overall workload of about 25 hours. Throughout the course, as part of the training proposals of the "School without Bullying | School without Violence" plan, the aim was to make the participants aware of this problem, through theoretical knowledge and practical skills that will enable them to identify, prevent and intervene against Bullying and Cyberbullying. This third edition included a new module on Homophobic and Transphobic Bullying and was attended by 1200 participants including teachers, educators, parents/guardians, security forces, other professionals working in educational settings and all those interested in this issue.

### **Celebrating LGBTI history: 40 years of the de-criminalisation of homosexuality in Portugal.**

Portuguese law decriminalised homosexuality in 1982. On 27-28 May 2022, a group of activists and academics joined forces to organise a conference<sup>30</sup> that celebrated the struggles and the achievements that have happened since then. The conference presented 12 parallel sessions focused on a range of topics, including LGBTI health, memory and history, discrimination and public policy. Materials from historical archives were collected into a public exhibitions and roundtables brought activists together with academic to discuss the changes within LGBTI communities over 40 years.

### **Celebrating LGBTI history (2): exhibition "Adeus, pátria e família"**

On 23 June the exhibition "Adeus, pátria e família"<sup>31</sup> (Farewell country and family) was inaugurated at the Museum Aljube in Lisbon. The exhibition addresses the dynamics and tensions between the repression and the resistances of sexual and gender diversity during the "Estado Novo" dictatorship and after the Carnation Revolution. This exhibition tries to understand how this tension conditioned daily life, perpetuated oppressive and discriminatory practices and discourses, leaving

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<sup>28</sup> For more information see the [website of the Plano I Association](#).

<sup>29</sup> Directorate-General for Education, written response, 2 January 2022.

<sup>30</sup> For more information see the [website of the conference](#).

<sup>31</sup> For more information see the [exhibition "Farewell country and family" website](#).

a mark in Portuguese society until the present day. The exhibition will be open until 29 January 2023.

### **Project Les+Saúde – Clube Safo<sup>32</sup>**

The project was launched in 2022 with the aim of bringing more health to lesbians, women who have relationships with women regardless of their sexual orientation and other people with vulva. The intervention focuses on the support and positive visibility of lesbians, in line with the activities developed by Clube Safo along 25 years of existence. During the year, Clube Safo will collect and publish documentation in the areas of maternity, sexual health and access to health in the form of brochures.

#### **iv. Discrimination on the grounds of health status and physical appearance**

Regarding discrimination on the grounds of health status and physical appearance, there are not many developments to report. However, it should be noted that, in December, various communications providers focused their Christmas campaign on mental health issues, using several slogans like “Neste Natal, ofereça atenção” (“This Christmas, give attention”) “#PartilhaOQueEstásASentir” (#ShareWhatYouAreFelling). Within this context, several people, on social media, pointed out the discrepancy between the message conveyed - the importance of mental health - and the working reality of these companies, that heavily rely on precarious work by subcontracting people from temporary work companies to work in various functions, from attendance in shops to work in call centres, which in turn can provoke or further physical and mental health issues. Additionally, a former work (struggling with mental health issues) from one of these companies also reported that they have been fired after 16 months, one of the justifications being “we can't have a person with your condition”<sup>33</sup>.

The National Coordination of Mental Health Policies also promoted, from 24 to 25 of November, the III National Mental Health Forum. This forum aims at promoting good institutional practices in the field of vocational training and employment developed by public mental health services and by the social sector and contribute to the improvement of public policy measures aimed at the professional qualification and employability of people with mental illness<sup>34</sup>.

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<sup>32</sup> For more information see the project [Lés + Saúde website](#).

<sup>33</sup> Expresso (2022), «[O erro das campanhas publicitárias sobre saúde mental: “Se queremos ser sedutores fora de portas temos de organizar a nossa casa primeiro”](#)» («The error of mental health advertising campaigns: 'If we want to be seductive out of doors we have to get our house in order first'»), 30 December 2022.

<sup>34</sup> More information can be found in the [website of the National Coordination of Mental Health Policies](#).

## **1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against LGBTIQ people and on the grounds of socio-economic status, health status and physical appearance**

There are several ongoing research projects, mostly coordinated by academic bodies that focus on LGBTIQ people. Most of these projects are in the first steps of their process, hence there are only preliminary data and early reports, which will be enriched by deeper analysis in the coming months. It is worth highlighting that two projects focus on LGBTQ ageing, a topic which has been so far absent in Portuguese academic research and social debate. Moreover, two projects focus on discrimination against LGBTIQ people, one in particular focusing on schools. Activist organisations are also prominent actors in leading projects that are encouraging the participation of LGBTIQ members of society through questionnaires and interviews.

### **Ongoing research projects**

- **Project “REMEMBER – Recording Experiences of LGBTQ Elders in Post-Dictatorship Portugal (1974-2020)”**. Coordinated by Ana Cristina Santos – CES/UC<sup>35</sup>

Considering the intersection between Gender/LGBTQ Studies and Studies on Age, Aging and Life Path, and combining past memories and the daily management of intimate life in the present, the Project REMEMBER studies the aging process as a lesbian, gay, bisexual, transgender or queer (LGBTQ) in Portugal from a sociological perspective. Relevant aspects that inform the analysis of these impacts include the sociocultural value attributed to old age in Portuguese society, the relationship between aging and sexuality, and the absence or limitations of appropriate policies and militancy for LGBTQ older people. It aims to analyse the present and the daily management of the intimate life of those who grew up in a time when sexual and gender diversity was prohibited (until 1982) and/or associated with disease (1980s-1990s), with an emphasis on care, well-being and mental health. The method will involve 25 in-depth interviews. The Project was founded by FCT – Portuguese Foundation for Science and Technology (PTDC/SOC-ASO/4911/2021). It started in January 2022 and will end in December 2024. Preliminary results<sup>36</sup> released in October 2022 show that relational loneliness and the absence of connections with the biological family increase a sense of isolation and lack of community of reference. Moreover, healthcare networks are scarce

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<sup>35</sup> For more information, see [the project's website](#).

<sup>36</sup> CES (2022), [CES-UC releases preliminary results of a study on the ageing of the LGBTQ+ population in Portugal](#), 01 October 2022.



and mostly connected to the spouse (when present). Most people do not present structured end-of-life preparation plans; however, several highlight co-housing as a possible way of solving isolation and tackling the lack of safety networks.

- **National study on the needs of LGBTI people and discrimination due to LGBTQIphobia.** Promoted by the Commission for Citizenship and Gender Equality (CIG)<sup>37</sup>

The study started in 2021 and aimed to gather updated information and enable a comprehensive social diagnosis on the needs of LGBTI people and on the discrimination experienced as a result of sexual orientation, gender identity and expression, and sexual characteristics (OIEC). It aimed to: i) review existing national and international literature on discrimination based on OIEC; ii) identify the needs of LGBTI people and the reasons for discrimination based on OIEC; iii) analyse the national legislation in light of the recommendations from the Council of Europe, FRA, and OSCE on hate crimes. The study was divided into three main lines of inquiry. The first is a review of the existing literature on LGBTI issues in Portugal and its connections with international studies produced on discrimination based on OIEC. The main results of the review are the following:

- Discrimination based on OIEC is a spread problem in all sectors of life;
- Studies show that workplaces are often contexts of discrimination, although more studies on the Portuguese context are needed;
- Despite recent advancements in LGBTI access to healthcare promoted through the National Strategy for LGBTI Health, LGBTI people still encounter difficulties and challenges when accessing health services; the challenges are especially complex for intersex and trans people;
- During adolescence, families are a crucial site of stress, discrimination and stigma for LGBTI people; in Portugal, most studies focus on homoparental families and more studies are needed on the consequences of stigma in relationships;
- In older age, discrimination based on OIEC is increased by the connection with ageism: current studies highlight the situation of gay and bisexual men, whilst more studies are required to understand the experiences of other LGBTI people.

The second study aimed at collecting the needs of LGBTI population in Portugal in different areas. The methodological approach mixed qualitative and quantitative data. The qualitative data was collected through 22 semi-structured interviews to members of LGBTI associations, grassroots organization and institutions that work with LGBTI population. Moreover, four focus groups involved 19 members of

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<sup>37</sup> For more information, see the [publication](#).



organizations representing different identifications and groups within the LGBTI population.

Quantitative data was collected through a secondary source, namely the numbers of cases followed by the associations that integrate the RNAVVD (National Network of Support to Victims of Violence). The data referred to 372 cases attended in 2020 and were analysed to gather information such as profile of victims and reasons to recur to the support systems.

The qualitative study concluded that:

- Despite the general acknowledgment that legislation in LGBTI issues has dramatically improved, actual changes are still slow in impacting people's daily lives;
- The recent COVID pandemic exacerbated the vulnerability experienced LGBTI people, especially those who work on informal contracts, have precarious living conditions, or experience domestic violence;
- A tendency to come out earlier in life by teenagers and children is a positive sign that general consciousness about LGBTI is changing but also increases the exposure to violence and discrimination in early age;
- Conservative and right-wing discourses increased the sense of unsafety and the exposure to abuse in virtual spaces;
- The country appears divided between urban areas (Porto, Lisbon and other cities) and rural/peripheral areas, where discrimination is more frequent and LGBTI people tend to reproduce invisibility; in some municipalities there are no actual measures directed at LGBTI people (despite national recommendations) and LGBTI people face lack of resources;
- Trans and non-binary people faced higher risk of discrimination, especially in young age and in peripheral contexts; intersex people continue to be highly invisible in Portuguese society; issues of racism also contribute to higher discrimination;
- Healthcare, families and workplaces are the contexts in which LGBTI are mostly vulnerable to discrimination and violence.

The quantitative study revealed that:

- the large majority of people that ask for support against violence are young (81% are 34 years old or younger);
- in 2020 the number of requests for help to the specialised care structures increased dramatically as a result of the long period of confinement experienced due to Covid-19 pandemic; most of them were young bisexual/gay men;
- in the large majority of cases of domestic violence, the aggressors are parental figures and the victims are under 24 years old;

- Requests to intervene for violence within relationships regard particularly psychological violence.

The third part of the study focused on hate crimes based on OIEC. The analysis was conducted through a mixed methodology: i) documental analysis of the European legislation on hate crimes and the Portuguese laws; ii) semi-structured, informal interviews with members of LGBTI organizations and members of Security Forces; iii) statistical data from databases available. The study concluded that:

- The relatively low number of hate crime denounced to Police forces in the previous years does not reflect the actual state of hate crimes in the country, since both the configuration of Police system and the cultural resistance to denounces deter many victims to present formal accusations;
- The current legal framework for hate crimes in Portugal lacks some necessary parameters to encourage denounces, protect victims and monitor crimes;
- Further studies need to be conducted to gather deeper statistical data related to hate crime against LGBTI people in Portugal.

The results of the study are collected in a digital book<sup>38</sup>. The study was funded by CIG through POISE (Social Inclusion and Employment Operational Programme).

- **IRIS project – Life trajectories of LGBTI victims of domestic violence.**

Coordinated by Associação Plano I<sup>39</sup>

The study started in 2021. Fifty individual interviews were carried out with participants, as well as four focus groups with NGOs/associations, collectives, academics and healthcare professionals, which involved 27 people. 121 individual interviews were also carried out with professionals who intervene directly or indirectly with victims. The study also completed 209 online surveys. At the final seminar of the project, held on 6-7 July 2022, the results were presented. Two publications came out of the project: a manual of guidelines for intervention with LGBTI victims of domestic violence<sup>40</sup>; a digital book entitled "Research and practice: interdisciplinary perspectives on LGBTI health and well-being"<sup>41</sup>.

<sup>38</sup> For more information, see the [website of the Commission for Citizenship and Gender Equality](#).

<sup>39</sup> For more information see the [website of Plano I Association](#).

<sup>40</sup> Neves, Sofia., Ferreira, Mafalda. (Coord.) (2022) [Guia de Boas Práticas para a Intervenção com Pessoas LGBTI vítimas de violência doméstica](#) (Good Practice Guide for Intervention with LGBTI victims of domestic violence), Association Plano I.

<sup>41</sup> Neves, Sofia., Ferreira, Mafalda. (Coord.) (2022) [Investigação e prática: Abordagens interdisciplinares sobre a saúde e o bem-estar das pessoas LGBTI+](#) (Research and practice: Interdisciplinary approaches to health and well-being of LGBTI+ people), Association Plano I.

- **FREE Project.** Coordinated by Telmo Fernandes, Beatriz Alves and Jorge Gato – University of Porto<sup>42</sup>

The study focuses on the school experiences of young people carried out in Portugal, as part of the European Research Project FREE (Fostering the Right to Education in Europe), coordinated by the University of Ghent with the support of the Research Foundation Flanders and with the Portuguese partnership of Centro de Psicologia Diferencial/Centro de Psicologia da Universidade do Porto at the Faculty of Psychology and Educational Sciences of the University of Porto. In May 2022 the Portuguese team published the results<sup>43</sup> of the preliminary study on young LGBTQ+ people in the school. The study aimed to investigate the experiences and perceptions of students from elementary and high schools about issues relating to sexual and gender diversity; and to understand how schools have developed responses against prejudice and discrimination based on sexual orientation, gender identity and expression and on promoting the well-being and inclusion of its student population. The LGBTQ+ students surveyed report being bullied more often, and do not always rate their school's intervention as attentive or effective. As a result, they often choose to remain invisible, both at school and in the family context. It is hoped that the results presented will allow for a better understanding of this phenomenon and contribute to the development of more effective prevention and intervention strategies, in order to guarantee the safety and well-being of the entire school community in Portugal.

- **Observatory on crimes against LGBTI+ people.** Coordinated by ILGA Portugal<sup>44</sup>

The Observatory aims to collect data on hate crimes against LGBTI+ people which occurred during 2022. It was created following the Project “Documentation of homophobic and transphobic violence”, funded by the Documentation and Advocacy Fund of ILGA-Europe. The website of the project asks visitors to complete a questionnaire to report a hate crime incident and it ensures the privacy and protection of all data submitted. The data collected will be analysed in an annual report due to be published in 2023.

- **Stories from our LGBTI+ history.** Coordinated by ILGA Portugal, AMBIGULAR and Documentation Center “Gonçalo Diniz”<sup>45</sup>

The project aims to collect stories of LGBTI+ people born before 1965 and produce a podcast with audio interviews. Participation in the project includes workshops in

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<sup>42</sup> For more information see the [website of the FREE Project](#).

<sup>43</sup> Fernandes, T., Alves, B., Gato, J. (2022), *The Free Project: Relatório Preliminar sobre jovens LGBTQ+ e clima escolar em Portugal* (The Free Project: Preliminary report on LGBTQ+ youth and school climate in Portugal), Centro de Psicologia Diferencial/Centro de Psicologia da Universidade do Porto.

<sup>44</sup> For more information, see the [website of ILGA Portugal](#).

<sup>45</sup> For more information see the [website of ILGA Portugal](#).

storytelling and support in the preparation of stories. The final content to be published will be defined by the participants and will be open access.

- **kNOwHATE. kNOwing online HATE speech: knowledge + awareness = TacklingHate.** Coordinated by CIS-IUL – Centro de Investigação e de Intervenção Social (ISCTE – Instituto Universitário de Lisboa)<sup>46</sup>

The project aims to address this need, offering a comprehensive, participatory and culturally sensitive approach to analyse, detect, and counter, direct and indirect online hate speech (OHS) in the Portuguese language. To better tackle and prevent OHS we need to know and understand the hate in it. The project combines social and language sciences with cutting edge computer science techniques, offering a comprehensive, interdisciplinary approach to: a) analyse content and the propagation of OHS and counter speech in user-generated content (e.g., tweets) in Portugal; b) create models for its automatic detection; c) offer culturally sensitive and tailored guidelines and tools for effective detection, prevention and countering narratives to be used by individuals, civil society organisations and policy makers. The results have a 3-fold impact, leading to problem-solving actions that meet the needs of the target populations: a) increased scientific knowledge of both OHS and OCS narratives in the Portuguese language; b) increased cooperation between the scientific community, civil society organisations, and public authorities regarding OHS detection and effective countering narratives; c) increased public awareness of OHS and effective OCS strategies. The project began in March 2022 and will continue until February 2024. It involves partnerships with academic institutions (BRU-Iscte; ISTAR-IUL; CIES-Iscte) and LGBT and anti-racist organisations: Instituto de Engenharia de Sistemas e Computadores: Investigação e Desenvolvimento em Lisboa (INESC-ID); Associação do Instituto Superior Técnico para a Investigação e Desenvolvimento (IST-ID); ILGA Portugal – Intervenção Lésbica, Gay, Bissexual, Trans e Intersexo; Casa do Brasil de Lisboa; Comissão para a Igualdade e Contra a Discriminação Racial; SOS RACISMO.

### **Academic Publications based on empirical research**

The article “Standing Up for Culturally Competent Care in Portugal: The Experience of a “Health in Equality” Online Training Program on Individual and Cultural Diversity”<sup>47</sup> aims to describe the experience of implementing the programme “Health in Equality”, aimed at training the primary healthcare workforce in Portugal, which was based on Sue and Sue’s (2008) three-dimensional model of

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<sup>46</sup> For more information see the [website of the CIS-IUL – Centro de Investigação e de Intervenção Social](#).

<sup>47</sup> Alarcão, V.; Roberto, S.; França, T.; Moleiro, C. (2022), “[Standing Up for Culturally Competent Care in Portugal: The Experience of a “Health in Equality” Online Training Program on Individual and Cultural Diversity](#)”, *Societies*, 12, 80. <https://doi.org/10.3390/soc12030080>.

multicultural skills, which champions cultural best practices from an intersectional perspective. Based on the trainees' and trainers' evaluation of four completed editions developed online between March and July 2021, this study discusses ways to improve the impact of the training programme and amplify the number of leaders and role models for other health care providers towards culturally competent healthcare systems and organisations (abstract reads).

In the article **"When visibility becomes political: visibility and stigmatisation of young people"**<sup>48</sup>, the authors consider the experience of young feminists, women of the Muslim community and LGBTIQ activists drawing on a meta-ethnographic synthesis of five cases of young people's activism from Portugal, Germany, Croatia and Russia. The analysis focuses on the question of visibility among these groups of stigmatised young people. We show that while, for some, visibility is a matter of necessity for political engagement, for others, it can entrench stigmatisation and discrimination. We also consider the role of families and communities of belonging, which, in some cases, encouraged but, in other cases, responded negatively towards the young people's engagement (abstract reads).

Ferreira, E. (2022). Equality Policies and Intersections of Gender and Sexuality: The Role of Academic Research. *Multidisciplinary Journal of Gender Studies*, 11(1), 49–71. <https://doi.org/10.17583/generos.8087>

The article **"Equality Policies and Intersections of Gender and Sexuality: The Role of Academic Research"**<sup>49</sup> aims to explore the contribution of the Portuguese research community to sexual orientation equality policies in Portugal. It analyses to what extent the academic research in Portugal helps question identity-based politics and to advance an intersectional approach to sexual orientation equality policies. It focuses on and critically analyses equality policies in Portugal and scientific and scholarly publications, namely journal articles, conference papers, theses, and dissertations from Portuguese academia. Through bibliographic research, the article shows that Portuguese academia still lacks a consistent production of knowledge on LGBT issues and that the intersectional approach is still slowly implemented. One of the reasonable causes is the scarce formal recognition of LGBT studies in the Academic curricula and the lack of Master's programmes, doctoral programmes and academic courses specifically addressing the topic.

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<sup>48</sup> Dergić, V.; Dähnke, I.; Nartova, N.; Shilova, A.; Matos, R.; Carneiro, A. (2022), ["When visibility becomes political: visibility and stigmatisation of young people"](https://doi.org/10.1080/13676261.2021.2022109), *Journal of Youth Studies*, DOI: 10.1080/13676261.2021.2022109

<sup>49</sup> Ferreira, E. (2022). ["Equality Policies and Intersections of Gender and Sexuality: The Role of Academic Research"](https://doi.org/10.17583/generos.8087), *Multidisciplinary Journal of Gender Studies*, 11(1), 49–71. <https://doi.org/10.17583/generos.8087>

The article **"The Light at the End of the Tunnel": Experiences of LGBTQ+ Adults in Portuguese Healthcare"**<sup>50</sup> analyses the experiences of LGBTQ+ people accessing healthcare in Portugal. A total of 32 semi-structured interviews were conducted with queer adults (18–59 years old). The thematic analysis and thematic networks brought to light how structural cis-heteronorms are compliant with the maintenance of invisibility around sexual and gender diversity. As a consequence, experiences of direct and indirect discrimination show us how crucial it is to have well-prepared healthcare providers, capable of embracing diversity and creating safe spaces that allow us to shorten the path between Portugal's progressive legal framework and people's lived experiences.

The article **"Psychomedical Interventions with Transgender People in Portugal and Brazil: A Critical Approach"**<sup>51</sup> aims to analyse biopsychomedical interventions with transgender people. For this purpose, we carried out 35 semi-structured interviews with people who self-identify as transsexuals and transvestites in Brazil and Portugal. The responses of the study participants were systematised according to a thematic analysis, which led to the emergence of the following three main themes: "institutional power", "expectations of trans-bodies", and "experiences in health services". This study demonstrates how some trans people perform bodily modifications to fight the transphobia they experience throughout their lives. In addition, they believe that, by making their bodies conform to each other, they may become more attractive and desirable. The process of cisnormativity is, furthermore, conveyed by the idea present in the answers of some respondents: that having "integrated" bodies means facing less discrimination and that they will, therefore, obtain more satisfactory ways of personally and socially experiencing their identities. This study contributes to a deepening critical reflection on the experiences/exclusions of trans people, especially in the psychomedical context of "normalisation" devices. Hence, just as social structures produce and sustain transphobia, the same structures are responsible for combating it (abstract reads)

The article **"LGBTQI + Justice during the COVID-19 crisis"**<sup>52</sup> analyses the policies towards LGBTQI population during Covid-19 crisis in Portugal. Although Portugal is regarded as a safe country for LGBTI people, during the pandemic the LGBTI community suffered an increase in discrimination, social isolation and intersectional violence. The article stems from results collected during the "Diversity and childhood" and "CILIA+ LGBTQI+ Lives" projects, both conducted

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<sup>50</sup> Pieri, M.; Brilhante, J. (2022), [""The Light at the End of the Tunnel": Experiences of LGBTQ+ Adults in Portuguese Healthcare"](https://doi.org/10.3390/healthcare10010146), *Healthcare*, 10, 1, 146 <https://doi.org/10.3390/healthcare10010146>

<sup>51</sup> Rodrigues, L.; Soares, M.; Nogueira, C. (2022), [Psychomedical Interventions with Transgender People in Portugal and Brazil: A Critical Approach](https://doi.org/10.3390/ijerph19010267). *International Journal of Environment Research and Public Health*, 19, 267. <https://doi.org/10.3390/ijerph19010267>

<sup>52</sup> Santos, A. C. (2022), ["LGBTQI + Justice during the COVID-19 crisis"](#), *European Journal of Women's Studies*, 29, 1\_suppl, 157S-163S.

by the author. The connections between domestic violence, economic precariousness and stigma created higher risks for the mental health of LGBTI+ people, homelessness, unstable working conditions and increased difficulties in family relations. The support from the State is considered insufficient in tackling the specific conditions of precariousness and isolation in which many LGBTI people (especially trans and non-binary) live.

The book chapter "**Nothing from Them: LGBTQI+ Rights and Portuguese Exceptionalism in Troubled Times**"<sup>53</sup> situates Portugal in the context of other religious and conservative Southern European countries, revisiting its contemporary history with a particular focus on issues of gender and sexual diversity and the resistance the country has offered to the attempted expansion of the far right. After an overview of LGBTQI+ politics from 2001 onwards, the chapter explores the emergence of anti-gender and anti-sexuality movements and the far right in Portugal. Finally, the chapter examines the extent to which concerns with the far right are taking their toll on the lives of LGBTQI+ citizens in the present days (abstract reads).

The book "**LGBTQ+ Intimacies in Southern Europe: Citizenship, Care and Choice**" argues that Southern European countries offer valuable, though historically overlooked, knowledge regarding intimate citizenship. Guided by the fundamental sociological question of how change takes place and, concomitantly, how law and social policy adjust to and/or shape the practices and expectations of individuals in the sphere of intimacy, this edited volume explores partnering, parenting and friendship issues from the perspective of lesbian, gay, bisexual, trans and queer people in Italy, Portugal and Spain. Chapters offer a cross-national understanding of the relationship between everyday practices of intimacy amongst LGBTQ people and national legal, political and policy contexts in terms of the recognition of otherwise "intimate strangers". The book contributes to further theoretical and policy debates about citizenship, care and choice, as well as, more broadly, sexuality, welfare, health and justice. The book is edited by Ana Cristina Santos and published in 2022 by Palgrave MacMillan<sup>54</sup>.

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<sup>53</sup> Santos, A. C. (2022), "[Nothing from Them: LGBTQI+ Rights and Portuguese Exceptionalism in Troubled Times](#)", in Möser C., Rammé J., Takács J (org.), *Global Queer Politics. Paradoxical Right-Wing Sexual Politics in Europe*. Springer International Publishing, 61-85.

<sup>54</sup> Santos, A. C. (2022), "[LGBTQ+ intimacies in Southern Europe: citizenship, care, choice](#)". Palgrave MacMillan.



## 2 Racism, xenophobia and related intolerance

### 2.1 Data, research findings, 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>55</sup> of the Commission for Equality and Against Racial Discrimination (CICDR) presents the data collected in 2021 to better understand the reality of racism. During 2021, the CICDR received 408 complaints, corresponding to a fall of 37.7% compared to 2020, when 655 complaints were registered. Regarding to the protected characteristic or factor of discrimination most identified in the reported complaints, nationality stands out (39.2%), followed by skin colour (17.2%) and racial and ethnic origin (16.9%). Specifically, the most common expressions as grounds for discrimination were "Brazilian nationality" (26.7%), "Roma ethnicity" (16.4%) and "black skin colour" (15.9%).

The article “**Racial and Ethnic Discrimination in Portugal in Times of Pandemic Crisis**”<sup>56</sup> analyses ethno-racial discrimination processes. The methodology used was an analysis of national and international reports produced in the last five years, secondary statistical data and an analysis of online news and user comments published in national media in the last two years. The conclusion is that even with greater development of Portuguese legislation to combat racial discrimination, there has been an increase in cases of racism and xenophobia in Portugal. Citizens’ perceptions, indicators and reports from official bodies show evidence of discriminatory behaviour. The article also highlights a greater political presence of extreme right-wing movements and hate speech in online comments, which demand the adoption of more effective measures in relation to ideological crimes.

The article “**Hate speech and discrimination: an overview of the Portuguese situation**”<sup>57</sup> aims to show the Portuguese situation regarding discrimination, hate speech and racism, based on a national and international literature review, application of interviews with people who have been the target of hate speech and

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<sup>55</sup> Commission for Equality and Against Racial Discrimination (2022), “[Annual Report 2021. Equality and Non-Discrimination on the grounds of Racial and Ethnic Origin, Colour, Nationality, Ascendancy and Land of Origin](#)” (Relatório Anual 2021. Igualdade e Não Discriminação Em Razão da Origem Racial e Étnica, Cor, Nacionalidade, Ascendência e Território de Origem). Lisbon: CICDR.

<sup>56</sup> Casquilho-Martins, Inês; Belchior-Rocha, Helena and Alves, David Ramalho (2022), “[Racial and Ethnic Discrimination in Portugal in Times of Pandemic Crisis](#)”, *Social Sciences* 11: 184, 1-19

<sup>57</sup> Dantas, Carina; Rodrigues, Flávia and Louceiro, Juliana (2022), “[Hate Speech and Discrimination: An Overview of the Portuguese Situation](#)”, *Technium Social Sciences Journal* 33: 648-60.



with experts in the field. The data was collected from February to July 2021 and the interviews were conducted between April and June 2021. The interviewed experts were people who work in the area of hate speech: counselling, researching, help desks, information centres, non-governmental organizations or advocacy groups. The interviewed victims of hate speech were selected according to two criteria, apart from their direct experiences with racism via hate speech: guaranteeing gender equality; diversity in age, gender, place of living (urban and rural), ethnicity, education. It concludes with the need for more intervention by several social actors: governments, civil society organisations and citizens to mitigate the problem. The fieldwork confirmed that the main people affected by hate speech are: 1) Roma communities; 2) Afro-descendants and the Brazilian community. The different experts interviewed argued that education around this theme should start in school to combat hate speech.

The article "**Hate Speech Dynamics Against African descent, Roma and LGBTQI Communities in Portugal**"<sup>58</sup> presents the data FIGHT (FIndinG Hate Speech in Twitter) - a dataset containing 63,450 tweets, posted before and after the official declaration of Covid-19 as a pandemic by online users in Portugal. It analyses online hate speech targeting the most representative minorities in Portugal, namely the African descent. The results achieved suggest that 40% of the tweets classified as conveying potentially offensive or hate speech are effectively offensive or hateful. The most prevalent target this dataset is the African descent group, who also gathered the highest number of potential hatred messages, in all the Portuguese regions over the time period considered. Nonetheless, the assessment of FIGHT suggests a descending trend in potentially offensive and hate speech on Twitter, particularly in recent months.

The report "**Racism and Xenophobia in Portugal: the normalisation of hate speech in the public space of the internet**"<sup>59</sup> presents the results of a research project that critically analysed the racial hate speech produced and reproduced on the internet. The study used qualitative and quantitative methodologies, with the aim of monitoring and understanding the narratives that sustain the propagation of racial hate discourses in social networks (Facebook, Twitter). The qualitative analysis consisted focused the social media discourse and the interviews conducted within this project. The quantitative approach consisted in conducting a survey. The survey was answered by 279 people living in the national territory and allowed deepening the knowledge about the profile of people who have already been victims of hate speech online. 39% of the respondents declared that

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<sup>58</sup> Carvalho, Paula; Cunha, Bernardo; Santos, Raquel; Batista, Fernando and Ribeiro, Ricardo (2022), [Hate Speech Dynamics Against African descent, Roma and LGBTQI Communities in Portugal](#), *Proceedings of the Thirteenth Language Resources and Evaluation Conference*, 2362-2370, Marseille, France. European Language Resources Association.

<sup>59</sup> Centro em Rede de Investigação em Antropologia (2022), [Racism and Xenophobia in Portugal: the normalisation of hate speech in the public space of the internet](#) (Racismo e Xenofobia em Portugal: a normalização dos discursos de ódio no espaço público da internet). Lisboa: Centro em Rede de Investigação em Antropologia.

they have already experienced hate speech on the Internet, at least once; 27.1% of the respondents declare themselves as black Portuguese and/or black people of African origin; and the reports of hate speech are mainly related to situations that occurred on Facebook (37.3%).

The article "**Becoming a Migrant Mother: An Intersectional Approach to the Narratives of Cape Verdean Women in Portugal**"<sup>60</sup> aims to understand, through an intersectional perspective, focusing on gender, race, and ethnicity, what it is like for Cape Verdean women to become mothers in the context of migration in Portugal. Interviews were conducted with nine women, between 19 and 34 years old, born in Cape Verde and currently living in Lisbon, through the Biographic-Narrative Interpretative Method (BNIM). The analytical tool adopted was intersectionality, which poses multiple issues that overlap and reinforce the conditions of inequality in becoming an immigrant mother. The topic of the "Experience of Racial Discrimination" presents situations of subalternisation of black people, and how black people are employed mainly in jobs related to cleaning and construction.

The book chapter "**Mobilizing History: Racism, Enslavement and Public Debate in Contemporary Europe**"<sup>61</sup> analyses the politics of remembrance and forgetfulness in the European colonialism context, addressing the issue of race, history and memory, through the mobilization of colonial history by Black Movements and Public Initiatives. The discussion is grounded, for example, in the exhibition "Racism and Citizenship", held in Lisbon, in a context of recent anti-racist struggles in relation to Portuguese colonialism. The authors conclude by highlighting the key role of Black movements in undoing historical silences, shaping collective memory and national imaginaries.

The chapter "**Portuguese Urban Studies Between race and the absence of racism**"<sup>62</sup> analyses the racial contours of urban policies in Portugal, revealing how debates on race and racism were absent from academic knowledge production in Urban Studies, and particularly in Urban Anthropology. Despite the proliferation of academic works on peripheralised territories in the Lisbon Metropolitan Area – mostly inhabited by black and Roma populations and particularly subjected to State surveillance and repression – there were practically no debates on institutional racism nor violence. This chapter contributes to understand why Urban Anthropology has been evading race and racism as a possible lens to understand urban segregation and inequalities. The author shows how epistemic

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<sup>60</sup> Neves, Júlia (2022), "[Becoming a Migrant Mother: An Intersectional Approach to the Narratives of Cape Verdean Women in Portugal](#)", *Social Sciences* 11: 55.

<sup>61</sup> Araújo, Marta and Nimako, K. (2022). "[Mobilizing History: Racism, Enslavement and Public Debate in Contemporary Europe](#)", in Tate, S.A., Gutiérrez Rodríguez, E. (eds), *The Palgrave Handbook of Critical Race and Gender*. Palgrave Macmillan, Cham: 449–466.

<sup>62</sup> Alves, Ana Rita (2022), "[Portuguese urban studies: between race and the absence of racism](#)", in N. K. Ha and G. Picker (eds.), *European Cities: Modernity, Race and Colonialism*. UK: Manchester University Press.

silences are indeed issues that reveal the persistence of “epistemic apartheid” that has been silencing both black authorship and racism, thereby leaving racial residential segregation unchallenged.

The book “**Words Against Racism**”<sup>63</sup> (Palavras contra o racismo) is the result of a cycle of conversations “Words Against Racism”, which emerged between 2020 and 2021, to combat racism, hate speech, xenophobic and far-right movements in Portuguese society. Activists, academics, artists and citizens analysed the issue of racism, xenophobia, and ethno-racial discrimination in Portugal, debating ways to combat discrimination, discussions that were turned into a book.

The article “**Online hate cartography: analysis of the professional football league in Portugal**”<sup>64</sup> analyses the incidence of racist discourse on the Facebook of the eighteen clubs in the Portuguese professional football league. It analysed 5,192 posts and 280,000 fan comments, referring to three months of the 2020/2021 season. The data was collected by Facebook Graph API from the official fan pages of the 18 First League clubs, cross-referenced with a list of potentially racist expressions. 422 comments (0.15%) had racist contents, and 233 comments (55.2% of the total racist comments) were classified as impulsive racism, framed as spontaneous and emotional racism. As a result, impulsive racism was identified as predominant in more than half of the comments. Regionalist attacks, against national individuals from other parts of the country proved to be frequent, while attacks against ethnicities, in which the black population is the main target, proved to be occasional. The research aimed to increase knowledge about racism in football in the Portuguese context and its expressions in digital social networks. The main conclusions were: (i) low prevalence of racist comments on Facebook by fans of clubs, in racist comments they get more support than general comments from fans of clubs; and (ii) racist comments of impulsive or instrumental character are confronted with a movement of comments of repudiation and discomfort in face of manifestations of racism.

The article “Cyberspace as Denunciation: Harassment and Discrimination Linked to Coloniality in the Project *Brasileiras Não Se Calam* (Brazilian Women Won't Shut Up)”<sup>65</sup> shows the construction of stereotypes of Brazilian women in Portugal, through the analysis of the Instagram profile @brasileirasnaosecalam, a feminist cyberactivism project aiming to anonymously denounce situations of harassment,

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<sup>63</sup> Fundação José Saramago (2022), [“Words against racism”](#), Selection of texts from the speeches made during the Cycle of Conversations “Words against racism” 2020/2022 (“Palavras contra o racismo”, Seleção de textos a partir das intervenções efetuadas no âmbito do Ciclo de Conversas “Palavras contra o racismo” 2020/2022). Lisboa: Fundação José Saramago.

<sup>64</sup> Miranda, Sandra; Antunes, Ana Cristina and Di fátima, Branco (2022), [“Online Hate Cartography: Analysis of the Professional Football League in Portugal”](#) (Cartografia do ódio em rede: análise da Liga de futebol profissional em Portugal), *Razón y Palabra* 26(113): 10–24.

<sup>65</sup> Lamartine, Camila and Silva, Marisa da (2022), [“Cyberspace as Denunciation: Harassment and Discrimination Linked to Coloniality in the Project \*Brasileiras Não Se Calam\*”](#) (O Ciberespaço Como Denúncia: Assédio e Discriminação Vinculados à Colonialidade no Projeto *Brasileiras Não Se Calam*), *Comunicação e Sociedade*, Vol 41: 209-229.

discrimination and prejudice suffered by Brazilian immigrant women in Portugal. In the annual report produced by the project, which covers the period from July 2020 to July 2021, there were 802 reports in 39 countries. Portugal was the leader of the ranking of reports, 541 reports (76% of the total). The period under analysis was the first three months, after the first year of the project (July 14 to October 14, 2021), 186 posts were collected, 14 of which were discarded because they were not reports. Of the 172 posts analysed, 132 were about Portugal. In the content analysis three main themes were categorized: "stereotyping", "discredit" and "xenophobia", the last one having a relationship with racism. The "xenophobia" was the one that presented the highest number of reports (59 reports), in which prejudice is characterized on the basis of Brazilian nationality. "Stereotyping" was the second category with the highest number of reports (58 reports), in which being Brazilian is associated with adjectives such as "whore", "prostitute", or "gold digger". The final category "Discredit" (15 reports), encompasses the reports of belittling and questioning the curricular/professional background.

The article "**Contemporary Iconoclasm: Anti-Racism Between the Decolonisation of Art and the (Re)Sacralisation of Public Space**"<sup>66</sup> reflects on the lack of identification with the cultural and artistic heritage, architectural and sculptural, occupying the public space in Portuguese cities, questioning the hegemonic western cultural historical narratives based on a false identity ideology, sustained by moral and racial superiority, as a form of cultural domination. The paper concludes that the adoption of multiculturalism in cultural institutions is a mechanism for inclusion and social cohesion capable of developing feelings of belonging, reducing situations of inequality and violence. The decolonisation of urban public space and of cultural and educational institutions (museums and universities) is a way to deconstruct the hegemonic aesthetic model, as well as decolonize historical narratives, being instruments of criticism and historical reparation, which aims to portray the omissions that mask violence and racial oppression, to deconstruct luso-tropicalist practices. The memory of colonialism is a mechanism of social inclusion, promotion of equality and enforcement of human rights, as well as a way to prevent and combat racism, racial discrimination and xenophobia.

The article "**Obstetric racism in Portugal: Experience report of an anti-racist collective**"<sup>67</sup> is based on a theoretical approach sustained in post-colonial and feminist studies, with a sociological perspective. For its methodology, it shares

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<sup>66</sup> Goes, Diogo, (2022), "[Contemporary Iconoclasm: Anti-Racism Between the Decolonisation of Art and the \(Re\)Sacralisation of Public Space](#)" (Iconoclastia Contemporânea: O Antirracismo Entre a Descolonização da Arte e a (Re)Sacralização do Espaço Público), *Comunicação e Sociedade* 41: 105–129.

<sup>67</sup> Costa, Karla da; Brito, Laura; Coimbra, Carolina; Lopes, Ninfa; Depuydt, Diana and Rita Nunes Correia (2022), "[Obstetric Racism in Portugal: Experience report of an antiracist collective](#)" (Racismo obstétrico em Portugal: Relato de experiência de um coletivo antirracista), *Forum Sociológico* [Online], 41.

the actions of a collective of antiracist women acting from an intersectional perspective (Saúde das Mães Negras - SaMaNe). This collective of antiracist women brings to social, political, and academic debate the experiences of pregnancy, childbirth and postpartum of black and afro-descendant women in Portugal. The authors use the methodological technique of the experience report based on the application of an online survey on pregnancy, childbirth and postpartum experiences of black and afro-descendant mothers in Portugal and conversation circles with black women. Unlike the positivist academic model, in the experience report the authors assume that they are not neutral operators. The main results of this study point to the pertinence of developing intersectional sociological research on the reproductive health experiences of racialised women in Portugal and the importance of social movements to conduct such work. According to the conclusion, there is a need to deepen the debate on oppression and racial inequalities in obstetric care.

The article **“Mix of Races, Bad Uterus”: Obstetric Violence in the Experiences of Afro-Brazilian Migrants in Portugal”**<sup>68</sup> analyses obstetric violence and racism in the context of obstetric care in Portugal, through the perceptions of three Afro-Brazilian migrants about their perinatal experiences of care in the Portuguese public sector between 2013 and 2019. The phenomenon of obstetric violence presents issues due to certain aspects of the women of being Brazilian, migrant, and black, related to xenophobic discrimination. According to the author “All three women complained about feeling objectified and subjected to an excess of interventions, detailing their birth processes as pervaded by lack of information, rude treatment by staff, interventions without consent, and other unpleasant features”. The title of the article is related to a midwife’s racist phrases discussed in the interview: “Ah, another Brazilian! You are a mix of races; you won’t be able to birth your baby. Surrender to the fact that you are having a caesarean section.” She added: “Don’t you see how many caesareans there are in Brazil? That’s because you are a mix of races, your uterus is very bad, because you are a mix of races...;”. The study points to the need for an intersectional approach, since multiple forms of discrimination intersect in these women’s experiences.

The article **“The (in)visibility of racialized border violence? A ukrainian killed in Lisbon airport”**<sup>69</sup> analyses the media coverage of the episode that occurred in March 2020, with a Ukrainian citizen who was abused and tortured by inspectors from the Foreigners and Borders Service (SEF) at Lisbon airport. This crime exposed what several NGOs and institutional reports had long denounced: the impunity that enabled the denial of basic human rights to immigrants in closed spaces at the Portuguese border. Opinion articles and editorials in Público covering

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<sup>68</sup> Barata, Catarina (2022), [“Mix of Races, Bad Uterus”: Obstetric Violence in the Experiences of Afro-Brazilian Migrants in Portugal”](#), *Societies*, 12(3), 78.

<sup>69</sup> Garraio, Júlia; Solovova, Olga and Santos, Sofia José (2022), [“The \(in\)Visibility of Racialized Border Violence? A Ukrainian Killed in Lisbon Airport”](#), *State Crime Journal* 11(1): 90–109.

this incident between March 2020 and July 2021 were analysed. It explores how the public invisibility of violence at Portugal's borders, Portuguese imaginaries regarding Eastern European immigrants, and current understandings of racism helped frame the case as one of police brutality rather than as a racist crime. The authors aim to highlight the role of the Schengen border in the reconfiguration of racialised vulnerability and the (re)production of global hierarchies

The article "**Are there Portuguese blacks? Dispute for meanings to history and culture in Portugal**"<sup>70</sup> analyses the investments of antiracist movements in the debate about historical, cultural and identity narratives in Portugal for the re-education of Portuguese society in ethnic-racial relations, from an analysis of articles and manifestos produced by black militants between 2016 and 2019, a moment when the discussion gained strength with the creation of the Museum of Discoveries in Lisbon and the memorial in honour of enslaved people. The conclusion is that antiracist movements in Portugal, by denouncing the erasure of historical narratives of the non-white Portuguese population, dispute the imaginary of what it is to be Portuguese, breaking with the exclusive association of whiteness, assuming a prominent role in the re-education of Portuguese society.

## **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**

In 2022, there were few legal and policy developments relating to racism, xenophobia and related intolerance<sup>71</sup>.

**Law 12/2022**<sup>72</sup>, of 27 June, that approves the State Budget for the year 2022, provides for the strengthening of the training of the security forces and services (article 32) and of the Prison Guard Corps (article 32) in the area of human rights, namely on anti-racism issues. With regard to the National Plan to Combat Racism

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<sup>70</sup> Pereira, Amílcar Araújo and Crespo, Fernanda Nascimento (2022), "[Are there Portuguese blacks? Dispute for meanings to history and culture in Portugal](#)" (Há negros portugueses? Disputa por sentidos à história e cultura em Portugal), *Linhas Críticas*, 28: 2-17.

<sup>71</sup> The political framework experienced in Portugal during the first semester has influenced this situation. The dissolution of Parliament in December 2021 ([Decree of the President of the Republic 91/2021, of 5 December, dissolving the Assembly of the Republic](#)) suspended the regular parliamentary activity. The elections were held on 30 January 2022. Although the parliamentary committees restarted their work on 13 April 2022, until the end of May, their activity was dominated by the budgetary legislative process.

<sup>72</sup> Portugal, [Lei n.º 12/2022, que aprova o Orçamento do Estado para o ano 2022](#) (Law 12/2022, approving the State Budget for the year 2022), 27 June. <https://dre.pt/web/guest/pesquisa/-/search/153341296/details/normal?filterStart=2021-01-01&filterAction=TRUE&q=racismo&perPage=25&fq=racismo>



and Discrimination 2021-2025 (approved in 2021 by Resolution of the Council of Ministers 101/2021<sup>73</sup>, of 28 July), Law 12/2022 states that the Government will continue to implement of the Plan, and each governmental area involved in the execution of activities foreseen in the Plan shall ensure their implementation and the resulting costs. Additionally, this law provides that in 2022, the Government will implement the institutional autonomisation of matters relating to combating racial discrimination from the treatment of migratory issues, to be achieved by autonomising and strengthening the Commission for Equality and Against Racial Discrimination (the commission will no longer be part of the High Commission for Migration and will become an autonomous entity).

Law 12/2022 also states that the Independent Observatory on Hate Speech, Racism and Xenophobia shall encourage the production, collection, processing and dissemination of information and knowledge and the creation of research partnerships on racism, discrimination and hate speech in the various areas and sectors covered by the National Plan to Combat Racism and Discrimination 2021-2025, in conjunction with the Commission for Equality and Against Racial Discrimination, and present an annual report to Parliament (article 157).

Nonetheless, the Independent Observatory on Hate Speech, Racism and Xenophobia has still not been created, although 2021 was the deadline for its implementation (and despite being included in the 2020, 2021 and 2022 state budgets). In September 2022, the Secretary of State for Equality and Migration, who is in charge of the plan, explained that the observatory was not created in 2021 due to the dissolution of the Parliament, but the process is ongoing<sup>74</sup>. In November 2022, the Minister of State and Parliamentary Affairs stated that the creation of the Independent Observatory on Hate Speech, Racism and Xenophobia (which were discontinued in 2021) will be completed by the end of 2022, which did not happen. Besides the objectives of the Observatory foreseen in Law 12/2020<sup>75</sup>, the work of this body also include three other objectives: support for policymakers, researchers and professionals through the preparation of diagnoses and opinions on racism and discrimination, and practical tools to promote equality and non-discrimination; the promotion of education, training and awareness-raising on human rights and the prevention and fight against racial discrimination;

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<sup>73</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.

<sup>74</sup> Público (2022), [Três anos depois de anunciado, Observatório do Racismo continua no papel](#) (Three years after it was announced, the Monitoring Centre on Racism is still on paper), 13 September.

<sup>75</sup> Portugal, [Lei n.º 12/2022, que aprova o Orçamento do Estado para o ano 2022](#) (Law 12/2022, approving the State Budget for the year 2022), 27 June. <https://dre.pt/web/guest/pesquisa/-/search/153341296/details/normal?filterStart=2021-01-01&filterAction=TRUE&q=racismo&perPage=25&fq=racismo>

and support for civil society organisations<sup>76</sup>. The State Budget for 2023 (Law 24-D/2022 of 30 December) states that "The Independent Observatory on Hate Discourse, Racism and Xenophobia promotes the production, collection, processing and dissemination of information and knowledge and the creation of research partnerships on racism, discrimination and hate speech in the various areas and sectors covered by the PNCRD 2021-2025, in articulation with the Commission for Equality and against Racial Discrimination, presenting an annual report to Parliament" (article 119)<sup>77</sup>. The creation of the Independent Observatory on Hate Discourse, Racism and Xenophobia and the institutional autonomy of matters relating to the fight against racial discrimination and the treatment of migration issues is budgeted in the State Budget for 2023 at €4.5 million<sup>78</sup>.

**Recommendation 3/2022**<sup>79</sup>, of 29 June, from the National Education Council, on the reception of migrants and the development of a more inclusive school, has a specific recommendation that highlights the importance of initial training for teachers (during university education) on the issues of interculturality, linguistic, ethnic and social diversity, and combating racism and ethnic-racial discrimination. Adequate training for inclusion implies a general understanding of what is an inclusive school; analysing and adapting, if necessary, the initial training of teachers, seeking to raise their awareness of the issues of interculturality, ethnic and social diversity, and the fight against racism and ethnic-racial discrimination; ensuring pedagogical support to young teachers in their first two years of professional practice; to develop ways of collaborating between the training centres of school associations and the universities involved in teacher training, in order to implement training programmes, focused on interculturality, anti-racism and linguistic diversity; to ensure appropriate working conditions and support to teachers in order to facilitate the development of teaching practices adequate to an inclusive school.

Although, in 2021, the Government announced, as part of the National Plan to Combat Racism and Discrimination, the creation of 500 vacancies in higher education for students from Priority Intervention Educational Territories (TEIP), this measure was not implemented during the national call for access to higher

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<sup>76</sup> Público (2022), [Governo promete que Observatório contra Discurso de Ódio sai finalmente do papel até ao final do ano](#) (Government promises that Observatory against Hate Speech will finally come out of the paper by the end of the year), 19 November.

<sup>77</sup> Portugal, [Lei n.º 24-D/2022, que aprova o Orçamento do Estado para o ano 2023](#) (Law 24-D/2022, approving the State Budget for the year 2023), 30December.<https://dre.pt/web/guest/pesquisa/-/search/153341296/details/normal?filterStart=2021-01-01&filterAction=TRUE&q=racismo&perPage=25&fq=racismo>

<sup>78</sup> For more information, see the [State Budget 2023 website relating to the area of governance of the Minister of State and Parliamentary Affairs](#).

<sup>79</sup> Portugal, [Recomendação n.º 3/2022, relativa ao acolhimento de migrantes e a criação de uma escola mais inclusiva](#) (Recommendation 3/2022, on the reception of migrants and the development of a more inclusive school), 29 June.



education in 2022<sup>80</sup>. The TEIP project encompasses 136 schools located in economically and socially disadvantaged areas. The plan was to quadruple the vacancies for these students in three years: 1,000 in 2023, 1,500 in 2024 and 2,000 in 2025. This measure is also mentioned in the promotional video (released in 2022) of the National Plan to Combat Racism and Discrimination 2021-2025<sup>81</sup> (approved in 2021 by Resolution of the Council of Ministers 101/2021<sup>82</sup>, of 28 July).

On the National and International Day for the Elimination of Racial Discrimination (21 March), a **Cooperation Protocol on Combating Racism and Discrimination** was signed between the Lisbon Regional Council of the Portuguese Bar Association, the Commission for Equality and Against Racial Discrimination and the General Secretariat of the Presidency of the Council of Ministers<sup>83</sup>. The protocol has two main aims: training actions for lawyers, with workshops on rights and discrimination, which will be based on concrete cases; and strengthening the legal literacy of people living in neighbourhoods most exposed to racial discrimination through pilot legal aid projects in collaboration with civil society organisations<sup>84</sup>.

The National Institute of Administration (whose mission is to contribute to the innovation and modernisation of the Public Administration and to the qualification of its human resources through training, scientific research and technical advice) has been promoting **training for public employees** in the area of racial discrimination. From 31 May to 27 December 2022, is being held the course "Literacy on Racism and Racial Discrimination", in partnership with the Commission for Equality and Against Racial Discrimination<sup>85</sup>. The course aims to better understanding racism, as well as analyse existing measures to combat and prevent it. It is organised into 4 modules, including subjects on preventing and combating discrimination and practical cases of racism and discrimination, and is intended for all interested persons, particularly for public employees to improve the provision of public services based on the principles of equality and non-discrimination. On 15 March 2022, it was held an awareness-raising session for

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<sup>80</sup> Público (2022), [Governo falha criação de vagas nas universidades para alunos desfavorecidos](#) (Government fails to create university places for disadvantaged students), 2 August.

<sup>81</sup> For more information, see the [promotional video of the National Plan to Combat Racism and Discrimination 2021-2025](#).

<sup>82</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.

<sup>83</sup> Portugal, [Protocolo de Cooperação no Quadro do Combate ao Racismo e à Discriminação](#) (Protocol on Cooperation in Combating Racism and Discrimination), 21 March 2022.

<sup>84</sup> Público (2022), [Combate à discriminação racial vai ter formação para advogados e literacia jurídica em bairros](#) (Fight against racial discrimination will have training for lawyers and legal literacy in neighbourhoods), 22 March.

<sup>85</sup> For more information, see the [CICDR Racism and Racial Discrimination Literacy Course](#) on its website.

public employees about the "Legal Regime to Combat Racial Discrimination"<sup>86</sup>. On 21 March 2022, a webinar was held entitled "Deconstructing stereotypes and promoting a culture of racial equality - struggles and challenges"<sup>87</sup>. In May the MOOC course "Literacy on Racism and Racial Discrimination" (free and public access) was launched, produced under a protocol with the High Commission for Migrations, through the Commission for Equality and Against Racial Discrimination, reaching 873 trainees by the end of the year<sup>88</sup>.

In March 2022, the Directorate-General for Education (*Direção-Geral de Educação*) promoted continuous **training for teachers** on issues related to racial discrimination, namely the training course "Interculturality: Identity, Culture and Cultural Diversity", aimed at 75 trainees (teachers)<sup>89</sup>.

Regarding the training of police officers on racial discrimination issues, the Public Security Police (Polícia de Segurança Pública - PSP) organised several sessions of initial and continuous training for police officers on issues of racial discrimination. A lecture was held on 3 March for 387 Chiefs/Officers of the PSP and a lecture on 28 March for 150 Aspirants and Cadets of the Police Officers Training Course<sup>90</sup>. The Criminal Police (*Polícia Judiciária* - PJ) held several training courses (with a total of 25 hours) for 97 trainees of the 43<sup>rd</sup> Initial Training Course for Inspectors<sup>91</sup>. The National Republican Guard (*Guarda Nacional Republicana* - GNR) held the 6<sup>th</sup> Criminal Prevention Course Community Policing and Human Rights, aiming to provide their officers with the essential knowledge and tools for the improved performance of their duties. This course includes matters related to human rights and citizenship, with trainers from various entities, who provide training within their area of expertise on issues such as racism, xenophobia and intolerance, hate crimes and hate speech<sup>92</sup>.

The Higher Institute of Police Sciences and Internal Security (an establishment of public university police education, aimed at training Public Security Police Officers) has created the curricular unit "Contemporary Police Themes" where issues related to racism are addressed, with a 75-hour duration<sup>93</sup>.

Additionally, the two **recruitment processes of PSP** held in 2022 were publicised with inclusive communication, targeting "less represented groups"<sup>94</sup>. Press releases and various campaign materials were produced, both digital and physical, using images of ethnically and sexually diverse police officers<sup>95</sup>.

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<sup>86</sup> Secretary of State for Equality and Migration, written response, 31 October 2022

<sup>87</sup> National Institute of Administration, written response, 19 September 2022.

<sup>88</sup> National Institute of Administration, written response, 19 December 2022.

<sup>89</sup> Directorate-General for Education, written response, 30 September 2022.

<sup>90</sup> Public Security Police, written response, 29 September 2022.

<sup>91</sup> Criminal Police, written response, 30 September 2022.

<sup>92</sup> National Republican Guard, written response, 05 October 2022.

<sup>93</sup> Public Security Police, written response, 16 December 2022.

<sup>94</sup> For more information, see the [PSP recruitment campaign](#).

<sup>95</sup> Public Security Police, written response, 29 September 2022.

The **REEI Programme - Network of Schools for Intercultural Education**<sup>96</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. In 2020-2023, REEI comprises 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. Until August 2022, REEI developed 3 regional meetings, 1 national meeting, 3 practice exhibitions and 3 inspirational events with the schools that integrate the REEI network<sup>97</sup>.

Although it was not possible to identify any relevant high court decision concerning racial discrimination, two ongoing **court cases** (still ongoing at first instance courts) were reported by the media in 2022. A historian was indicted for the crime of discrimination and incitement to hatred and violence due to the publication of a text in the newspaper *Público*, on 6 July 2019, mentioning that "Africans and Roma do not descend from the Universal Rights of Man decreed by the French Revolution"; "Africans are openly racist: they hate *whites*; and they hate each other when they come from rival tribes or "nationalities" (...)"<sup>98</sup>. The complaint was made by the association *SOS Racismo*<sup>99</sup>. The Public Prosecutors considered that there were no grounds and closed the case. However, the investigating judge did not agree and decided to pronounce the historian for trial, considering that she knew that the article offended and demeaned the groups/communities targeted on the basis of the colour of their skin and their origin, cultural or ethnic belonging. This court case is still ongoing, and no court decision has been reached.

The other case concerns the *Hammerskins* case<sup>100</sup>. In this case, 27 defendants were accused of racial and sexual discrimination, serious physical offences and incitement to violence, among other crimes. The defendants were involved in the "Portugal Hammerskins" movement, a violent neo-Nazi group responsible for several attacks motivated by racial hatred, sexual and ideological discrimination.

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<sup>96</sup> For more information, see the [Network of Schools for Intercultural Education \(REEI\) website](#).

<sup>97</sup> Directorate-General for Education, written response, 30 September 2022.

<sup>98</sup> Público (2022), [Juiz quer que Maria de Fátima Bonifácio seja julgada por racismo. Defesa vai recorrer](#) (Judge wants Maria de Fatima Bonifácio to stand trial for racism. Defence will appeal), 13 April.

<sup>99</sup> For more information, see the [press release made by SOS Racismo](#) on its website.

<sup>100</sup> Público (2022), [Hammerskins: Ministério Público pede condenação de 27 arguidos, mas deixa cair alguns crimes graves](#) (Hammerskins: Public Prosecutor's Office asks for conviction of 27 defendants, but drops some serious crimes), 26 April.

They were accused of having violently attacked several people in the Lisbon area, especially homosexuals and immigrants. According to the Public Prosecutor's Office, it was "sufficiently proven that the defendants acted with the purpose of belonging to a group that exalted the superiority of the white 'race' over other races, knowing that, belonging to such a group, they should develop violent acts against racial minorities, as well as against all those who had sexual and political orientations different from their own". On 27 June 2022, the Central Criminal Court sentenced seven of the 27 defendants in the *Hammerskins* case to prison sentences<sup>101</sup>. Another 15 defendants were given suspended sentences and five were acquitted. The lowest prison sentence is six months for the crime of racial discrimination for which 22 were convicted. The highest prison sentence (nine years) was applied to the youngest defendant, who was 18 years old at the time of the facts. This case had been ongoing since 2015 and involved 18 victims.

In 2022, the media have reported developments regarding three cases of police violence where racial and xenophobic discrimination may have been involved.

Seven police officers go on trial accused of beating immigrants because of their nationality<sup>102</sup>. This case was firstly reported by the media in 2021<sup>103</sup>, the victims are agricultural workers, immigrants from Bangladesh, Nepal and Pakistan and the police officers ambushed the immigrants using false traffic control operations.

The three police officers accused in the case of assaults a woman in 2020 are going on trial<sup>104</sup>. This case involved a woman who accused police of aggression and racism because of an alleged assault by officers of the PSP for racial reasons<sup>105</sup> after a video was circulated on the internet. The video filmed by a passer-by on the street who saw the assaults was widely reported in the media and on social networks. SOS Racism issued a statement asking for the immediate suspension of the PSP officer, underlining that this police aggression took place in the municipality of Amadora (a peripheral area of Lisbon where some resident population live with several difficulties related to poverty, habitability conditions, etc.), where 76% of complaints against police officers for assaulting citizens are filed.

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<sup>101</sup> Público (2022), [Tribunal condena sete Hammerskins a prisão efectiva por crimes de ódio](#) (Court sentences seven Hammerskins to prison for hate crimes), 27 June.

<sup>102</sup> Público (2022), [Sete polícias vão a julgamento acusados de agredir imigrantes por causa da sua nacionalidade](#) (Seven police officers go on trial accused of beating immigrants because of their nationality), 10 March.

<sup>103</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 aggression: "It's pepper gas, oh animal!"). 16 December 2021.

<sup>104</sup> Público (2022), [Três polícias vão a julgamento no caso de agressão a Cláudia Simões](#) (Three police officers go on trial in case of assault on Cláudia Simões), 20 June.

<sup>105</sup> Público (2020), [Mulher acusa polícia de agressão e racismo. PSP chamou bombeiros e disse que era 'uma queda'](#) (Woman accuses police of aggression and racism. PSP called firefighters and said it was 'a fall'), 21 January 2020.

Following an incident on 13 August in a Lisbon neighbourhood, a video of two police officers assaulting a man with batons and kicks circulated on social media and the police officers involved will be investigated by the Public Security Police (PSP) and the Inspectorate General of Internal Administration<sup>106</sup>. Regarding this case, a leader of the association SOS Racism asks: "I wonder if it wasn't a black man, would the police act like that. And we know they wouldn't"<sup>107</sup>.

On 26 November, the Minister of Internal Administration ordered the opening of an enquiry, by the Inspectorate General of Internal Administration, into alleged messages with discriminatory content by Security Forces officers, to ascertain the veracity of the evidence contained in the news about the publication, by Security Forces officers, of messages on social networks with discriminatory content, inciting hatred and violence<sup>108</sup>. Over several months, the Consortium - Network of Investigative Journalists<sup>109</sup> built a database identifying 591 agents and officers of the Public Security Police and the National Republican Guard committing crimes on social networks<sup>110</sup>. About 72% of the 3090 publications of these 591 security forces officers in the that database use hate speech<sup>111</sup>. Following the alleged involvement of Public Security Police and the National Republican Guard officers in practices that violate the rule of law, namely the dissemination of racist, xenophobic and hate messages, the following hearings were held in the Parliamentary Commission for Constitutional Affairs, Rights, Freedoms and Guarantees, on 6 December 2022: hearing of the Minister of Internal Administration<sup>112</sup>; hearing of the Inspector-General of Internal Administration<sup>113</sup>;

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<sup>106</sup> For more information, see the [Note to the Media of the Inspectorate General of Internal Administration](#).

<sup>107</sup> Público (2022), [PSP e IGAI abrem inquérito a polícias filmados a agredirem homem no Bairro Alto](#) (PSP and IGAI open investigation into police officers filmed assaulting man in Bairro Alto), 15 August.

<sup>108</sup> For more information, see the [Statement from the Minister of Internal Administration](#) on the Government website (26/11/2022).

<sup>109</sup> The Consortium brings together reporters, lawyers and academics and has a partnership with the Nova Communication Institute and the Media Innovation Observatory of the Faculty of Social and Human Sciences of the Nova University of Lisbon. For more information, see the [Consortium - Network of Investigative Journalists webpage](#).

<sup>110</sup> For more information, see the [SOS Racism statement "Racism, violence and far-right presence in Portuguese police forces"](#).

<sup>111</sup> Público (2022), [Quase 600 membros das forças de segurança usam as redes sociais para violar a lei](#) (Almost 600 officers of security forces use social media to break the law), 16 November.

<sup>112</sup> For more information, see the [website of the Parliamentary Commission for Constitutional Affairs, Rights, Freedoms and Guarantees on the hearing of the Minister for Internal Administration](#).

<sup>113</sup> For more information, see the [website of the Parliamentary Commission for Constitutional Affairs, Rights, Freedoms and Guarantees on the hearing of the Inspector-General of Internal Administration](#).

hearing of the Commander-General of the National Republican Guard<sup>114</sup>; and hearing of the National Director of the Public Security Police<sup>115</sup>.

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<sup>114</sup> For more information, see the [website of the Parliamentary Commission for Constitutional Affairs, Rights, Freedoms and Guarantees on the hearing of the Commander-General of the National Republican Guard](#).

<sup>115</sup> For more information, see the [website of the Parliamentary Commission for Constitutional Affairs, Rights, Freedoms and Guarantees on the hearing of the National Director of the Public Security Police](#).

### 3 Roma equality and inclusion

#### 3.1 Policy developments in regards to the implementation of national action plans

<b>Development regarding the implementation of the action plans</b>	
Has the Member State adopted one or several action plan(s) for the implementation of the strategy (separately from the strategic framework? If yes, please provide a hyperlink	The National Strategy for the Integration of Roma Communities (approved in 2013) was revised and extended until December 2022 through the Resolution of the Council of Ministers 154/2018, of 29 November. This is why Portugal is not yet implementing the EU Strategic Framework for equality, inclusion and participation of Roma people for 2020-2030. This National Strategy will be subject to external evaluation that will make a proposal for a new Strategy. This process is expected to be completed during the first half of 2023 <sup>116</sup> .
How were Roma and Traveller civil society organizations consulted for the development of the action plan (please check with the competent national authorities and the most significant Roma organizations)?	The Portuguese Romani Union (a civil society organisation representing Roma communities at national level) reported that it had never been consulted or invited to participate in drawing up any action plan for the implementation of the National Strategy for the Integration of Roma Communities <sup>117</sup> .
Was the Equality Body and the NHRI and the Ombuds institution in your country consulted in the development of the action plan (please check with the competent national authority, the Equality body, NHRI and Ombuds institution)?	The Ombudsperson's Office was not consulted in the implementation of action plans within the scope of the National Strategy for the Integration of Roma Communities <sup>118</sup> .

<sup>116</sup> Secretary of State for Equality and Migration, written response, 31 October 2022

<sup>117</sup> Portuguese Romani Union, written response, 11 November 2022.

<sup>118</sup> Ombudsperson's Office, written response, 10 November 2022.

Does the national strategic framework and the action plan foresee a regular monitoring and review? If yes, who will conduct this.	Other (information not available)
<b>Implications of the war in Ukraine on the situation of Roma</b>	
Have Roma from Ukraine entered your country?	Information not available According to the Portuguese Constitution (article 35) and the Personal Data Protection Law, no personal data on the ethnic origin of refugees from Ukraine was collected. For this reason, it is not possible to know if Roma from Ukraine have entered Portugal. It should also be noted that there is no reference in the media regarding Roma from Ukraine in Portugal.
If Roma from Ukraine entered your country how was this communicated in the media?	Information not available According to the Portuguese Constitution (article 35) and the Personal Data Protection Law, no personal data on the ethnic origin of refugees from Ukraine was collected. For this reason, it is not possible to know if Roma from Ukraine have entered Portugal. It should also be noted that there is no reference in the media regarding Roma from Ukraine in Portugal.
Is there any evidence (articles, reports, analyses) of the impact of the economic implications of the war (inflation, food or energy prices etc.) on Roma? If yes, provide reference	No. No evidence was found of the impact of the economic implications of the war on Roma (if possible, we will add the information as it becomes available).  According to the Portuguese Romani Union (a civil society organisation representing Roma communities at national level), there is no research on the impact of the economic implications of the war on Roma. However, according to their fieldwork, the war in Ukraine has had severe impacts on the precarious economic situation of Roma communities in Portugal. Several Roma families are experiencing



	situations of extreme poverty as they are faced with constantly rising inflation <sup>119</sup> .
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<sup>119</sup> Portuguese Romani Union, written response, 11 November 2022.

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

In 2022, there were few legal and policy developments relating to Roma/Travellers equality and inclusion<sup>120</sup>.

The **Resolution of Council of Ministers 77/2022**<sup>121</sup>, of 13 September, approves the II National Plan for Youth (II PNJ), focusing on the rights of young people, with operational objectives and measures to be implemented. Although the II PNJ is addressed to young people in general, it focuses young people in vulnerable situations, in particular young migrants, refugees and Roma. The Plan is structured in five axes: economic and social rights of young people, through the creation of material conditions for their emancipation (access to work and employment, housing, quality public services); education, training and science (right to education and lifelong learning); citizenship and participation (to promote the civic participation of young people as active agents of sustainable economic, social, and environmental development); healthy lifestyles (food literacy, promotion of physical activity and sports, prevention of tobacco, alcohol and other substances consumption and promotion of sexual and reproductive health rights among young people); and culture and free creation (to promote access to cultural activities and free creation for young people).

The High Commission for Migrations (ACM), in partnership with the Association Letras Nómadas, has opened applications for the 6th Edition of the **Operational Programme for the Promotion of Education**<sup>122</sup> (OPRE), from 31 December 2021 to 17 January 2022. This programme is for students from Roma communities who want to attend higher education, aiming to reduce the existing barriers between these communities and the formal education system. Access to this programme is open to students from Roma communities and residing in Portugal, who are enrolled in a recognised higher education institution, as students in the Bachelor's degree cycle, Master's degree, higher technical professional courses, part-time degree, post-graduate cycle or enrolled in a minimum of three isolated

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<sup>120</sup> The political framework experienced in Portugal during the first semester has influenced this situation. The dissolution of Parliament in December 2021 ([Decree of the President of the Republic 91/2021, of 5 December, dissolving the Assembly of the Republic](#)) suspended the regular parliamentary activity. The elections were held on 30 January 2022. Although the parliamentary committees restarted their work on 13 April 2022, until the end of May, their activity was dominated by the budgetary legislative process.

<sup>121</sup> Portugal, [Resolução do Conselho de Ministros n.º 77/2022, aprova o II Plano Nacional para a Juventude](#) (Resolution of Council of Ministers 77/2022, approves the II National Plan for Youth), 13 September 2022.

<sup>122</sup> Alto Comissariado para as Migrações (High Commission for Migrations), [6.ª Edição do Programa Operacional de Promoção da Educação – OPRE: Candidaturas abertas](#) (6th Edition of the Operational Programme for the Promotion of Education - OPRE: Applications are open).

curricular units. The results were released on 24 February. According to the list of admitted candidates<sup>123</sup>, 39 scholarships were awarded, 22 to boys and 17 to girls.

The High Commission for Migrations (ACM) created the 3rd edition of the **ROMA Educa**<sup>124</sup>, considering the relevance of education as an essential pillar for the personal development and social integration of Roma people. This programme aims to grant 120 scholarships to support the attendance and completion of the 3rd cycle of basic education (7th, 8<sup>th</sup>, and 9th year of schooling) and secondary education (10th, 11th and 12th year of schooling) by students from Roma communities, or a course corresponding to these levels of education. The results<sup>125</sup> were released on 23 March 2022. 120 scholarships were indeed awarded, 66 of them to boys and 54 to girls.

The High Commission for Migrations (ACM) opened the 5th Edition of the **PAAC - Roma Associations Support Programme**<sup>126</sup>, in the implementation of the National Strategy for the Integration of Roma Communities (ENICC 2013-2022). This programme focuses the mobilisation, involvement and active participation of Roma communities, in particular Roma associations. This new edition has a financial allocation of EUR 124,000.00, supporting projects up to EUR 10,000.00. The projects must promote associative capacity building, anti-discrimination and public awareness, training on citizenship, as well as the knowledge of Roma history, language and culture and other initiatives that directly contribute to the implementation of the goals set out in the priorities of the ENICC. The 5th edition of the PAAC also continues to focus on strategies for the empowerment of Roma women, thus promoting gender equality and/or work-life balance. The final results were released on 16 March 2022<sup>127</sup>. Eleven project applications from all over the country were assessed and all of them were approved. Each project will have a duration of 12 months.

The High Commission for Migrations opened the 5th Edition of **FAPE - Fund to Support the National Strategy for the Integration of Roma Communities**<sup>128</sup> (ENICC) - 2022-2023. The projects may have a maximum

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<sup>123</sup> Alto Comissariado para as Migrações (High Commission for Migrations), [6.ª Edição Programa OPRE: Candidatos/as Admitidos/as](#) (6th Edition OPRE Programme: Applicants Admitted)..

<sup>124</sup> Alto Comissariado para as Migrações (High Commission for Migrations), [Programa de bolsas ROMA Educa: Candidaturas abertas até 14 de fevereiro](#) (ROMA Educa Scholarship Programme: Applications open until 14 February).

<sup>125</sup> Alto Comissariado para as Migrações (High Commission for Migrations), [3.ª edição Programa ROMA Educa: resultados das candidaturas](#) (3rd edition of the ROME Educa Programme: applications results).

<sup>126</sup> Alto Comissariado para as Migrações (High Commission for Migrations), [Programa de Apoio ao Associativismo Cigano 2022 – Candidaturas até 24 de janeiro de 2022](#) (Roma Associations Support Programme 2022 - Applications until 24 January 2022).

<sup>127</sup> Alto Comissariado para as Migrações (High Commission for Migrations), [Programa de Apoio ao Associativismo Cigano \(PAAC\) 2022: Resultados Finais](#) (Support Programme for Roma Associations (PAAC) 2022: Final Results).

<sup>128</sup> Alto Comissariado para as Migrações (High Commission for Migrations), [ACM lança V Edição FAPE – candidaturas até 28 de março](#) (ACM launches FAPE V Edition - applications until 28 March).

duration of 12 months, and their implementation period must come within the period between 1 April 2022 and 31 March 2023. The financial resources available for the programme is €173,000.00 and the ACM will fund a maximum of 95% of the total eligible cost of each approved project, up to a maximum of €16,500.00 per project. The projects proposed by the applicant entities should contribute to the implementation of the strategic objectives included in the ENICC, and should organise their action through activities: aimed at promoting inclusive citizenship and non-discrimination; strengthening intervention in intercultural mediation; promoting gender equality in Roma integration measures; ensuring effective conditions for access to education, educational success and lifelong learning for Roma people; ensuring conditions for full and equal participation of Roma people in the labour market and professional activity; promoting other initiatives that directly contribute to the implementation of the goals set out in the priorities established in the ENICC. The results were published on 20 June<sup>129</sup>, 14 applications were accepted for assessment and 11 applications were approved and will be financially supported.

The Observatory of Roma Communities (ObCig), on the International Day of Roma People, launched the 4th edition of the "**ObCig Integrative Companies Award**"<sup>130</sup>. The initiative, created in 2019, aims to award companies with an important role in the labour integration of Roma people. This award, aimed at business organisations employing five or more Roma people aims to inspire other employers to promote cultural diversity, combating discrimination based on ethnic origin and the integration of Roma people living in Portugal.

The Observatory of Roma Communities (ObCig), on the International Day of Roma People, promoted the 3rd edition of the "**ObCig Merit Award**"<sup>131</sup>, with the application period from 8 April to 1 July 2022. The initiative, created in 2020, aims recognise people who have worked as a volunteer, for 10 or more years, within the scope of Roma integration and promoted cultural diversity, the fight against discrimination on the grounds of ethnic origin and the integration of Roma people living in Portugal.

The Observatory of Roma Communities published several issues of the **ObCig Newsletter**. These Newsletters aim to publicise the work developed by Roma associations, intercultural mediators and other actors and civil society organisations, as well as information on relevant national and international events,

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<sup>129</sup> Alto Comissariado para as Migrações (High Commission for Migrations), [5ª Edição do FAPE: Resultados Finais](#) (5th Edition of FAPE: Final Results).

<sup>130</sup> Portugal, Observatório das Comunidades Ciganas (Observatory of Roma Communities), [Prémio ObCig Empresas Integradoras, 4.ª Edição, Regulamento](#) (ObCig Integrators Companies Award, 4th Edition, Regulation).

<sup>131</sup> Portugal, Observatório das Comunidades Ciganas (Observatory of Roma Communities), [Prémio ObCig Pessoa de Mérito, 3.ª Edição, Regulamento](#) (ObCig Person of Merit Award, 3rd Edition, Regulation).

with a view to deconstructing stereotypes and promoting the knowledge of Roma people.

The **Obcig Newsletter**<sup>132</sup> of April on the Dynamics of Social Participation has several interviews and presents several projects, including: the CLDS 4G Viana para todos@s project (programmes to mobilise children to promote healthier lifestyles and integrate them into the community); the Galo@rtis E8G project (to promote networks and partnerships capable of creating a link between citizens and institutions through mediation and intercultural awareness activities); the Healthy neighbourhoods project - "Voice to the community" (to give a voice to the Roma community in a neighbourhood in Beja, focusing on fighting poverty and social exclusion); the interculturality week, promoted by the European Anti-Poverty Network (EAPN Portugal), aiming to raise awareness of the values of solidarity, non-discrimination, equality and inclusion.

The **Obcig Newsletter** of June focussed the National Day of the Roma<sup>133</sup>. The issue has several interviews regarding "Romani music". The newsletter also presents several projects, namely: the PATTERN project - Preventing and combating domestic violence against Roma women, an initiative of CESIS (Centre of Studies for Social Intervention) which aims to contribute to the prevention and combating of domestic violence against Roma women in Greece, Bulgaria, Portugal, Spain, Romania and the European Union, and which held three training sessions on the theme "domestic violence", covering 26 women; and The CLDS 4G Viana para todos@s project, which carried out educational activities with Roma children from the municipality of Viana do Castelo.

The **Obcig Newsletter** of October focussed on the Roma Educa programme<sup>134</sup>. This newsletter seeks to analyse and publicise the way in which the Roma Educa Programme has been implemented since its first edition in 2019-20 until the current school year, as part of the incentives for a successful school career for young Roma people, through the award of monetary grants and tutorial support. The magazine also aims to give visibility to the educational experience of some Roma people.

The **ObCig Newsletter** of December is dedicated to the "Right to Housing"<sup>135</sup>. This newsletter focuses the debate on the Right to Housing taking a broad perspective to include the place where one lives, of the relationships that are established there, and the exercise of rights, as an affirmation of the fundamental

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<sup>132</sup> Observatório das Comunidades Ciganas (Observatory of Roma Communities) (2022), [ObCig Newsletter](#), 8 April 2022.

<sup>133</sup> Observatório das Comunidades Ciganas (Observatory of Roma Communities) (2022), [ObCig Newsletter](#), 24 June 2022.

<sup>134</sup> Observatório das Comunidades Ciganas (Observatory of Roma Communities) (2022), [ObCig Newsletter](#), October 2022.

<sup>135</sup> Observatório das Comunidades Ciganas (Observatory of Roma Communities) (2022), [ObCig Newsletter](#), December 2022.

rights of Roma people and the population in general. The justification for this issue stems from the limited access to decent housing, especially for families in socially disadvantaged situations, in particular Roma families.

The Observatory of Roma Communities (ObCig) held several sessions of "**Conversations with...**"<sup>136</sup> during 2022. The "Conversations with..." aims to debate, among researchers, mediators, associative leaders and Roma university students, a set of issues of transversal and contemporary interest. The conversations took place online and offered a space for interaction and reflection between different social actors, sustaining and enriching discourses and daily practices. There were three "Conversations with...": on 31 March, "An Educational-Alternative Siege (1-CEA). Projeto de Trabalho Educativo de Rua"; on 14 June, "Dynamics of Local Participation" and on 28 2022, "Portuguese Romani Music".

The High Commission for Migrations, in partnership with the Association for the Development of Portuguese Roma Women (AMUCIP), held five "**Círculos de Fala de Mulheres Ciganas**" ("Roma Women's Discussion Circles")<sup>137</sup> in 2022. The meetings, that took place in Mourão, Beja, Salvaterra de Magos, Mira-Sintra and Quarteira, and involved around 40 participants. This initiative, running since 2019 under the protocol signed with AMUCIP, aims to discuss and reflect on the role of Roma women today in different areas, such as in employment/occupation, education/schooling; what are their dreams/perspectives; and through informal conversations promoting the empowerment of Roma women. Since 2019, 12 "Roma Women's Speaking Circles" have already been organised which have been attended by more than 120 women.

In 2002, the High Commission for Migrations has published two infographics regarding the situation of Roma people in the country. 1) **Roma Communities in relation to employment, between 2018 and the month of September 2022**<sup>138</sup> was carried out in partnership with the Institute of Employment and Professional Training (IEFP). According to the data collected by the IEFP, during this period 5796 Roma people registered with IEFP as unemployed or looking for their first job and 7623 have created a Personal Employment Plan. The data also reveal that 5343 Roma were covered by active employment measures or other initiatives promoting employability. 2) **School Profile of Roma Communities 2018-2019**<sup>139</sup>, prepared by the High Commission for Migrations, in partnership with the Directorate General for Education. This document presents a set of statistical tables on students from Roma communities enrolled in the school year,

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<sup>136</sup> For more information, see the [Observatory of Roma Communities webpage](#).

<sup>137</sup> For more information, see the [Observatory of Roma Communities webpage](#).

<sup>138</sup> For more information, see the [High Commission for Migrations webpage](#).

<sup>139</sup> For more information, see the [General Directorate of Education webpage](#).

in public schools of the Ministry of Education, with the aim of deepening knowledge about these students' access to education.

The Observatory of Roma Communities (ObCig), in partnership with Ribaltambição Association and with co-funding of the Council of Europe, organised the **International Seminar "Políticas Públicas, Conhecimento Científico e Participação Cívica das Pessoas Ciganas" ("Public Policies, Scientific Knowledge and Civic Participation of Roma People")**<sup>140</sup>, on 14 and 15 December, at the Institute of Education of the University of Minho. This initiative aimed to promote empirically supported theoretical reflection and dialogue between academia, policy makers, non-governmental organisations and Roma people, through the intervention of academics, policy makers, leaders of civil society organisations from various ethno-cultural backgrounds and individuals with relevant professional experience in the Seminar themes. The invited speakers (national and international) provided an international perspective of comparison on the implementation of National Strategies for Roma Integration, as well as on the living conditions and schooling of the Roma population in Europe.

In the **Assembly of the Republic**, on 8 April, during the end of the debate on the Government Programme, Roma people served as a political argument and an institutional position. The deputy, president of the Chega political party, referring to it being the day of the Roma communities, complained about the attention given to Roma people, accusing them of being aggressors and benefiting from a situation of impunity. The President of the Assembly of the Republic interrupted the deputy saying that in Portugal there is no collective attribution of blame, and the deputy must follow this principle. Later, in the face of the protests, the President of the Assembly of the Republic stated that he would withdraw the right to speak from anyone using insulting or offensive speech<sup>141</sup>.

On the International Day of Roma Communities<sup>142</sup>, 8 April, the **President of the Portuguese Republic** stressed the "urgent need" to mitigate the "poverty, exclusion and prejudice" that affects them and argued that Portugal will be "a fairer country, better prepared for the challenges of our time, when none of us is excluded because of the community, ethnic group or culture to which we belong". Also, on the National Roma Day<sup>143</sup>, 24 June, the President of the Portuguese Republic highlighted the centuries-old presence of the Roma community in the country. He recalled that Portugal has approved a National Strategy for the Integration of Roma Communities, calling on all citizens to make the strategy a reality in the best possible way. The president concluded that "National Roma Day

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

141 Diário da Assembleia da República (Diary of the Assembly of the Republic), [1ª Série, nº 4, Reunião Plenária de 8 de Abril de 2022](#) (Series I, No. 4, Plenary Meeting of April 8, 2022).

142 For more information see the [website of the Presidency of the Portuguese Republic](#).

143 For more information see the [website of the Presidency of the Portuguese Republic](#).



is, therefore, a day of alert and awareness for a diverse, fairer and socially more inclusive Portugal".

The **General Directorate of Education** (DGE) held, in June and July, the training course *Inclusivity and Interculturality as critical dimensions of the education of Roma children and young people*<sup>144</sup> (25 hours), aimed at teachers in schools with Roma students. This training course had the following objectives: to problematise the conditions of school and social insertion and mobility of Roma children; to incorporate critical contributions from the sociology of education and culture, child studies and language didactics, in the identification of opportunities and constraints on the learning and participation of Roma children, between school, family and community(ies); to discuss proposals for school improvement using the tools of inclusive education and intercultural education; to reflect on the role of school, educational agents and the (inter)action of Roma and non-Roma children, in the recognition of the right to equality and difference, as a matter of Citizenship.

The **General Directorate of Education** promoted a training session entitled *National Strategy for the Integration of Roma Communities and Heritage Education: Education and culture in school space*, which took place from 18 October to 26 November and was aimed at pre-school, primary and secondary school and special education teachers from schools in the Algarve. The training session had the following objectives: to identify educational processes aiming at an education for all and respect the values and traditions of the various heritage communities in presence (namely Roma communities); promote knowledge of concepts linked to heritage education, interculturality/multicultural/cultural diversity; identify social processes and contexts of inclusion/exclusion practices linked to cultural diversity; to raise awareness on the differences as a way to fight the conflict between the school culture and the culture(s) of Roma communities; to promote a critical reflection on the use of heritage education project tools and methodology in cultural diversity contexts; to present and share heritage education good practice initiatives and experiences carried out in schools; to contribute to the sharing and valorisation of diversified instruments for the assessment of experiences/activities carried out in schools<sup>145</sup>.

The **Santa Casa da Misericórdia de Lisboa** (SCML) has a collaboration protocol with the Association for the Development of Portuguese Roma Women, the Management of Rental Housing in the city of Lisbon, to establish a balance in the relations between the different socio-cultural circumstances existing in the neighbourhood Bairro das Murtas, by implementing structural measures, oriented towards the Roma community and organised according to the action priorities identified.

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<sup>144</sup> For more information, see the [DGE website](#).

<sup>145</sup> General Directorate of Education, written response, 2 January 2023.

The **Inspectorate General for Education and Science**, as part of the National Strategy for the Integration of Roma Communities, implemented a **Heritage Education pilot project**<sup>146</sup>. The main objective was to highlight the value and educational power of cultural heritage, adopting active strategies in the context of the curriculum, valuing and respecting diversity as a learning opportunity for all, and promoting skills and attitudes of respect for the values of heritage communities present in school/educational spaces. In this context, two webinars for the integration of Roma communities called "The Voice of Schools" were held on 18 and 20 May 2022<sup>147</sup>.

The research project **Racism and xenophobia in Portugal - Normalisation of hate speech online**<sup>148</sup>, ongoing at Centre for Research in Anthropology (CRIA), was concluded in February 2022. The project developed a critical analysis of the discourses of racial hatred produced and reproduced on the internet, seeking to monitor, understand and identify the narratives that sustain the propagation of racial hatred discourses in the Portuguese context. In the conclusions of the project, alongside racial hatred directed towards the black population, the research came across deep anti-Roma attitudes. According to the analysis, the racist discourses directed towards Roma communities are normalised in several areas of Portuguese society, namely on the following axes: a) alleged cultural and 'civilizational' incompatibility between this community and the majority society; b) blaming the Roma population for the racist episodes reported by the media; c) supporting the moves to confine these communities; d) prevalence of 'reverse racism'.

The research project **EduCig - School performances among Roma: research-action and co-design project**<sup>149</sup>, carried out at the Instituto Universitário de Lisboa, was concluded in July 2022. This project sought to understand the school trajectories of Roma students in secondary education, their ambitions, and whether they wanted to apply to higher education or conclude the 12th grade and look for a job opportunity. At the project's closing conference, the coordinator mentioned some relevant aspects, namely the difficulty in finding Roma students studying in secondary education. These students in secondary education did not reach 3%. Interviews were conducted with 20 boys and 11 girls, young people who presented some continuity in their school pathway, but who nevertheless had at some point experienced being kept back at school. Among the 31 young people interviewed, 21 were studying in professional areas, the majority in the areas of IT, culture and arts or catering and hotel management, and the rest in regular paths, in the areas of languages and humanities. Regarding the path of these young people, the support of their families is decisive, mainly the nuclear family,

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<sup>146</sup> For more information, see the project on the [DGE website](#).

<sup>147</sup> To view the webinars, visit the [DGE website](#).

<sup>148</sup> For more information, see the [Projeto website](#).

<sup>149</sup> For more information, see the [Projeto website](#). Project funded by the Foundation for Science and Technology with reference [PTDC/CED-EDG/30175/2017].

but sometimes also the extended family. These young people see their mother and father as emotional support as well as an encouragement for their schooling. Parents are the role models of these young people. Parents often pass on to their children the expectations they had idealized for themselves during their school career and which they were unable to fulfil. Some even change their area of residence to give their children another school environment and more favourable housing for the continuation of their studies.

The **Directorate General for the Arts (DGARTES)** in partnership with the High Commission for Migrations (ACM), will support 18 artistic proposals that develop interculturality, diversity and active citizenship<sup>150</sup>. With a financial allocation of 350 000 euros, this initiative aims to encourage the implementation of projects that contribute to the fight against racism, ethno-racial discrimination, xenophobia, anti-Roma or other discriminatory dynamics. The total of 18 projects, which must be implemented by 30 June 2023, include, among their objectives, the encouragement of the participation of arts professionals with different profiles and backgrounds, involving, among others, Roma. Support will be given to 10 applications in the disciplinary cross-over area, 3 in the area of theatre, 3 in the area of music, 1 in the area of dance and 1 in the area of plastic arts. The proposals fall within the fields of creation, programming and strategic mediation actions that promote intercultural dialogue and the attraction of diversified audiences and may include national and international circulation.

The report ***Portugal - Inclusive Labour Markets: Ensuring No One Is Left Behind***<sup>151</sup>, by Caritas Europa, published in February 2022, dedicated to the social impact of the Covid-19 pandemic, mentions that migrants, Roma, and young people are the most vulnerable groups on the labour market in Portugal. The report states that Roma are one of the most severely marginalised groups in Portugal, facing major discrimination in finding employment. Discrimination ranges from the recruitment process to pay gaps or working conditions. It is recommended to create conditions for an economy that supports the most vulnerable workers, increase job creation and social support policies, encourage innovation, and training and implement measures to support younger people.

The magazine ***Agir Pelos Direitos Humanos*** (Act for Human Rights)<sup>152</sup>, from Amnesty International Portugal, in issue 17, published an article entitled "AMUCIP: the empowerment of Roma women in its various aspects". It is about the Association for the Development of Portuguese Roma Women (AMUCIP) and its work to empower women, namely in developing their capacities, broadening their ambitions and making them aware of new possibilities, especially education.

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<sup>150</sup> For more information, see the [DGArtes website](#).

<sup>151</sup> Report available on the [Caritas website](#).

<sup>152</sup> For more information, see the [Agir Pelos Direitos Humanos Mazagize](#), series X, number 17, April/May/June 2022.

On 22 April, it was released the documentary film **A Música Invisível** (The Invisible Music), by the director and ethnomusicologist Tiago Pereira, dedicated to Portuguese Roma music<sup>153</sup>. The documentary released at the Festival Política<sup>154</sup> consists of over 250 videos that the author recorded throughout the country with the Portuguese Roma community, starting the project "Roma Music Enjoying Itself". It portrays the importance of music in the daily life of this community, which in the Portuguese cultural panorama is almost invisible.

On 12 October, Lisbon City Council approved the drafting of a Local Inclusion Plan for the Roma Community which reflects their reality and needs<sup>155</sup>. This Plan should be drawn up in a participatory process, with the people for whom it is intended, in order to define axes of intervention, from employment to education. It aims to reverse processes of stigmatisation and social exclusion, and developing participatory dynamics of social integration, in an integrated and multidimensional way, covering several areas (housing, employment, education, parental and gender empowerment). The proposal for the drafting of the Plan was unanimously approved<sup>156</sup>. On the same day, the proposal to create a municipal programme of cultural mediators, specifically targeted at Roma people, was also unanimously approved. This programme should be based on eight axes: education, employment, training, membership of associations, volunteering, health, housing and social services. These mediators should be a reference figure for the communities and that they should work "in a joined-up and transversal manner" with civil society organisations and people from these communities.

The **1st Meeting of Portuguese Roma Mediators and Facilitators** was held on 9 November, organised by Letras Nómadas Association and funded by the High Commission for Migrations, through the Support Programme to Roma Associations<sup>157</sup>. Several programmes and initiatives in the area of mediation were presented. The event's programme also included the sharing of testimonies of Roma mediators working in different areas and from different parts of the country, as well as debates and group work dedicated to: "Strategies for institutional and social recognition of the intercultural mediator", promoted by the European Anti-Poverty Network; and "General guidelines for basic training in the practice of intercultural mediation", promoted by the Observatory of Roma Communities.

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<sup>153</sup> For more information, see the [RTP Notícias website](#).

<sup>154</sup> For more information, see the [Festival Política website](#), and [the program](#).

<sup>155</sup> Câmara Municipal de Lisboa (Lisbon City Council), [Ata em Minuta de 12 de outubro de 2022](#). (Minutes of the Meeting of 12 October 2022)

<sup>156</sup> Câmara Municipal de Lisboa (Lisbon City Council), [Boletim Municipal nº 1495, Suplemento nº 5](#) (Municipal Bulletin nº 1495, Supplement nº 5)

<sup>157</sup> Alto Comissariado para as Migrações (High Commission for Migrations), [1.º Encontro de Mediadores/as e Facilitadores /as Ciganos/as de Portugal](#) (1st Meeting of Portuguese Roma Mediators and Facilitators).

The **President of the Portuguese Republic**<sup>158</sup>, on 1 December, the holiday celebrating the Restoration of National Independence, referred to the Portuguese of many origins who were involved in the revolutionary movement, and also remembered the Roma Portuguese who "gave their lives" for national independence. He also said that this duty of remembrance is of elementary justice and breaks with the neglect and discrimination that Roma have suffered in Portugal.

The National Directorate of Health, within the context of representing the sector of health in the National Strategy for the Integration of Roma Communities, held some activities. Celebration of the International Day of Roma People, 8 April, with emphasis on the page of the Regional Health Administration of Alentejo<sup>159</sup>, with dissemination of the 2021 newsletter ObCig dedicated to the theme of women in pandemic context. To mark the National Day of the Roma, June 24, the Alentejo Regional Health Administration's website highlighted the awareness of health professionals and the community in general to cultural diversity<sup>160</sup>. Technical and operational collaboration for strategic alignment as part of integrated public policies, namely within the scope of the National Strategy for the Integration of Roma Communities. Collaboration of the Directorate General of Health in the Healthy Neighbourhoods Programme<sup>161</sup>, which provided the opportunity for civil society to participate with innovative projects in the area of health. Of the 247 projects approved, many have the participation of Roma people as promoters and others as partners and participants<sup>162</sup>.

The Public Security Police, in partnership with the High Commission for Migrations, delivered 10 training sessions on the History of Roma Culture, lasting 20 hours and aimed at 156 police officers<sup>163</sup>.

During 2022, the Association Plano i<sup>164</sup> developed the following initiatives:

- Participation in the training session organised by the Association for Family Planning for professionals from the Matosinhos Social Network on the topic of "Roma History and Culture".

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<sup>158</sup> Portugal, Presidency of the Republic (Presidência da República), "[Presidente da República evoca a Restauração da Independência](#)" (President of the Republic evokes the Restoration of Independence), press release, 1 December 2022.

<sup>159</sup> Administração Regional de Saude do Alentejo (Regional Health Administration of Alentejo), [Dia Internacional das Pessoas Ciganas - 8 de Abril](#) (International Roma Day - April 8).

<sup>160</sup> Administração Regional de Saude do Alentejo (Regional Health Administration of Alentejo), [Dia Nacional da Pessoa Cigana celebra-se a 24 de junho](#) (National Roma Day to be celebrated on 24 June).

<sup>161</sup> Portugal, [Resolução do Conselho de Ministros 52-A/2020](#) (Resolution of the Council of Ministers 52-A/2020), 1 July 2002.

<sup>162</sup> For more information, see the [Website Jornal Bairros Saudáveis](#) (Healthy Neighbourhoods Newspaper).

<sup>163</sup> Public Security Police, written response, 16 December 2022.

<sup>164</sup> Association Plano i, written response, 3 January 2023.

- Within the scope of the project “MaRvel: Masculinidades (re)veladas<sup>165</sup>”, it conducted an awareness campaign, carried out in partnership with the Association for Family Planning, in celebration of International Roma Day. This action was based on a participatory methodology, in which, through social networks, a dialogue space was opened, where followers asked questions about Roma culture, which were answered by Roma people from Matosinhos.

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<sup>165</sup> For more information, see [the website of the Association Plano I](#).

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

### 4.1 National legal framework on criminalisation of 'humanitarian assistance' and domestic transposition of sanctions

EUMS	Implementation of Article 3 of <a href="#">Directive 2002/90/EC</a>	
PT	<p><b>How has your EUMS implemented Article 3 of Directive 2002/90/EU</b></p>	<p><b>Hyperlinked legal provision in EN and national language</b></p> <p>Article 183 of the Law 23/2007, of 4 July ("facilitating illegal immigration"), states that anyone who favours or facilitates, by any means, the illegal entry or transit of a foreign citizen in Portuguese territory is punished with a prison sentence of up to 3 years. In addition, anyone who favours or facilitates, by any means, the illegal entry, stay or transit of a foreign citizen in Portuguese territory with lucrative intent is punished with a prison sentence of 1 to 5 years. If the acts are committed by transporting or keeping the foreign citizen in inhumane or degrading conditions or by endangering his or her life or causing him or her serious physical injury or death, the perpetrator is punished with a prison sentence of between 2 to 8 years. Legal persons and similar entities are also liable, in which case the penalties applicable are fines, whose minimum and maximum limits are doubled, or the prohibition from engaging in business activity from 1 to 5 years.</p>



		<p>Article 184 of the Law 23/2007, of 4 July (“association for facilitating illegal immigration”), states that whoever promotes or creates a group, organization, or association whose purpose or activity is aimed at committing the crimes described in Article 183, is punished with a prison sentence of 1 to 6 years. Anyone who is part of such groups, organizations, or associations, as well as anyone who supports or assists them in recruiting new members, incurs the same penalty. In addition, whoever heads or directs these groups, organizations, or associations is punished with a prison sentence of 2 to 8 years. Legal persons and similar entities are also liable, in which case the penalties applicable are fines, whose minimum and maximum limits are doubled, or the prohibition from engaging in business activity from 1 to 5 years. The attempt is also punishable.</p> <p>Portugal, <a href="#">Law 23/2007 that approves the legal framework for the entry, stay, exit and removal of foreign citizens from national territory</a>, 4 July 2007. Last amended by Law 18/2022, of 25 August.</p> <p>It is worth noting that the Portuguese legislation only aims at punishing the actual helping to illegal entry or attempting to it, but not other acts such as, for example, the rescuing of persons in distress at sea or at the state border<sup>166</sup>.</p>
<b>PT</b>	<b>Cases [incident numbers] of criminalisation of humanitarian assistance</b>	

<sup>166</sup> Ombudsman (2019), “[Impact on NGO activities, particularly humanitarian efforts targeting refugees and other migrants, of changing criminal law approaches or provisions in Council of Europe Member States](#)”, Lisbon: Ombudsman.

<b>PT</b>	<b>Number of cases recorded by the police in 2022</b>	<p><b>Number and details of cases (if available)</b></p> <p>In Portugal, the following entities can receive complaints regarding the crimes of facilitating illegal immigration and association for facilitating illegal immigration: National Republican Guard, Public Security Police, Criminal Police and Foreigner and Borders Service. After receiving the complaint, these entities register the cases and open an investigation procedure. After this procedure, it is up to the Public Prosecutor to decide whether or not to start a criminal investigation and, once the investigation is completed, whether or not to press charges.</p> <p>As of 29 September 2022, the Public Security Police had not registered any case regarding the crimes of facilitating illegal immigration and association for facilitating illegal immigration<sup>167</sup>. During 2022, the Criminal Police registered 101 investigations into the crime of facilitating illegal immigration<sup>168</sup>. No further details are available. In 2022, the National Republican Guard recorded 4 cases of facilitation of illegal immigration<sup>169</sup>. No further details are available. Until September 2022, the Foreigner and Borders Service had registered 87 cases of facilitation of illegal immigration and 4 cases of association for facilitating illegal immigration<sup>170</sup>.</p>
<b>PT</b>	<b>Number of investigations initiated in 2022</b>	<p><b>Number and details of cases (if available)</b></p> <p>As of 29 September 2022, the Public Security Police had not begun any investigation into the crimes of facilitating illegal immigration and</p>

<sup>167</sup> Public Security Police, written response, 29 September 2022.

<sup>168</sup> Criminal Police, written response, 6 January 2023.

<sup>169</sup> National Republican Guard, written answer, 7 January 2023.

<sup>170</sup> Foreigner and Borders Service, written response, 7 October 2022.

		<p>association for facilitating illegal immigration<sup>171</sup>. In addition, during 2022, competence to investigate this type of crimes had not been delegated to the National Republican Guard<sup>172</sup>. According to the Criminal Police, during the first semester of 2022, 28 investigations on the facilitation of illegal immigration remained active<sup>173</sup>. At the end of the year, 51 investigations remained active<sup>174</sup>. No details regarding these investigations are available. Moreover, until September 2022, the Foreigner and Borders Service investigated 151 cases of facilitation of illegal immigration and 6 cases of association for facilitating illegal immigration<sup>175</sup>. No further details are available.</p>
<b>PT</b>	<b>Number of court decisions taken in 2022</b>	<ul style="list-style-type: none"> <li>• <b>Number and type of court decisions, information if decision is final.</b></li> </ul> <p>It is not possible to present accurate numbers for all the court decisions taken in 2022, because we do not have a public official database for the decisions of the courts of first instance. In addition, while there are public official databases for the decisions of the higher courts, not all decisions are made available. In order to carry out an exhaustive analysis, a written request for information was sent to several Portuguese courts. The numbers presented must, therefore, be analysed in light of this information.</p>

<sup>171</sup> Public Security Police, written response, 29 September 2022.

<sup>172</sup> National Republican Guard, written answer, 7 January 2023.

<sup>173</sup> Criminal Police, written response, 30 September 2022.

<sup>174</sup> Criminal Police, written response, 6 January 2023.

<sup>175</sup> Foreigner and Borders Service, written response, 7 October 2022.

		<p>Constitutional Court: 1 case; Supreme Court of Justice: 1 case; Porto Court of Appeal: 1 case. First instance court of Santarém: 1 case; First instance court of Coimbra: 1 case.</p> <p><b>Type of penalties imposed according to Article 1 <a href="#">2002/946/JHA: Council framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence</a></b></p> <p>The penalties applied to the crime of facilitating illegal immigration in the three cases described below were prison sentences.</p> <ul style="list-style-type: none"> <li>• <b>Describe in max three-four sentences the key court decisions in 2022 and add hyperlink to decision (if available)</b></li> </ul> <p><a href="#">Judgement 376/2022 of the Constitutional Court</a>: the defendant was convicted of 10 crimes of incitement to prostitution and 10 crimes of facilitating illegal immigration to 6 years and 6 months of prison and the payment of €329,000 by the criminal section of the court of first instance of Viseu. The decision was upheld by the Coimbra Court of Appeal. The convicted individual decided to appeal to the Constitutional Court, arguing that the decision in question is unconstitutional because it violates Article 18(2) of the Portuguese Constitution. However, the appeal was dismissed because the defendant appealed simultaneously to the Constitutional Court and to the Supreme Court of Justice.</p> <p><a href="#">Case 128/22.6YREVR.S1 of the Supreme Court of Justice</a>: the defendant was accused of several crimes, including facilitating illegal immigration and association for facilitating illegal immigration, both in Portugal and France. The Évora Court of Appeal refused the execution of a European Arrest Warrant issued by France and the Public Prosecutor appealed the decision to the Supreme Court of Justice. The Supreme Court of Justice</p>
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		<p>determined that there are no strong and compelling reasons to refuse the execution of the EAW issued by France, since the French investigation is at an advanced stage, and sufficient evidence and integrated knowledge of the facts have already been gathered to indict the defendant.</p> <p><a href="#">Case 16/04.8ZRPRT-B.P1 of the Porto Court of Appeal</a>: the defendant was convicted of 9 crimes of facilitating illegal immigration, 9 crimes of illegal recruitment of labour, 4 crimes of aggravated fraud and 1 crime of insolvency due to misconduct to 6 years of prison. The defendant appealed the decision arguing the prescription of the prosecution for the crimes of facilitating illegal immigration, illegal recruitment of labour and insolvency due to misconduct. The court partially granted the appeal extinguishing by prescription the prosecution of 7 crimes of facilitating illegal immigration and stating that the defendant only incurred in 3 crimes of illegal recruitment of labour. The defendant was sentenced to 4 years and 6 months of prison.</p> <p>Case 9/20.8ZR CBR of the First instance court of Coimbra: the defendant was accused of 4 crimes of incitement to prostitution and 2 crimes of facilitating illegal immigration. According to the decision of the first instance court of Coimbra, it was not possible to prove that the women who were in the defendant's apartment were, at the time, in a situation of illegal stay. As such, the court decided to acquit the defendant of the 2 crimes of facilitating illegal immigration. He was only convicted of 1 crime of incitement to prostitution to 1 year of prison, which was suspended in its execution.</p>
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## 4.2 Use of the large-scale IT Systems in the area of asylum, migration and border control

**Law 14/2022**, of 2 August<sup>176</sup>, seeks to adjust the national legal framework for criminal identification (Law 37/2015, of 5 May<sup>177</sup>, and Decree-Law 171/2015, of 25 August<sup>178</sup>) to the new European legal framework for the exchange of information between Member States on criminal records concerning third-country nationals, stateless persons, or persons of unknown nationality, transposing Directive (EU) 2019/884 of the European Parliament and of the Council, of 17 April 2019. One of the main changes introduced was to Article 2 of Law 37/2015, of 5 May, that defines what type of information is collected, processed and stored with regards to criminal identification. Apart from expanding the collection of fingerprints as a complementary means of criminal identification to those who were considered exempt from criminal responsibility and were subject to a security measure, it also specifies the fingerprints and palmprints that are going to be taken, as well as their positions. Those include fingerprinting in the resting position and in the rolled position, as well as palmprinting in the resting position and in the writer's position.

The National Data Protection Authority has issued an opinion regarding these amendments (Opinion 42/2022). According to this entity, although the European legal framework only foresees the collection of fingerprints in the resting and rolled positions, extending data collection to palmprinting is already practice in Portugal according to the law of judicial identification by fingerprinting, so the amendment is considered coherent and adjusted<sup>179</sup>.

**Law 18/2022**, of 25 August<sup>180</sup>, amends Law 23/2007, of 4 July<sup>181</sup>, that approves the legal framework for the entry, stay, exit and removal of foreign citizens from Portuguese territory (Foreigners Law). Of the several amendments that were introduced, we highlight those that aim to improve the operationalization of the SIS system. Law 18/2022, of 25 August, introduced the legal concept of the "prohibition to travel" in article 31-A of the Foreigners Law, aiming to protect children and vulnerable adults who were forbidden to travel due to a court decision

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<sup>176</sup> Portugal, [Law 14/2022 that transposes Directive \(EU\) 2019/884 of the European Parliament and of the Council, regarding the exchange of information on third-country nationals, amending Law 37/2015, of 5 May, and Decree-Law 171/2015, of 25 August](#), 2 August 2022.

<sup>177</sup> Portugal, [Law 37/2015 establishing the general principles that govern the organisation and operation of criminal identification](#), 5 May 2015.

<sup>178</sup> Portugal, [Decree-Law 171/2015 that regulates and develops the legal regime of criminal identification](#), 25 August 2015.

<sup>179</sup> National Data Protection Authority, "[Parecer/2022/42](#)", 18 May 2022.

<sup>180</sup> Portugal, [Law 18/2022 that alters the legal framework for the entry, stay, exit and removal of foreign citizens from Portuguese territory](#), 25 August 2022.

<sup>181</sup> Portugal, [Law 23/2007 that approves the legal framework for the entry, stay, exit and removal of foreign citizens from Portuguese territory](#), 4 July 2007. Last amended by Law 18/2022, of 25 August.

(e.g. people who are considered especially vulnerable victims of crime, that are prohibited from travelling for their own protection; children who are at risk of being victims of trafficking of human beings, forced marriage, female genital mutilation and other gender-based crimes). The same legal document also determined that whenever a third-country national is refused entry into the national territory because he/she is considered a threat to public order, public security or national security, the Foreigner and Borders Service is required to register this information into SIS (article 33-A of the Foreigners Law). Another amendment introduced pertained to the identification of foreign citizens (Article 212 of the Foreigners Law). This meant the expansion of the data that the Foreigners and Borders Service can use to identify foreign citizens (copies of identification and travel documents, photographs, facial images and fingerprints), with the aim of facilitating the operationalization of travel restrictions, refusal of entry and stay or return in the SIS system.

The National Data Protection Authority has also issued an opinion regarding these amendments (Opinion 63/2022)<sup>182</sup>. With regard to the expansion of the data collected for the identification of foreign citizens, this entity stated that the amendments introduced respected SIS Regulation. However, about biometric data (facial images and fingerprints), the National Data Protection Authority stresses that because they are special data categories, the law must ensure that they enjoy an enhanced protection regime, including specific safeguards for their processing. Biometric data must be collected with high quality standards to ensure the protection of the rights and freedoms of their holders. Regarding the introduction of the “prohibition to travel”, the National Data Protection Authority stated that the list of prohibitions generally respects the SIS Regulation. However, it must ensure that there are guarantees of effective judicial control of the travel restrictions, with exceptions being clearly regulated, limited to what is strictly necessary, and proportionate.

About the Eurodac system, which enables the comparison of fingerprints of asylum applicants and persons apprehended in an irregular border crossing in all Member States, it is important to note that as of 2022 there are no legal provisions or guidelines on the use of force to take fingerprints<sup>183</sup>. The consequences of an asylum seeker's refusal to comply with the obligation to be fingerprinted are limited to the application of an accelerated procedure. The accelerated procedure implies that the time limits for the adoption of a decision are significantly shorter than those of the regular procedure<sup>184</sup>. While asylum seekers are frequently fingerprinted and checked into Eurodac, accelerated procedures based on a refusal

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<sup>182</sup> National Data Protection Authority, “[Parecer/2022/63](#)”, 20 July 2022.

<sup>183</sup> Council for Portuguese Refugees (2022), [National Report - Portugal 2021](#), Asylum Information Database (AIDA).

<sup>184</sup> Council for Portuguese Refugees (2022), [National Report - Portugal 2021](#), Asylum Information Database (AIDA).



to be fingerprinted are an extremely rare situation<sup>185</sup>. The Asylum Act<sup>186</sup> determines that asylum seekers have the right to be informed of the purpose of fingerprinting, as well as other rights established in the Eurodac Regulation. According to the Portuguese Council for Refugees, even though the Foreigners and Borders Service says this information is being provided to the applicants, the leaflets that are distributed contain little information on fingerprinting and the Eurodac Regulation<sup>187</sup>.

As of 2 November 2022, the National Data Protection Authority has not received any complaints regarding the SIS, VIS, and Eurodac systems<sup>188</sup>. As foreseen in its 2022 activities plan<sup>189</sup>, the National Data Protection Authority audited the national stakeholders of the SIS and VIS European information systems. As it was not possible to audit the national stakeholders of the Eurodac system, this action has been deferred to 2023<sup>190</sup>.

In Portugal, the process of implementing the new SIS Recast system has been postponed, largely due to delays in the approval of the 2022 State Budget and the establishment of the new Government, which has conditioned the signing of contracts with the company that will perform the technical work necessary to ensure the transition between systems<sup>191</sup>. Ordinance 560-A/2022, of 22 June<sup>192</sup>, and Ordinance 570/2022, of 1 July<sup>193</sup>, authorized the Foreigner and Borders Service to assume the budgetary costs for acquiring the services necessary to develop and implement the new SIS Recast system. According to the Internal Security System, even though some tests are still underway in November 2022, the process is running within the deadlines stipulated in the European calendar<sup>194</sup>. The National Data Protection Authority is monitoring the transition to the new SIS Recast system. According to information provided by this entity, Portugal is

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<sup>185</sup> Council for Portuguese Refugees (2022), [National Report - Portugal 2021](#), Asylum Information Database (AIDA).

<sup>186</sup> Portugal, [Law 27/2008, establishing the conditions and procedures for granting asylum or subsidiary protection](#), 30 June 2008. Last amended by Law 18/2022, of 25 August.

<sup>187</sup> Council for Portuguese Refugees (2022), [National Report - Portugal 2021](#), Asylum Information Database (AIDA).

<sup>188</sup> National Data Protection Authority, written response, 2 November 2022.

<sup>189</sup> National Data Protection Authority (2022), [Activities Plan 2022](#), National Data Protection Authority.

<sup>190</sup> National Data Protection Authority, written response, 2 November 2022.

<sup>191</sup> Diário de Notícias, "[Fronteiras, bases de dados, cooperação policial. Começou a avaliação da UE a Portugal](#)" ("Borders, databases, police cooperation. The EU evaluation of Portugal has begun"), 15 November 2022.

<sup>192</sup> Portugal, [Ordinance 560-A/2022, authorizing the Foreigners and Borders Service to assume the budgetary costs for acquiring the services necessary to develop and implement the new SIS Recast system](#), 22 June 2022.

<sup>193</sup> Portugal, [Ordinance 570/2022, authorizing the Foreigners and Borders Service to assume the budgetary costs for acquiring the services necessary to develop and implement the new SIS Recast system](#), 1 July 2022.

<sup>194</sup> Diário de Notícias, "[Fronteiras, bases de dados, cooperação policial. Começou a avaliação da UE a Portugal](#)" ("Borders, databases, police cooperation. The EU evaluation of Portugal has begun"), 15 November 2022.

expected to start applying the new system as of 22 November, although this date might be subject to changes<sup>195</sup>.

The implementation of the EES system, which is an automated IT system for registering entries and exits of travellers from non-EU countries at the external borders, is only expected to come into operation in 2023. Specific national legislation on this system has not yet been approved. This process is also being monitored by the National Data Protection Authority<sup>196</sup>. According to information provided by the Foreigner and Borders Service, the "Seamless" pilot project is currently underway at the Lisbon airport, with the aim of testing the needs of biometric data collection from passengers (facial image and fingerprints) in preparation for the EES<sup>197</sup>.

In April 2022, the Foreigner and Borders Service started using 4 new generation e-gates at Lisbon Airport ensuring a faster border control at arrivals for nationals from the United Kingdom, Australia, Japan, New Zealand and Singapore. These new e-gates have a faster and more functional operating system, which allows passports with biometric data to be read more quickly. These will be part of the already existing e-gates in all national airports. In practice, the new e-gates, besides presenting a more modern layout and adapted to the current passenger flow, have some innovative features based on the principles of security, modernisation and interoperability, culminating in a reduction of times in all steps of the process. All procedures are performed in a single passenger stop. The e-gates use the RAPID system, which allows for an automated border control that is supervised by the Foreigners and Border Service inspectors. This system is able to authenticate the travel document and, through a facial recognition system, compare the passenger's face with the photograph registered on the document's chip in less than 20 seconds<sup>198</sup>.

Regarding the right to information, we have identified two cases that we can consider related to this issue:

Case 1754/22.9BELSB of the Administrative Court of Lisbon<sup>199</sup>: In this case, the applicant filled an action for the protection of rights, freedoms and guarantees against the Ministry of Internal Administration (which includes the Foreign and Borders Services). The applicant claims that in 2017, they filed an application to obtain legal residence in Portugal with the Foreign and Borders Services. However, they did not obtain a decision. Thus, the appellant considers that the failure to obtain a decision not only violated the principle of equality or treatment to a

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<sup>195</sup> National Data Protection Authority, written response, 2 November 2022.

<sup>196</sup> National Data Protection Authority, written response, 2 November 2022.

<sup>197</sup> Foreigner and Borders Service, written response, 7 October 2022.

<sup>198</sup> Foreigner and Borders Service, "[Nacionais do Reino Unido passam a utilizar e-gates na chegada ao Aeroporto de Lisboa](#)", 12 April 2022.

<sup>199</sup> This decision is not available online. Following our request to the Administrative Court of Lisbon, the decision was sent to us by email, after being anonymised.

national and the principles of confidence, decision, efficiency, celerity and good administration, as well as several rights of the appellant, such as the right to personal identity, the right to family, the right to security, the right to job security, the right to health protection and access to the national health system. Therefore, the applicant requested the Court to order the Ministry of Internal Administration to decide on the applicant's request and issue a residence permit and to sentence the Foreign and Borders Services to pay a penalty for each day of non-compliance with the sentence. In turn the Foreign and Borders Services, among other arguments, claimed that none of the rights pointed out by the appellant had been violated, adding that it was not possible to foresee a date for the conclusion of the procedure to obtain legal residence.

In this case, the Court noted that, according to the law, the process of granting a residence permit begins whenever someone expresses such an interest before the Foreign and Borders Services. Thus, whenever the process is triggered, and in accordance with the Code of Administrative Procedure, the person is always entitled to a decision. Thus, the Court decided to uphold the action, ordering the Foreign and Borders Services to issue a decision regarding the applicant's request. However, the Court decided not to condemn the Foreign and Borders Services to a financial penalty because it was not proven that the service would comply with the sentence.

Case 2386/22.7BELSB of the Administrative Court of Lisbon<sup>200</sup>: In this case, the applicant filled an action for the protection of rights, freedoms and guarantees against the Ministry of Internal Administration (which includes the Foreign and Borders Services). The applicant claims that they started the application for a residence permit by submitting a "manifestation of interest" (document that triggers the procedure) but, 7 months later, he still had not been able to get an appointment to deal with the issues related to the application process. Therefore, the applicant requested the Court to order the Foreign and Borders Services to schedule an appointment. In turn the Foreign and Borders Services, claimed that the "manifestation of interest" of the applicant was awaiting to be accepted by the services. The Court started by noting that the process of granting a residence permit begins whenever someone expresses such an interest, and therefore, according to the law, the person is always entitled to a decision within 90 working days. Therefore, taking into account that 7 months later, the Foreign and Borders Services had not yet begun the process, the Court decided to order the Foreign and Borders Services to instruct/initiate the process, within 45 days and schedule an appointment with the view to taking a decision on the application to grant residency.

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<sup>200</sup> This decision is not available online. Following our request to the Administrative Court of Lisbon, the decision was sent to us by email, after being anonymised.

## 5 Information society, privacy and data protection

### 5.1 Initiatives in the use of artificial intelligence in both private and public sectors

Actor	Type	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Government	Other	In July 2022, at the proposal of the Portuguese Navy, the first Free Technological Zone (FTZ) in Portugal was created, named Infante D. Henrique, following the approval of Decree-Law No. 67/2021, of 30 July, which establishes the regime and defines the governance model for the promotion of technology-based innovation through the creation of free technological zones. The	No	Portugal, <a href="#">Portaria n.º 189/2022, de 25 de julho, que aprova a criação da Zona Livre Tecnológica Infante D. Henrique</a> (Ministerial Order no. 189/2022 of 25 July that approves the creation of the Free Technological Zone Infante D. Henrique), 25 July 2022

		<p>ZLT Infante D. Henrique occupies one thousand square miles and is intended to test, in the open sea and in real circumstances, unmanned security and defence systems and other technologies in subsurface, surface (land and wet) and air environments.</p> <p>With the ZLT Infante D. Henrique, conditions are created to safely support ocean-related industries and provide validation processes, as well as test, under real circumstances, robotic systems in the subsurface, surface (land and wet) and air environments, and other associated technologies and sensors with dual-use application (i.e. communications,</p>		
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		sensors, artificial intelligence, materials). Priority technologies for testing are those resulting from Industry 4.0 (autonomous and unmanned robotics, artificial intelligence, internet of things, cybersecurity, cloud computing, virtual reality and augmented reality, systems integration, new materials, simulation and big data and analytics).		
Government	Other	Ministerial Order 135-A/2022 of 1 April was published, approving the regulations of the "Companies 4.0" incentives system, which covers the following areas of intervention: research and development (R&D), including the demonstration and	no	Portugal, <a href="#">Portaria n.º 135-A/2022, de 1 de abril, que aprova o Regulamento do Sistema de Incentivos "Empresas 4.0"</a> ( Ministerial Order 135-A/2022 of 1 April, approving the regulations of Companies 4.0" incentives system), 1 April 2022

		<p>valorisation of business R&amp;D, business innovation and competitiveness, internationalisation, qualification of SMEs, entrepreneurship, vocational training and job creation in SMEs. This system is part of the Digital Transition Dimension of the Recovery and Resilience Plan and aims to strengthen the digitalisation of companies in order to catch up with the ongoing digital transition process, implementing measures of the Digital Transition Action Plan (PATD) and contributing to the digitalisation of the economy, both through technological adoption by economic operators and the digitalisation of</p>		
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		<p>their business models, and through awareness and training of workers and entrepreneurs.</p> <p>One of the aid schemes by investment measure refers to the Digital Innovation Hubs, which involves support for competitively selected digital innovation hubs for integration into the national network of Digital Innovation Hubs in connection with the European Digital Innovation Hubs Network. They aim is to provide a set of services to support the digital transition of companies and Public Administration entities, focusing on artificial intelligence, high performance computing and cybersecurity, aiming at: (i)</p>		
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		<p>Experimentation and testing of digital technologies in the phase prior to the investment decision; ii) Qualification and training in digital skills; iii) Support in finding financing for investment in digital technologies; iv) Acting as a facilitator, bringing together industry, companies and Public Administration entities that need to adopt new technological solutions, with companies, namely startups and SMEs that already have digital solutions ready for the market; v) Providing support to startups to foster the entrepreneurship ecosystem, through incubation/acceleration services.</p>		
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Government	Other	<p>Under the iSimplex Programme – GuIA Responsável, the Administrative Modernization Agency, IP (<i>Agência para a Modernização Administrativa, I.P.</i>, AMA) developed guidelines for the responsible use of Artificial Intelligence, which is intended to be a reference for the implementation, by the public sector, of an ethical, transparent, and responsible Artificial Intelligence. The guide assumes that the public sector will, in the future, strengthen its commitment to the development of solutions that rely on the use of Artificial Intelligence, whether to identify trends or support management</p>	<p>Yes, the guidelines explicitly mention a series of fundamental rights. Aiming to address the risks in using AI, the guidelines highlight the need to protect fundamental rights, transparency, and to prevent biases. The document provides for a table with a table that indicates which rights are vulnerable for some AI-enabled systems already produced or devised.</p>	<p>AMA, <a href="#">GuIA para IA na Administração Pública</a> (Guidelines for Artificial Intelligence in Public Administration), 2022.</p>
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		<p>and decision processes, or to provide better public services to citizens and businesses. In this context, the guide was designed to serve as a reference to identify risks in the use of artificial intelligence and the best practices to be adopted by those who develop solutions using Artificial Intelligence, so that these solutions are transparent and auditable, and do not discriminate or increase biases. The GuIA is based on 5 evaluation dimensions: explainability, transparency, fairness, ethics, and accountability. It also lists principles, values, and recommendations</p>		
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		for developing projects in these areas.		
Government	Other	Under the GuIA Responsável, the Administrative Modernization Agency, IP ( <i>Agência para a Modernização Administrativa, I.P.</i> , AMA) developed a Risk Assessment Tool for application in all Artificial Intelligence projects in Public Administration. The tool enables the analysis of the susceptibility of AI systems, associated with the five dimensions underlying a Responsible AI, referred to in the guide (Accountability, Transparency, Explainability, Fairness, and Ethics), and provides recommendations for actions and suggested	Yes, the tool explicitly mentions a series of fundamental rights. Aiming to measure the risks in using AI, the guidelines highlight the need to protect fundamental rights, transparency, and to prevent biases.	AMA, <a href="#">Ferramenta de Avaliação do Risco Ético</a> (Ethical Risk Assessment Tool), 2022.

		readings, depending on the maturity level of the actors. It is design to help with the anticipation and mitigation of risks in systems with AI globally and in all five dimensions.		
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## 5.2 Legal and policy initiatives on data protection and private life

In 2022, there were developments regarding data retention, interpreted in the context of electronic communications for the purposes of criminal investigation. In January 2019, following a complaint by Associação D3 – Defesa dos Direitos Digitais, the Justice Ombudsperson issued a recommendation<sup>201</sup> to the Government, urging it to amend Law 32/2008, 17 July<sup>202</sup> (the law that transposed Directive 2004/26/CE) in order to meet the requirements of the Charter of Fundamental Rights of the European Union as interpreted by the jurisprudence of the CJEU. In March 2019, the Minister of Justice replied<sup>203</sup> stating that the complexity of the matters at stake and the tight schedule of the Parliament would most probably make it impossible for the Government to present a draft law to Parliament. In August 2019, the Justice Ombudsperson requested the Constitutional Court to provide a ruling on the constitutionality of Articles 4 (list of data to be retained: data relating to subscriptions and to all electronic communications necessary to trace and identify the source and destination of a communication, to determine the date, time, duration and type of communication, to identify the users' telecommunications equipment and to identify the location of mobile communication equipment), 6 (obligation to retain traffic and location data of all electronic communications for 1 year) and 9 (data transmission) of Law 32/2008.

**The Constitutional Court issued a ruling<sup>204</sup> on 19 April 2022, declaring these articles unconstitutional** and in violation of the right to privacy and family life. The CNPD has ordered telecom providers to delete data retained under Law 32/2008, after the publication of the ruling that declared the unconstitutionality of some rules. The telecom providers have informed the CNPD of this deletion of data<sup>205</sup>. In May 2022, four proposals to amend the law were debated in Parliament<sup>206</sup>. The National Data Protection Authority pronounced itself

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<sup>201</sup> Ombudsperson (*Provedora de Justiça*), [Recommendation 1/B/2019](#) (*Recomendação n.º 1/B/2019*), 22 January 2019.

<sup>202</sup> Portugal, [Law 32/2008 that transposed Directive 2004/26/CE of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks](#) (*Lei n.º 32/2008 que transpõe para a ordem jurídica interna a Diretiva n.º 2006/24/CE, do Parlamento Europeu e do Conselho, de 15 de Março, relativa à conservação de dados gerados ou tratados no contexto da oferta de serviços de comunicações eletrónicas publicamente disponíveis ou de redes públicas de comunicações*), 17 July 2008.

<sup>203</sup> For more information on the Minister of Justice answer see the Ombudsperson [webpage](#).

<sup>204</sup> Portugal, Constitutional Court (*Tribunal Constitucional*), [Judgment 268/2022](#) (*Acórdão n.º 268/2022*), 19 April 2022.

<sup>205</sup> National Data Protection Authority (*Comissão Nacional de Proteção de Dados*), [CNPD ordena eliminação dos dados das comunicações conservados ao abrigo da norma declarada inconstitucional](#). 9 June 2022.

<sup>206</sup> [Draft Law 100/XV/1 \(PCP\)](#), [Draft Law 70/XV/1 \(PSD\)](#), [Draft Law 79/XV/1 \(CH\)](#), and [Draft Law 11/XV/1 \(Government\)](#).

on each of the proposals presented, formulating recommendations<sup>207</sup> regarding the universe of people covered by the obligation to retain personal location and traffic data. The CNPD draws attention to the fact that the mere limitation of the data retention period is not enough to remove the grounds for the declaration of unconstitutionality, recalling that the core of the issue lies in the fact that it provides for a disproportionate generalized provision for the retention of data relating to almost the entire population. The CNPD also recommends the provision for the need of an authorizing order from a judge for access to personal data regarding electronic communications, and the elimination of some types of data from the retention list. The CNPD was also heard by the Parliament during the legislative procedure.

Following the approval of Law 95/2021<sup>208</sup>, in 2021, 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, the CNPD issued an Opinion on the Draft Law which establishes the **characteristics and minimum technical requirements and standards for the use of portable cameras for individual use**, as well as how to transmit, store and access the collected data. The CNPD recommended the elimination of some provisions that would involve unnecessary and excessive processing of personal data, in violation of the principle of proportionality. It also recommended the reinforcement of the procedure for announcing the activation of recordings, binding the agent to issue the announcement twice: the first time before activating the recording and the second time after the activation<sup>209</sup>. The CNPD also recommends that consideration be given to the possibility of granting citizens the right to request that the police action involving them to be recorded. Finally, it recommends that clear rules be defined for the use of cameras in the context of demonstrations or meetings, particularly those of a political nature, due to the risk of severely restricting the fundamental right of assembly and demonstration<sup>210</sup>. The Decree-Law no. 2/2023 of 2 January<sup>211</sup>, defining the use of portable cameras for individual use by police officers was published on January 2, 2023.

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<sup>207</sup> National Data Protection Authority (*Comissão Nacional de Proteção de Dados*), Opinion [2022/52](#), [2022/51](#), [2022/50](#), and [2022/49](#), 21 June 2022.

<sup>208</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>209</sup> National Data Protection Authority (*Comissão Nacional de Proteção de Dados*), [Opinion 2022/32](#), 19 April 2022.

<sup>210</sup> National Data Protection Authority (*Comissão Nacional de Proteção de Dados*), [Opinion 2022/101](#), 15 November 2022.

<sup>211</sup> Portugal, [Decree-Law 2/2023 of 2 January](#) (*Decreto-Lei n.º 2/2023, de 2 de janeiro*), 2 January 2023.



Regarding the use of video surveillance systems (including fixed and portable, and drones, body cams) operated by law enforcement authorities in the public space (under Law 95/2021) for the purposes of prevention and investigation criminal, the CNPD also issued several opinions in 2022<sup>212</sup>. The main recommendations, in this scope, were in the sense of guaranteeing people's privacy, reinforcing that the placement of masks/glare screens should be ensured not only on public spaces and in the windows and balconies of buildings, but also on the doors of buildings, since privacy has to be safeguarded also in the access to a house, since the information about who one receives or with whom one enters one's own house is, directly, information related to private life and that deserves to be preserved. On the other hand, it is recommended that a policy be foreseen for the retention of records for auditing purposes, defining the period until their disposal, as well as the prediction of key indicators for auditing reports for monitoring the security of access and the operations carried out.

In March 2021, the Portuguese Charter on Human Rights in the Digital Age was published<sup>213</sup>. After its publication, the President of the Republic raised the constitutionality review of its article 6, which addresses the concept of disinformation and establishes mechanisms for its elimination. In June 2022, the Ombudsperson submitted to the Constitutional Court a request for a declaration of unconstitutionality, with mandatory general force, of the same normative, for violation of the principles of the reserve of law and proportionality in restricting freedom of expression and information. The cases are pending before the Constitutional Court. However, in August 2022, **Law no. 15/2022 of 11 August** was published, which simplifies the protection regime against disinformation and ensures its articulation with the European Action Plan against Disinformation, amending Law no. 27/2021 of 17 May, which approves the Portuguese Charter of Human Rights in the Digital Age, namely its article 6, revoking the rules whose constitutionality is under evaluation by the Constitutional Court.

In August 2022, Law no. 16/2022 of 16 August<sup>214</sup> was published, approving the **Electronic Communications Law**, transposing Directives 98/84/EC, 2002/77/EC and (EU) 2018/1972, which approves the European Code for Electronic Communications. The final wording of the approved Law welcomed some of the recommendations issued by the CNPD in order to ensure respect for

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<sup>212</sup> National Data Protection Authority (*Comissão Nacional de Proteção de Dados*), [Opinion 2022/12](#), 15 February 2022; [2022/18](#), 2 March 2022; [2022/38](#), 3 March 2022; and [2022/69](#), 29 July 2022.

<sup>213</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.

<sup>214</sup> Portugal, [Law 16/2022 of 16 August, approving the Electronic Communications Law, transposing Directives 98/84/EC, 2002/77/EC and \(EU\) 2018/1972](#) (*Lei n.º 16/2022, de 16 de Agosto, que aprova a Lei das Comunicações Eletrónicas, transpondo as Diretivas 98/84/CE, 2002/77/CE e (UE) 2018/1972, alterando as Leis n.os 41/2004, de 18 de agosto, e 99/2009, de 4 de setembro, e os Decretos-Leis n.os 151-A/2000, de 20 de julho, e 24/2014, de 14 de fevereiro, e revogando a Lei n.º 5/2004, de 10 de fevereiro, e a Portaria n.º 791/98, de 22 de setembro*), 16 August 2022.

the General Data Protection Regime, namely the elimination of the concept of remuneration which, in the original version of the draft law, recognized the possibility of monetization or commercialization of personal data, and the express provision that calls provided free of charge are not identified in the detailed bill<sup>215</sup>.

Also in August 2022, **Law no. 18/2022 of 25 August**<sup>216</sup> was published, amending the legal framework for the entry, stay, exit and expulsion of foreigners from the national territory. In accordance with the SIS Regulations, it is foreseen to extend the categories of data to be processed in the SIS to include copies of identification and travel documents, photographs and facial images and dactyloscopic data. The CNPD, in its Opinion 2022/63<sup>217</sup>, which expressed its opinion about the Draft Law no. 19/XV/1.<sup>a</sup> (GOV), presented by the Government, drew attention to the need to clarify the legal text, which was vague in some provisions or even contradictory, and to introduce certain safeguards for the rights, freedoms and guarantees of individuals. Thus, as an example, it recommended the specification of which biometric data should be processed for the identification of foreigners, as well as making their processing and high quality standards dependent.

The **National Data Protection Authority** (CNPD) published, in 2022, 77 opinions<sup>218</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 regarding processing. Opinion 2022/78<sup>219</sup>, on the Draft Administrative Rule regulating the integration of fingerprints of convicted defendants in the Central Photographic Data File of the Criminal Police, can be highlighted. It recommends, among other changes, to the project under analysis clarifying the universe of entities that are entitled to access the biometric data repository and the purposes of access, as well as the procedures to be adopted in the fingerprinting phase.

The CNPD also published **Guideline/2022/1**<sup>220</sup>, setting out guidelines on sending electronic communications for direct marketing.

In November 2022, the CNPD implemented the first penalty for the failure to designate a data protection officer. In this case, a municipality was sanctioned

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<sup>215</sup> National Data Protection Authority (*Comissão Nacional de Proteção de Dados*), [Opinion 2022/45](#), 25 May 2022.

<sup>216</sup> Portugal, [Law no. 18/2022 of 25 August, amending the legal framework for the entry, stay, exit and expulsion of foreigners from the national territory](#) (*Lei 18/2022, 25 de Agosto, que altera o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional*), 25 August 2022.

<sup>217</sup> National Data Protection Authority (*Comissão Nacional de Proteção de Dados*), [Opinion 2022/63](#) (*Parecer/2022/63*), 20 July 2022.

<sup>218</sup> For more information, see the National Data Protection Authority's [webpage on the opinions issued by the CNPD](#).

<sup>219</sup> National Data Protection Authority (*Comissão Nacional de Proteção de Dados*), [Opinion 2022/78](#) (*Parecer/2022/78*), 16 August 2022.

<sup>220</sup> National Data Protection Authority (*Comissão Nacional de Proteção de Dados*), [Guideline/2022/1](#) (*Diretriz/2022/1*), 25 January 2022.

regarding the processing of data of Ukrainian refugees. A fine of 170.000 euros for the violation of the principle of data integrity and confidentiality and the failure to designate a DPO was applied. The CNPD also applied two reprimands for the violation of the duty to provide information to the data subject at the time of data collection and the violation of the principle of data retention limitation<sup>221</sup>.

Also in late 2022, the CNPD concluded that the National Statistical Institute had committed five administrative offenses, for breaches of the GDPR, in the context of the 2021 census operation, and applied a single fine of 4.3 million euros. Under the terms of the decision<sup>222</sup>, the CNPD found that the National Statistics Institute unlawfully processed personal data on health and religion, failed to comply with its duties to inform respondents of the Census 2021 questionnaire, violated the duties of diligence in the choice of the subcontractor, infringed the legal provisions on the international transfer of data and failed to comply with the obligation to conduct a data protection impact assessment on the census operation. One of the reasons for imputing the breach of the duty of diligence in choosing the subcontractor was the inclusion in the contract of standard contractual clauses approved by the European Commission for the transfer of personal data to the USA, without providing for additional measures preventing access to the data by government entities of the third country, in line with the Schrems II Judgment of the Court of Justice of the European Union.

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<sup>221</sup> National Data Protection Authority (*Comissão Nacional de Proteção de Dados*), [Decision 2022/1040](#) (*Deliberação/2022/1040*), 2 November 2022.

<sup>222</sup> National Data Protection Authority (*Comissão Nacional de Proteção de Dados*), [Decision 2022/1072](#) (*Deliberação/2022/1072*), 2 November 2022.

## 6 Rights of the child

In 2022, there were few legal and policy developments relating to the rights of the child<sup>223</sup>.

### 6.1 Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the EU Child Guarantee

Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the [EU Child Guarantee](#).

<b>Legislative changes</b>	<b>Law 2/2022</b> <sup>224</sup> , progressively extends free day-care and nursery nurses employed by the Social Security Institute. It determines that from 1 September 2022, the Government will progressively extend free attendance at day-care centres and family day-care centres. The extension will be made as follows: in 2022, to all children entering the first year of nursery school; in 2023, to all children entering the first year of nursery school and those who go on to the 2nd year; in 2024, to all children entering the first year of nursery school and children who go on to the 2nd and 3rd
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<sup>223</sup> The political framework experienced in Portugal during the first semester has influenced this situation. The dissolution of Parliament in December 2021 ([Decree of the President of the Republic 91/2021, of 5 December, dissolving the Assembly of the Republic](#)) suspended the regular parliamentary activity. The elections were held on 30 January 2022. Although the parliamentary committees restarted their work on 13 April 2022, until the end of May, their activity was dominated by the budgetary legislative process.

<sup>224</sup> Portugal, [Lei 2/2022, que procede ao alargamento progressivo da gratuidade das creches e das amas do Instituto da Segurança Social](#) (Law 2/2022, which progressively increases the gratuity of day care centres and childminders of the Social Security Institute), 3 January 2022.

	<p>year. To this end, <b>Ordinance 198/2022</b><sup>225</sup> (which was amended by <b>Ordinance 304/2022</b><sup>226</sup>, in order to extend the scope of the measure) regulates the specific conditions for implementing the measure of free-of-charge day care and day care integrated into the cooperative system, as well as nursery nurses employed by the Social Security Institute. The measure applies to all children born from 1 September 2021. In addition, free day care centres also aim to combat child poverty by promoting equal access to opportunities for all children regardless of the socio-economic background in which they live. It should also be noted that <b>Ordinance 305/2022</b><sup>227</sup> extended the application of the free day care centres to children attending private day care centres, in situations when there is no vacancy in the day care centres of the Social Security Institute network in the municipality of residence or place of work of the parents or those exercising parental responsibilities, or when the parents or those exercising parental responsibilities have requested to the competent services of the Social Security Institute payment of support to cover the monthly cost of attending the adherent day care centre. Still, within this context, <b>Dispatch 13617/2022</b><sup>228</sup>, which repealed <b>Dispatch 11239/2022</b><sup>229</sup>, establishes and regulates the attribution of a monthly allowance to nannies integrated in the Social Security Institute for the</p>
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<sup>225</sup> Portugal, [Portaria 198/2022, que regulamenta as condições específicas de concretização da medida da gratuidade das creches e creches familiares integradas no sistema de cooperação, bem como as amas do Instituto da Segurança Social](#) (Ordinance 198/2022, which regulates the specific conditions of implementation of the measure on free provision of free childcare facilities and family day care centers integrated in the cooperation system, as well as nannies from the Social Security Institute), 27 July 2022.

<sup>226</sup> Portugal, [Portaria 304/2022, que procede à primeira alteração à Portaria 198/2022, de 27 de julho, que regulamenta as condições específicas de concretização da medida da gratuidade das creches](#) (Ordinance 304/2022, which proceeds with the first amendment to Ministerial Order 198/2022, of 27 July, which regulates the specific conditions for implementing the measure of free day care centres), 22 December 2022.

<sup>227</sup> Portugal, [Portaria 305/2022, que procede ao alargamento da aplicação da medida da gratuidade das creches às crianças que frequentem creches licenciadas da rede privada lucrativa](#) (Ordinance 305/2022, which extends the measure of free day-care centres to children attending licensed day-care centres in the lucrative private network), 22 December 2022.

<sup>228</sup> Portugal, [Despacho 13617/2022, que estabelece e regula a atribuição de um subsídio mensal destinado à alimentação das crianças que se encontrem a frequentar amas integradas no Instituto da Segurança Social, I. P.](#) (Dispatch 13617/2022, which establishes and regulates the attribution of a monthly allowance for feeding children who are attending nannies integrated in the Institute of Social Security, I. P.), 22 November 2022.

<sup>229</sup> Portugal, [Despacho 11239/2022, que estabelece e regula a atribuição de um subsídio mensal destinado à alimentação das crianças que se encontrem a frequentar amas integradas no Instituto da Segurança Social, I. P.](#) (Dispatch 11239/2022, which establishes and regulates the attribution of a monthly allowance for feeding children who are attending nannies integrated in the Institute of Social Security, I. P.), 19 September 2022.

	<p>purpose of feeding children who are in their care. Thus, it is established that the Social Security Institute will pay a monthly allowance of 150 euros to nannies that are integrated in the Social Security Institute. Alternatively, the children's families may choose to provide the nannies with ready-made meals, assuming the respective costs (without any financial support). In these situations, this monthly allowance is not granted to nannies.</p> <p><b>Dispatch 2044/2022</b><sup>230</sup>, sets standards to ensure support to students whose mother tongue is not Portuguese, so that children and young people from migratory and refugee backgrounds enjoy effective integration into the education system, access to education and improve their educational success.</p> <p><b>Decree Law 28-A/2022</b><sup>231</sup> established measures to support families, whose situation was especially aggravated by the armed conflict in Ukraine. In this context, an extraordinary financial support was created for the families most vulnerable to the increase in food prices. Initially, financial support of 60 euros was foreseen, in the month of April, for families benefiting from the social electricity tariff with reference to the month of March 2022. This Decree Law was amended by <b>Decree Law 30-D/2022</b><sup>232</sup>, which extended this monetary support until the month of May and extended the coverage of the support to families that are not beneficiaries of the social electricity tariff, but at least one member of the household is a beneficiary of one of the minimum social benefits by reference to March 2022 (solidarity supplement for the elderly, integration social income, disability social pension in the special scheme for protection in disability, supplement to the social benefit for inclusion, old age social pension, unemployment benefit, and family allowance). That meant that households in which at least one of the children, who were entitled to 1st or 2nd level of family allowance and in which the calculation of the reference income of the</p>
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<sup>230</sup> Portugal, [Despacho 2044/2022, que estabelece normas destinadas a garantir o apoio aos alunos cuja língua materna não é o Português](#), (Order 2044/2022, establishing rules to ensure support to students whose mother tongue is not Portuguese), 16 February 2022.

<sup>231</sup> Portugal, [Decreto-Lei 28-A/2022, que estabelece medidas de apoio às famílias e às empresas no âmbito do conflito armado na Ucrânia](#) (Decree Law 28-A/2022, establishing measures to support families and businesses in the context of the armed conflict in Ukraine), 25 March 2022.

<sup>232</sup> Portugal, [Decreto-Lei 30-D/2022, que estabelece medidas de apoio às famílias, trabalhadores independentes e empresas no âmbito do conflito armado na Ucrânia](#) (Decree-Law 30-D/2022, establishing support measures for families, the self-employed and businesses in the context of the armed conflict in Ukraine), 18 April 2022.

	<p>same household corresponded to situations of extreme poverty, received this support. <b>Decree Law 42/2022</b><sup>233</sup>, extended this monetary support to the months of July and August. <b>Decree-Law 85-B/2022</b><sup>234</sup>, extended, one more time, this monetary support to the month of December, and increased its value to 240 euros. Still, within this context it should also be noted that the situations of extreme poverty were defined according to the parameters established in the Survey on Living Conditions and Income<sup>235</sup>, from the National Institute of Statistics (people at risk of poverty or living in households with very low per capita labour intensity or in severe material and social deprivation).</p> <p><b>Ordinance 138/2022</b><sup>236</sup>, established exceptional measures with the aim of integrating children displaced from Ukraine into day-care centres and Free Time Activity Centres, establishing that children are covered by the “free-of-charge measures” (a measure that states that childcare centres in the social and solidarity sector and Social Security nursery nurses are free) and/or are positioned in the 1st income bracket, whose family contribution is financed in the amount of 40 euros per month.</p> <p><b>Law 12/2022</b><sup>237</sup> approved the State Budget for 2022, and created the Childhood Guarantee, intended for children and young people under the age of 18, belonging to households that are in extreme poverty. This guarantee is exclusively a cash-benefit measure, complementary to the family allowance, in order to guarantee a minimum value for all children and young people (that already benefit from family allowance) will receive. In the year of 2022, the minimum amount will</p>
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<sup>233</sup> Portugal, [Decreto-Lei 42/2022, que estabelece medidas de apoio às famílias e às empresas no âmbito do conflito armado na Ucrânia](#) (Decree Law 42/2022 establishing support measures for families and businesses in connection with the armed conflict in Ukraine), 29 June 2022.

<sup>234</sup> Portugal, [Decreto-Lei 85-B/2022, que estabelece um apoio às famílias vulneráveis em face do aumento extraordinário dos preços](#) (Decree-Law 85-B/2022, which establishes support for vulnerable families in the face of extraordinary price increases), 22 December 2022.

<sup>235</sup> For more information on this survey, see the [website of the National Institute of Statistics](#).

<sup>236</sup> Portugal, [Portaria 138/2022, que estabelece a medida social excecional, no âmbito da proteção temporária devidamente comprovada, às crianças deslocadas da Ucrânia relativamente à frequência de Creche e de Centro de Atividades de Tempos Livres](#) (Ordinance 138/2022, which establishes the exceptional social measure, under the duly proven temporary protection, for displaced children from Ukraine regarding the attendance to Kindergarten and Free Time Activity Centre), 8 April 2022.

<sup>237</sup> Portugal, [Lei 12/2022, que aprova o Orçamento de Estado para 2022](#) (Law 12/2022, approving the State Budget for 2022), 27 June 2022.



be 840 euros per child or young person per year (70 euros per month). However, in 2023, this amount will increase to 1200 euros per year per child or young person (100 euros per month). It also establishes that the value of the family allowance for children and young people under the age of 18 will be increased progressively in 2022, so that by 2023, it will be a total value of 600 euros per year (50 euros per month). Following the adoption of these measure, **Regulatory Decree 3/2022**<sup>238</sup> was approved to regulate the terms and conditions for the allocation of the Childhood Guarantee, establishing that this is a monthly, differential benefit, which is added to the amount of the family allowance for children and young people, and some of the conditions for granting it are: being entitled to the family allowance for children and youth; and being under 18 years of age.

**Decree-Law 52/2022**<sup>239</sup> approves the Statute of the National Health Service, including measures regarding liaison between the National Health Service and other entities. Thus, it foresees that the National Health Service will liaise with social support entities and social security services when children are in a situation of danger or risk and provides care to children living in poverty.

**Decree-Law 56/2022**<sup>240</sup>, with the aim of protecting young people and children from families receiving the guaranteed minimum monthly wage, updates the scales of access to family allowance and extends the family allowance benefit to foreign minors not born in Portuguese territory.

**Ordinance 223/2022**<sup>241</sup> establishes the limit of the reference income foreseen in paragraph c) of article 4 of Regulatory Decree 3/2022, this limit being fixed at 0.35 of the social support index (this index is the reference measure in the determination, calculation and updating of several social benefits, such as the family allowance).

<sup>238</sup> Portugal, [Decreto Regulamentar 3/2022, que regulamenta a Garantia para Infância](#) (Regulatory Decree 3/2022, which regulates the guarantee for childhood), 9 August 2022.

<sup>239</sup> Portugal, [Decreto-Lei 52/2022, de 4 de agosto, que aprova o Estatuto do Serviço Nacional de Saúde](#) (Decree-Law 52/2022, which approves the National Health Service Statute), 4 August 2022.

<sup>240</sup> Portugal, [Decreto-Lei 56/2022, de 19 de agosto, que reforça o abono de família e modifica os escalões de acesso](#) (Decree-Law, which reinforces the family allowance and modifies the access brackets), 19 August 2022.

<sup>241</sup> Portugal, [Portaria 223/2022, que estabelece o limite do rendimento de referência previsto na alínea c\) do artigo 4.º do Decreto Regulamentar 3/2022](#) (Ordinance 223/2022, which establishes the limit of the reference income provided for in article 4(c) of Regulatory Decree 3/2022), 6 September 2022.



	<p><b>Ordinance 224/2022</b><sup>242</sup> increases the amount of the family allowance for children and young people over the age of 3 the family allowance for children and young people over the age of 3 in households whose relevant income is included in the 1st and 2nd income brackets.</p> <p><b>Decree-Law 57-C/2022</b><sup>243</sup> establishes exceptional measures to support families in order to mitigate the effects of inflation. One of the measures foreseen is, to provide a financial support of 125 euros during the month of October, to the income of each eligible citizen, increased by 50 euros for each dependent in their care. This financial support is attributed to beneficiaries of social benefits granted by the social security system covered by the measure (i.e. unemployment benefits; parental benefit with monthly reference remuneration not exceeding 2700 euros; benefits for sickness and occupational disease, provided for a period of not less than one month and with a monthly reference remuneration not exceeding 2700 euros; social insertion income and social benefit for inclusion if over 18 years of age; solidarity supplement for the elderly, with no pension granted; and informal carer support allowance); and residents in Portugal with a monthly income from work declared to social security lower than or equal to 2700 euros in the years 2021 or 2022 or that have declared gross incomes up to 37 800 euros.</p> <p><b>Law 19/2022</b><sup>244</sup>, approved a set of support measures for the population, including a transitory reduction in the value-added tax rate applicable to electricity prices; rules regarding the redemption</p>
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<sup>242</sup> Portugal, [Portaria 224/2022, que atualiza os montantes do abono de família para crianças e jovens, procedendo à alteração da Portaria n.º 276/2019, de 28 de agosto](#) (Ordinance 224/2022, which updates the amounts of the family allowance for children and young people, amending the Ordinance 276/2019, 28 August ), 6 September 2022.

<sup>243</sup> Portugal, [Decreto-Lei 57-C/2022, que estabelece medidas excecionais de apoio às famílias para mitigação dos efeitos da inflação](#) (Decree-Law 57-C/2022, which establishes exceptional measures to support families to mitigate the effects of inflation), 6 September 2022.

<sup>244</sup> Portugal, [Lei 19/2022, que determina o coeficiente de atualização de rendas para 2023, cria um apoio extraordinário ao arrendamento, reduz o IVA no fornecimento de eletricidade, estabelece um regime transitório de atualização das pensões, estabelece um regime de resgate de planos de poupança e determina a impenhorabilidade de apoios às famílias](#) (Law 19/2022, which determines the rent updating coefficient for 2023, creates an extraordinary support for renting, reduces VAT on electricity supply, establishes a transitory regime for updating pensions, establishes a redemption regime for savings plans and determines the unattachability of family support), 21 October 2022.

	<p>of savings plans without penalty; and the unseizability of the family support measures foreseen by Decree-Law 57-C/2022<sup>245</sup> (mentioned above).</p> <p><b>Law 24-C/2022</b><sup>246</sup> that approved the Major Option Law for 2022-2026, established goals and measures to be applied between 2022 and 2026. Amongst these goals, there are some goals and measures aimed at children and young people. However, it should be noted that the major part of these measures is already in place to the approval of the laws mentioned above. Thus, the measures foreseen are: to combat child poverty and support families with children, through measures like the Childhood Guarantee, updating the scales of access to family allowance and increasing the deduction per dependent on the personal income taxes; improve the model for signalling and monitoring children and young people at risk and the means and instruments available; creation of an exceptional support to children and young people in the value of 50 (euro) for each dependent; improve conciliation between work, personal and family life, extending the need for express authorisation of time banks and adaptability regimes for parents of children up to six years old, promoting an increase in the value of parental leave with reinforced sharing between parents and improving access to other leave for care in the case of sharing; free day-care;</p>
<p><b>Policy changes</b></p>	<p>Although, in 2021, the Government approved the creation of the National Child Guarantee Coordinator<sup>247</sup>, and appointed a national coordinator of the Children's Guarantee<sup>248</sup> to draw up and present a national action plan for the implementation of the EU Child Guarantee, until March of 2022, no plan had been presented. However, in November 2022, the Council of Ministers,</p>

<sup>245</sup> Portugal, [Decreto-Lei 57-C/2022, que estabelece medidas excecionais de apoio às famílias para mitigação dos efeitos da inflação](#) (Decree-Law 57-C/2022, which establishes exceptional measures to support families to mitigate the effects of inflation), 6 September 2022.

<sup>246</sup> Portugal, [Lei 24-C/2022, de 30 de dezembro, que aprova a Lei das Grandes Opções para 2022-2026](#) (Law 24-C/2022, of 30 December, which approves the Law of the Great Options for 2022-2026), 30 December 2022.

<sup>247</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>248</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.

announced the general approval of the Children's Guarantee Action Plan 2022-2030<sup>249</sup>. The plan will now have to be discussed in the speciality, in order to be approved (which did not happen until the end of the year).

It should be noted that the **European Anti-Poverty Network Portugal (EAPN Portugal), issued an opinion on the implementation of the National Childhood Guarantee Plan in February of 2022**<sup>250</sup>. It starts by saying that child poverty is distinct from other forms of poverty as it affects a social category - children. It justifies, then, the allocation of resources to the areas of childhood and child poverty with four objectives: 1) to alleviate and reduce the intensity of child poverty; 2) to lift children out of child poverty; 3) to assess the actions and public policies which have an impact on the formation and reproduction of child poverty in order to increase the effectiveness of the resources spent in these areas; and 4) to tackle the situations of risk and harm associated with specific child poverty profiles. Thus, the EAPN Portugal recommend that the national action plan should:

- Contain a reliable diagnosis of the situation of children in Portugal since child poverty continues to assume worrying proportions.
- Recognise that the statistics available to characterise child poverty are aggregated with family poverty, where the child is not considered as a statistical unit.
- Contain a holistic approach to intervention with families and the involvement of all actors who participate in children's lives: school, family, health, social action, sport and leisure.
- Encourage children's participation, since all children have the right to express their ideas freely, be respected/considered, and participate in matters that concern them.
- Take an approach that focuses on the individual profile of the family and the child at risk, providing a quality response based on the best interests of the child.

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<sup>249</sup> Council of Ministers (2022), "[Comunicado do Conselho de Ministros de 30 de Novembro de 2022](#)" (Communiqué from the Council of Ministers of November 30, 2022), press release, 30 November 2022.

<sup>250</sup> European Anti Poverty Network Portugal (2022), [Parecer EAPN Portugal - Implementação do Plano Nacional da Garantia para a Infância](#) (EAPN Portugal Opinion - Implementation of the National Plan of Guarantee for Children), Porto, EAPN Portugal.

	<ul style="list-style-type: none"> <li>• Promote innovative projects that promote integrated and targeted services for families at risk, mobilising funding from the new programming period of the Structural Funds 2021-2027.</li> <li>• Contain a governance element, ensuring the participation of public and private, regional, local and other competent entities representing civil society in the preparation, implementation, monitoring and evaluation phases of the action plan; and ensuring close collaboration with the National Strategy to Combat Poverty 2021-2030<sup>251</sup>.</li> <li>• Contain a monitoring element where, in addition to the obligation to report to the European Commission every two years on the progress made in implementing the Action Plan, mechanisms are also established for an on-going evaluation of the plan at the national level with the involvement of all stakeholders.</li> <li>• Contain a communication element where a mechanism for disseminating information about the action plan and the involving relevant stakeholders in the field of children is established.</li> </ul> <p>Furthermore, the <b>Directorate-General for Health</b>, informed us that the Ministry of Health had collaborating in the drafting of the Action Plan<sup>252</sup>. Additionally, the <b>Directorate-General for Education</b> also informed us that they also had participated in the drafting of the Action Plan with insight regarding the access to an education with quality<sup>253</sup>.</p>
<p><b>Other measures or initiatives</b></p>	<p>During 2022, the <b>Directorate-General for Education</b> developed some initiatives to address the specific vulnerabilities of children living in poverty and to insure their well-being, namely:</p> <ul style="list-style-type: none"> <li>• Within the scope of ensuring that children and young people continue to benefit from school social action measures, particularly food, even during the periods when there were school breaks, schools (through the Municipalities or through the Ministry of Education) guaranteeing meals either in a school environment, or through a home delivery service (when deemed necessary).</li> </ul>

<sup>251</sup> Portugal, [Resolução do Conselho de Ministros 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>252</sup> Directorate-General for Health, written response, 2 November 2022.

<sup>253</sup> Directorate-General for Education, written response, 2 January 2022.

	<ul style="list-style-type: none"> <li>• More schools were certified with the European eSafety Label certification; the Healthy School Seal; the Protective Seal; the Healthy Seal; the "School Without Bullying. School Without Violence" Seal and the eTwinning School Seal. These Seals are all related with measures that aim to address the vulnerabilities of children and maintain their well-being in the school environment.</li> <li>• Continuation of the Line SOS Criança (Linha SOS Criança), a service provided by the Institute for Child Support (Instituto de Apoio à Criança), which evaluates and/or follows the psychological state and the social and legal situations of children and young people in vulnerable situations and promotes the psychosocial integration of the child/young person and their family<sup>254</sup>.</li> </ul> <p>The <b>Directorate-General for Health</b> developed some initiatives to address the specific vulnerabilities of children living in poverty and to insure their well-being, namely:</p> <ul style="list-style-type: none"> <li>• Dissemination on its institutional website<sup>255</sup> of the document "Guiding Principles for Children on the Move in the Context of Climate Change<sup>256</sup>", with recommendations to safeguard the rights, health and well-being of migrant children in the context of climate change.</li> <li>• Close collaboration between the Directorate-General for Health, Central Administration of the Health System Institute and the Shared Services of the Ministry of Health, to define measures that will enable the allocation of maternity user number to all children, with special focus on risk situations (including children of irregular migrants)<sup>257</sup></li> <li>• Creation of 5 community child and adolescent psychiatric teams<sup>258</sup>.</li> </ul> <p>The <b>Santa Casa da Misericórdia of Lisbon</b>, an institution governed by private law and of administrative public utility with the goal of providing humanised services to ensure the improvement of the conditions and quality of life of the community in general, and of the most disadvantaged in particular, developed, in 2022, the following activities:</p>
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<sup>254</sup> Directorate-General for Education, written response, 30 September 2022.

<sup>255</sup> For more information about this publication, see the [website of the Directorate-General for Health](#).

<sup>256</sup> United Nations (UN), Office of Global Insight and Policy of UNICEF (2022), [Guiding Principles for Children on the Move in the Context of Climate Change](#), July 2022.

<sup>257</sup> Directorate-General for Health, written response, 2 November 2022.

<sup>258</sup> Directorate-General for Health, written response, 2 January 2022.

	<ul style="list-style-type: none"> <li>• Support for 88 users at the Residential Shelter Unit that works especially in the protection of vulnerabilities and defence of the rights of children and their families. This unit progressively sees itself as an answer to highly complex situations such as mental health, disability, behavioural problems, and dysfunctionality of the mother-baby relationship.</li> <li>• Support for 23 users at the Family Reception Unit that intervenes directly in protecting vulnerable children and young people, defending their rights and offering ways of breaking cycles of poverty and violence among children and their families. Family foster care is clearly seen as a prime placement response and residential foster care as a transformative, therapeutic and empowerment-focused response.</li> <li>• Support for 230 users at Autonomy Support Units. These units focus on the promotion of skills and the development of tools that allow young people to live in full autonomy, in the natural environment of life. The enlargement and specialisation of the network of autonomy responses, as well as the deepening of the intervention of the Community Integration Team, allowed for more and more young people to benefit from a normalising and community-based response.</li> <li>• Maintenance of the Empowerment Centres and the Mobile Mental Health Team. These elements arise as responses, in a community-based, preventive and danger-intervention logic with families in their natural living environment. The Empowerment Centres respond to situations identified within the scope of judicial processes of civil guardianship and processes of promotion and protection. The Mobile Team intervenes mainly in situations of mental health and disability, allowing the young people to remain in their home surroundings.</li> <li>• Maintenance of the Family Intervention Unit, that accompanies and empowers families in situations of risk and/or danger, promoting greater stability, security and well-being. Its intervention focuses on primary and secondary prevention, accompanying children, young people and families with a view to reducing and removing risk and danger factors. During the first semester of 2022, 756 families were monitored, while 153 children and young people are no longer monitored due to the removal of the risk/hazard situation<sup>259</sup>.</li> </ul>
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<sup>259</sup> Santa Casa da Misericórdia of Lisbon, written response, 3 January 2023.

Within the context of “free-of-charge measure”, the **Social Security Institute** implemented the programme “Creche Feliz - Rede de Creches Gratuitas” (Happy Day-Care - Free Childcare Network). In line with the “free-of-charge measure” from September 2022, all childcare centres in the social and solidarity sector and Social Security nursery nurses will be free of charge for children born on or after 1 September 2021 and children from families that fall within the 1st and 2nd income brackets (category of people whose income falls within defined upper and lower levels). The Social Security Institute will pay the total contribution of the families, including the following expenses: activities and services usually provided by day care centres (nutrition, personal hygiene, educational, recreational and motor skills activities, among others); food; registration process, renewal and insurance and extended hours and weekly extension<sup>260</sup>.

The **Ombudsperson's Office** developed the following activities to address vulnerabilities of children living in poverty and ensure their well-being:

- Issued a warning<sup>261</sup> to the Social Security Institute and to the Foreigners and Borders Services because the high number of complaints due to situations of changes in family allowance brackets (motivated by a decrease in household income, generally, due to unemployment) and due to delays in the attribution of prenatal family allowance and family allowance, mainly in single-parent households. At the same time, there were also frequent complaints from migrant families in relation to difficulties encountered with Social Security Institute, due to non-compliance of the exceptional rules on the regularity of the stay of foreign citizens in national territory, and also due to a lack of consideration of the rules on the validity of documents issued by the Foreigners and Borders Services. On the other hand, the Ombudsperson also received complaints due to the difficulty arising from the inexistence of vacancies for scheduling in the Foreigners and Borders Services. Therefore, in July 2022, the Ombudsperson issued a warning to the Social Security Institute and to the Foreigners and Borders Services in order to ensure strict compliance with the law, through acceptance,

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<sup>260</sup> For more information on this initiative, see the [website of the Social Security Institute](#).

<sup>261</sup> For more information, see the [website of the Ombudsperson's Office](#).

	<p>for the purposes of concession or maintenance of social benefits, until 31 December 2022 or until after that date, if scheduling is verified, of the titles and documents that fall within the legal provision; and acceptance, for the same purposes, of the status of regularity to those who demonstrate, through a current certificate, that they meet the conditions specified.</p> <ul style="list-style-type: none"> <li>• On the other hand, the Ombudsperson's intervention in terms of protection of children is also guaranteed via a telephone helpline especially dedicated to children (Children's Helpline), that received a total of 216 calls. Of those calls, 32 corresponded to situations of negligence and mistreatment (physical and psychological); 3 to exposure to deviant and risky behaviour (alcoholism, drug addiction, prostitution), 3 to exposure to domestic violence and 2 to economic deprivation. Since, the action of the hotline essentially results in the provision of information and the referral to the competent entities, these situations were referred to the competent entities, such as the National Commission for the Promotion of the Rights and Protection of Children and Youth, the Public Prosecutors Office and, in the cases of economic deprivation to the local social workers</li> <li>• As part of the systematic monitoring of places of deprivation of liberty for young people, promoted in recent years by the National Mechanism for the Prevention of Torture, in the last semester of 2022 all educational centres for the internment of young people in Portugal were visited (a total of six)<sup>262</sup>.</li> </ul> <p>The <b>Minister of Labour, Solidary and Social Security</b> announced that people and families who benefit from State food support (most deprived people) will be able to buy the products they want in a shop, through a card, and will no longer receive a set of goods (food basket), as it was the case until 2022. With the implementation of this card, the Minister defended that it will be possible for people to access food products on an equal basis, in the same circumstances, freely choosing and buying in shop the products they want to consume. The public tender for the supplying companies took place until the 13th of October<sup>263</sup>. Furthermore, the <b>Strategy and Planning</b></p>
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<sup>262</sup> Ombudsperson's Office, written response, 27 December 2022.

<sup>263</sup> Sic Notícias (2022) "[Famílias com apoio alimentar vão receber cartão para usar em loja em vez de cabaz de bens](#)" ("Families with food support will receive a card to use in a shop instead of a basket of goods"), 28 September 2022.



	<p><b>Office of the Ministry of Labour, Solidarity and Social Security</b>, regarding the group of children in residential care, in 2022, approve the first 19 cooperation agreements to develop a national network of institutions in the framework of Family Care, foreseeing, even if gradually, a progressive de-institutionalisation of children and young people, and prioritising responses that promote the autonomy of the lives of the youngest, in line with international best practices<sup>264</sup>.</p> <p>The <b>National Commission for the Promotion of the Rights and Protection of Children and Youth</b>, developed the following activities to address vulnerabilities of children living in poverty and ensure their well-being:</p> <ul style="list-style-type: none"> <li>• Within the context of the National Strategy for the Rights of the Child 2021-2024 (ENDC)<sup>265</sup>, the Commission informed us that the mid-term evaluation report of the biennial plan 2021-2022 of the ENDC for the year 2021 was completed, during the year of 2022, and awaits the approval of the Interministerial Commission. The overall execution of the biennial plan of the ENDC in 2021 was set at 56%. Furthermore, the monitoring of the execution of the first semester of 2022 of the biennial plan is underway, along with the elaboration of the biennial plan for 2023-2024</li> <li>• With the context of the the 4th edition of the "Protective Seal" Project (a project that aims at distinguishing entities that implement good practices to promote children's rights; identifying and disseminating good practices in this area; guaranteeing children a safe environment; empowering entities in the promotion of children's rights; and facilitating the implementation of the ENDC 2021-2024) received 54 applications, and are currently under analysis<sup>266</sup>.</li> </ul>
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<sup>264</sup> Strategy and Planning Office of the Ministry of Labour, Solidarity and Social Security, written response, 23 November 2022.

<sup>265</sup> Portugal, [Resolução do Conselho de Ministros 112/2020, que aprova a Estratégia Nacional para os Direitos da Criança para o período 2021-2024](#) (Resolução do Conselho de Ministros 112/2020, que aprova a Estratégia Nacional para os Direitos da Criança para o período 2021-2024), 18 December 2020.

<sup>266</sup> National Commission for the Promotion of the Rights and Protection of Children and Youth, written response, 14 December 2022.

The **Centre for Judiciary Studies** held two web conferences, on 18 and 25 February 2022, entitled "Promotion and Protection - The child in danger". These two training events were aimed at judges and magistrates of the Public Prosecutor's Office, lawyers and other professionals in the forensic area, members of the Commission for the Protection of Children and Young People and social service technicians. It aimed to think about the combined intervention of the Commissions for the Protection of Children and Young People and the Public Prosecutor's Office in situations where the children, due to the most diverse factors (including situations of poverty or situations where they are not properly cared for), find themselves unprotected and how the protective judicial intervention can restore their full rights, defining an adequate life project that safeguards their best interest<sup>267</sup>.

**ProChild CoLab**, a private non-profit association whose mission is to combat poverty and social exclusion in childhood, through social intervention and technological innovation, held several webinars through The ProChild Academy during the year 2022, with childhood-related themes, namely: "Science, intervention and technology at the service of well-being and children's rights"; "Urbanism, children and public space"; "Challenges of digitalisation in learning" and "Children's Culture: Literature, Film, Dance and Theatre". In addition, the ProChild Academy also produced a podcast entitled "What are the challenges of being born in a context of adversity and how to promote resilience in families?"<sup>268</sup>

As reception measures, considering the context of the war in Ukraine and the situation of Portugal as a country of refuge, the following should be highlighted.

- **Registration for the protection of displaced children from Ukraine:** In order to facilitate the process of identification and reception of refugee children from Ukraine, the

<sup>267</sup> For more information about this training initiative, see the [website of the Centre for Judiciary Studies](#).

<sup>268</sup> For more information, see the [ProChild Academy website](#).

	<p>Government has created an electronic registration platform for the arrival of unaccompanied minors. The platform also allows visualizing the availability of temporary shelter and voluntary transport programmes in Portugal. Furthermore, the Government has formed a special multidisciplinary monitoring group, with teams from the Ministry of Labour, Solidarity and Social Security, the Ministry of Justice, the Foreigners and Borders Service and the High Commission for Migrations<sup>269</sup>.</p> <ul style="list-style-type: none"> <li>• The <b>Directorate General of Education</b><sup>270</sup> with the aim of integration and inclusion of displaced children and young people from Ukraine, developed several measures: <ul style="list-style-type: none"> <li>• Made available to refugees from Ukraine (children and their family), without access to day care or kindergarten, the Aprender Brincar Crescer (GABC) socio-educational response. GABC is a group of carers (father, mother, grandparents, grandmothers, uncles, cousins, siblings, etc.) and their children (up to 6 years old) who meet twice a week, in a certain space, to interact and play together. Each GABC session is run by two monitors who promote culturally sensitive and stimulating contexts of socialisation and experimentation that favour the learning of the children and the empowerment of the carers. To this end, the Calouste Gulbenkian Foundation promoted a nationwide competition, aimed at financing the opening of Groups. The Bissaya Barreto Foundation and the Directorate-General for Education were responsible for training the monitors.</li> <li>• Granted equivalence of foreign qualifications and simplified the procedures regarding insertion in a given school year;</li> <li>• Promoted the progressive integration into the Portuguese curriculum and reinforcement of the learning of the Portuguese language, by promoting the development and dissemination of thematic blocks of teaching of Portuguese.</li> <li>• Constituted multidisciplinary teams, with the aim of proposing and developing adequate strategies to concrete situations;</li> </ul> </li> </ul>
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<sup>269</sup> More information about this measure can be found in the [Portugal for Ukraine website](#).

<sup>270</sup> Directorate General of Education, written response, 2 January 2023.

	<ul style="list-style-type: none"> <li>• Issued 2 guidelines entitled "Guidelines for the reception, integration and inclusion of Ukrainian refugee children and young people<sup>271</sup>" and "Integration of refugee children in pre-school education<sup>272</sup>".</li> <li>• The <b>Directorate General of Health</b> promoted the training webinar "Right to Health and Inclusion of Migrant and Refugee Children in Portugal"<sup>273</sup> a joint initiative of the National Programme for the Prevention of Violence in the Life Cycle in partnership with the National Programme for Child and Youth Health. The event aimed to mark the international campaign of the Month for the Prevention of Child Maltreatment (April), alerting to the issue of protection and promotion of the rights of migrant and refugee children, reinforced by the current context of armed conflict in Ukraine<sup>274</sup>.</li> </ul>
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<sup>271</sup> Directorate General of Education (2022), [Orientações para o acolhimento, a integração e a inclusão de crianças e jovens ucranianos refugiados](#) (Guidelines for the reception, integration and inclusion of Ukrainian refugee children and young people), Lisbon, Ministry of Education and Directorate General of Education.

<sup>272</sup> Directorate General of Education (2022), [Integração de crianças refugiadas na educação pré-escolar](#) (Integration of refugee children in pre-school education), Lisbon, Ministry of Education and Directorate General of Education.

<sup>273</sup> For more information, see the [Youtube page of the Directorate-General for Health](#).

<sup>274</sup> Directorate-General for Health, written response, 2 November 2022.

## 6.2 Legal and policy developments or measures in relation to child-friendly procedures for children as victims, witness or suspects/accused in criminal proceedings.

<b>Legislative changes</b>	<b>The transposition of Directive 2016/800 was carried out through Law 33/2019<sup>275</sup>.</b> <b>The transposition of Directive 2012/29 was carried out through Law 130/2015<sup>276</sup>.</b> <b>The transposition of Directive 2011/26 was carried out through Law 60/2013<sup>277</sup>.</b> <b>In 2022, there was no legislative change regarding these laws.</b>
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<sup>275</sup> Portugal, [Lei 33/2019 que procede à trigésima terceira alteração ao Código de Processo Penal transpondo a Diretiva \(UE\) 2016/800, do Parlamento Europeu e do Conselho, de 11 de maio de 2016, relativa a garantias processuais para os menores suspeitos ou arguidos em processo penal](#) (Law 33/2019 that alters the Code of Criminal Procedure transposing Directive(EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings), 22 May 2019.

<sup>276</sup> Portugal, [Lei 130/2015, que 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, que estabelece normas relativas aos direitos, ao apoio e à proteção das vítimas da criminalidade e que substitui a Decisão-Quadro 2001/220/JAI do Conselho, de 15 de março de 2001](#) (Law 130/2015, which makes the twenty-third amendment to the Code of Criminal Procedure and approves the Victim's Statute, transposing Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012, establishing rules on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA of 15 March 2001), 4 September 2015.

<sup>277</sup> Portugal, [Lei 60/2013, que procede à 30.ª alteração ao Código Penal, aprovado pelo Decreto-Lei n.º 400/82, de 23 de setembro, à quarta alteração à Lei n.º 5/2002, de 11 de janeiro, e à primeira alteração às Leis n.º 101/2001, de 25 de agosto, e 45/2011, de 24 de junho, transpondo para a ordem jurídica interna a Diretiva n.º 2011/36/UE, do Parlamento Europeu e do Conselho, de 5 de abril, relativa à prevenção e luta contra o tráfico de seres humanos e à proteção das vítimas, e que substitui a Decisão Quadro 2002/629/JAI, do Conselho](#) (Law 60/2013, which makes the 30th amendment to the Criminal Code, approved by Decree-Law No. 400/82 of 23 September, the fourth amendment to Law No. 5/2002 of 11 January, and the first amendment to Laws No. 101/2001 of 25 August, and 45/2011 of 24 June, transposing into national law the Directive No. 2011/36/EU, of the European Parliament and of the Council, of 5 April, on preventing and combating trafficking in human beings and protecting victims, and replacing Council Framework Decision 2002/629/JHA), 23 August 2013.

<p><b>Policy developments</b></p>	<p>The <b>Ministry of Justice</b> inform us that regarding procedures for children as victims, witness or suspects/accused in criminal proceedings, a systematically monitoring of the disaggregation of defendants, by age group, is carried out<sup>278</sup>. Moreover, the <b>Public Prosecutor Office</b> explained that this monitoring is essentially aimed at improving the effectiveness of the educational tutelage system and, consequently, of the prevention of criminal activity by young people, with the universe of criminal enquiries considered as a starting point of the analysis<sup>279</sup>. Furthermore, on 26 April 2022, the <b>General Directorate of Reintegration and Prison Services</b> issued Circular 8/2022. Within this context, the circular states that considering the transposition of Directive (EU) 2016/800 into the national legal system, and taking into account that some young people to whom a measure of detention in an Educational Centre was applied at the same time as a criminal investigation is being conducted for acts committed after the age of 16, it is the duty of the Director of the educational centre to make the person appear when summoned to appear in procedural steps. The notifications have to be made 3 days in advance, and the Director of the Educational Centre should also inform the minor that, during the procedural steps, they has the right to be accompanied by their lawyer<sup>280</sup>.</p> <p><b>Dispatch 7870-A/2022</b><sup>281</sup>, created the <b>Commission for Integrated Analysis of Juvenile Delinquency and Violent Crime</b>. In the year 2021, Portugal was among the 5 most peaceful countries in the world and had the 3rd lowest incidence rate of aggression, with only 4% of respondents reporting having been a victim of physical violence. However, despite these facts, recent months have shown the occurrence of several criminal incidents, especially in the context of public space, which have caused social alarm due to the "charge" of violence involved. Many of these incidents have involved young people. For this reason, it was</p>
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<sup>278</sup> Ministry of Justice, written response, 30 September 2022.

<sup>279</sup> Public Prosecutor Office, written response, 29 September 2022.

<sup>280</sup> General Directorate of Reintegration and Prison Services, written response, 2 January 2023.

<sup>281</sup> Portugal, [Despacho 7870-A/2022, que cria a Comissão de Análise Integrada da Delinquência Juvenil e da Criminalidade Violenta](#) (Order 7870-A/2022, establishing the Commission for Integrated Analysis of Juvenile Delinquency and Violent Crime), 27 June.

considered essential to reinforce among the population, especially the younger generations, the message that the use of violence is not tolerable, whatever the context. Thus, the Commission for Integrated Analysis of Juvenile Delinquency and Violent Crime was created, with the aim of presenting proposals to reduce juvenile delinquency and violent crime. Within a period of one year, this Committee must present a report containing conclusions and proposals aimed at achieving the following objectives:

- Characterize the current reality in terms of juvenile delinquency and violent crime in a comprehensive and integrated manner, enabling an analysis of its severity and possible emerging modus operandi;
- Carry out a survey of the geographical areas, contexts and population groups that deserve special attention;
- Carry out a prospective survey of the main international trends in violent crime, its specificities and adopted strategies;
- Produce recommendations regarding the promotion of objective and subjective safety, the reduction of juvenile delinquency, violent crime and its severity; to propose regular analysis methodologies for a comprehensive analysis of violent crime.

**Dispatch 12853/2022**<sup>282</sup> created a working group to promote the design and generalised application of a uniform model for the assessment of danger and the improvement of the system for the promotion and protection of children and young people in danger. This group is composed of 2 representatives from the area of justice; 2 representatives from the area of parliamentary affairs; 2 representatives from the area of labour, solidarity and social security; and 2 representatives to be appointed by the Attorney General of the Republic. The coordination of the working group is ensured by the national coordinator of the Children's

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<sup>282</sup> Portugal, [Despacho 12853/2022, que cria o grupo de trabalho para promover a conceção e a aplicação generalizada de um modelo uniforme de avaliação do perigo e o aperfeiçoamento do sistema de promoção e proteção de crianças e jovens em perigo](#) (Dispatch 12853/2022, which creates the working group to promote the design and generalised application of a uniform model for the assessment of danger and the improvement of the system for the promotion and protection of children and young people in danger), 8 November 2022.

	<p>Guarantee. The group may also request the collaboration or consult with entities relevant to the objective of the work to be undertaken. Thus, this group is tasked with submitting a report, within 120 days (which can be extended to 180 days), containing:</p> <ul style="list-style-type: none"> <li>• a survey of reference models of protective intervention and assessment of their efficacy;</li> <li>• the identification of the main danger factors associated to the frailty/vulnerability of children and young people, allowing the subsequent creation of a concrete proposal for an evaluation form on the danger they are exposed to;</li> <li>• the planning of a uniform model, aiming at the articulated application by the different entities with competences within the protective scope of the danger assessment form;</li> <li>• The formulation of eventual proposals, including legislative amendments, in conformity with the purpose of improving the system for the promotion and protection of children and young people in danger;</li> <li>• an Action Plan and respective execution deadlines.</li> </ul> <p>The <b>National Republican Guard</b> informed us that in terms of training regarding procedures for children as victims, witness or suspects/accused in criminal proceedings (Law 33/2019) this theme has been addressed in various courses offered by the National Republican Guard<sup>283</sup>.</p>
<p><b>Other measures or initiatives</b></p>	<p><b>Dispatch 11881/2022</b><sup>284</sup>, extended the mandate of the Working Group for the Prevention and Combat of Child, Early and Forced Marriages. This working group was created in 2021<sup>285</sup>, with the purpose of presenting to the member of the Government responsible for the area of citizenship and equality, a final report with contributions and recommendations regarding the</p>

<sup>283</sup> National Republican Guard, written answer, 5 October 2022.

<sup>284</sup> Portugal, [Despacho 11881/2022, que estabelece a prorrogação do mandato do Grupo de Trabalho para a Prevenção e Combate aos Casamentos Infantis, Precoces e Forçados](#) (Dispatch 11881/2022, establishing the extension of the mandate of the Working Group for the Prevention and Combating of Child, Early and Forced Marriages), 11 October 2022.

<sup>285</sup> Portugal, [Despacho 1498-A/2021, que procede à criação do Grupo de Trabalho para a Prevenção e Combate aos Casamentos Infantis, Precoces e Forçados](#) (Dispatch 1498-A/2021, which creates the Working Group for the Prevention and Fight against Child, Early and Forced Marriages), 5 February 2021.



prevention and combat of child, early and forced marriages. As it was not possible for the referred group to submit the report within the foreseen deadline (end of 2021), the mandate of the group was extended for another year, until October 2023.

The **Secretariat of State for Equality and Migration**, developed some initiatives regarding the protection of children and young people from violence, namely:

- Continue to implement implemented the National Referral System, through the "Protocol for the definition of procedures for action aimed at the Prevention, Detection and Protection of (presumed) Child Victims of Trafficking in Human Beings<sup>286</sup>". This is an essential tool in the fight against Human Trafficking, namely for those who are in a situation of special vulnerability, such as children. Furthermore, during the second semester of 2022, several training events targeted to the criminal police bodies will be conducted, and this project, as mentioned above, also counted with the participation of the Directorate-General for Health and the Commission for Citizenship and Gender Equality.
- Continuation of the implementation of Psychological Support Responses for Children and Young People who are victims of domestic violence<sup>287</sup>.

During 2022, the **Directorate-General for Education** continue to develop the "Safe Internet Line" (Linha Internet Segura), in collaboration with the Portuguese Association for Victim Support (APAV). 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 (such as apology for violence, apology for racism and child sexual abuse and exploitation content)<sup>288</sup>. Furthermore, the Directorate-General for Education, also conducted some training events:

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<sup>286</sup> For more information on this protocol, see the [website of the Commission for Citizenship and Gender Equality](#).

<sup>287</sup> Secretariat of State for Equality and Migration, written response, 31 October 2022.

<sup>288</sup> Directorate-General for Education, written response, 30 September 2022.

	<ul style="list-style-type: none"> <li>• “In the other's place... what if it were me or my best friend”: This webinar aimed at promoting empathy among children and young people, leading them to put themselves in the other's place. Through analysis and critical questioning of situations of violence, they are led to make conscious decisions and debate their opinions. It also intended to involve children and young people in active participation in school projects and other moments of daily school life which contribute to the prevention of violence, and to a healthy environment and well-being. The webinar was targeted to teachers, children and young people from the 1st and 2nd Cycles of Basic Education.</li> <li>• “Good treatment in the family... educating for citizenship with affection!”: This webinar was targeted to teachers, parents, guardians, carers and other educators with the aim of contributing to the promotion of education in a climate of affection as a reality in the growth of children and young people within families.</li> <li>• “In Your Body You're in charge! educating for citizenship with affections (... and without abuse!)”: Held in the months of April and November, two training events (lasting 5 hours) targeting teachers were conducted, aiming to train teachers to identify situations of suspected sexual abuse of children and young people; to know how to act in an informed way so as not to increase the vulnerability of the victims; and in the context of sexual abuse prevention, to know how to prevent, identify and help victims.</li> <li>• It also produced a short video<sup>289</sup> entitled “Affective Relationships: Prevention of abusive relationships - Educating for Citizenship with Affections”<sup>290</sup>.</li> </ul> <p>The <b>Directorate-General for Health</b> also developed some initiatives regarding the protection of children and young people from violence, namely:</p> <ul style="list-style-type: none"> <li>• Monitoring of the National Programme for the Prevention of Violence in the Life Cycle (PNPVCV), as a model of integrated responses regarding the prevention of interpersonal violence, implemented in the National Health Service (in the 5 Regional Health Administrations and in the Regional Health Service of the Azores), including the Health Action for Children and Youth at Risk. Every measure made in order to implement this programme aims at preventing all types of violence, from an integrated and multidisciplinary perspective and in the life cycle, thus generically including children and</li> </ul>
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<sup>289</sup> For more information, see [the Youtube page](#).

<sup>290</sup> Directorate-General for Education, written response, 2 January 2023.

	<p>young people. Within this context, technical benchmarks<sup>291</sup> of good practice in the National Health System were strengthened, with specific action protocols for situations of violence in children and adults from a life cycle perspective, including the prevention of all forms of violence and discrimination. Furthermore, the Directorate-General for Health also launch, on 8 February 2022, recommendations<sup>292</sup> regarding the use of technologies related to limiting the use of screens and media, in consensus with the child/adolescent, in time, space and regarding age-appropriate contents. Lastly, the Directorate-General for Health also promoted on its institutional website the World Health Organization publication for Clinical Approach in situations of child and youth maltreatment<sup>293</sup>, with reinforcement of the PNPVCV's technical documentation.</p> <ul style="list-style-type: none"> <li>• Dissemination and reinforcement of the activities of the national network of 551 outreach teams in the National Health System, existing in primary health care and hospital settings, which includes, the National Network of Support Centres for Children and Young People at Risk (290 teams). Composed of professionals from different areas (medicine, nursing, psychology, social assistance and others), with specific training in human rights and violence prevention, these teams develop specific intervention in the area of child and youth abuse, domestic violence, sexual violence, human trafficking, female genital mutilation, among others. These teams are responsible for raising awareness, training, technical consultancy and managing situations, and are focal points for liaising with local networks. Furthermore, in order to know the needs of the networks, an online questionnaire was conducted. In this context, during the month of April - International Month for the Prevention of Child Abuse – the Directorate-General of Health disseminated 160 activities<sup>294</sup> organised by the Support Groups for Children and Young People at Risk to mark this month.</li> <li>• Monthly monitoring of situations of victimization in adults in the National Health Service from the Adult Violence Clinical Registry Database provided by the Shared Services of the Ministry of Health, associated with the forms completed in the Electronic Health</li> </ul>
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<sup>291</sup> For more information on these technical benchmarks, see the [website of the National Health System](#).

<sup>292</sup> For more information on these recommendations, see the [website of the National Health System](#).

<sup>293</sup> United Nations (UN), World Health Organization (2022), *Responding to child maltreatment: a clinical handbook for health professionals*, August 2022.

<sup>294</sup> Some of the activities can be found on the [website of the National Health System](#).

	<p>Record - Professional Area. Through this monitoring it was possible to identify and follow 282 situations of interpersonal violence and 166 children in the household.</p> <ul style="list-style-type: none"> <li>• Strengthening the dissemination of the Family Risk Assessment, available in SClínico (information system for primary health care) integrated in the Support Module to the National Programme for Child and Youth Health. This registration system allows for the early identification of protective and risk factors of child and youth maltreatment, in accordance with good practices regarding diagnosis, intervention and respective signalling to the National Network of Support Centres for Children and Young People at Risk.</li> <li>• Participation in the National Referral System, within the scope of the "Protocol for the definition of procedures for action aimed at the Prevention, Detection and Protection of (presumed) Child Victims of Trafficking in Human Beings<sup>295</sup>". This is an essential tool in the fight against Human Trafficking, namely for those who are in a situation of special vulnerability, such as children.</li> <li>• Dissemination of multiple materials and products of the digital literacy campaign called #ViolenceOFF (#ViolênciaOFF), aimed at raising awareness of health professionals, families, caregivers of children and people with dependency and the community around several themes, including healthy relationships, social inequalities, rights of children and young people, stress and burnout, domestic violence and abuse of children and young people, with dissemination of support resources. The materials produced<sup>296</sup> have, from a graphic and content point of view, attention to inclusive aspects (family diversity, gender, nationality, ethnic/racial aspects).</li> <li>• Strengthening of the dissemination in social networks of the translated materials on Parenthood and COVID 19 aimed at families<sup>297</sup>, in a partnership with End Violence Against Children, the only global entity focused solely on ending all forms of violence against children, launched in July 2016 by the UN Secretary-General<sup>298</sup>.</li> </ul>
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<sup>295</sup> For more information on this protocol, see the [website of the Commission for Citizenship and Gender Equality](#).

<sup>296</sup> The materials can be found in the [website of the Commission for Citizenship and Gender Equality](#).

<sup>297</sup> The parenting tips can be found in the [website of Covid19 Parenting](#).

<sup>298</sup> Directorate-General for Health, written response, 2 November 2022.

	<ul style="list-style-type: none"> <li>• Promotion of 160 activities<sup>299</sup> organised by the Support Groups for Children and Young People at Risk to mark the International Month for the Prevention of Child Abuse (April)<sup>300</sup>.</li> <li>• Promotion, on its institutional social networks, of the Council of Europe's campaign "One in five", to mark the European Day for the Protection of Children against Sexual Exploitation and Sexual Abuse (18th November)<sup>301</sup>.</li> <li>• Preparation of a campaign to mark the 33rd Anniversary of the Convention on the Rights of the Child, celebrated on 20 November - Universal Children's Rights Day (Unicef)<sup>302</sup>, disseminated on the institutional social networks and institutional website<sup>303</sup>.</li> <li>• Promotion of the publication launched by the World Health Organisation, "What works to prevent online violence against children?<sup>304</sup>" with dissemination of effective strategies to prevent online violence against children and the safe use of information and communication technologies<sup>305</sup>.</li> </ul> <p>The pilot-project "By your side" was created by the <b>National Commission for the Promotion of the Rights and Protection of Children and Youth</b>, in partnership with various bodies, and was presented on 28 April 2022. The partner entities of the referred Project are respectively: the Directorate General of Education, the Directorate General of Health, the National Republican Guard, the Public Security Police, the Social Security Institute, the University Institute of Lisbon (ISCTE) and the Order of Portuguese Psychologists. Its main objectives are:</p> <ul style="list-style-type: none"> <li>• Support and respond to the children, on the day(s) following an episode of domestic violence registered by the Police or another intervening actor, in conjunction with their families, bearing in mind that the aggressor is usually part of this family unit.</li> </ul>
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<sup>299</sup> For more information about these activities, see the [website of the Directorate-General for Health](#).

<sup>300</sup> Directorate-General for Health, written response, 2 November 2022.

<sup>301</sup> Directorate-General for Health, written response, 26 December 2022.

<sup>302</sup> For more information about this campaign, see the [website of the Directorate-General for Health](#).

<sup>303</sup> Directorate-General for Health, written response, 26 December 2022.

<sup>304</sup> United Nations (UN), World Health Organization (2022), [What works to prevent violence against children online?](#), November 2022.

<sup>305</sup> Directorate-General for Health, written response, 26 December 2022.

	<ul style="list-style-type: none"> <li>• Develop preventive action against the normalisation of gender-based violence and break the cycles of victimisation and aggression.</li> <li>• Create a specialised service for children who lose their parents or legal representatives as a result of homicide in the context of domestic violence.</li> <li>• To develop coordinated intervention between the national system for the protection of children and young people and the national support network for victims of domestic violence, within the scope of their respective competences<sup>306</sup>.</li> </ul> <p>During 2022, 237 professionals (members of the National Commission for the Promotion of the Rights and Protection of Children and Youth, security forces, teachers and psychologists from schools in territories under intervention) were involved in the activities of this project<sup>307</sup>.</p> <p>Furthermore, the <b>National Commission for the Promotion of the Rights and Protection of Children and Youth</b> also carried out the following measures to protect children and young people from violence:</p> <ul style="list-style-type: none"> <li>• Within the scope of the Adélia Project<sup>308</sup>, aiming at supporting 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 2022, with the end of the project, it was possible to conclude that 340 parental figures were involved in the implementation of parental programmes, encompassing 589 families, within the scope of awareness-raising actions inspired on the programme's principles. However, more data is still being collected regarding this project.</li> <li>• Continuation of the telephone helpline for children in danger, launched in 2020 under the national campaign "Protecting children is everyone's responsibility". In parallel, the National Commission for the Promotion of the Rights and Protection of Children and Youth continues to ensure the possibility of communicating situations of children in danger via electronic channels, namely by completing a form available on its website. Each</li> </ul>
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<sup>306</sup> More information about this project can be found on the [National Commission for the Promotion of the Rights and Protection of Children and Youth website](#).

<sup>307</sup> National Commission for the Promotion of the Rights and Protection of Children and Youth, written response, 14 December 2022.

<sup>308</sup> For more information on this project, see the website of the [National Commission for the Promotion of Rights and Protection of Children and Youth](#).

	<p>communication is referred directly to the competent local Commission for the protection of Children and Young People or the competent local Court (depending on the specific outlines of the situation), which will analyse the situation and decide on possible protection measures to be applied. From 1 of January to 30 of November 1219 calls and 3635 communications via website form were registered.</p> <ul style="list-style-type: none"> <li>• Within the context of the National Strategy for the Rights of the Child 2021-2024 (ENDC)<sup>309</sup>, 1577 awareness-raising and training actions were carried out in the first semester of 2022 within the scope of the capacity building of the protection system on the issue of violence against children, involving organisations in the area of disability, for a culture of prevention of situations of violence and maltreatment against children and youth with disabilities; 50 professionals were trained and 100.000 children were made aware of the existence of prevention and intervention strategies within the scope of violence in school contexts. Moreover, 3.675 actions aimed at 69.238 students were carried out, regarding different forms of violence against children and young people, which also considered the perspective of gender-based violence<sup>310</sup>.</li> </ul> <p>During the first semester of 2022, Casa Fémina - Centro de Acolhimento para Mulheres e Meninas, an emergency reception centre aimed at situations of child, precocious or forced marriages, was opened. This emergency reception centre is being managed by AKTO, a non-governmental organisation<sup>311</sup>.</p> <p>The <b>Association Plano i</b> developed, within the scope of "Espaço Lara" (Lara Space), the following activities:</p> <ul style="list-style-type: none"> <li>• Conducted the activity entitled "Photo-Voice of contextual experiences of children and young people who are victims of domestic violence", in partnership with the Leonardo</li> </ul>
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<sup>309</sup> Portugal, [Resolução do Conselho de Ministros 112/2020, que aprova a Estratégia Nacional para os Direitos da Criança para o período 2021-2024](#) (Resolução do Conselho de Ministros 112/2020, que aprova a Estratégia Nacional para os Direitos da Criança para o período 2021-2024), 18 December 2020.

<sup>310</sup> National Commission for the Promotion of the Rights and Protection of Children and Youth, written response, 14 December 2022.

<sup>311</sup> Commission for Citizenship and Gender Equality, written response, 12 December 2022.

	<p>Coimbra e Filho School Grouping. These experiences focused on several themes, such as risk behaviours, children's rights, daily routines, loneliness and abandonment, memories, affection and solidarity.</p> <ul style="list-style-type: none"> <li>• Promoted a socio-emotional skills development group with 8 children/young people (between 12 and 15 years old), in partnership with a Children and Youth Home. This group intervention had as its main objective the development of emotional regulation strategies and the promotion of pro-social behaviour in these children and young people.</li> <li>• Conducted some internal training events for the staff about children and young people at risk, and other external training events on Domestic Violence against children and young people.</li> <li>• Elaborated a scientific poster on Domestic Violence against children and young people, submitted to the Congress of the Red Cross of Matosinhos.</li> <li>• The Lara Space also accompanied 133 cases, of which 39 concern LGBTI children and young people. In 2022, a total of 1263 psychological support/individual psychotherapeutic support sessions were provided to children and young people who were victims of domestic violence.</li> </ul> <p>Furthermore, within the “Plan B - National Programme for the Prevention of Bullying”, the Associação Plano i, also prepared a poster on the theme of bullying, as part of the Week for Combating Poverty and Social Exclusion, an initiative of the European Anti-Poverty Network. The aim was to display it between 17 and 21 October 2022 at Augusto Gomes Secondary School, in Matosinhos, so that it would be visible to the whole educational community (children, young people, parents, teachers and non-teaching staff). Nevertheless, the school still keeps the poster at the entrance. It also conducted a session on Prevention and Fight against Bullying, under the scope of the Week for Combating Poverty and Social Exclusion, at the Association of Solidarity and Social Action of Santo Tirso, on 19 October 2022. This action lasted one hour and was attended by 8 children and young people (4 girls and 4 boys), as well as technical staff.<sup>312</sup></p>
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<sup>312</sup> Associação Plano i, written response, 3 January 2022.



On 20 April 2022, the **Portuguese Association for Victim Support** presented the results of the Project CARE. During the event the "CARE Programme Manual - Universal Prevention of Sexual Violence against Children and Young People" and the CARE Network Support Statistics were presented. According to the statistics, in the six years of the programme, 2107 children and young people were supported. The profile of the supported children and young people was 80% female and 18.9% male. The profile of the actors and the context of violence was 91.6% male, 4.1% female, with 51% occurring in the intra-family context<sup>313</sup>.

The **Attorneys General Office** has also developed the following measures regarding the protection of children and young people:

- Throughout the year 2022, the Attorneys General Office and the Office of the Family, Children and Youth, closely monitored the activity of the structures of the Public Prosecutor's Office, signalling the perspective of fluidity of the procedures, and carrying out, in articulation with the Public Prosecutors Office and in articulation with the competent hierarchical structure, contacts and meetings.
- The Attorney General's Office, through the magistrate currently appointed for the Office for the Family, Children, Youth, the Elderly and against Domestic Violence, will ensure, from October 2022 until the beginning of 2023, the training of Public Security Police officers on issues related to the detection of victims, children victims, children and youths, in situations of trafficking in persons, in particular regarding protocols for the definition of age (minor) and also regarding the appointment of a guardian or legal representative<sup>314</sup>.

The **Criminal Police** hosted the Seminar "Children victims of sexual abuse: knowing more to act better". This event results from the 4Children Project, promoted by the Association for

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<sup>313</sup> More information about this project can be found on the [website of CARE](#).

<sup>314</sup> Public Prosecutor Office, written response, 29 September 2022.

Family Planning with the financial support of the EEA Grants Bilateral Relations Fund. Through this project, the Association for Family Planning and its partner entities – the National Commission for the Promotion of the Rights and Protection of Children and Young People, Centre for Judiciary Studies, National Institute of Legal Medicine and Forensic Sciences and Criminal Police and with the Council of the Baltic Sea States and the Icelandic NGO Barnaheill - were able to deepen their knowledge about the reality of sexual abuse in Portugal, get to know the Barnahus model and think about its replicability in Portugal. The aim is to contribute to more effective intervention practices that guarantee respect for children's rights<sup>315</sup>.

The **Public Security Police**, between 1 and 9 February, as part of the Safe School Programme, the Public Security Police launched the nationwide operation "Safer Internet". Within this context, 759 awareness-raising actions were carried out in 347 schools, reaching 16,853 students. These actions were complemented with 820 individual criminal prevention contacts. It's also programmed, between 21 November and 2 December, the carrying out of the operation "Children's Rights", whose awareness-raising actions address the issue of children's rights and the prevention of child abuse, including the prevention of sexual abuse<sup>316</sup>.

The **Centre for Judiciary Studies** held an online course (with a face to face session) entitled "Child Friendly Justice" (Justiça Amiga das Crianças), in collaboration with the Council of Europe. In this course, which took place between February and May 2022, there were 2 modules that should be highlighted: module 5 (interaction with children in the judicial system) and module 7 (deprivation of liberty). Furthermore, between January (6 and 27) and February (3 and 24) 2022, the Centre for Judicial Studies also conducted training events that included training regarding Directive 2016/800<sup>317</sup> Finally, on 21 October 2022, the centre also conducted

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<sup>315</sup> More information about this event can be found on the [Association for Family Planning website](#).

<sup>316</sup> Public Security Police, written response, 29 September 2022.

<sup>317</sup> Centre for Judicial Studies, written response, 27 September 2022.

a training event entitled "Munchausen's syndrome and other deviant parenting behaviours: revisiting conflictive parenting and its impact on child and adolescent development"<sup>318</sup>.

The **Bar Association** also hosted two online training events regarding the protection of children and young people: the web conference "Promotion and Protection measure of children and young people", on 17 February<sup>319</sup>; and the web conference "The protection of children in the context of domestic violence", on 13 of July<sup>320</sup>.

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<sup>318</sup> Centre for Judicial Studies, written response, 26 December 2022.

<sup>319</sup> More information about this event can be found on the [Bar Association website](#).

<sup>320</sup> More information about this event can be found on the [Bar Association website](#).

## 7 Access to justice – Victims’ Rights and Judicial Independence

### 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 year 2022 is covered by the **Law of Major Options for 2021-2023** (Law 75-C/2020<sup>321</sup>, of 31 December, that approves the Major Options for 2021-2023). This 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. Within this context, and under the objective "Create conditions for improving the quality and effectiveness of judicial decisions", it recognises 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).

The **State Budget for 2022**<sup>322</sup> provided for a set of actions to protect and respond to victims, namely the following:

- a) improvement of official data on violence against women and domestic violence, to inform policies in this area (article 8, no. 18);
- b) strengthening the multidisciplinary component in the judicial training of judges and public prosecutors, in areas such as victimology, psychology, sociology and sexual violence, to ensure a broad understanding of crimes against sexual freedom and self-determination including their impact on victims (article 31);
- c) within the implementation of the National Accommodation Plan and the execution of the National Urgent and Temporary Accommodation Stock Exchange, extending the existing transitional responses for the empowerment of victims of trafficking in human beings (article 108);

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<sup>321</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>322</sup> Portugal, [Lei n.º 12/2022](#), que aprova o Orçamento do Estado para 2022 (Law 12/2022 that approved the State Budget for 2021), 27 June.

- d) strengthening the integrated responses (including legal and social responses) for victim support, reproducing existing models and good practices (article 109);
- e) extending unemployment benefits to victims of domestic violence who have been granted the status of victims (article 112)<sup>323</sup>;
- f) creation of support measures for victims of child, early and forced marriages, considering the recommendations of the Working Group for the Prevention of and Fight against Child, Early and Forced Marriages, namely in terms of assistance, information, support, referral and reception of victims within the National Network for the Support of Victims of Domestic Violence (article 158).

Considering the impacts of COVID-19, the regulatory framework maintained the status of "most vulnerable populations" for victims of domestic violence and trafficking in human beings, whenever they are beneficiaries of international protection or reception, thus benefiting from protection, according to the specific norms and guidelines of the Directorate-General for Health (**Resolution of the Council of Ministers 25-A/2022**, of 18 February)<sup>324</sup>. The Guideline 35/2020, of 13 July - COVID-19: Populations in Situations of Greater Social and Economic Vulnerability, proposes the adoption of measures and actions to be implemented regionally and locally, and involving the several entities, in order to ensure an adequate, timely and articulated response to the most vulnerable populations (some more general, others more targeted at the specificities of the most vulnerable populations), including victims of domestic violence, such as, for people who are confined/isolated, ensuring effective access to support services and, if necessary, support and other social support. Furthermore, in what concerns shelters, a wide set of indications are established regarding the elaboration and implementation of contingency plans. However, on 29 September 2022, the Government announced the end of the alert state<sup>325</sup>, and Resolution of the Council of Ministers 25-A/2022 was consequently revoked.

Still regarding victims of domestic violence and trafficking in human beings, it should also be noted that both **Dispatch 1919/2022**<sup>326</sup> and **Dispatch**

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<sup>323</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, na versão introduzida pela Lei n.º 57/2021, de 16 de agosto](#) (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.

<sup>324</sup> Portugal, [Resolução do Conselho de Ministros 25-A/2022](#) (Resolution of the Council of Ministers 25-A/2022), 18 February 2022.

<sup>325</sup> Portugal, Council of Ministers (Conselho de Ministros), ["Comunicado do Conselho de Ministros de 29 de setembro de 2022"](#) (Communiqué of the Council of Ministers of 29 September 2022), press release, 29 September 2022.

<sup>326</sup> Portugal, [Despacho 1919/2022, que altera o Despacho Normativo 3/2019, de 18 de janeiro, que define os critérios, regras e formas de apoio público prestado pelo Estado a entidades públicas e ou privadas por via do valor dos resultados líquidos de exploração de jogos sociais, destinados à promoção, desenvolvimento e fomento de atividades, programas, ações ou infraestruturas, no](#)

**1920/2022**<sup>327</sup>, both of 14 February, fixed an annual monetary value of 5000 euros (in case of human traffic) and of 10 000 euros (in case of domestic violence) to each civil society organization that manages hosting responses to victims of these crimes. It is also established that these monetary values can be increased in case of need.

**Law 83/2021**<sup>328</sup>, of 6 December, which came into force on 1 January 2022, has changed the telework legislation, amending the Labour Code. The law provides a set of situations that entitle the worker, provided that telework is "compatible with the activity performed", the right to work in a telework regime. Workers who are victims of domestic violence benefit from this framework, provided that the following cumulative conditions are fulfilled: a criminal complaint has been filed and the worker has left the family home at the time when the telework request is made. In these cases, the employer cannot oppose the worker's request. The violation of this right constitutes, for the employer, the practice of a serious administrative offence.

The recognition of the special vulnerability of certain victims and the requirement for the State to make efforts to protect them led to the amendment to Law 23/2007<sup>329</sup>, which approves the legal framework for the entry, stay, exit and deportation of foreigners from national territory, by **Law 18/2022**<sup>330</sup>, of 25 August. This law introduces the inclusion in the Integrated Information System (SIS) of the Foreigners and Borders Service (SEF), of information on "missing adults, accompanied adults, internees or compulsory internees and particularly vulnerable victims of crime who are prevented from travelling for their own protection due to a concrete and manifest risk of being deported or of leaving the national territory or that of the Member States of the European Union or that of the signatories to the Convention". Or, also, "minors who are at real and manifest

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[âmbito da cultura e da igualdade de género](#) (Dispatch 1919/2022, amending Normative Order 3/2019, of 18 January, which defines the criteria, rules and forms of public support provided by the State to public and/or private entities through the value of the net operating results of social games, aimed at promoting, developing and fostering activities, programmes, actions or infrastructures, within the scope of culture and gender equality), 14 February 2022.

<sup>327</sup> Portugal, [Despacho 1920/2022, que altera o Despacho 1470/2019, de 18 de janeiro, que define os critérios, regras e formas de apoio público prestado pelo Estado às estruturas de atendimento, respostas de acolhimento de emergência e às casas de abrigo, quando fora do âmbito do subsistema de ação social](#) (Dispatch 1920/2022, amending Dispatch 1470/2019, of 18 January, which defines the criteria, rules and forms of public support provided by the State to care structures, emergency reception responses and shelter homes, when outside the scope of the social action subsystem), 14 February 2022.

<sup>328</sup> Portugal, [Lei n.º 83/2021, que modifica o regime de teletrabalho](#), alterando o Código do Trabalho e a Lei n.º 98/2009, de 4 de setembro, que regulamenta o regime de reparação de acidentes de trabalho e de doenças profissionais (Law no. 83/2021, which modifies the telework regime, amending the Labour Code and Law no. 98/2009, of 4 September, which regulates the compensation regime for accidents at work and professional diseases), 6 December.

<sup>329</sup> Portugal, [Lei n.º 23/2007 que aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional, última alteração pela Lei n.º 18/2022](#) (Law 23/2007 which approves the legal status of entry, residence, departure and removal of foreigners from Portuguese territory, last amended by Law 18/2022, of 25 August.), 4 July 2007.

<sup>330</sup> Portugal, [Lei n.º 18/2022, que altera o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional](#) (Law no. 18/2022, which alters the legal regime for the entry, stay, exit and expulsion of foreigners from national territory), 25 August.

risk of being deported from or leaving the national territory or the territory of the Member States of the European Union or of the signatories to the Convention and become victims of trafficking in human beings, forced marriage, female genital mutilation or other forms of gender violence, terrorist offences or being involved in such offences or recruited or enlisted by armed groups or led to take an active part in hostilities".

Still, within the context of recognising of the special vulnerability of certain victims, **Regulatory Decree 4/2022**<sup>331</sup>, of 30 September, which amends the legal regime for the entry, stay, exit and expulsion of foreign citizens from national territory, establishes that national authorities responsible for surveillance, inspection and border control shall carry out the appropriate measures to identify and refer minors and vulnerable adults to the competent services, namely the National Referral System for (presumed) Child Victims of Trafficking in Human Beings. For this purpose, unaccompanied minors, persons with disabilities, older people, pregnant women, families with children, and persons who have clearly or presumably been victims of trafficking, torture, rape or other serious forms of psychological, physical or sexual violence are considered to be vulnerable people. It should also be mentioned that **Decree-Law 74/2022**<sup>332</sup>, of 24 October, preceded, among others, with alterations regarding the 1st Right - Support Programme for Access to Housing, a programme aimed at the promotion of housing solutions for people who live in undignified housing conditions and who do not have the financial capacity to bear the cost of access to adequate housing. According with this change, a number of entities may apply for funding for specific transitional housing solutions and/or for the insertion of especially vulnerable people, namely homeless people, victims of domestic violence and applicants for and beneficiaries of international protection. Those entities are:

- a) The State (through the General Directorate of Treasury and Finance);
- b) Autonomous Regions, municipalities and associations of municipalities set up for the purpose of jointly resolving situations of housing shortage existing in their respective territories;
- c) Public companies, corporate public entities or public institutes of the central, regional and local administrations, including municipal companies, with

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<sup>331</sup> Portugal, [Decreto Regulamentar 4/2022, que altera a regulamentação do regime jurídico de entrada, permanência, saída e afastamento de cidadãos estrangeiros do território nacional](#) (Regulatory Decree 4/2022, which amends the legal regime for the entry, stay, exit and expulsion of foreign citizens from national territory), 30 September 2022.

<sup>332</sup> Portugal, [Decreto-Lei 74/2022, que procede à alteração à orgânica do Instituto da Habitação e da Reabilitação Urbana, I. P., ao 1.º Direito - Programa de Apoio ao Acesso à Habitação e ao Porta de Entrada - Programa de Apoio ao Alojamento Urgente](#) (Decree-Law 74/2022, which proceeds with the alteration to the organic structure of the Housing and Urban Rehabilitation Institute, the 1st Right - Support Programme for Access to Housing and the Gateway - Urgent Accommodation Support Programme), 24 October 2022.



attributions and competences of promotion and/or management of buildings and fractions destined to housing;

- d) Mercies (Misericórdias); private institutions of social solidarity; housing and construction cooperatives; collective persons of public or private law of administrative public utility or of recognized public interest and managing entities of shelter homes and reception responses for applicants and beneficiaries of international protection, of the Support Network for Victims of Domestic Violence and for homeless people.

Furthermore, during the year of 2022, the **Criminal Police**<sup>333</sup> and the **Public Security Police**<sup>334</sup> (PSP), updated their models of the documents proving the attribution of the status of victim and of the status of particularly vulnerable victim, in accordance with the Ordinance 138-E/2021<sup>335</sup>, of 1 July, which aimed to standardise these documents with the objective of providing better information to victims about their procedural rights.

The Portuguese Association for Victim Support (APAV) has competencies and plays a very relevant role in the development of projects to support and protect victims. We highlight the following **projects developed by APAV** in 2022:

- The project "**WithYou - accompanying victims and witnesses in the justice system**"<sup>336</sup>, which lasted from December 2019 to March 2022, ensured the right to accompaniment during judicial proceedings, recognised to victims of crime by the Victims' Rights Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012. This project aimed to combat secondary victimisation during judicial proceedings, to promote respect for the rights of victims and witnesses of crime during their participation in these proceedings and, consequently, to promote a better performance of the justice system. The project's partners were the National Republican Guard, the Public Prosecutor General Office, the Directorate General of the Administration of Justice, the Vilnius Institute for Advanced Studies (Lithuania), France Victims, the Victim and Witness Support Service Croatia and the Instituto de Reintegración Social de Euskadi (Basque Country). The project was funded by the European Union Justice Programme (2021-2027). The most relevant outputs of the project were: training and awareness-raising activities for technical professionals who accompany and support victims of crime, as well as for criminal police bodies and judicial authorities; a brochure for the judicial authorities and criminal police bodies; and

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<sup>333</sup> Criminal Police, written response, 30 September 2022.

<sup>334</sup> Public Security Police, written response, 29 September 2022.

<sup>335</sup> Portugal, [Portaria n.º 138-E/2021, 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>336</sup> For more information on this project, see the [website of the Portuguese Association for Victim Support](#).



a Practical Guide with information on how to accompany victims and witnesses who intervene in criminal proceedings.

- The project **“COVIS - Court based support services for victims and witnesses of crime”**<sup>337</sup>, running from 2022 to August 2024, is led by Victim Support Sweden, and aims to improve access to support services for victims and witnesses in court proceedings. The goal is to ensure that victims and witnesses feel calm, better informed, treated with respect and empowered so that they can participate more actively and with a positive impact in the judicial process. Within the project a manual of best practices will be developed on how to implement, manage and deliver court support services that guarantee the best outcomes for victims and witnesses, informing them and making them aware of their rights in terms of the support services available and the benefits this brings. It will also be developed a conversation methodology for court victim support officers; a Policy Strategy Paper for the establishment of minimum requirements for court victim support services; webinars and a conference to identify and share best practices on how to implement and deliver court victim support services, among others. This project expects to improve knowledge how to set up, administer and deliver court-based victim and witness support services, to fulfil rights and reach the best outcomes for victims and witnesses taking part in criminal proceeding; improve awareness and information regarding court-based support services and the advantages of providing support in connection with criminal proceedings; and improved capacity, cooperation and practical arrangements to deliver court-based support.

- The project **“HEROES - New strategies for combating child sexual abuse and trafficking in Human Beings and supporting victims”**<sup>338</sup>, running from December 2022 to November 2024, has an interdisciplinary victim-centred approach methodology, and aims to explore how to use the latest technological advances and new strategies to prevent and combat child sexual abuse and human trafficking, and how to better investigate these crimes and support victims.

- The project **“BeneVict: Analysis of benefits of full implementation of the Victims' Rights Directive”**<sup>339</sup>, running from July 2022 to December 2024, aims to contribute to an effective and coherent implementation of the European criminal law in victims' rights. The planned activities are: developing research tools to benchmark the practical implementation of the Victims' Rights Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012; developing a cost-benefit analysis of victim support services, with the aim of quantifying their benefits and demonstrating that they are not an expense but an investment assessing the main gaps in the implementation of victims' rights,

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<sup>337</sup> For more information on this project, see the [website of the Portuguese Association for Victim Support](#).

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especially those common to most Member States and those that persist or have deteriorated since the end of the VOIARE project (previous project managed by APAV). A repository of good or promising practices will also be created.

- The project "**e-SER - Digital Resources (Raising Awareness and Educating for Relationships)**"<sup>340</sup>, running from May 2022 to December 2023, aims to empower families and professionals to play an active role in the prevention of interpersonal violence among children between 3 and 10 years old. This project intends to conduct several training courses for professionals for the implementation of Hora de SER® Programs (3-6 and 6-10), complemented with monitoring and supervision mechanisms; implement a complementary training offer about prevention of interpersonal violence for college students (future professionals); and develop digital resources for families and professionals, including webinars, activities e-book and themed guides for families. By implementing these activities, it is expected to increase the number of professionals trained to implement the Hora de SER® Programs and promote their awareness of their role in preventing interpersonal violence; reinforce the recognition of the prevention work developed by APAV, in particular the digital resources developed and made available; and promote the empowerment of families to play an active role in raising awareness and education for relationships with their children.

- The project "**Emergency Reception of Victims of Domestic Violence III**"<sup>341</sup>, running from January 2022 to December 2022, aims to consolidate APAV's intervention in terms of emergency reception of victims of domestic violence in order to guarantee the maintenance of emergency vacancies in an autonomous structure for the urgent reception of victims of domestic violence and their children. This project also aims to promote an integrated and multidisciplinary support within the context of crisis intervention.

The **Commission for Citizenship and Gender Equality** opened two support structures for migrant victims, in Porto and Faro<sup>342</sup>.

To mark the European Day Against Trafficking in Human Beings (18 October), the **Commission for Citizenship and Gender Equality**, in collaboration with the Portuguese Football Federation and Players Union, also launch the campaign "Don't let your dream become a nightmare", which alerts to the risk of human trafficking in football. Within this campaign, a webinar was conducted and a website and leaflets in several languages were created<sup>343</sup>.

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<sup>340</sup> For more information on this project, see the [website of the Portuguese Association for Victim Support](#).

<sup>341</sup> For more information on this project, see the [website of the Portuguese Association for Victim Support](#).

<sup>342</sup> Commission for Citizenship and Gender Equality, written response, 12 December 2022.

<sup>343</sup> For more information on this campaign, see the [website of the Commission for Citizenship and Gender Equality](#).

Within the scope of the National Programme for the Prevention of Violence in the Life Cycle, the Directorate-General of Health issued a **Guideline 001/2022**<sup>344</sup>, on 9 February, addressed to health professionals and all health institutions, with rules on how to prevent and act in situations of violence, through a preventive, protective and network intervention. This includes:

- a) a benchmark of good practices in the area of violence between adults and in the area of Children and Young People at Risk and Maltreatment of Children and Young People;
- b) protocols of action in situations of suspicion, risk and danger;
- c) flowcharts of Interpersonal Violence and of Action in Situations of Acute Violence and/or Sexual Aggression;
- d) the model for Clinical Register of Violence in Adults, which will systematize information about the victims, and the articulation with the National Network of Teams for the Prevention of Violence in Adults and Support Groups for Children and Young People at Risk, from primary health care and hospitals, as well as other partner entities;
- e) the Register of Evaluation of Family Risk of Children and Young People.

Besides these technical components, the document also aims to raise awareness among health professionals for the promotion of systematic screening and early detection of situations of violence, as a health problem, paying special attention to the identification of family risk factors and increased vulnerabilities.

Still within the scope of the **National Programme for the Prevention of Violence in the Life Cycle**, the Directorate-General of Health<sup>345</sup> also:

- a) Reinforced the action of the national network of 551 outreach teams in the National Health System, existing in primary health care and hospital settings, which includes, the National Network of Support Centres for Children and Young People at Risk (290 teams) and the Adult Violence Prevention Teams (261 teams). These teams are responsible for raising awareness, training, technical consultancy and managing situations, and are focal points for liaising with local networks. They have specific training in human rights and violence prevention and intervene in the areas of child and youth abuse, domestic violence, violence against women and gender-based violence, sexual violence, elderly abuse, human trafficking, female genital mutilation, LGBT+ discrimination, racial discrimination, among others. Within this context, and to know the needs of the networks, during 2022, an online questionnaire was conducted;

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<sup>344</sup> For more information on the Guideline, see the [website of the Directorate-General of Health](#).

<sup>345</sup> Directorate-General of Health, written response, 2 January 2023.

- b) Monitored, every month, situations of victimization in adults in the National Health Service from the Clinical Register Database of Violence in Adults provided by the Shared Services of the Ministry of Health. During 2022, 282 situations of interpersonal violence were identified and monitored. Of these situations, 87% involved people of the female sex and 37% involved households with children. Furthermore, 75% of these situations involved psychological violence, 67% involved physical violence, 9% involved sexual violence, and 8% involved neglect/privation;
- c) Strengthened the dissemination of the Adult Violence Clinical Record Form, available in the Electronic Health Record and respective technical guidance and practical guide, which aims to dematerialise the recording of any form of victimisation against adults, integrated into the patient's clinical record. In addition to improving the care provided, this promotes the screening and early detection of situations of violence, the assessment of risk indicators, the establishment of intervention plans adjusted to the situation of victimization, in the principle of ensuring the protection and safety of users, following the protocols already existing in the National Health System. Furthermore, within this context, a training course was held, to improve the use of the form and to disseminate the protocols of action and reference materials;
- d) Strengthened the dissemination of technical benchmarks<sup>346</sup> of good practices in the National Health System, with specific protocols for action in situations of violence against children and adults, from a life cycle perspective, including prevention of all forms of violence and discrimination;
- e) Developed and promoted 467 literacy campaigns and created 211 awareness-raising materials on the promotion of human rights and prevention of violence in the life cycle, this being disseminated in the community, social networks and institutional page of the Directorate-General of Health. It also promoted 346 training and capacity building actions in the area of violence prevention, reaching 6298 health professionals;

Furthermore, the **Directorate-General of Health**<sup>347</sup> also developed other measures related with the protection of victims, such as:

- a) Launched a campaign<sup>348</sup>, on the International Day of Zero Discrimination, to raise awareness of the current context of humanitarian crisis in Ukraine, reinforcing the role of health and the whole community in the promotion of

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<sup>346</sup> For more information on these technical benchmarks, see the [website of the Directorate-General of Health](#).

<sup>347</sup> Directorate-General of Health, written response, 2 November 2022.

<sup>348</sup> For more information on this campaign, see the website [of the Directorate-General of Health](#).

human rights, prevention of violence and discrimination among the migrant and refugee population;

- b) Dissemination of the international United Nations Blue Heart campaign to mark the International Day Against Trafficking in Human Beings (30 July), through a prominent publication<sup>349</sup> on the institutional website with the aim of raising awareness of trafficking in human beings and its impact on society and on the victims.

The project "**Improving prevention, assistance, protection and (re)integration systems for victims of sexual exploitation**"<sup>350</sup>, promoted by the General Secretariat of the Internal Administration and the Observatory on Trafficking in Human Beings, was presented on 18 March. Its central objective is to improve the national strategies of prevention and identification and to design targeted and personalised programmes of assistance, protection and (re)integration for victims of sexual exploitation. It aims to: assess the experiences, conditions and vulnerabilities of victims of sexual exploitation, new forms of violence against women and girls on digital platforms, as well as existing prevention, signalling and assistance mechanisms; and, considering this assessment, develop and test cross-sectoral guidelines and flowcharts to standardise procedures and communication between the various stakeholders, during all stages, in order to promote better referral of victims and aiming at their social reintegration.

In terms of training, the **Centre for Judiciary Studies** held five training courses on the topic of domestic violence, targeting judges and public prosecutors, but also open to other justice professionals<sup>351</sup>.

The Portuguese **Bar Association** promoted the following initiatives: Conference and Debate on "The Protection of the Child, in the Context of Domestic Violence", organised by the Institute of Access to Law of the Bar Association, on 13 July; conference on the theme "Silence in Violence and the Child in Justice", organised by the Regional Council, in Madeira, on 15 July<sup>352</sup>.

Furthermore, during the year 2022, the **Public Security Police (PSP)**<sup>353</sup>, in partnership with the Observatory of Trafficking in Human Beings, delivered seven training courses on trafficking in Human Beings, totalling 70 hours and targeting 187 police officers.

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<sup>349</sup> For more information, see the website [of the Directorate-General of Health](#).

<sup>350</sup> For more information on this project, see the [website of the EEA Grants Portugal](#).

<sup>351</sup> Centre for Judiciary Studies written response, 27 September 2022.

<sup>352</sup> Bar Association written response, 27 September 2022.

<sup>353</sup> Public Security Police, written response, 16 December 2022.

The **Prosecutor General's Office** carried out the following activities in 2022<sup>354/355</sup>:

- Between October 2022 and the beginning of 2023, the Prosecutor General's Office will ensure the training of the Public Security Police officers on issues related to the detection of victims, children and young people, in situations of trafficking in persons, particularly on the protocols for defining the age (minor) and also on the appointment of a guardian or legal representative.
- Conclusion of the project "Infovictims III", aiming to improve the information content of the rights of victims of crime in view of the subsequent legal changes, by comparing the results achieved with Infovictims I and II and participating in the final seminar of the project.
- Participation, through the respective contact points, in working meetings in the Networks of Gender and Trafficking in Persons, of the Iberoamerican Association of Public Prosecutors, which discussed various issues related with informal cooperation tools in the context of gender equality and analysis of phenomena such as femicide and human traffic, especially women and children, in the areas of exploitation and children, in the fields of labour and sexual exploitation.
- Between November and December, the recruitment process for technical specialists for the Public Prosecutor's Advisory Offices, allocated to the Regional Attorney General's Offices of Évora, Lisbon, Coimbra and Porto was concluded. Within this context, 8 professionals will work as advisors in the area of Psychology, beginning their functions in 2023. These functions will be in the area of family and children, and support, monitoring and protection of especially vulnerable victims, with particular emphasis on women and children.

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

Within the scope of the implementation of economic and social policies for the recovery and promotion of the resilience of Member States, the Partnership Agreement between Portugal and the European Commission – Portugal 2030<sup>356</sup> sets the major goals for the application of the global amount of 23 billion euros, in the period between 2021 and 2027. The Resolution of the Council of Ministers 98/2020<sup>357</sup>, of 13 November, defined the Portugal 2030 Strategy. This was based on four main agendas, one of which ("People First") highlights the most vulnerable

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<sup>354</sup> Prosecutor General's Office, written response, 10 September 2021.

<sup>355</sup> Prosecutor General's Office, written response, 27 December 2022.

<sup>356</sup> For more information, see the [Partnership Agreement between Portugal and the European Commission – Portugal 2030](#).

social groups, whose social and economic situation worsened due to the pandemic and, consequently, with greater need for support (namely, older people, children, unemployed and other inactive people, as well as "other specific groups whose characteristics and backgrounds place them in a situation of greater vulnerability to social exclusion phenomena", namely persons with disabilities, victims of domestic violence and victims of trafficking in human beings).

Among the most vulnerable people, it is highlighted the need to "prevent and combat violence against women and domestic violence, including harmful traditional practices", by recognising that these "constitute a priority axis for action against one of the most serious forms of discrimination against women. This will be achieved through the consolidation and strengthening of mechanisms for prevention, protection, investigation and punishment, and the development of integrated policies that ensure the resilience of support services, intervention and protection measures, and processes of empowerment of victims".

The social inclusion is one of the dimensions for the implementation of the Partnership Agreement between Portugal and the European Commission – Portugal 2030. Among several objectives, the promotion of equal access to quality services stands out, with special focus on access to education services and to social, health and housing services. It seeks to "reduce the levels of retention and dropout in education, increase access to higher education, strengthen the response to children at risk, elderly people, victims of domestic and gender violence and migrants".

The **Recovery and Resilience Plan**<sup>358</sup> is being implemented as a practical expression of this agreement and the 2030 Strategy. One of the priorities is to combat violence against women, which includes support for reform and investment in the National Urgent and Temporary Accommodation; investment in the National Health Service, namely in primary health care, which is fundamental to identifying risk situations such as domestic violence and coordination with the respective support services; and investment in outreach mental health care, namely community teams, to help victims of domestic violence.

On International Women's Day, the Government placed on **public consultation** the review of the 3 Action Plans for 2022-2025 under the National Strategy for Equality and Non-Discrimination (2018-2030) - "Portugal + Equal"<sup>359</sup>. This strategy is materialised in action plans with concrete measures, indicators and targets in the areas of promoting equality between women and men, preventing and combating violence against women and domestic violence, and combating discrimination on the basis of sexual orientation, gender identity and expression, and sexual characteristics. The Strategy is based on three plans, which will be

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<sup>358</sup> For more information, see the [Recovery and Resilience Plan](#).

<sup>359</sup> Portugal, [Resolução de 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, which approves the National Strategy for Equality and Non-Discrimination 2018-2030), 21 May.



evaluated throughout its implementation, namely: (1) National Plan of Action for equality between women and men; (2) National Plan of Action for preventing and combating violence against women and domestic violence; (3) National Plan of Action for combating discrimination on grounds of sexual orientation, gender identity and gender characteristics.

On 1 July, it was presented the **platform ViViDo** (Platform for Management of the National Network of Support to Victims of Domestic Violence)<sup>360</sup>. It is a digital platform, to be used as a management tool, which allows a deeper, systematic and updated knowledge of the national and local resources in the fight against violence against women and domestic violence. This platform emerges as a strategic response to the priorities of the National Network of Support to Victims of Domestic Violence, aiming to achieve the following objectives:

- a) deepen the existing knowledge about this phenomenon;
- b) adapt public policies to different socio-cultural and geographical contexts;
- c) promote and consolidate the intervention of network services;
- d) monitor and evaluate policies to prevent and combat domestic violence;
- e) empower services and professionals of the National Network of Support to Victims of Domestic Violence for an articulated, informed, timely and effective intervention;
- f) increase the protection and safety of victims.

The Platform will be operational, after a training process for the professionals involved, in early 2023.

In 2022, the Retrospective Analysis of Homicide in Domestic Violence Team (EARHVD) published three reports<sup>361</sup>. The main recommendations are:

- a) changing the procedures for assessing the degree of risk of the victim of domestic violence, by considering the need to differentiate, among the identified risk factors, those that are particularly predictive of the occurrence of new behaviours of serious violence, such as the practice of acts aiming at the strangulation, suffocation or drowning of the victim and the threat or attempt to commit suicide by the aggressor (Dossier 3/2020-AC);
- b) reaffirming to public prosecutors the importance of complying with the law in what concerns the obligation of searching all registered antecedents of

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<sup>360</sup> For more information, see the [plataform ViViDo \(Platform for Management of the National Network of Support to Victims of Domestic Violence\)](#).

<sup>361</sup> The reports can be found in the [website of the EARHVD](#).



the perpetrator and reinforcing the training for judges and public prosecutors (Dossier 4/2020-AM);

- c) entities responsible for the areas of education, health and promotion of gender equality, should pay special attention to raising awareness among young people and the community to combat violence during dating, with particular emphasis on psychological violence, stalking control and violence through social networks, as well as its devaluation and even the valorisation of some of these behaviours as alleged manifestations of affection (Dossier 1/2021-MS).

Regarding victims of domestic violence and their access to justice, in September 2022, the **Bar Association**, through its Human Rights Commission signed a cooperation protocol with the **Portuguese Platform for Women's Rights**, a non-profit association<sup>362</sup>. This protocol establishes the creation of a network of pro bono lawyers that will provide all the necessary legal support to victims identified by the Portuguese Platform for Women's Rights. This network will enable victims of domestic violence to benefit from specialised legal counsel which, in turn, will enable their right of access to justice. Furthermore, this protocol also establishes the exchange between the two entities in the promotion of complementary training actions and other support regarding Human Rights. In October it was reported<sup>363</sup> that 400 lawyer were already registered in this network.

In 2022, the **Association Plano i**<sup>364</sup> developed the following actions concerning the victims of domestic violence:

- The project **MaRvel: Masculinidades (Re)veladas**<sup>365</sup> aims to challenge the gender stereotypes associated with hegemonic masculinities. This project has the duration of 36 months and aims to build and implement a structured intervention programme with boys from 13 to 18 years old. Within this context, 5 awareness campaigns were conducted, through publications on social media, using the story telling methodology.

- The **Uni+ Programme** for the Prevention of Dating Violence in a University Context<sup>366</sup> aims to prevent violence in the context of intimate juvenile relationships, favouring the creation of an institutional university culture of zero tolerance to violence in intimacy. In this context, training sessions were developed for Higher Education students, carried out in partnership with the Gis Centre (4 sessions, 8 hours of training, 54 people covered).

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<sup>362</sup> For more information on this protocol, see [website of the Portuguese Platform for Women's Rights](#).

<sup>363</sup> RTP Notícias (2022), "[Violência doméstica. Protocolo facilita acesso das vítimas à justiça](#)" (Domestic violence. Protocol facilitates victims' access to justice), 20 October 2022.

<sup>364</sup> Association Plano i, written response, 3 January 2023.

<sup>365</sup> For more information, see [the website of the Association Plano I](#).

<sup>366</sup> For more information on this project, see [the website of the Association Plano I](#).

- Furthermore, several training sessions were also developed regarding Dating Violence and Gender Violence (31 sessions, 70.5 hours of training, covering 712 Higher Education students and 6 sessions, translated into 12 hours of training, covering 277 professionals from different areas). During 2022, 47 were attended [33 who started the follow-up in 2022, 10 who continued the follow-up started in 2021, and 4 who continued the follow-up started in 2020], totalling 585 attendances.

- In 2022, 63 complaints were filed with the National Observatory of Dating Violence.

- Additionally, in 2022, 53 people who self-identify as women and are victims of domestic violence (30 cis and 23 trans) were attended at the Gis Centre for a total of 199 attendances.

During 2022, 2 new responses for victims of domestic violence were opened in the Braga district. These responses consist of a shelter house, with 30 vacancies; and an emergency shelter response, with 25 vacancies<sup>367</sup>.

The **National Republican Guard** (GNR)<sup>368</sup>, through its Criminal Prevention Structure, developed awareness raising actions, namely within the scope of the "Safe School" Program, especially targeted at children and youths. GNR has carried out 387 awareness raising actions on the topic of "Domestic Violence". Still within the context of the "Safe School Program", it should also be noted the launch of the national campaign #VaisParar (#YouWillStop), on 14 February, with the aim of combating violent behaviour and all forms of aggression, especially in dating among young people. Four posts were published on the various official GNR social network pages, reaching approximately 73,499 people. Furthermore, to mark the International Day for the Elimination of Violence against Women, the GNR launched the national campaign "Submissão não é uma opção" (Submission is not an Option), with the participation of the actors Iolanda Laranjeiro, Marcantonio Del Carlo and João Catarré. With this campaign, GNR sought to raise awareness in society about all forms of violence, namely physical, sexual, psychological and moral, which is exercised against women of all ages and social status, having reached an estimated total of 55,600 thousand people. A video<sup>369</sup> was published that received more than 12 thousand views and reached approximately 44 468 people. Additionally, 700 flyers were distributed to all the Guard Units and a digital file was also distributed for all the municipalities in the country, with some of them having adhered through the elaboration of billboards and book dividers.

The **Public Security Police** (PSP)<sup>370</sup> reinforced the number of Police Support Structures for Victims of Domestic Violence, with the opening of new facilities in

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<sup>367</sup> Secretary of State for Equality and Migration, written response, 31 October 2022.

<sup>368</sup> National Republican Guard, written response, 7 January 2023.

<sup>369</sup> For more information, see [the Youtube Page of the National Republican Guard](#).

<sup>370</sup> Public Security Police, written response, 29 September 2022.

Queluz-Sintra, Leiria and Loures. Within the Safe School Programme, PSP carried out the awareness raising campaign "No War in Romance" ("No Namoro não há Guerra"), with a total of 675 awareness-raising actions in 282 schools, reaching 16.866 students (14 to 25 February). PSP also held the campaign "Violence stays at the door" ("Violência fica à Porta"), aiming to detect and signal potential victims of domestic violence, raising awareness among the population and in particular for the recognition of warning signs, and strengthen the dissemination of ways to report (21 to 25 November). A training course on "Prevention and Police Intervention in Domestic Violence" was conducted from 31 October to 25 November, with 55 trainees and a duration of 140 hours. Furthermore, on 25 November, the PSP promoted a seminar on "Health and Safety in Domestic Violence" in Torres Novas, reaching 380 people. Finally, between 25 November and 10 December, the PSP joined the UNiTE campaign - 16 Days for the End of Violence against Women and Girls (a campaign promoted by UN Women), by publishing in its social media several photographs of police officers with gestures and messages allusive to the event<sup>371</sup>.

The **Prosecutor General's Office** carried out the following activities in 2022<sup>372</sup>:

- In implementation of Directive 1/2021, of the General Public Prosecutor (which sets out generic directives and instructions for the implementation of the Law on Criminal Policy for 2020-2022, binding on the Public Prosecutors and the criminal police bodies), the assessment, follow-up and monitoring of homicides in the context of domestic violence and the crime of human trafficking was carried out;
- In compliance with Directive 5/2019, of the General Public Prosecutor, continued to monitor, through contacts and meetings with the relevant hierarchical structure and with the prosecutors involved, the activity of the experimental structure, Specialised Integrated Sections of Domestic Violence (SEIVD). This structure is composed of the Penal Action Units and the Family and Children's Units, with the aim to improve the articulation of public prosecutors specialised in criminal investigation with public prosecutors specialised in matters of Family Law, and improve the fight against the crime of domestic violence, but also to children and young people from violent family backgrounds. During the year of 2022, constraints to the workflow of the procedures have been signalled.
- monitoring the activity developed by the Offices for the Support of Victims of Gender Violence (GAV) in the Departments of Investigation and Penal Action in Braga, Coimbra, Lisbon (South Bank, covering Almada, Seixal, Moita, Barreiro and Montijo), West Lisbon, North Lisbon and Faro.

Regarding female genital mutilation issues, the Directorate-General of Health<sup>373</sup> also continued to monitor the cases of female genital mutilation registered in the Electronic Health Record platform. Between January and July 2022, 105 new cases

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<sup>371</sup> Public Security Police, written response, 3 January 2023.

<sup>372</sup> Prosecutor General's Office, written response, 10 September 2021.

<sup>373</sup> Directorate-General of Health, written response, 2 January 2023.

were registered. The average age for their performance is between 4-7 years. Additionally, other measures regarding the combat of this issue were developed, namely: a post-graduation course on Female Genital Mutilation was completed, aimed at health professionals of the Regional Health Administration of Lisbon and Vale do Tejo; and, in order to mark the day of zero tolerance to Female Genital Mutilation (6 February), a banner<sup>374</sup> was created and published to encouraging health professionals to register this form of gender violence against women. Still, within this context, a report<sup>375</sup> analysing the cases of Female Genital Mutilation reported during 2018 and 2021 was published on the International Day for the Elimination of Violence Against Women (25 November).

Furthermore, the **Directorate-General of Health** also promoted other measures concerning domestic violence and other forms of violence against women:

- Dissemination of multiple materials and products of the digital literacy campaign called #ViolenceOFF (#ViolênciaOFF), aimed at raising awareness of health professionals, families, caregivers of children and people with dependency and the community around several themes, including healthy relationships, social inequalities, domestic violence, with dissemination of support resources. The materials produced<sup>376</sup> have, from a graphic and content point of view, attention to inclusive aspects (family diversity, gender, nationality, ethnic/racial aspects).

- Launch of a campaign on social media on Valentine's Day (14 February), with the purpose of raising awareness among health professionals and the population on the promotion of healthy relationships and prevention of violence during dating, seeking to identify signs of risk and signal cases of violence. A banner was designed with attention to inclusive aspects from the graphic and content point of view, namely sexual orientation, identity and gender expression.

- Launch of campaign on International Women's Day (8 March)<sup>377</sup>, with the creation of an allusive banner and dissemination on social media, an initiative aligned with the global campaign of the United Nations Organization, which in 2022 had the theme "Gender equality today, for a more sustainable tomorrow".

- Launch of the "Healthy Masculinities" campaign on International Day for the Elimination of Violence Against Women (25 November)<sup>378</sup>, with the production of digital materials aimed at users and health professionals, disseminated through social media and the institutional website. It aims to raise awareness about the importance of promoting healthier masculinity patterns in the various contexts of men's lives, community, work, family, and intimate relationships, to counteract

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<sup>374</sup> For more information, see the [Directorate-General of Health website](#).

<sup>375</sup> Ministry of Health and Directorate-General of Health (2022), [Female Genital Mutilation](#), Lisbon, Directorate-General of Health.

<sup>376</sup> The materials can be found in the [website of the Commission for Citizenship and Gender Equality](#).

<sup>377</sup> For more information, see the [Directorate-General of Health website](#)

<sup>378</sup> For more information, see the [website of the Directorate-General of Health](#).

ingrained stereotypes and prevent forms of discrimination against all women and girls.

- Launch of a Christmas campaign, focusing on the promotion of gender equality in the sharing of family tasks, essential for healthy relationships. The campaign was disseminated among the National Programme for the Prevention of Violence in the Life Cycle regional coordinators, Directorate-General of Health teams, partners and institutional social media.

- Dissemination by the National Health System services of the materials created within the scope of the Sexual Violence in Intimate relationships Project, promoted by the Commission for Citizenship and Gender Equality, with dissemination of the materials created, including the Good Practices Manual<sup>379</sup>.

- Highlight on its institutional website<sup>380</sup> the World report on the health of refugees and migrants<sup>381</sup>, the first report on the health of the migrant and refugee population, drawing attention to situations of risk and vulnerability, including sexual and gender violence.

Regarding developments about the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (also known as the Istanbul Convention<sup>382</sup>), on June 2022, the Council, on its report assessing the implementation of this Convention in Portugal<sup>383</sup>, highlighted the relevant progresses in legislation and policy measures, since its last assessment. However, it also made further recommendations to further the implementation of the Convention in Portugal, namely:

- a) to increase efforts to harmonise the level of support and protection for women victims of violence throughout the country and to monitor the implementation of measures taken to prevent and combat violence against women at the local level;
- b) setting up a dedicated telephone helpline for victims of all forms of violence covered by the Istanbul Convention, operated by specialised staff;
- c) amending the Penal Code to fully align it with Articles 36 and 40 of the Istanbul Convention and to ensure the rules on ex parte and ex officio prosecution of offences of sexual violence and bodily injury are in line with Article 55, paragraph 1, of the Convention;

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<sup>379</sup> For more information, see the [website of the Commission for Citizenship and Gender Equality](#).

<sup>380</sup> For more information, see the [website of the Directorate-General of Health](#).

<sup>381</sup> United Nations (UN), World Health Organization (2022), [World report on the health of refugees and migrants](#), 20 July 2022.

<sup>382</sup> Council of Europe, [Council of Europe Convention on preventing and combating violence against women and domestic violence](#), CETS No. 210, 2011.

<sup>383</sup> Council of Europe, Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (2022), [Conclusions on the implementation of recommendations in respect of Portugal adopted by the Committee of the Parties to the Istanbul Convention](#), Strasbourg, Council of Europe, 8 June 2022.

- d) taking measures to ensure the availability and effective application of restraining and protection orders in relation to all forms of violence against women, notably stalking, forced marriage and female genital mutilation.

In order to comply with these recommendations, there are some proposed legislative changes currently under discussion in the Parliament:

- Draft Law 11/XV/1<sup>384</sup>, aims to amend the Criminal Procedure Code in order to extend the scope of the preventive custody measure when it relates to crimes of domestic violence. This Draft Law was accepted by the Committee on Constitutional Affairs, Rights, Freedoms and Guarantees in order to be discussed in the Parliament, however no date for the discussion has been set.
- Draft Law 36/XV/1<sup>385</sup> aims to criminalize sexual harassment, making amendments to the Criminal Code and to the Labour Code. This Draft Law was accepted by the Committee on Constitutional Affairs, Rights, Freedoms and Guarantees in order to be discussed in the Parliament, however no date for the discussion has been set.
- Draft Resolution 245/XV/1<sup>386</sup>, recommends to the government to collect specific data and criminalise the practice of forced sterilisation of girls and women with disabilities. This Draft Resolution is being assessed by the Committee on Constitutional Affairs, Rights, Freedoms and Guarantees.
- Lastly, it should also be noted that several draft laws were presented in order to criminalize the non-consented disclosure of content of an intimate or sexual nature. These conducts are already foreseen by the law being criminally foreseen in the crime of domestic violence, the crime of invasion of private life, and in the crime of illicit recordings and photographs, however these proposals aim at an autonomous provision, since, in the opinion of the political parties that presented these Draft Laws, the already existing laws do not guarantee sufficient protection to victims. Therefore,

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<sup>384</sup> Portugal, [Projeto de Lei 11/XV/1, que procede à alteração do Código de Processo Penal no sentido de alargar o âmbito de aplicação de medida de coação de prisão preventiva quando diga respeito à eventual prática de crime de violência doméstica](#) (Draft Law 11/XV/1, amending the Criminal Procedure Code in order to extend the scope of the preventive custody measure when it relates to a crime of domestic violence), 8 April 2022.

<sup>385</sup> Portugal, [Projeto de Lei 36/XV/1 que prevê o crime de assédio sexual, procedendo à quinquagésima sexta alteração ao Código Penal e à vigésima alteração ao Código do Trabalho](#) (Draft Law 36/XV/1 providing for the crime of sexual harassment, making the fifty-sixth amendment to the Criminal Code and the twentieth amendment to the Labour Code), 8 April 2022.

<sup>386</sup> Portugal, [Projeto de Resolução 245/XV/1, que recomenda ao Governo a recolha de dados específicos e a criminalização de práticas de esterilização forçada de raparigas e mulheres com deficiência](#) (Draft Resolution 245/XV/1, which recommends that the government collect specific data and criminalise the practice of forced sterilisation of girls and women with disabilities), 27 September 2022.

Draft Law 156/XV/1<sup>387</sup>, Draft Law 157/XV/1st<sup>388</sup>, Draft Law 208/XV/1<sup>389</sup>, and Draft Law 347/XV/1<sup>390</sup> were jointly discussed in the Parliament and were generally approved. However, these proposals have to be further discussed (in the speciality) in order to become law.

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<sup>387</sup> Portugal, [Projeto de Lei 156/XV/1, que reforça a protecção das vítimas de devassa da vida privada por meio de partilha não consentida de conteúdos de cariz sexual](#) (Draft Law 156/XV/1, reinforcing the protection of victims of the invasion of privacy through the non-consensual sharing of sexual content), 15 June 2022.

<sup>388</sup> Portugal, [Projeto de Lei 157/XV/1.ª, que prevê o crime de divulgação não consentida conteúdo de natureza íntima ou sexual](#) (Draft Law 157/XV/1st that foresees the crime of non-consented disclosure of intimate or sexual content sexual nature), 15 June 2022.

<sup>389</sup> Portugal, [Projeto de Lei 208/XV/1, que prevê a criação do crime de pornografia não consentida \(55.ª alteração ao Código Penal e 45.ª alteração ao Código do Processo Penal\)](#) (Draft Law 208/XV/1, which provides for the creation of the crime of non-consensual pornography (55th amendment to the Criminal Code and 45th amendment to the Code of Criminal Procedure), 1 July 2022.

<sup>390</sup> Portugal, [Projeto de Lei 347/XV/1, que reforça a protecção das vítimas de crimes de disseminação não consensual de conteúdos íntimos, alterando o Código Penal e o Decreto-Lei 7/2004, de 7 de janeiro, que aprova o Comércio Eletrónico no Mercado Interno e Tratamento de Dados Pessoais](#) (Draft Law 347/XV/1, which reinforces the protection of victims of crimes of non-consensual dissemination of intimate content, amending the Criminal Code and Decree-Law 7/2004, of 7 January, which approves Electronic Commerce in the Internal Market and Personal Data Processing), 4 October 2022.



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

### **8.1 CRPD policy and legal developments & implementation of the European Accessibility Act**

In 2022, there were few legal and policy developments relating to the rights of persons with disabilities<sup>391</sup>. From January till June, when the new State Budget for 2022 was approved (Law 12/2022<sup>392</sup>, of 27 June, that approves the State Budget for the year 2022), no investment could be made. This situation had a marked impact in the different areas of action of the government, including the implementation of the National Strategy for the Inclusion of Disabled People 2021-2025. This long-awaited strategy<sup>393</sup>, that entered into force on the 1 September 2022,<sup>394</sup> was highly affected in the first semester of 2022 by the lack of a state budget. As reported in 2021 by the Secretary of State for the Inclusion of Disabled People to the press<sup>395</sup>, the financing of the measures that were expected to come into force in 2021 were already guaranteed; however, at the time, there was still no information regarding the source of funding, or the amounts of money involved for 2022, nor for the following years, as these were supposed to be approved year by year. The lack of a budget attributed to the strategy compromises its implementation as the development of the different measures becomes highly dependent on the goodwill and awareness within

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<sup>391</sup> The political framework experienced in Portugal during the first semester has influenced this situation. The dissolution of Parliament in December 2021 ([Decree of the President of the Republic 91/2021, of 5 December, dissolving the Assembly of the Republic](#)) suspended the regular parliamentary activity. The elections were held on 30 January 2022. Although the parliamentary committees restarted their work on 13 April 2022, until the end of May, their activity was dominated by the budgetary legislative process.

<sup>392</sup> Portugal, [Lei 12/2022, que aprova o Orçamento do Estado para o ano 2022](#) (Law 12/2022, approving the State Budget for the year 2022), 27 June. <https://dre.pt/web/guest/pesquisa/-/search/153341296/details/normal?filterStart=2021-01-01&filterAction=TRUE&q=racismo&perPage=25&fq=racismo>

<sup>393</sup> The previous National Strategy for Disability – ENDEF – ended in 2013.

<sup>394</sup> The National Strategy for the Inclusion of Disabled People 2021-2025 was approved on 22 July 2021 ([Resolution of the Council of Ministers 119/2021, of 22 July](#)).

<sup>395</sup> RTP (2022), [Estratégia para as Pessoas com Deficiência aprovada em Conselho de Ministros](#) (Strategy for People with Disabilities approved by the Council of Ministers), 22 July.



each ministry and government department regarding disabled people's rights as well as the allocation of funding for its development. The lack of a State Budget for 2022 till June heightened the impact of this situation. As was reported by the Portuguese media, the government failed most of the goals proposed for 2021<sup>396</sup>. According to the press, the government failed to implement most of the 70 [62] measures that should have been completed or started in 2021, out of the total of 170 that need to be implemented by 2025. This situation denounced by the press was already being voiced by the organisations of disabled people who demanded information about the execution of National Strategy for the Inclusion of Disabled People in the 2021. As highlighted by the organisations, the National Institute for Rehabilitation (INR) should have submitted the 2021 report on the implementation of the strategy for interministerial approval by 15 March and this document should have been presented to the Minister of Labour, Solidarity and Social Security by the 15 April. As this reveal, there is some opacity in the implementation of the strategy, as there is no dedicated website for the strategy where the information about its implementation and measures undertaken could be monitored by the public, nor a public release of the annual implementation reports.

The first semester was also marked by other initiatives with a potentially high impact on disabled people's lives. One of the initiatives was the approval of the early introduction of the old-age pension scheme for disabled people (Law 5/2022<sup>397</sup>, of 5 January, that sets up the scheme for bringing forward the age of the old-age pension on the grounds of disability). Another initiative was the extension of the MAVI - Support Model for Independent Living pilot projects from 42 to 55 months and the

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<sup>396</sup> Some of the news reports issued about the non-compliance with the goals set by the National Strategy for the Inclusion of Disabled People 2021-2025 are the following:

JN (2022), [Governo falha quase todas as metas para inclusão de deficientes](#) (Government misses almost all targets for disability inclusion), 31 August.

Público (2022), [Estratégia para a Inclusão de Pessoas com Deficiência falhou metas propostas para 2021](#) (Disabled Inclusion Strategy misses 2021 targets), 31 August.

Jornal de Negócios (2022), [Governo falha quase todas as metas para inclusão de deficientes](#) (Government misses almost all targets for disability inclusion), 31 August.

RTP (2022), [Plano inclusão deficientes. Governo falha a grande maioria das medidas](#) (Disabled inclusion plan. Government misses the vast majority of measures), 31 August.

TSF (2022), [Governo falhou quase todas as metas para inclusão de deficientes](#) (Government has missed almost all targets for disability inclusion), 31 August.

<sup>397</sup> Portugal, [Lei n.º 5/2022, que cria o regime de antecipação da idade de pensão de velhice por deficiência](#) (Law 5/2022, that sets up the scheme for bringing forward the age of the old-age pension on the grounds of disability), 5 January.

increment in the operating costs and the eligibility limits (Ordinance 56/2022<sup>398</sup>, of 27 January, and Ordinance 88/2022<sup>399</sup>, of 7 February). The first measure was a demand of the disabled people's movement and despite the limitations introduced by the majority government in the approved document, after being regulated this law will allow some disabled people to take early retirement from work. The second measure was essential to maintain the regular activities of MAVI pilot projects during the transition of funding from the *Portugal 2020* to the *Portugal 2030*.

Policy and legal initiatives that contributed to the implementation of the CRPD:

**Decree-Law 1/2022**<sup>400</sup>, of 3 January, introduces changes in the incapacity assessment regime for disabled people to speed up the attribution of the multipurpose medical certificate of incapacity (*atestado médico de incapacidade multiuso*). These changes were introduced to speed up the process and adapt to the context of the COVID-19 pandemic.

**Law 5/2022**<sup>401</sup>, of 5 January, approves the bringing forward of the old-age pension scheme for disabled people. As defined by this law, to access the scheme people need to meet, cumulatively, several general eligibility conditions: be 60 years of age or more; have an incapacity level equal to or greater than 80% and have a minimum of 15 years of contributions constituted with an incapacity level equal to or greater than 80%. This law specifies that the government shall publish the regulatory conditions within 180 days, which has yet to happen.

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<sup>398</sup> Portugal, [Portaria n.º 56/2022, que procede à segunda alteração da Portaria n.º 342/2017, de 9 de novembro, que estabelece os critérios, limites e rácios necessários à execução do Decreto-Lei n.º 129/2017, de 9 de outubro](#) (Ordinance 56/2022, which proceeds with the second amendment to Ordinance No. 342/2017, of 9 November, which establishes the criteria, limits and ratios necessary for the implementation of Decree-Law No. 129/2017, of 9 October), 27 January.

<sup>399</sup> Portugal, [Portaria n.º 88/2022, que procede à décima primeira alteração ao Regulamento Específico do Domínio da Inclusão Social e Emprego](#) (Ordinance 88/2022, which proceeds to the eleventh amendment to the Specific Regulation of the Social Inclusion and Employment Domain), 7 February.

<sup>400</sup> Portugal, [Decreto-Lei n.º 12/2022, que altera o regime de avaliação de incapacidade das pessoas com deficiência](#) (Decree-Law that changes the incapacity assessment regime for disabled people), 3 January.

<sup>401</sup> Portugal, [Lei n.º 5/2022, que aprova o regime de antecipação da idade de pensão de velhice por deficiência](#) (Law 5/2022 that approved bringing forward the old-age pension scheme for disabled people), 7 January.

**Regulatory Decree 1/2022**<sup>402</sup>, of 10 January, establishes the terms and conditions for the recognition of -informal caregiver status as well as the measures to support informal caregivers and people that are cared for. The Informal Caregiver Statute (ECI), approved in 2019 in an annex to Law 100/2019, of 6 September, predicted the implementation of pilot projects whose conditions for the implementation were regulated by Ordinance 64/2020, of 10 March. This decree follows the evaluation process on the implementation of the pilot projects and extends the rules for the application of the terms of the pilot projects to the entire continent of Portugal.

On 12 January, the Paralympic Committee launched the campaign "**SuperAção**"<sup>403</sup> (**Overcome**), to raise awareness and promote Paralympic sport, as well as to promote sports for disabled people and to attract new talents. This campaign involves the participation of the eight athletes from each of the eight sports in which Portugal was represented at the Tokyo 2020 Paralympic Games. The campaign makes use of three main keywords to stimulate action: encourage, practice and support and will be publicised through billboards and screens in the streets, transport stations and shopping centres. As it reads on the Paralympic Committee website "Incentive, Practice, Support are the three call-to-action keywords and aim to encourage Portuguese athletes to encourage national athletes through the social networks, newsletter and magazine of the Paralympics Portugal, to practice sports in the places proposed in the sports inclusion map and to Support through IRS consignment or through spontaneous donations to the CPP [Portuguese Paralympic Committee]".

**Ordinance 38/2022**<sup>404</sup>, of 17 January, creates and regulates the Sustainable Employment Commitment measure [Compromisso Emprego Sustentável]. This exceptional and transitory measure, developed within the Recovery and Resilience Plan, aimed to promote the stability of employment, by supporting the establishment of permanent employment contracts with those people unemployed that are enrolled in the IEFP [job centre]. This measure complements the already available financial support to the employers with the reimbursement of the social security contributions. In to specifically promote the permanent

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<sup>402</sup> Portugal, [Decreto Regulamentar n.º 1/2022, que estabelece os termos e as condições do reconhecimento do estatuto de cuidador informal bem como as medidas de apoio aos cuidadores informais e às pessoas cuidadas](#) (Regulatory Decree 1/2022, which establishes the terms and conditions of recognition of the status of informal carer as well as the support measures for informal carers and persons being cared for), 10 January.

<sup>403</sup> For more information, see the [webpage of the campaign "SuperAção"](#).

<sup>404</sup> Portugal, [Portaria n.º 38/2022, cria e regula a medida Compromisso Emprego Sustentável](#) (Ordinance 38/2022, creates and regulates the Sustainable Employment Commitment measure), 17 January.

employment of disabled people, this measure increases in 35% the usual financial support (12 times the value of the Index of Social Support (IAS) 2022=€443.00).

**Ordinance 56/2022**<sup>405</sup>, of 27 January, increases the eligibility limits for CAVI (Support Centre for Independent Living) operating costs and the eligibility limits for initial training costs that candidates for personal assistant must attend. The maximum eligible limit for CAVI operating expenses has been increased to €175,000.00 (previous limit €132,250.00). The maximum eligible limit for initial training costs has been increased to €16 000,00 (previous limit €12,000.00). Consequently, the maximum limit of financial support to be allocated to each CAVI is €2,300,000.00 (the previous limit was €1,750,000.00).

**Ordinance 77/2022**<sup>406</sup>, of 3 February, creates the social response *Residency for Autonomization and Inclusion* and defines the conditions of its installation, organisation and operation. This new social response replaces the previous Autonomous Residence created by Ordinance 59/2015, of 2 March. As it is defined in Article 2, the *Residency for Autonomization and Inclusion* "is a temporary or permanent residential accommodation response, offered in an apartment, house or other similar type of housing, in residential areas in the community, intended for disabled people, with the ability to live independently, and has the objective, through individualized support, to provide conditions for the realization of an autonomous and inclusive life project"<sup>407</sup>. These residencies are designed for disabled people aged 18 years or older that can be moved to alternative community living solutions. Each residence may receive a maximum of 5 people. Services provided include inclusive housing and residential support; individualized psychosocial care and monitoring; definition of an Individual Autonomization Plan (PIA – Plano Individual de Autonomização).

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<sup>405</sup> Portugal, [Portaria n.º 56/2022, que procede à segunda alteração da Portaria n.º 342/2017, de 9 de novembro, que estabelece os critérios, limites e rácios necessários à execução do Decreto-Lei n.º 129/2017, de 9 de outubro](#) (Ordinance 56/2022, which proceeds with the second amendment to Ordinance 342/2017, of 9 November, which establishes the criteria, limits and ratios necessary for the implementation of Decree-Law 129/2017, of 9 October), 27 January.

<sup>406</sup> Portugal, [Portaria n.º 77/2022, que estabelece as condições de instalação, organização e funcionamento a que deve obedecer a resposta social Residência de Autonomização e Inclusão](#) (Ordinance 77/2022, which establishes the conditions of installation, organisation and operation to which the Autonomy and Inclusion Residence social response must obey.), 3 February.

<sup>407</sup> In the original language: "A RAI é uma resposta de alojamento residencial temporário ou permanente, desenvolvida em apartamento, moradia ou outra tipologia de habitação similar, inserida em áreas residenciais na comunidade, destinada a pessoa com deficiência ou incapacidade, com capacidade de viver de forma autónoma, e tem por objetivo, mediante apoio individualizado, proporcionar condições para a concretização de um projeto de vida autónomo e inclusive"

**Ordinance 88/2022**<sup>408</sup>, of 7 February, amends the Specific Regulation in the Domain of Social Inclusion and Employment to make it possible to extend the duration of the MAVI pilot projects from 42 to 55 months. The Specific Regulation in the Domain of Social Inclusion and Employment, approved in 2015 (Ordinance 97-A/2015 of 30 March) was created to manage the European Structural and Investment Funds (ESIF) for the period 2014-2020, known as *Portugal 2020*. The amendment introduced by Ordinance 163/2020 of 1 July defined in paragraph g) of article 9 – g) stated that the models of support for independent living may have a maximum duration of 42 months. This new ordinance amends the duration to 55 months to ensure the continuity and proper execution of MAVI pilot projects operations between the end of the current programming period – Portugal 2020 - and the beginning of the *Portugal 2030*.

**Order 7247/2019**<sup>409</sup>, of 10 February, approves the Strategy for the Promotion of Accessibility and Inclusion of Museums, Monuments and Palaces 2021-2025 (EPAI). The EPAI comprises 90 measures, organised around 5 strategic axes: accessibility and inclusion in museums, monuments and historical royal palaces; accessible and inclusive programming; training of people and institutions; governance, networks and partnerships; participation of people with disabilities, vulnerable groups and those groups at risk of exclusion in the dynamics of museums, monuments and historical royal palaces. The identified measures include concrete objectives and targets.

On 9 March the National Mechanism for Monitoring the Implementation of the Convention on the Rights of Persons with Disabilities (Me-CDPD), due to the war in Ukraine, urges the Portuguese state to develop measures to implement article 11 of CRPD in order “to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters.”, as well as to apply International Humanitarian Law, under conditions of equal treatment, to persons with disabilities and mental illness. Moreover, the Me-CDPD urges the Portuguese State to provide the necessary support upon arrival of Ukraine disabled citizens in the national territory, namely: International Sign interpreters, support animals and pictographic information on procedures, services and accessible transport.

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<sup>408</sup> Portugal, [Portaria n.º 88/2022, que procede à décima primeira alteração ao Regulamento Específico do Domínio da Inclusão Social e Emprego](#) (Ordinance 88/2022, which proceeds to the eleventh amendment to the Specific Regulation of the Social Inclusion and Employment Domain), 7 February.

<sup>409</sup> Portugal, [Order 1720/2022 Approves the Strategy for the Promotion of Accessibility and Inclusion of Museums, Monuments and Palaces 2021-2025](#) (Despacho n.º 1720/2022, aprova a Estratégia de Promoção da Acessibilidade e da Inclusão dos Museus, Monumentos e Palácio 2021-2025), 10 February.

**Resolution of the Council of Ministers 29-D/2022**<sup>410</sup>, of 11 March, expands the scope of granting temporary protection to people displaced from Ukraine as a result of the recent armed conflicts experienced in that country. In order to identify and communicate with deaf people arriving from Ukraine, this Resolution made possible a subgroup, within the Operation Ukraine TaskForce, was created in order to define procedures for identifying and working with deaf citizens from Ukraine. These procedures, as reported by the Ministry of Labour, Solidarity and Social Security, are expected to be extended to disabled people in general and serve as a basis for future work with all disabled citizens who require international protection in Portugal.

**Notice 02/C03-i02/2021**<sup>411</sup>, originally published on 10 December 2021 and republished of 29 July 2022, creates the Intervention Program in Public Buildings. Within the scope of the Recovery and Resilience Plan it establishes the rules applicable to the financial support allocated to the Intervention Program in Public Buildings (PIEP), integrated in Component 3 - Social Responses, Investment RE-C03-i02: 360o Accessibility, for the programming period of 2021-2025 with a total budget of 10M€.

**Notice 03/C03-i02/2022**<sup>412</sup>, of 1 May, calls for applications for the 360º Accessibility - Housing Intervention Programme (PIH). This programme, created under the *Recovery and Resilience Plan* (PRR) aims to improve disabled people's home accessibilities in mainland Portugal. This programme has a total budget of €10M and aims to intervene in at least 1000 houses. Individual applications need to be submitted electronically and financial support is offered per type of intervention and per unit value (values excluding VAT), up to a maximum limit of ten thousand euros per dwelling to be intervened. The application deadline was initially the 31 July but was later extended till the 30 September.

**Law 12/2022**<sup>413</sup>, of 17 June, approves the State Budget for 2022. The Report of the 2022 State Budget<sup>414</sup> clarifies some of the intentions of the government in the State Budget for 2022 and announces several initiatives that will be implemented by the government with direct impact on disabled people's lives in 2022. In the area of Defence, the government proposes to 'Recognise and dignify former combatants. Within the policies and measures included, it sets the intention to continue the

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<sup>410</sup> Portugal, [Resolution of the Council of Ministers 29-D/2022](#) (Resolução do Conselho de Ministros 29-D/2022, Amplia o âmbito da concessão de proteção temporária a pessoas deslocadas da Ucrânia, em consequência dos recentes conflitos armados vividos naquele país), 11 March.

<sup>411</sup> Portugal, [Notice 02/C03-i02/2021](#) (Aviso N.º 02/C03-i02/2021, estabelece as regras aplicáveis ao apoio financeiro afeto ao Programa de Intervenção nos Edifícios Públicos (PIEP)), republished 14 April.

<sup>412</sup> Notice 03/C03-i02/2022 available at: <https://recuperarportugal.gov.pt/candidatura/programa-de-intervencoes-em-habitacoes-pih-aviso-n-o03-c03-i02-2023/>

<sup>413</sup> Portugal, [Lei n.º 12/2022, de 17 de junho, que aprova o Orçamento do Estado para 2022](#) (Law 12/2022 that approved the State Budget for 2022), 17 June.

<sup>414</sup> For more information, see the [Report of the 2022 State Budget](#).

study of the benefits to former combatants, as well as the widows and widowers of former combatants (resulting from the report on the implementation of Law 6/2020 regarding access to social, economic and health rights) to assess the adjustment of existing policies to the universe of former combatants, aiming to support the health, quality of life, autonomy and healthy aging of former combatants. The government specifies that they are concerned with the situation of impaired war veterans and seek to prevent their dependence, precariousness, isolation and exclusion. Within the Policies and measures anticipated the area of 'Work, Solidarity and Social Security' (PO13) the government announces as one of the 2022 State Budget priorities, the requalification and expansion of the network of social facilities for the elderly, for children and for disabled people (contrary to the European and International directions). Within the measures announced within this area, the government set the intention to 'Reinforce the role of the public employment service and invest in active policies for a more inclusive job market' through the launch of the 'Sustainable Employment Commitment' measure that reinforces and combines different supports to promote the employment of different groups of people including disabled people. Within the area of 'Work, Solidarity and Social Security' (PO13) the report of the State Budget for 2022 includes the specific intention of "More and better inclusion for disabled people" as one of the major political priorities of this government. Here the Government affirms its intention to consolidate and deepen the measures approved, including the National Strategy for the Inclusion of Disabled People 2021-2025, but also to initiate new measures. Promoting accessibility is another stated imperative, announcing the maintenance of the programme *Acessibilidades 360°* [Accessibility 360°] to improve the accessibility conditions on public roads, in public buildings and in disabled people's houses; and of the programme *Plataforma +Acesso* [Platform +Access] to use information and communication technologies to improve accessibilities and communication. Moreover, referring to the Cooperation Agreement between the Portuguese Government and the European Commission for 2021-2027 (PT2030) the government sets the intention to develop a territorial approach based on innovative solutions adjusted to the diversity of realities and contexts, and within and for 2023, it defines as the major areas of work: the consolidation of the Independent Living Support Model, the preparation of the National Non-Institutionalization Plan, the definition of improvements and efficiency in the National Early Intervention System (disabled children and children with a developmental delay), the creation of a national training programme (including awareness-raising) for strategic audiences, to continue the expansion of the *Rede de Balcões da Inclusão* [Inclusion Branch Network] and the creation of a mobile network.

**Notice 03/C03-i01/2022**<sup>415</sup>, of 29 July, creates the Collaborative Housing. Within the Requalification and expansion of the network of equipment and social responses, the Notice creates and calls for applications for the development of this new social

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<sup>415</sup> Portugal, [Notice 03/C03-i01/2022](#) (Aviso N.º 03/C03-i01/2022, cria a Habitação Colaborativa ), 29 July.



equipment to promote the inclusion and participation of disabled people. This response is based on a model of collaborative and community housing, with common and shared areas and spaces, as well as shared and subsidiary support services, promoting social interaction, intergenerational communication and social inclusion of residents. This call for applications was only open for a period of one month and has been closed on the 14 November.

**Resolution of the Council of Ministers 236/XXIII/2022**<sup>416</sup>, of 22 September, approves the National Strategy for Active Pedestrian Mobility 2030. This strategy, under public consultation till the 11<sup>th</sup> of November, intended to encourage pedestrian mobility in conjunction with public transport and other active modes and to develop a holistic view to guide public policies in the fields of mobility, transport and territorial planning. The ENMAP intends to introduce measures to promote universal access and the removing of barriers in order to promote disabled people's mobility but also the general population to walk. It, also, establishes connections with the National Strategy for the Inclusion of Disabled People (ENIPD 2021-2025). No information is provided on who these two strategies will interact in specific but it is said that the ENMAP aims "to encourage the pedestrian mode as primordial for each and every citizen, promoting the construction of more humanized territories, with better quality of the urban environment, accessible to all, safe and comfortable, even for those with limited mobility."

**Dispatch 11448/2022** of 26 September<sup>417</sup>, approves the Regulation of the Programme «Accessible Festivals». This programme aims to distinguish festivals that present accessibility conditions for all those with conditioned mobility. One of the five priority axes defined by the Strategy for Tourism 2027 (approved by Resolution of the Council of Ministers 134/2017, of 27 de September) was to promote «tourism for all» from an inclusive perspective. This dispatch is the result of a partnership between the *Turismo de Portugal I.P.* and the *Instituto Nacional para a Reabilitação, I.P.* and introduces the award of the «*Festival Acessível*» [Accessible Festival] distinction and creates the prize «Festival + Accessible» [Festival + Accessible]. This legal document defines the type of festivals eligible, the eligibility conditions, and how to submit applications for the award of the distinction «*Festival Acessível*», the mandatory requirements, the attribution of the distinction, plus the definition of the prize «Festival + Accessible» conditions for accessing and how to submit applications.

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<sup>416</sup> Portugal, [Resolution of the Council of Ministers 236/XXIII/2022](#) (Resolução do Conselho de Ministros 1720/2022, aprova a Estratégia Nacional para a Mobilidade Ativa Pedonal 2030), 22 Septmeber.

<sup>417</sup> Portugal, [Dispatch 11448/2022](#) (Despacho n.º **11448/2022** Aprova o Regulamento do Programa «Festivais Acessíveis») of 26 September.



It should also be noted that, in 2022, within the scope of the Commission for Labour, Social Security and Inclusion, a parliamentary commission, the working group Inclusion and Rights of Persons with Disabilities was created, with activity beginning on 30 June 2022<sup>418</sup>.

Within the context of the National Strategy for the Inclusion of People with Disabilities 2021-2025, the **Institute of Employment and Professional Training**<sup>419</sup> also developed several activities. Thus, until of August of 2022, within the context of the Employment Quota for people with disabilities, created by Law 4/2019, 1557 offers were resisted and 2498 jobs were created. Furthermore, within the context of the support product attribution system (product, instrument, equipment or technical system, used by a person with disability, specially produced or available in the market that may prevent, compensate, attenuate or neutralise the activity limitation or participation restriction resulting from the interaction between the person with disability and the environment conditions), the Institute of Employment and Professional Training, in articulation with the Social Security Institute implemented a work plan with its Specialised Centres, which began in July 2021, with two sessions held during 2021 and continued until the end of the 2nd half of 2022. Training sessions were held for funding entities and entities/Specialised Prescribing Centres and a training plan is being defined for the different entities involved in the system, namely specialised prescribing centres and funding entities.

Implementation of the European Accessibility Act: in August 2022, the Portuguese National Trains (Comboios de Portugal) reduces the advance time to activate the use of the Integrated Mobility Service (SIM) (Serviço Integrado de Mobilidade)<sup>420</sup> from 12 hours to 6 hours. The SIM is a dedicated service for disabled people's rail travel needs. Moreover, disabled people with an incapacity level equal or higher to 80% have a discount of 75% of the regular ticket price for the selected journey.

## 8.2 CRPD monitoring at national level

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<sup>418</sup> Parliament, written response, 13 December 2022.

<sup>419</sup> Institute of Employment and Professional Training, written response, 5 January 2023.

<sup>420</sup> For more information, see the [webpage of the Portuguese National Trains with information regarding SIM](#).

**Declaration 1/2022**<sup>421</sup>, of 18 January, appoints members to the advisory board of the national mechanism for monitoring the implementation of the Convention on the Rights of Persons with Disabilities. Four additional members are appointed: representatives of national confederations, federations and associations, with registration as non-governmental organisations of people with disabilities. These four people are appointed from the following organisations: Associação Portuguesa de Deficientes (Portuguese Association of Disabled People); Associação Portuguesa de Insuficientes Renais (Portuguese Association of Renal Insufficiency); Associação Spina Bífida e Hidrocefalia de Portugal (Spina Bifida and Hydrocephalus Association of Portugal); and Centro de Vida Independente (Centre for Independent Living).

**Declaration 12/2022**<sup>422</sup>, of 7 September, appoints the members, representatives of the parliamentary groups of the Assembly of the Republic, to the advisory board of the National Mechanism for Monitoring the Implementation of the Convention on the Rights of Persons with Disabilities.

On 13 July 2022, it was held the **Public Conference** for the Dissemination of the Interim Evaluation of the Independent Living Support Model in Portugal<sup>423</sup>.

In July 2022, it was published the **2021 Annual Report** on the application of Law 46/2006, that prohibits and punishes discrimination on grounds of disability and/or on the existence of aggravated health risk. This report compiles quantitative data collected from entities with inspection and sanctioning powers under the law regarding the practice of discriminatory acts and any sanctions that may be applied<sup>424</sup>. As the report reveals, in 2021, a total of 1195 complaints were filed for discrimination on grounds of disability and aggravated health risk. Regarding the procedural status of the complaints: in 227 cases, the processes are still ongoing, in 390 cases the complaints were forwarded to other entities and 578 complaints have already had their decision of conclusion/filing. 311 of these complaints were filed due to the resolution of the situation (note the importance here of the role of the Ombudsperson who received the vast majority of complaints - 967 out of the 1195 - whose work is not

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<sup>421</sup> Portugal, [Declaração n.º 1/2022, que designa os membros para o conselho consultivo do mecanismo nacional de monitorização da implementação da Convenção sobre os Direitos das Pessoas com Deficiência](#) (Declaration 1/2022, that appoints the members to the advisory board of the National Mechanism for Monitoring the Implementation of the Convention on the Rights of Persons with Disabilities), 18 January.

<sup>422</sup> Portugal, [Declaração n.º 12/2022, que designa os membros para o conselho consultivo do mecanismo nacional de monitorização da implementação da Convenção sobre os Direitos das Pessoas com Deficiência](#) (Declaration 12/2022, that appoints the members to the advisory board of the National Mechanism for Monitoring the Implementation of the Convention on the Rights of Persons with Disabilities), 7 September.

<sup>423</sup> [Interim Evaluation of the Independent Life Support Model in Portugal](#) - Executive Summary.

<sup>424</sup> [Annual Report on the application of Law 46/2006](#), that prohibits and punishes discrimination on grounds of disability and/or on the existence of aggravated health risk.

limited to receiving the complaints, but also seeking to resolve the situation). 202 complaints were filed for not proving the existence of a discriminatory practice. 12 were filed for withdrawal and 9 for lack of evidence.

In March 2022, the ODDH (Disability and Human Rights Observatory) published the **2021 report “Disabled people in Portugal – Human Rights indicators 2021”** (“Pessoas com Deficiência em Portugal – Indicadores de Direitos Humanos 2021”)<sup>425</sup>. The report includes secondary data analysis of statistics on disability discrimination, education, work and employment, social welfare and living conditions. As it highlights in 2020, there was a 20% decrease in the number of discrimination complaints based on disability or aggravated health risk, most of the complaints submitted refer to access to health. Moreover, there was a 25% decrease in calls through the Disabled Citizen Line. Regarding the area of work and employment the report highlights the fact in the last 10 years, between 2011 and 2021, registered unemployment of disabled people in mainland Portugal increased by 30.5%. On the contrary, in the same period, for the general Portuguese population this indicator decreased (-43.2%). In 2020 the disparity in the employment rate between people with and without disabilities in Portugal in 2020 was of 18.2 percentage points. Regarding unemployment, in 2020 there was an increase of 11.6% compared to 2019 on registered unemployment of disabled people in Portugal. In 2019, in mainland Portugal, only 0.58% (n = 13,702) of the total human resources of companies with more than 10 employees were disabled people, a 7.7% growth when compared to 2018.

In the area of education, the report highlights the 11.7% increase in the number of disabled students attending higher education in the academic year 2020/21 when compared to the academic year 2019/20. Plus, as it reports, in the academic year 2019/20 there was a growth of 55.7% in the number of disabled students who graduated (+226) compared to the number of those who graduated in the academic year 2018/19 (n = 406) and an increase of 108.6% when compared to 2016/17 (n = 303).

Regarding social welfare and living conditions, in 2020 the at-risk-of-poverty or social exclusion rate in households with disabled people (16–64 years) was 11.7%. higher than that of aggregates of the general population in the same age group (28.5% vs. 16.8%). Moreover, those households with disabled women and those of people with severe impairments exhibit greater risk of poverty or social exclusion (26.8% and 31.5%, respectively).

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<sup>425</sup> Observatório da Deficiência e Direitos Humanos (ODDH) (2022), [Pessoas com Deficiência em Portugal – Indicadores de Direitos Humanos 2021](#).

The Ombudsperson's Office (*Provedoria de Justiça*) reports having asked the Secretary of State for the Inclusion of Disabled People to publicly disclose the results of the assessment carried out to the Support Product Assignment System (*Sistema de Atribuição de Produtos de Apoio - SAPA*)<sup>426</sup> and for the adoption of appropriate legislative amendments. Plus, Ombudsperson's Office also reports having interpellated the Secretary of State for the Inclusion of Disabled People regarding new complaints about the delays of the *Instituto de Segurança Social, I.P.* (Social Security Institute), in the granting of financing for the acquisition of support products for disabled people within the SAPA system.

In the area of accessibility, the Ombudsperson's Office informs, also, having reported to the mayors of the municipalities of Lisbon and of Odivelas, the lack of accessibility and/or of security some public infrastructures and suggesting specific improvements<sup>427</sup>. Moreover, the Ombudsperson's Office reports having instructed twelve processes (plus two in preparation) based on filed complaints regarding the use of the European Union Parking Card for people with disabilities. These processes involve problems in the recognition of the right to access it, delays in its distribution, or the improper occupation of the reserved spaces. Most complaints have, already, been filed as the illegality has been amended, the process has been forwarded to the competent entity and for reasons of unfoundedness<sup>428</sup>. Moreover, the Ombudsperson's Office reports having asked the Institute for Mobility and Transport (*Instituto da Mobilidade e dos Transportes*) to revise the Regulation of Legal Qualification to Drive (RHLC). This Regulation sets, that set minimum standards of physical and mental fitness for driving a motor vehicle, prevent those people that are biamputee from driving motor vehicles as their physical condition is considered to compromise road safety, contrary to the situation of those people that are quadriplegic.

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<sup>426</sup> The SAPA was established in 2009 by [Decree-Law 93/2009, of 16 April](#). In 2020, 10 years after its establishment, the government established the imperative to carry out an assessment of the operability and effectiveness of the system's application mechanisms. In order to do so, the government, through the [Joint Dispatch No. 2244/2020](#), of 17 February (Assistant Secretary of State and Education, the Assistant Secretary of State of Labour and Vocational Training, the Secretary of State for Inclusion of Disabled People and the Secretary of health), created a work group. This work group was responsible for evaluating and for submitting proposals for improving and simplifying the system within a time limit of 180 days after the constitution of the group (and each State Secretary had a maximum of 10 days to indicate its representative). Despite the established and two years after scheduled deadline, no reports have been publicly disclosed and no improvement procedures have been implemented.

<sup>427</sup> Ombudsperson's Office, written response, 27 December 2022.

<sup>428</sup> Ombudsperson's Office, written response, 27 December 2022.

The Ombudsperson's Office also runs the 'People with Disabilities' Line' (sic). This call line, directed to disabled people, provides information about disabled people's rights and benefits. In 2022, the line has received 524, out of which: 70 referred to difficulties in accessing social benefits (in particular the Social Benefit for Inclusion), 45 the lack of physical health and mental care, 39 lack of social responses, 33 difficulties in attributing and verifying the incapacity level and 32 lacks of access to support products<sup>429</sup>.

On 12 December 2022, the Statistics Portugal (Instituto Nacional de Estatística – INE) published a study exploring the situation of disabled people in Portugal based on the results of the XVI General Population Census and VI General Housing Census (2021 Census) "What do the Census tell us about the difficulties experienced by disabled people" ("O que nos dizem os Censos sobre as dificuldades sentidas pelas pessoas com incapacidade")<sup>430</sup>. As this study reveals: 10.9% of the resident population aged 5 years and over has at least one form of impairment; more prevalent in the case of women (1.7 women for every man); increases with advancing age (especially from 70-74 years old). For the population aged 5 years or more the analysis by type of functionality reveals that there is a greater predominance of difficulty in walking or climbing steps (6.1%), compared to the of difficulty seeing (3.5%), memory or concentration (3.4%), bathing or dressing (3.0%), listening (2.8%), or understanding others or making oneself understood (1.5%). The study also reveals that 8.0% of those people aged 5 years or more with at least one type of impairment live in collective housing (mainly accommodation within the framework of social support registered as health institutions - 89.0%), a much higher proportion when compared with the same age population without any type of impairment (1.5%). This proportion is even higher for the population with any form of cognitive impairment, peaking 15.2. Moreover, for those aged 5 years or more living in classic family accommodation with a mobility impairment, 68.1% lived in accommodation without accessibility for people who use a wheelchair autonomously (without support from another person). The population with any type of impairment has lower level of academic qualifications compared to the population without impairments: 21.5% had not completed any level of schooling (28,6% for those with cognitive impairment); 64.7% only completed the basic education (20.0 p.p. more than the population without any type of impairment); 8.5% completed secondary education and 5.4% higher education (compared with 28.8% and 21.7% evidenced by the population without any form of impairment). Regarding participation in the labour market, this study also reveals that only 15.6% of those with any type of impairment were active in the labour market and that 84.4% were not active, again, this proportions deviate from

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<sup>429</sup> Ombudsperson's Office, written response, 27 December 2022.

<sup>430</sup> Instituto Nacional de Estatística (2022), [O que nos dizem os Censos sobre as dificuldades sentidas pelas pessoas com incapacidade](#) (*What the Census tells us about the difficulties experienced by disabled people*).

those evidenced by the population without any type of impairment: 58.5% and 45.5% respectively). Most of this population is retired (a proportion three times higher than the population without any type of impairment) and, therefore, the retirement pension is their main source of income.

On 13 December 2022, it was held the **colloquium** "Rompendo a invisibilidade: Falar de direitos humanos de raparigas e mulheres com deficiência" ["Breaking invisibility: Talking about the human rights of girls and women with disabilities"]. In the second part of this colloquium, organised by the ODDH (Disability and Human Rights Observatory), it was presented the **2022 report "Disabled people in Portugal – Human Rights indicators 2022"** ("Pessoas com Deficiência em Portugal – Indicadores de Direitos Humanos 2022")<sup>431</sup>. The report includes secondary data analysis of statistics on disability discrimination, education, work and employment, social welfare and living conditions. As it highlights in 2021, there was a 16,8% increase in the number of discrimination complaints based on disability or aggravated health risk, most of the complaints submitted refer to access to health (39,6%). Moreover, the decrease in the number of calls through the Disabled Citizen Line maintained a decrease tendency, as already registered in 2020, This line received 457 calls a 28.8% decrease when compared to 2020.

In the area of education, the report evidences that in the academic year 2020/21 a total of 6,7% of students in Portugal benefited from some kind of measures to support learning and inclusion within the education system, that 86,7% of these students had a Technical-Pedagogical Report<sup>432</sup> and, most importantly, that these students spent at least 80% of their academic time included in their class. It also highlights the maintenance of an increase in the number of disabled students attending higher education in the academic year 2022/22 (an increase of 7,6% when compared to the academic year 2019/20. Plus, as it reports, in the academic year 2020/21), despite a 16,5% decrease in the number of those who graduated in the academic year 2020/21. The report also evidences a 13,7% increase in the number of scholarships attributed to disabled students attending higher education.

Regarding the area of work and employment the report highlights a general decrease in the registered unemployment in Portugal, despite the decrease difference between disabled and non-people (4,6% and 17% respectively). As this report also highlights, the majority of disabled people registered as unemployed were looking for a new job (82.6%), and had been unemployed for more than 12 months (57.3%). In 2020, in mainland Portugal, only 0.59% (n = 13,902) of the total human

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<sup>431</sup> Observatório da Deficiência e Direitos Humanos (ODDH) (2022), [Pessoas com Deficiência em Portugal – Indicadores de Direitos Humanos 2022](#).

<sup>432</sup> This report, produced by a multidisciplinary team, identifies selective and/or additional measures to support the learning and inclusion of students with specific needs attending school.

resources of companies with more than 10 employees were disabled people, a 2.8% growth when compared to 2019. Within public administration in 2021 only 2.8% (n=20,389) of workers had an impairment (an annual growth of +6%).

Concerning social welfare and living conditions, in 2021, contrary to the trend observed for the period between 2016-2020, there was a general increase in the at-risk-of-poverty or social exclusion rate in households with and without disabled people (16–64 years). This increase was, however, higher in household with disabled people (31,2%) than that of aggregates of the general population in the same age group (18,8%). Moreover, the at-risk-of-poverty or social exclusion rate of households with people with sever impairments was even higher (34%). The report, also, highlights the continuous increase of the number of those receiving the Social Inclusion Benefit (*Prestação Social para a Inclusão*), an increase of 7,7% in 2021 compared to those receiving this benefit in 2020.

## Annex 1 – Promising Practices

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one example of a promising practice to tackle discrimination against LGBTIQ people or discrimination on the grounds of socio-economic status, health status and physical appearance, 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 2022 relevant to equality and non-discrimination of LGBTIQ people or on the other above-mentioned grounds, preferably one conducted by a national equality body.
<b>Title (original language)</b>	Conhecer para proteger: Boas Práticas de Apoio a Crianças e Jovens LGBTI
<b>Title (EN)</b>	Know to protect: Good practices of support to LGBTI children and young people
<b>Organisation (original language)</b>	Casa Qui em parceria com a Comissão Nacional de Promoção dos Direitos em Proteção de Crianças e Jovens (CNPDPJ)
<b>Organisation (EN)</b>	Casa Qui in partnership with the National Commission for the Promotion of Rights in the Protection of Children and Young People (CNPDPJ)
<b>Government / Civil society</b>	Civil Society in partnership with a national commission
<b>Funding body</b>	European Social Fund and CIG (Gender Equality and Citizenship Commission)
<b>Reference (incl. URL, where available)</b>	<a href="https://www.casa-qui.pt/index.php/missao/projetos/93-projeto-conhecer-para-proteger-boas-praticas-de-apoio-a-criancas-e-jovens-lgbti">https://www.casa-qui.pt/index.php/missao/projetos/93-projeto-conhecer-para-proteger-boas-praticas-de-apoio-a-criancas-e-jovens-lgbti</a>
<b>Indicate the start date of the promising practice and the finishing</b>	Start 01/04/2020 – End 31/07/2022



<b>date if it has ceased to exist</b>	
<b>Type of initiative</b>	Training for relevant professionals
<b>Main target group</b>	Professionals working for the protection of children and young people
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	<p>The project aimed to create an Online Platform for Sharing Resources, provide Support and offer Consultancy in the field of Education and Protection of Children and Young People. Moreover, it involved the production of a "Guide to Good Practices for the Promotion of Rights and Protection of LGBTI Children and Young People", which brings together in-depth and complete information on the phenomenon of family violence, in the school, dating and institutional context that this population may experience.</p> <p>Thus, in order to strengthen and increase the effort in the mainstreaming of good prevention and intervention practices in contexts in which LGBTI children and young people are the target of violence, this project developed three main actions, which complement one with the other: the creation of an online platform; the development of a questionnaire to gather needs and requirements of those directly involved in the work with children and young people; and a manual of good practices.</p>
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	The action is constituted of three steps which are at the same time independent and connected one to the other. The first is particularly important as a transferable one, since it requires the creation of an online platform where target groups and professionals can find, share, and discuss relevant resources to enhance their competence in the intervention with LGBTI children and young people. The production of a manual is also transferable to other settings.
<b>Give reasons why you consider the practice as sustainable (as</b>	The practice is oriented to create an environment (the platform) and materials (the manual) that are useful beyond the time and the scope of the action: in fact, they are valuable resources for any professionals that needs that information. Moreover, they do not require high costs of maintenance and are both easily accessible from anyone through a connection to the Internet. The intense investment of resources made during the action is thus counterbalanced by a longevity of its results in the long run.

<p><b>opposed to 'one off activities')</b></p>	
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>The digital platform is accessible to subscription, thus at any given moment the leaders of the action can observe numbers of participants and trends in topics or materials that trigger more interest. The manual is an online tool, which can be downloaded and disseminated through multiple forms (links, printed, sent by e-mail) and thus offers objective statistics on its coverage and use. The impact of the action as a whole can be measured in time through follow-up actions that inquire about the level of preparation of professionals working with children and young people.</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>There are two main reasons to consider this practice as transferable. The first has to do with the transversal nature of issues related to LGBTI children and young people. LGBTI children and young people are an especially vulnerable group: they are often isolated and show high degrees of depression, suicide, school failure and dropout. This is a general problem, transversal to most Member States and demonstrated by a stark number of studies and research. As such, it is fundamental that other Member State implement actions that involve civil society (or organisations) and public bodies (such as in this case) to build strategies of limitation of discrimination and violence. This action is a particularly interesting one since it tackles the issue through a three-pronged project which can be easily reproduced in different contexts. The second reason to consider the practice as transferable is that its structure allows for an application in other settings. The three parts of the action (platform; questionnaire; manual) are phases of a strategy to better know a context and have an impact on it: they could thus be replicated in the healthcare settings, in higher education, in public schools, in sports and leisure organisations, and so on.</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>The practice involves the stakeholders and beneficiaries in particular in the first two steps. The digital platform is indeed a virtual place where they can exchange materials, know resources and create connections: every participant is thus an important actor in the creation and maintenance of the platform. The second step, the questionnaire, allows beneficiaries and stakeholders to express their views and signal their needs, with the aim of providing better guidance for the organisers around the actions, strategies and good practices to be put in place.</p>

<b>Explain, if applicable, how the practice provides for review and assessment.</b>	
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<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about participation and engagement of Equality bodies and CSOs in addressing racism and hate crime. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.
<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.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</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>Give reasons why you consider the practice as</b>	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

<b>sustainable (as opposed to 'one off activities')</b>	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.
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	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).
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	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.
<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 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.
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	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 comprises 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. Until August 2022, REEI developed 3 regional meetings, 1 national meeting, 3 practice exhibitions and 3 inspirational events with the schools that integrate the REEI network.
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<b>Thematic area</b>	<b>ROMA EQUALITY AND INCLUSION</b> <b>Please provide one example of promising practice in relation to the two topics addressed in the chapter: regarding the implementation of national action plans and regarding the legal or policy developments addressing Roma/Travellers equality and inclusion.</b>
<b>Title (original language)</b>	Prémio OBCIG Empresas Integradoras
<b>Title (EN)</b>	OBCIG Integrating Companies Award
<b>Organisation (original language)</b>	Alto Comissariado para as Migrações (ACM) / Observatório das Comunidades Ciganas (OBCIG)
<b>Organisation (EN)</b>	High Commission for Migration (ACM) / Observatory of Roma Communities (OBCIG)
<b>Government / Civil society</b>	The High Commission for Migration is a Public Institution, directly dependent of the Presidency of the Ministers Council. The Observatory of Roma Communities (OBCIG) is an autonomous unit of the ACM
<b>Funding body</b>	
<b>Reference (incl. URL, where available)</b>	<a href="https://www.obcig.acm.gov.pt/-/4-edicao-do-premio-obcig-empresas-integradoras-candidaturas-de-8-de-abril-a-1-de-julho">https://www.obcig.acm.gov.pt/-/4-edicao-do-premio-obcig-empresas-integradoras-candidaturas-de-8-de-abril-a-1-de-julho</a>
<b>Indicate the start date of the promising practice and the finishing</b>	This initiative was created in 2019 and in 2022 is in its 4th edition.

<b>date if it has ceased to exist</b>	
<b>Type of initiative</b>	A civic initiative to integrate the Roma population into the labour market.
<b>Main target group</b>	Company organisations that work in Portugal and employ five or more Roma people (with a labour contract).
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	Through the institutionalisation and attribution of the "OBCIG Integrating Companies Award", it is intended to recognise companies that employ Roma people and inspire other employers in the implementation and development of business policies and practices that promote cultural diversity, combat discrimination based on origin ethnicity and the integration of Roma people living in Portugal. Thus, it seeks to encourage the meritorious recognition of the employability of Roma people. Companies that employ five or more Roma people can apply for this award, as well as being proposed by the ACM, Consultative Council for the Integration of Roma Communities (CONCIG), Support Centre for Roma Communities (NACI), and the Representative Associations of Roma People (ARPC). The award is based on the merit and interest of the candidate companies, considering their relevant contribution to the promotion of cultural diversity, the fight against discrimination based on ethnic origin and the integration of Roma people residing in Portugal.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	This initiative can be transferred to other countries with Roma communities. Given the structural differences of the countries, as well as the vulnerability of Roma communities, there should be an adjustment of the award's regulation, in order to make this initiative more effective.
<b>Give reasons why you consider the practice as sustainable (as</b>	This initiative is sustainable, first, because it does not imply a significant expense for the promoting entities. Secondly, it is promoted by state entities, as part of the national strategy for the integration of Roma communities. Thirdly, symbolically it is a form of recognition for the responsible social action of private entities in the promotion of the rights of Roma people. Fourth, it can act as an incentive for other companies to promote the employment of Roma people.

<b>opposed to 'one off activities')</b>	
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	Awarding companies that are successful in employing Roma people can be an example that encourages other companies to also employ Roma people and people from other ethnic minorities. The companies that have already been awarded continued their policies of employment of Roma people, having also provided scholarships to young Roma. With the experience of successful employment, some companies have drawn attention to the development of public policies towards Roma people, namely in terms of professional training and education.
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	This initiative can be transferred in its entirety to other Member States. Given the structural differences of the countries, as well as the business companies and the vulnerability of Roma communities, there should be an adjustment of the award's regulation, in order to make this initiative more effective. The initiative can also be targeted at other vulnerable groups in the population. That is, merit awards can be instituted to companies that employ refugee population, homeless people, for example.
<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 available
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	Not available



<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., in relation to data protection, and/or artificial intelligence systems.</b>
<b>Title (original language)</b>	Ferramenta de Avaliação de Risco para aplicação em todos os projetos de Inteligência Artificial na Administração Pública
<b>Title (EN)</b>	Risk Assessment Tool for application in all Artificial Intelligence projects in Public Administration
<b>Organisation (original language)</b>	Agência para a Modernização Administrativa, I.P., AMA
<b>Organisation (EN)</b>	Administrative Modernization Agency, IP
<b>Government / Civil society</b>	Government
<b>Funding body</b>	Information not available
<b>Reference (incl. URL, where available)</b>	<a href="https://toolia.tic.gov.pt/">https://toolia.tic.gov.pt/</a> Support documentation: <a href="https://tic.gov.pt/web/tic/guia">https://tic.gov.pt/web/tic/guia</a>
<b>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</b>	2022
<b>Type of initiative</b>	Risk Assessment Tool
<b>Main target group</b>	Public Administration, private sector, and Academia

<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	<p>The Risk Assessment Tool for application in all Artificial Intelligence projects in Public Administration was developed under the GuIA Responsável project as a risk assessment tool, built in line with the guidelines developed by that project. The GuIA Responsável is the document that presents the principles, guidelines and a model for the development of ethical, transparent and responsible Artificial Intelligence projects in Public Administration. Although specifically aimed at Artificial Intelligence projects in Public Administration, these guidelines can be used in other contexts, including the Private Sector and Academia. This tool enables the analysis of the susceptibility of AI systems, associated with the five dimensions underlying a Responsible AI, referred to in the guide (Accountability, Transparency, Explainability, Fairness, and Ethics), and provides recommendations for actions and suggested readings, depending on the maturity level of the actors. It is design to help with the anticipation and mitigation of risks in systems with AI globally and in all five dimensions. The Tool is intended for all people and entities that want to assess risks in AI projects, intelligent systems, or algorithms, throughout the project cycle, both in the pre- and post-implementation phase. It can be used in any of the following phases of the project: conception; planning; initial development; advanced development; testing; prototype; validation; and production. The goal is to ensure evaluation throughout the project cycle, both in the phase prior to implementation (by design) and in the phase afterwards (by evolution). The Tool can be filled in by anyone, even if they are not associated with a specific entity or project team. It can even be used by different people in the same entity. Recipients include people outside the entity; users; programmers; analysts/ engineers; AI consultants.</p>
<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.
<b>Give reasons why you consider the practice as</b>	The initiative is ongoing and intended to be available throughout the time.

<b>sustainable (as opposed to 'one off activities')</b>	
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	The number of projects that will benefit from the assessment is measurable.
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	The concept of the project can be transferable and applied to other Member States.
<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 GuIA on which the tool was developed was under public consultation until February 28, 2022, with the purpose of being enriched with contributions from experts and society in general. The Tool was built to be an evolving platform that is intended to gather input from its users. Users are asked to provide suggestions, if they detect any errors or identify any elements that could benefit the tool, regarding the assessment dimensions or crucial issues for the risk assessment of intelligent systems.
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	The tool is designed to be reviewed annually by the Administrative Modernization Agency, IP (AMA). The Tool is structured as follows:  - Set of binary, likert or multiple choice type questions, validated annually;

	<ul style="list-style-type: none"> <li>- Weightings assigned by AMA and the user to each of the five dimensions, validated annually;</li> <li>- Evaluation score;</li> <li>- And recommendation matrix associated to the maturity level of the entity.</li> </ul>
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<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> <b>Please provide a promising practice for the related topics addressed in the chapter (i.e., the impact of poverty and exclusion on children and children and justice).</b>
<b>Title (original language)</b>	Criação da Garantia para a Infância
<b>Title (EN)</b>	Creation of the Childhood Guarantee
<b>Organisation (original language)</b>	Governo
<b>Organisation (EN)</b>	Government
<b>Government / Civil society</b>	Government
<b>Funding body</b>	Government
<b>Reference (incl. URL, where available)</b>	<a href="https://files.dre.pt/1s/2022/06/12200/0000200291.pdf">https://files.dre.pt/1s/2022/06/12200/0000200291.pdf</a>
<b>Indicate the start date of the promising practice and the finishing</b>	2022-2023

<b>date if it has ceased to exist</b>	
<b>Type of initiative</b>	Legislative change
<b>Main target group</b>	Children and young people belonging to households that are in extreme poverty
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	<p>With the approval of the State Budget for 2022, the Childhood Guarantee was also approved. This is an exclusively cash-benefit measure, complementary to the family allowance, intended for children and youth under the age of 18, belonging to households that are in extreme poverty. It intends to guarantee a minimum value for all children and young people (that already benefiting from family allowance) will receive. In the year of 2022, the minimum amount will be 840 euros per child or young person per year (70 euros per month). However, in 2023, this amount will increase to 1200 euros per year per child or young person (100 euros per month). It should be noted that the law does not mention what households are considered to be in extreme poverty, however, the Social Security Institute metric used for the attribution of the Social Insertion Income (another cash benefit for people who are in an extreme poverty situation) foresees that households in an extreme poverty situation are the ones where the sum of the monthly incomes of all the members of the household cannot be equal to or higher than the maximum value of the social insertion income (189,66 euros), calculated according to the composition of the household.</p>
<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 aims to address vulnerabilities of children and young people living in poverty and increase their well-being.
<b>Give reasons why you consider the</b>	This is a sustainable practice because not only directly ensures the well-being of children and young, since the parents can use this monetary benefit as a complementary to the family budget and acquire things/services

<b>practice as sustainable (as opposed to 'one off activities')</b>	that the their children or young people need (i.e. food, clothes, medicine, etc), but also can be easily applied in every country that has a social welfare system, especially in times of extreme social conditions (e.g. economic crisis). Also, it is aimed at a particular risk group: Children ang young people belonging to households that are in extreme poverty.
<b>Give reasons why you consider the practice as having concrete measurable impact</b>	This measure will have a concrete measurable impact since it's foreseen to benefit 150,000 children and youth people, since 70 million euros will be spent every year during 2022 and 2023.
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	Because this is a legislative change, it can easily be applied in every country that has a social welfare system, especially in times of extreme social conditions (e.g. economic crisis). Additionally, this kind of measure can be included in the national action plans that will implement the EU Child Guarantee and, partly, can even be financed by European funds.
<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 practice provides</b>	Not applicable. The measure does not provide for a review and assessment mechanism.

<b>for review and assessment.</b>	
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<b>Thematic area</b>	<b>ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence</b> <b>Please provide one example of a promising practice in relation to the topic address in the chapter: i.e. Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women.</b>
<b>Title (original language)</b>	Consulta pública relativa à revisão dos Planos de Ação da Estratégia Nacional para a Igualdade e a Não Discriminação (ENIND) 2018-2030 – Portugal + Igual
<b>Title (EN)</b>	Public consultation regarding the review of the Action Plans of the National Strategy for Equality and Non-Discrimination (ENIND) 2018-2030 - Portugal + Equal
<b>Organisation (original language)</b>	Governo
<b>Organisation (EN)</b>	Government
<b>Government / Civil society</b>	Government
<b>Funding body</b>	Government (even if, in some points, it admits the use of community/international support/financing that may contemplate initiatives of this type).
<b>Reference (incl. URL, where available)</b>	<a href="https://www.cig.gov.pt/wp-content/uploads/2018/07/Resol_Cons_Ministros_61_2018.pdf">https://www.cig.gov.pt/wp-content/uploads/2018/07/Resol_Cons_Ministros_61_2018.pdf</a> <a href="https://www.portugal.gov.pt/pt/gc21/consulta-publica?i=231">https://www.portugal.gov.pt/pt/gc21/consulta-publica?i=231</a> <a href="https://www.cig.gov.pt/wp-content/uploads/2022/01/ENIND-2022-2025-CONSULTA-PUBLICA-VF-1.pdf">https://www.cig.gov.pt/wp-content/uploads/2022/01/ENIND-2022-2025-CONSULTA-PUBLICA-VF-1.pdf</a>
<b>Indicate the start date of the promising practice</b>	17 January to 7 February 2022

<b>and the finishing date if it has ceased to exist</b>	
<b>Type of initiative</b>	Public Consultation (review of action plans)
<b>Main target group</b>	Citizens and public and private entities that wish to contribute to the revision of the Action Plans.
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	<p>Specific planning to combat discrimination on the grounds of sexual orientation, gender identity and sexual characteristics has been outlined for the period 2018 to 2020, defining measures in priority intervention areas, such as information and training, and at the level of various sectoral policies.</p> <p>The strategy, with objectives defined every 4 years, is composed of three Action Plans, with concrete measures, indicators and targets: promoting equality between women and men (PAIMH); preventing and combating violence against women and domestic violence (PAVMVD); combating discrimination based on sexual orientation, gender identity and expression, and sexual characteristics (PAIOEC). For the implementation of this public policy, in February 2018, the Government placed the Resolution of the Council of Ministers in public consultation, inviting citizens and public and private entities to participate with their contribution for its better implementation. With the end of the first period (2018-2021) and considering the diagnosis made and the new funding instruments available to Portugal, the Government, before moving on to the next period, has once again put the revision of the Action Plans up for public consultation, inviting citizens and collective entities to submit them, through a form made available for that purpose on a website.</p>
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	A procedure for public consultation on a public policy and also for its review during the implementation period.



<p><b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b></p>	<p>This is an initiative that is planned for an extended period (2018 to 2030), with phased implementation periods (every 4 years), preceded by the revision of the plans according to the diagnosis made in the previous period.</p>
<p><b>Give reasons why you consider the practice as having concrete measurable impact</b></p>	<p>The Strategy foresees, for each of the Action Plans, strategic objectives, specific objectives, measures to be implemented and indicators for each measure, as well as the entities responsible and involved. In addition, the targets are defined, in objective and, whenever possible, quantitative terms, for each of the years or for the period (4 years).</p>
<p><b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b></p>	<p>The methodology for the definition of public policies and strategies for their implementation, with the definition of objectives and the possibility of interim diagnoses, enhanced by the results of public consultations that may be a contribution to any adjustments and that involve and raise awareness of civil society, contributing to its involvement, can be implemented in most EU Member States.</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>Through recourse to public consultation addressed to all interested parties.</p>
<p><b>Explain, if applicable, how the</b></p>	<p>Before the implementation of each new period, a diagnosis phase of the previous period and the revision of the Action Plans for the following period is reviewed.</p>

<b>practice provides for review and assessment.</b>	
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<b>Thematic area</b>	<b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b> Please provide one example of a promising practice of national monitoring bodies (e.g., a well-run outreach campaign, an inclusive survey, a successful effort or initiative to improve legislation, etc.) in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities. Where no such practice exists, please provide one example of a promising practice in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities, focussing on projects and programmes implemented with EU funding.
<b>Title (original language)</b>	Regime de antecipação da idade de pensão de velhice por deficiência
<b>Title (EN)</b>	Early retirement old-age pension scheme for disabled people
<b>Organisation (original language)</b>	Assembleia da República
<b>Organisation (EN)</b>	Assembly of the Republic
<b>Government / Civil society</b>	Government
<b>Funding body</b>	National Pension Centre
<b>Reference (incl. URL, where available)</b>	<a href="https://dre.pt/dre/detalhe/lei/5-2022-177309290">https://dre.pt/dre/detalhe/lei/5-2022-177309290</a>
<b>Indicate the start date of the</b>	Regulation of the law still pending, despite the 180 days limit for its regulation. Article 5 <sup>th</sup> of the law states that "This law enters into force with the State Budget subsequent to its publication". Bearing in mind that the

<b>promising practice and the finishing date if it has ceased to exist</b>	state budget for 2022 was approved on the 17 <sup>th</sup> of June (Law 12/2022 of 17 June) its implementation is supposed to start in 2022.
<b>Type of initiative</b>	Legal
<b>Main target group</b>	Disabled People aged 60 years or more
<b>Indicate level of implementation: Local/Regional/National</b>	National
<b>Brief description (max. 1000 chars)</b>	This law creates an early retirement old-age pension scheme regime for disabled people aged 60 years or more, that have an incapacity level equal to or greater than 80% and that have a contributory career with a minimum of 15 years with an incapacity level equal to or greater than 80%. The current full retirement age for the general population in Portugal is 66 years and 7 months, and in 2023 it will be fixed in 66 years and 4 months.
<b>Highlight any element of the actions that is transferable (max. 500 chars)</b>	Early Retirement scheme for disabled people
<b>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</b>	This law creates a new regime for early retirement for disabled people. This new regime will be integrated and funded by the National Pension Centre.
<b>Give reasons why you consider the practice as having</b>	Due to higher levels of wear out during their working career, lower life expectancy associated with certain types of impairments and associated health issues that tend to deteriorate faster with age, this law will allow disabled people to retire earlier and enjoy retirement age in a better health condition.

<b>concrete measurable impact</b>	
<b>Give reasons why you consider the practice as transferable to other settings and/or Member States?</b>	<p>Early retirement age and access to the old age pension scheme for disabled people is an equity measure. Disabled people suffer higher levels of wear out during working age due to disabling barriers and, in certain cases, associated health issues that tend to deteriorate with age.</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>Disabled people aged 60 years or more, with an incapacity level equal to or greater than 80% and with a contributory career with a minimum of 15 years with an incapacity level equal to or greater than 80% are the beneficiaries of this measure. Early retirement age was a demand of the Portuguese Disabled People's Movement, though disabled people have not been involved in the design, nor in the planning of the measure. Its implementation is still waiting for the law to be regulated and there is no information about the evaluation, review or assessment of the measure.</p>
<b>Explain, if applicable, how the practice provides for review and assessment.</b>	<p>Non applicable. Regulation of the law still pending, new legislation may define assessment procedures and deadlines.</p>

## Annex 2 – Case Law

<b>Thematic area</b>	<b>EQUALITY AND NON-DISCRIMINATION</b> Please provide one high court decision addressing discrimination against LGBTIQ people or on the grounds of socio-economic status, health status and physical appearance (not related to health or disability or to other grounds like ethnic origin, religion). Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
<b>Decision date</b>	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> Please provide the most relevant <u>high court</u> decision concerning the application of <u>either</u> the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.
<b>Decision date</b>	27/06/2022
<b>Reference details</b>	District Court of Lisbon, Judgement 953/15.4PELSB  (The decision is not available online. Following our request to the District Court of Lisbon, the decision was sent to us by email, after being anonymised)
<b>Key facts of the case (max. 500 chars)</b>	Twenty-seven defendants were charged with the crime of racial, religious or sexual discrimination, and other crimes. All the defendants belong to the group "Portugal Hammerskins", a group that follows the Nazi ideology, appealing to and extolling the superiority of the "white race". The case involves several events occurred from 2013 to 2017, involving one or more of the defendants, namely assaults on several persons for reasons of discrimination on the grounds of race, nationality, sexual orientation, and political ideology. Furthermore, some defendants are accused of using their musical band to spread and disseminate discriminatory and hateful messages through the lyrics of the songs; publishing messages and comments with discriminatory and hateful content on social media; and participating in a public manifestation against refugees in Portugal, by displaying placards with discriminatory inscriptions. Additionally, during searches that

	<p>were conducted, weapons and Nazi paraphernalia were found in the possession of some defendants.</p>
<p><b>Main reasoning/argumentation (max. 500 chars)</b></p>	<p>Regarding the crime of racial, religious or sexual discrimination, the Court started by explaining that this crime concerns criminal conducts that undermines the equality between citizens, preventing the recognition, enjoyment or exercise of rights and freedoms, to a certain person or group of persons, because of their race, skin colour, sexual orientation, etc. Therefore, it was important to ascertain, through the analysis of the legal type, in what ways the protected principle of equality was violated. In this sense, the Court considered that this principle could be violated if, according to article 240(1) of the Criminal Code, the agent had founded or participated in an organisation which incites or encourages racial or religious discrimination, hatred or violence; participated in organised propaganda activities which incited or encouraged racial or religious discrimination, hatred or violence; or provided assistance to such discriminatory organisations or activities, including by financing them; or if, according to article 240(2) of the Criminal Code, the conduct consisted of provoking acts of violence against a person or group of persons because of their race, colour, ethnic or national origin or religion or to defame or insult a person or group of persons because of their race, colour, ethnic or national origin or religion. Taking into account the proven facts, the Court also had no doubts that the group "Portugal Hammerskins" had an existence of its own as an organisation aimed at inciting discrimination, hatred and violence against any person or group of persons on grounds of their race, ethnic or national origin or sexual orientation, and developed and encouraged organised propaganda activities for this purpose, as also raised funds paid by its own members. The Court also considered that the defendants had acted with the purpose of belonging to this group, had paid their membership fees and had collaborated in its initiatives, knowing it extolled the superiority of the white "race" over other races and of violence against racial minorities, as well as against all those whose sexual and political orientations differed from their own. Therefore, the defendants were involved in the crime of racial, religious or sexual discrimination, under the terms of Article 240(1) of the Criminal Code. However, because a very significant part of the actions classifiable as racial, religious or sexual discrimination was based on the verbalisation and dissemination of ideas or concepts, which would ultimately collide with the freedom of expression, the Court considered that it was necessary to know to what extent freedom of expression could be limited. Moreover, regarding the charge that some defendants had use their musical band to spread and disseminate discriminatory and hateful</p>

	<p>messages through the lyrics of the songs, the Court considered that these lyrics made a direct apology for hatred and racial or ethnic violence, which fell under the scope of Article 240(1) of the Criminal Code, since the purpose intended by the defendants with the songs is to demonstrate who are the persons they believe should not be part of their ideal of society.</p> <p>Regarding the publications made by some of the defendants on social media with discriminatory and hateful content, the Court considered that the defendants undertook conducts of a defamatory nature. However, for these conducts to be considered as a crime of racial, religious or sexual discrimination, in addition to the intention to offend the honour and consideration of those targeted in the publications undertaken, it was necessary to prove that they had acted with the intention of making all those who saw these publications feel repudiation, aiming, in essence, to exclude those targeted by these publications from Portuguese society, which wasn't proven.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>The Court explained how Article 240 (1), (2) of the Criminal Code was applied to the proven facts and the limits of freedom of expression, when the aim is protecting other constitutionally protected principles, such as the principle of equality.</p>
<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>With regards to the crime of racial, religious or sexual discrimination, all of the defendants were sentenced with the exception of 4 who were acquitted of this crime due to the fact that their conducts (publications on social networks) were not subsumed into this crime. Furthermore, some of the defendants that were sentenced for this crime were also sentenced for other crimes. 6 defendants were only sentenced, for the crime of racial, religious or sexual discrimination in sentences ranging from 2 years to 3 years and 9 months of imprisonment, all suspended for the same period with probation.</p> <p>The remaining defendants were also sentenced for the crime of racial, religious or sexual discrimination in sentences, ranging from 2 years to 3 years and 9 months of imprisonment, and when applying the cumulative penalties, they were sentenced to single sentences ranging from 2 years and 6 months of imprisonment to 9 years of imprisonment. Eight of these sentences were suspended for the same period with probation.</p>
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>"A conduta do agente do crime do n.º 1, do artigo 240º, do Código Penal, deve ser adequada ao incitamento ou encorajamento da discriminação, do ódio ou da violência (...) Não é necessário que este incitamento ou este encorajamento seja bem-sucedido e se verifiquem a discriminação, o ódio ou a violência pretendidos."</p>

	<p>“The conduct of the perpetrator of the crime of Article 240(1) of the Criminal Code must be appropriate to the incitement or encouragement of discrimination, hatred or violence (...) It is not necessary for this incitement or encouragement to be successful and the intended discrimination, hatred or violence to take place.”</p> <p>“No contexto do discurso de ódio, a noção de propaganda organizada remete para a ideia de comunicação, seja esta visual ou verbal, e para o conceito de performatividade deste tipo de discursos, enquanto forma de intervenção social e elemento instigador de uma mudança, ou enformador de um determinado tipo ou padrão de comportamento.”</p> <p>“In the context of hate speech, the notion of organised propaganda refers back to the idea of communication, be it visual or verbal, and to the concept of performativity of this type of discourse, as a form of social intervention and as an instigator of change, or as a shaper of a certain type or pattern of behaviour.”</p> <p>“Da previsão do direito à liberdade de expressão (...) decorrem obrigações de serem criadas condições para que possa haver lugar à livre emissão e circulação das opiniões, ideias ou informações, assim como reflexamente se impõe a obrigação de abstenção de ingerências no exercício desse direito (...) o entendimento de que a liberdade de expressão era válida não apenas para as “informações” ou “ideias” acolhidas favoravelmente ou indiferentes, mas também para as que ferem, chocam ou causem inquietação em homenagem ao pluralismo, à tolerância e ao espírito de abertura que credenciam um Estado e uma sociedade democráticos.”</p> <p>“The provision of the right to freedom of expression (...) implies obligations to create conditions in which opinions, ideas or information may be freely issued and circulated, and the obligation to refrain from interfering with the exercise of that right (...) the understanding that freedom of expression was valid not only for "information" or "ideas" that were favourably received or indifferent, but also for those that hurt, shock or cause disquiet in tribute to pluralism, tolerance and the spirit of openness that accredit a democratic State and society.”</p> <p>“A suscetibilidade de aplicação de uma sanção penal por delito cometido no exercício dessa liberdade, ao invés de a limitar, antes responsabiliza o autor da infração. De uma forma mais simples: ninguém pode ser impedido de dizer o que quiser, mas todos podem ser responsabilizados por aquilo que disserem, se daí resultarem a prática de crimes. Com efeito, a liberdade de expressão não confere ao seu titular o direito de injuriar, difamar, difundir segredos</p>
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	<p>de Estado, violar o segredo de justiça, entre outros. E por isso, quem pratique tais atos, suscetíveis de constituírem crimes, responde pelos mesmos, sem que se possa valer do exercício da liberdade de expressão, do mesmo modo que, a todos sendo reconhecido o direito à liberdade de movimento e de ação, tal liberdade não confere a ninguém o direito de matar, agredir ou privar terceiros da sua própria liberdade, pois se o fizer responde criminalmente por tais atos, sem que se possa valer igualmente do exercício daqueles direitos e liberdades.”</p> <p>“The susceptibility of the application of a criminal sanction for an offence committed in the exercise of that freedom, instead of limiting it, rather makes the author of the offence responsible. In a simpler way: nobody can be prevented from saying what they want, but everyone can be held responsible for what they say, if it results in the practice of criminal offences. Indeed, freedom of expression does not confer on its holder the right to insult, defame, divulge State secrets, violate the secrecy of justice, among others. Therefore, whoever commits such acts, which may constitute crimes, is answerable for them, without being able to avail themselves of the exercise of freedom of expression, in the same way as, while the right to freedom of movement and action is recognised to all, such freedom does not confer on anyone the right to kill, assault or deprive others of their own freedom, for if they do so they are answerable for such acts criminally, without being able to avail themselves also of the exercise of those rights and freedoms.”</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>	10/05/2022
<b>Reference details</b>	Court of Appeal of Évora; <a href="#">Judgment 168/19.2GAFAL-A.E1</a>

<p><b>Key facts of the case (max. 500 chars)</b></p>	<p>In 2019, A. was sentenced to 8 months in prison, suspended in its execution for a period of 1 year, for one crime of driving a vehicle while intoxicated and one crime of driving a vehicle without a legal license. In October 2020, due to the practice of a new crime by A., the suspension was extended for a period of one year, subject to the condition that A. enrolled in a driving school to obtain a driving license and provided proof of this fact to the Court within 3 months. However, in 2021, the suspension of the execution of the sentence was revoked for failure to comply with the rule of conduct. A. contested this decision and appealed, claiming that he only failed to comply with the imposed rules of conduct (i.e. obtaining a driving licence) because he was discriminated against by driving schools due to his Roma ethnicity and illiteracy. The Public Prosecutor's Office argued that the appeal was unfounded, arguing that A. had not proved his enrolment in any driving school, which showed that A. had not yet internalized his conduct, even though they knew that the suspension of the execution of the sentence would be revoked if he did not comply. On the other hand, the Public Prosecutor at the Court of Appeal claimed that the appeal was well-founded, arguing that the district court had imposed an impossible condition on A., since the district court did not take into consideration A.'s situation (of Roma ethnicity and illiteracy), and the confinement measures during 2021, which closed services, including driving schools.</p>
<p><b>Main reasoning/argumentation (max. 500 chars)</b></p>	<p>After analysing the proven facts, the Court considered that, in fact, A. had not fulfilled the imposed rule of conduct. Furthermore, when given opportunity to explain the non-compliance with the conduct that had been imposed, A. didn't present any admissible justification, since, in the Court's opinion, the law does not provide for knowing how to read and write as a mandatory requirement for registration in a driving school. Furthermore, the Court also disagreed with the opinion of the Public Prosecutor at the Court of Appeal, by considering that the Roma ethnicity of A. didn't have any impact on his registration in a driving school, since such circumstance would have violated constitutional principles, i.e. the principle of equality. Furthermore, when giving opportunity, A. also didn't prove that situations of discrimination had occurred. Finally, with regard to the difficulty to register in a driving school resulting from the limitations imposed by the Covid19 pandemic, the Court considered that if A. had experienced these difficulties, he should have invoked these difficulties, which didn't happen.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>The Court explained the regime of suspension of the execution of a prison sentence, especially the rules applied when such suspension is revoked due to the non-compliance of the rules of conduct established.</p>

<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The Court dismissed the appeal and upheld the contested decision, as it considered that the contested decision had made a correct and balanced interpretation of all the relevant circumstances of the case.</p>
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>“Mais se apurou que, tendo sido dada ao arguido a oportunidade de explicar o não cumprimento da conduta que lhe havia sido imposta como condição da prorrogação da suspensão da execução da pena, o mesmo não apresentou qualquer justificação cabal, ou atendível, para tal comportamento. Efetivamente, a circunstância de o arguido não saber ler nem escrever – ou de o fazer com dificuldades, considerando que, tendo o mesmo frequentado o ensino até ao terceiro ano de escolaridade, não temos por certo que seja totalmente analfabeto – não se revela impeditiva do cumprimento da condição, pois [o] (...) Regulamento da Habilitação Legal para Conduzir, aprovado pelo DL 138/2012, de 05 de Julho, não estabelece como requisito para a obtenção de título de condução a circunstância de o candidato saber ler e escrever.”</p> <p>“It was further found that, having given the accused the opportunity to explain the non-compliance with the conduct that had been imposed on him as a condition for the extension of the suspension of the execution of the sentence, he did not present any complete or acceptable justification for such behaviour. Effectively, the fact that the defendant cannot read or write – or that he does so with difficulty, considering that, having attended school up to the third year of schooling, we do not know for sure that he is totally illiterate – does not prove to be an impediment to the compliance with the condition, as [the] (...) Regulation of Legal Ability to Drive, approved by Decree-Law 138/2012, of 5 July, does not establish as a requirement for obtaining a driving license the circumstance candidate can read and write.”</p> <p>“Menos ainda (...) podemos aceitar que o facto de o arguido ser de etnia cigana tenha tornado impossível ou, sequer, dificultado, a sua inscrição numa escola de condução. A ter-se verificado, tal circunstancialismo teria violado todas as regras legalmente vigentes, com assento constitucional, de proibição de tratamento desigual ou discriminatório em função da raça ou etnia, máxime o artigo 13º da CRP. O arguido não o alegou expressamente e, tendo-lhe sido dada oportunidade para o efeito, muito menos o comprovou nos autos por qualquer via. (...) Ao invés, entendemos que o cumprimento da condição consubstanciada na inscrição em determinado prazo numa escola de condução com vista à obtenção da licença de condução, não só se revela perfeitamente possível para qualquer cidadão (...) como se nos afigura absolutamente adequada,</p>

	<p>tendo em conta o tipo de crimes de natureza rodoviária reiteradamente praticados pelo recorrente. Entender nos termos propugnados pelo Ministério Público, no sentido de que a imposição da aludida condição poderia justificar-se para outras situações, mas não para este arguido em virtude de o mesmo ser de etnia cigana e alegar não saber ler nem escrever, traduzir-se-ia, a nosso ver, numa discriminação positiva em função da raça ou etnia, igualmente proibidas pelo artigo 13º da CRP.”</p> <p>“Even less (...) we can accept that the accused Roma ethnicity has made it impossible or even difficult for him to register in a driving school. If it had been verified, such circumstance would have violated all the legal framework in force, with constitutional provision, prohibiting unequal or discriminatory treatment according to race or ethnicity, in particular, article 13 of the Portuguese Constitution. The defendant did not expressly claim it and, having been given the opportunity to do so, much less prove it in the case file by any means. (...) On the contrary, we believe that the fulfilment of the condition of register in a certain period of time in a driving school to obtaining a driving license is perfectly possible for any citizen (...) but also seems to us to be absolutely adequate, having into account the type of crimes of a road nature repeatedly committed by the appellant. To understand, in the terms advocated by the Public Prosecutor's Office, in the sense that the imposition of the aforementioned condition could be justified in other situations, but not for this defendant because he is of Roma ethnicity and claims not to know how to read or write, would, in our view, lead to positive discrimination based on race or ethnicity, which is also prohibited by article 13 of the Portuguese Constitution.”</p>
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<b>Thematic area</b>	<b>ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION</b> <b>Please provide the most relevant high court decision – or any court ruling – relating to the processing of personal data by new technologies in asylum, migration and border management delivered in 2022 (on Eurodac, SIS and VIS).</b>
<b>Decision date</b>	No case law has been identified for this thematic area.

<b>Thematic area</b>	<b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b> <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>
<b>Decision date</b>	19/04/2022
<b>Reference details</b>	Constitutional Court; <a href="#">Judgment 268/2022</a>
<b>Key facts of the case (max. 500 chars)</b>	In August 2019, the Ombudsman requested the Constitutional Court to provide a ruling on the constitutionality of Articles 4 (list of data to be retained: data relating to subscriptions and to all electronic communications necessary to trace and identify the source and destination of a communication, to determine the date, time, duration and type of communication, to identify the users' telecommunications equipment and to identify the location of mobile communication equipment), 6 (obligation to retain traffic and location data of all electronic communications for 1 year) and 9 (data transmission) of Law 32/2008 (the law that transposed Directive 2004/26/CE).
<b>Main reasoning/argumentation (max. 500 chars)</b>	According to the Ombudsman, these articles violate the principle of proportionality in restricting the rights to privacy (Article 26 of the Constitution), to secrecy of communications (Article 34 of the Constitution) and to effective judicial protection (Article 20 of the Constitution).
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	The Constitutional Court considered that the legislative solution was unbalanced, as it reached subjects to which there is no suspicion of criminal activity. By keeping all the location and traffic data of all subscribers, electronic communications of almost the entire population are covered, without any differentiation, exception or consideration regarding the pursued goal. The Constitutional Court considered that the limits of proportionality were breached, when restricting the fundamental rights to privacy and informative self-determination. The Constitutional Court considered that the aggression to those fundamental rights occurs in situations that, in a balancing judgment, are not counterbalanced by the positive effects in the fight against criminality.

<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The Constitutional Court declared articles 4 and 6 of Law 32/2008 unconstitutional and violation of the right to privacy and family life, of the principle of proportionality and of the secrecy of communications. It also declared article 9 of Law 32/2008 unconstitutional on the grounds of violation of the right to effective judicial protection.</p>
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>“Se a medida de conservação de dados de tráfego e de localização em si mesma pode ser tida como adequada e necessária para os fins de interesse público que visa salvaguardar, a definição do leque de sujeitos visados só não transgride os limites da proporcionalidade na medida em que se dirija, de forma direta, às situações em que a agressão aos direitos fundamentais em causa possa ter-se por orientada à perseguição dos objetivos da ação penal. Neste quadro, por se ultrapassarem na medida fiscalizada os limites da proporcionalidade no que concerne ao respetivo âmbito subjetivo, viola-se o n.º 2 do artigo 18.º da Constituição na restrição aos direitos fundamentais à reserva da intimidade da vida privada e à autodeterminação informativa (artigos 26.º, n.º 1, e 35.º, n.º 1, da Constituição), perdendo relevância a questão de saber se os demais elementos de que dependeria a proporcionalidade da medida (o ajustamento do prazo de conservação ao estritamente necessário para os fins a alcançar; e a imposição de condições de segurança do respetivo armazenamento) são preenchidos pela regulamentação fiscalizada”</p> <p>“If the traffic and location data retention may in itself be considered adequate and necessary for the purposes of public interest which it aims to safeguard, the definition of the range of subjects targeted does not infringe the limits of proportionality only in so far as it is directly aimed at situations in which the infringement of the fundamental rights in question may be considered to be directed to the pursuit of the objectives of the criminal proceedings. In this context, by exceeding the limits of proportionality in the audited measure, as regards the respective subjective scope, Article 18(2) of the Constitution is violated in the restriction of the fundamental rights to privacy and informative self-determination (Articles 26(1) and 35(1) of the Constitution), losing the right to the protection of personal data. The question of whether the other elements on which the proportionality of the measure would depend (the adjustment of the retention period to that strictly necessary for the purposes to be achieved; and the imposition of security conditions for the respective storage) are fulfilled by the supervised regulation loses relevance”</p>

<b>Thematic area</b>	<b>RIGHTS OF THE CHILD</b> <b>Please provide the most relevant high court decision for the related topics addressed in the chapter.</b>
<b>Decision date</b>	15/02/2022
<b>Reference details</b>	Court of Appeal of Coimbra; <a href="#">Judgement 6344/16.2T8VIS-B.C1</a>
<b>Key facts of the case (max. 500 chars)</b>	In 2017, in the context of a minor's promotion and protection process, it was applied the measure of trust to an institution with a view to their future adoption to minors A and B, because it was considered that the parents did not meet sufficient conditions to ensure their well-being (the parents lived essentially from social support and solidarity of the local community, were frequently drunk and exposing the children to gratuitous violence against animals, lack of food and changes of residence, putting the health and safety of the children in danger). Faced with this measure, the parents appealed against the decision arguing that the decision had incorrectly assessed the proven factuality and that it was null and void for violating the rules provided for the hearing of minors. In addition, the parents also requested that the measure of trust in an institution with a view to future adoption be changed to a protection measure of support to the parents, as they considered that this would defend the best interest of the children.
<b>Main reasoning/argumentation (max. 500 chars)</b>	The Court started by explaining that if the minors were in fact heard in a common courtroom, with the judge as well as the prosecutor seated on the respective benches, while the minors sat in the place usually occupied by the parties/witnesses, this revealed an inappropriate choice of venue, given the age of the minors, rather requiring that the minors' hearing should have taken place in a suitable, neutral, informal space, equipped with some elements, guaranteeing, in these conditions, relaxation, spontaneity and sincerity of the answers. Thus, in the opinion of the Court, if true that the hearing of the children occurred in a common courtroom with the children sitting in the place usually occupied by the parties/witnesses, then this could lead to the procedure being considered null for the violation of the rules provided to hear children. However, the Court also considered that the parents should have claimed the nullity before the district judge and not on the appeal. As

	<p>for the mischaracterization of the proven factuality that gave rise to the contested decision, the Court began by explaining that, according to the Constitution, parents have the right and duty to educate and maintain their children and that children cannot be separated from their parents, unless the parents do not fulfil their fundamental duties towards the children. Thus, the measure of trust in the institution with a view to future adoption should only be adopted when the possibility of returning the child or young person to their natural family is excluded, for which it must be proved, in accordance with article 1978 (1) of the Civil Code, that the affective bonds of filiation do not exist or are severely compromised. The Court considered that from the proven factuality it was possible to prove that between the minors and their parents there were strong affective bonds, since the parents have always maintained regular and continuous contact, over the years in which the children were institutionalized. Therefore, the measure of trust with a view to the future adoption of the children was unfeasible for adoption, and a measure of family reintegration of the minors should be opted for. The Court further added that it would be disproportionate not to consider other options simply because the minors' parents are people of poor education, low economic income, and not very demanding on a personal level. And taking into account that the parents expressed their willingness to accept and follow the guidelines of the social-workers regarding the educational way of relating to their children, it did not rule out the possibility of the children returning to their natural family. Thus, due to the existence of clear signs that the parents and children wanted to maintain affective bonds and that the parents were available to provide the care their children need, the Court decided that the children should be handed over to parents, through an accompaniment, embodied in the support measure with the parents.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>The Court explained the requisites needed to apply a measure of trust with a view to future adoption, specifically, the requirement that bonds of filiation do not exist or are severely compromised</p>
<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The Court upheld the appeal and revoked the contested decision, replacing it with the application to minors of the guardianship measure of support from their parents, for 1 year.</p>
<p><b>Key quotation in original language and translated into</b></p>	<p>"Na verdade, a família é o meio privilegiado para a concretização do direito fundamental das crianças a um desenvolvimento harmonioso, num ambiente de afeição e responsabilidade, sem descontinuidades graves na educação e no afecto.</p>



<p><b>English with reference details (max. 500 chars)</b></p>	<p>De modo que, a medida de confiança a instituição com vista a futura adopção só deverá ser adoptada quando esteja afastada a possibilidade de retorno da criança ou do jovem à sua família natural (princípio da prevalência da família biológica).”</p> <p>“In fact, the family is the privileged means for realizing the fundamental right of children to a harmonious development, in an environment of affection and responsibility, without serious discontinuities in education and affection. So, the measure of trust in the institution with a view to future adoption should only be adopted when the possibility of returning the child or young person to their natural family is excluded (principle of the prevalence of the biological family).”</p> <p>“No nosso caso, sabemos da matéria apurada que os pais das menores são pessoas simples, de pobre instrução, de nível social baixo, de fracos rendimentos económicos, e não muito exigentes a nível pessoal (uma nota à parte, se este tipo de pessoas e agregados familiares fosse de excluir para manter os seus filhos menores, então, em bairros urbanos das grandes cidades e aldeias do nosso país onde abunda a pobreza desse tipo, nesses diversos níveis, então haveria milhares e milhares de crianças para adopção!!). Mas são pessoas que nunca mostraram desinteresse pelas menores, bem pelo contrário, sempre foram perseverantes, mantendo regular e continuamente, ao longos de todos estes anos, apesar de várias vicissitudes, visitas e contactos regulares com as mesmas. O que demonstra devidamente o interesse e afecto que devotam às filhas. E a verdade é que a fratria e os pais gostam uns dos outros e têm forte vínculo afectivo.”</p> <p>“In our case, we know from the material facts that the minors' parents are simple people, with poor education, low social status, low economic income, and not very demanding at a personal level (a separate note, if this type of people and households were to be excluded in order to keep their children under age, then, in urban neighbourhoods of the big cities and villages of our country where poverty of this type abounds, at these different levels, then there would be thousands and thousands of children for adoption!!). But they are people who have never shown disinterest in the minors, on the contrary, they have always been persevering, maintaining it regularly and continuously, throughout all these years, despite various vicissitudes, visits and regular contacts with them. This duly demonstrates the</p>
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	interest and affection they have for their daughters. And the truth is that the phratry and the parents like each other and have a strong emotional bond.”
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<b>Thematic area</b>	<b>ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence</b> <b>Please provide the most relevant high court decision related topics addressed in the chapter (i.e the Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women).</b>
<b>Decision date</b>	16/02/2022
<b>Reference details</b>	Court of Appeal of Porto, <a href="#">Judgement 784/21.2GDGDM-A.P1</a>
<b>Key facts of the case (max. 500 chars)</b>	In the context of domestic violence, and following the first judicial interrogation of A (the agent of the crime), it was determined the measure of coercion of obligation of periodic presentation beyond the term of identity and residence already provided. The Public Prosecutor's Office appealed this decision of the investigating judge, arguing that taking into account that A's aggressive conducts had started about 50 years ago and that the result of the risk assessment carried out by the police concluded that there was a high risk for the victim, there was a possibility of danger of continuation of the criminal activity, representing also a danger of serious disturbance of public order and tranquillity. Moreover, the Public Prosecutor's Office further argued that A had not shown regret nor had he confessed the facts, adopting an arrogant posture; nor had he invoked his health situation, expressing himself with vivacity and without apparent physical weakness. Thus, in the opinion of the Public Prosecutor's Office, the measure of coercion applied did not ensure the removal of the accused from the victim, nor the need to contain the criminal conduct, violating articles 193, 194,198, 200, and 204 of the Code of Criminal Procedure and article 31 of Law 112/09 of 16 September. Thus, the Public Prosecutor's Office requested the revocation of the order and the application of coercive measures of prohibition of stay in the residence of the couple and the prohibition of contact with the victim, by any form, measures to be

	monitored by technical means of remote control. Therefore, it was up to the Court of Appeal to decide whether to apply the measures suggested.
<b>Main reasoning/argumentation (max. 500 chars)</b>	The court began by emphasizing that the specific facts imputed to A were only those that occurred in November 2021, in which A insulted and physically assaulted the victim. The generic imputation that the victim had been a victim of domestic violence for about 50 years, refers to moments not specified in the time, and cannot be considered due to their generality. According to articles 193 and 204 of the Code of Criminal Procedure, the measures of coercion are dependent on the existence of concrete dangers, with the measure being proportional to the precautionary requirements that the case requires and proportional to the seriousness of the crime and the penalties that can be expected to be applied. Furthermore, the court also considered that if the crime of domestic violence is serious in legal terms, the weighting of the proven factuality removes much of that legal gravity, being that the concrete situation of the defendant (cancer patient, who drinks alcohol and the sexual relationship of the couple or the absence of this on the part of his wife that leads to conflicts between the couples and possible accusations of infidelity) and his situation of deafness, induces A to a feeling of inferiority, translating into the behavioural change in question. Furthermore, the victim herself has also revealed that she wants to continue caring for the defendant, does not want a trial or the continuation of the case and wants the provisional suspension of the proceedings, arguing that A has changed his behaviour, so that it is not shown that the measures requested by the Public Prosecutor's Office are still adequate. Finally, the court also added that the coercive measures must be feasible or enforceable, which would not be possible in this case, since A does not benefit from any support (from the state or from family), which could call into question a measure of removal, when A has no place to go away or conditions to obtain it, and it is certain that under these conditions his human rights could be jeopardized.
<b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b>	The court analysed the assumptions for the application of coercive measures considered, due to the factual circumstances of the case.
<b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b>	The court decided to dismiss the appeal filed by the Public Prosecutor's Office and to uphold the order issued, as it considered that the measures proposed were not necessary, proportional or appropriate in view of the circumstances of the case.

**Key quotation in original language and translated into English with reference details (max. 500 chars)**

“De salientar desde já que os factos concretos imputados são apenas os relativos ao ocorrido em 1/11/2021, sendo que a imputação genérica inicial não pode sequer ser ponderada pois para além de genérica e não situada no tempo e local diz respeito a momentos temporais em que o ilícito em causa não existia no ordenamento jurídico e o ou os ilícitos em que eventualmente se desdobrariam tais condutas não constituíam crimes de natureza publica, pelo que nunca poderão ser valorados e muito menos negativamente (...)”

“ It should be noted that, the initial generic accusation cannot even be considered because besides being generic and not situated in time and place, it relates to times when the offence in question did not exist in the legal system and the offence(s) into which such conduct would eventually unfold did not constitute a crime of a public nature, and therefore can never be assessed, much less negatively (...)”.

“Se o crime é grave em termos legais a ponderação dos factos restritos nos termos elencados retira-lhe muita dessa gravidade legal; depois há que ponderar a situação concreta do arguido (doente cancerígeno – próstata e pulmão - ingestão de bebidas alcoólicas e o relacionamento sexual do casal ou a ausência deste por parte da esposa – relevando aqui a diferente natureza do homem e da mulher em função da idade e da apetência para o acto (fls. 106), que em face duma ausência de conhecimento ou deficiente compreensão de tal fenómeno, leva a conflitos entre os casais e a eventuais acusações de infidelidade, como parece ser o caso, face ao nível cultural dos intervenientes), a situação de surdez do arguido, o que tudo o induz a um sentimento de menoridade (e quiçá de inutilidade, afectando a sua auto-estima) e ainda o sentimento que os autos revelam, traduzidos numa alteração comportamental do arguido que o próprio despacho descreve e a certidão junta confirma, tendo a ofendida revelado querer continuar cuidar do arguido, não querer julgamento nem o prosseguimento do processo e querer a suspensão provisória do processo. este ter alterado a sua conduta, e em face de tais dados não se mostra que as medidas pedidas pelo M<sup>o</sup> P<sup>o</sup> sejam ainda comunitariamente suportáveis. Acresce ainda que essas medidas devem ser exequíveis ou executáveis. Ao contrário do que ocorre com as vítimas de violência doméstica, a quem o Estado concede abrigo em casas para o efeito destinadas em situações de saída de casa, pelo ilícito em causa, o arguido não beneficia de nenhum apoio, o que pode por em causa uma medida de afastamento, quando não tem local para se afastar ou condições para o obter, sendo certo que nessas condições podem ser colocados em

	<p>causa os direitos humanos fundamentais, que a todos são atribuídos. Nenhum dado nos é dado que permita concluir que o arguido pode ser afastado da sua habitação porque tem condições (pessoais, económicas, patrimoniais) para cumprir essa medida, sendo que sabemos que o filho mora longe (...) e desconhece-se inclusive se permitiria ali a sua presença ou se tem condições para o efeito ou autoriza a instalação de meios de controle eletrónico.</p> <p>Assim as medidas propostas não se revelam em concreto necessárias e adequadas nem proporcionais às sanções que previsivelmente lhe seriam aplicadas, atento todos os circunstancialismos que o processo documenta quer relativos ao ilícito, quer às condições do arguido quer à situação da vítima, relevando aqui em especial a vontade e conduta da ofendida em relação ao arguido, sendo que o alerta policial a que se refere o despacho recorrido, se releva constante e efetivo em face das apresentações periódicas perante a autoridade policial impostas às 2<sup>as</sup>, 4<sup>as</sup> e 6<sup>as</sup> feiras.”</p> <p>"If the crime is serious in legal terms, the weighting of the restricted facts in the terms listed removes much of that legal gravity from it; then we have to consider the specific situation of the accused (cancer sufferer - prostate and lung - ingestion of alcoholic drinks and the couple's sexual relationship or lack thereof on the part of the wife - here the different nature of the man and the woman according to their age and aptitude for the act (page 106), which, given the lack of knowledge or poor understanding of this phenomenon, leads to conflict between couples and possible accusations of infidelity, as seems to be the case here, given the cultural level of those involved), the deafness of the defendant, which leads to a feeling of inferiority (and perhaps uselessness, (and perhaps useless, affecting his self-esteem) and also the feeling that the case file reveals, reflected in a change in the defendant's behaviour that the order itself describes and the attached certificate confirms, with the victim revealing that she wants to continue looking after the defendant, not wanting a trial or the continuation of the case and wanting the case to be provisionally suspended. It is not clear that the defendant has changed his conduct and, in view of these facts, the measures requested by the Public Prosecutor are not yet bearable for the community.</p> <p>Furthermore, these measures must be feasible or enforceable. Contrary to what happens with victims of domestic violence, to whom the State grants shelter in houses intended for that purpose in situations of leaving home, for the offence in question, the defendant does not benefit from any support, which may jeopardize a measure of removal, when he has no place to leave or conditions</p>
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	<p>to obtain it, being certain that in such conditions the fundamental human rights that are attributed to all may be jeopardized. No data is given that allows us to conclude that the defendant can be removed from his home because he has the conditions (personal, economic, patrimonial) to comply with this measure, given that we know that the son lives far away (...) and we do not even know if he would allow his presence there or if he has the conditions to do so, or if he authorises the installation of electronic monitoring equipment.</p> <p>Thus, the measures proposed do not reveal themselves to be necessary and appropriate, nor proportional to the sanctions that would foreseeably be applied to him, given all the circumstances that the case file documents, whether in relation to the offence, the defendant's conditions or the victim's situation, particularly the will and conduct of the victim in relation to the defendant, with the police warning referred to in the contested order being constant and effective, given the periodic appearances before the police authority imposed on Mondays, Wednesdays and Fridays".</p>
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<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 High Court decision, which quoted the CRPD or prominently referred to the CRPD in the reasoning.</b>
<b>Decision date</b>	28/04/2022
<b>Reference details</b>	Court of Appeal of Guimarães; <a href="#">Judgement 271/21.9T8PRG.G1</a>
<b>Key facts of the case (max. 500 chars)</b>	The Public Prosecutor's Office filed a special accompanying adult process against P, requesting the district court to declare the application of the following accompanying measures: receipt/administration of the social benefits that P is the beneficiary and also powers to manage

	<p>the bank account that P holds; and powers of representation to refer P, should it prove necessary to an institution. To do so, the Public Prosecutor's Office claimed that P suffers, since birth, of a cognitive deficit, of a chronic and definitive nature, that hinders P of properly administer the monetary sums they receive. Additionally, P is also dependent of the support of J, their sister, with whom they live, and assists them in every need of P. Given these facts, the district court decided to order P to be accompanied, designating J as their companion and establishing the following accompanying measures: the general representation, in terms of articles 145 (2) (b) of the Civil Code; the limitation in the right to celebrate ordinary business and in the exercise of personal rights to marry, to form a partnership, to procreate, to adopt, to care for and educate children, to choose an occupation, to move within the country or abroad, to establish domicile and residence, to establish relations with whomever they wish and to testify. It was also decreed that P. be transferred to a nursing home or to another health unit, should this prove necessary. Dissatisfied, the Public Prosecutor's Office filed an appeal against the sentence, arguing, among other elements, that the district court took into account unproven elements, to justify that P be limited in the right to conduct everyday business and in the exercise of the personal rights of marrying, forming a civil partnership, procreation, adoption, care and education of children, choice of profession, moving within the country or abroad, establishing residence and domicile, establishing relations with whomever they choose and to testify, since nothing concrete was found to justify such decision. In the opinion of the Public Prosecutor, by applying these measures, the district court violated, the principles of necessity, actuality and subsidiarity underlying the regime of the accompanied adult. Thus, the Court of Appeal should determine null and void the sentence issued. Furthermore, the Public Prosecutor's Office still requested that the measures originally requested be instituted.</p>
<p><b>Main reasoning/argumentation (max. 500 chars)</b></p>	<p>The Court began by explaining that the reform of the Civil Code that introduced the figure of the accompanied adult (Law 49/2018) aimed to adapt the law to the requirements of the Convention on the Rights of Persons with Disabilities (and its Additional Protocol). Thus, the Court noted that necessity, appropriateness and proportionality (in the strict sense) are key principles in the application of the regime of the accompanied adult since the principle of minimum intervention applies. This, explained the Court, is something that must emerge from the facts. Therefore, in applying the regime in question, primacy is given to the person's autonomy. This means that any judicial limitations on their capacity are of a subsidiary nature and should be restricted to what is considered to be necessary to safeguard other constitutionally protected rights or interests, in line</p>

	<p>with the provisions of paragraphs 2 and 4 of the Convention and Articles 26(1) and Article 18(2), both of the Constitution of the Portuguese Republic. Thus, the Court of Appeal considered that the expert report - on which the decision of the district judge was based - involved value judgments, thus dealing with a matter that went beyond the technical-scientific scope of medical expertise. Taking this into consideration, it was then up to the Court of Appeal to assess whether the facts found to be proven resulted in the need to apply the measures challenged by the Public Prosecutor's Office in the appeal. Considering that one of the objectives of the new legal regime of the accompanied adult is to rule out the necessary character of the restrictions of personal rights, the Court of Appeal considered that the restrictions applied was unjustified. Especially, without any autonomous consideration in relation to each one of the restrictions considered. The Court further added that in view of the requirements set out in Article 12(4) of the Convention or in Article 145(1) of the Civil Code, the mere existence of cognit deficit, without any other grounds, could not justify a total limitation on the exercise of personal rights. In that regard, the court held that, in view of P concrete situation, there was not the slightest factual basis for concluding that it was necessary to apply such measures in the present case.</p>
<p><b>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</b></p>	<p>The Court explained how the principles of necessity, appropriateness and proportionality (in the strict sense) are key principles in the application of the regime of the accompanied adult.</p>
<p><b>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</b></p>	<p>The Court partially uphold the appeal, revoking the sentence in respect of the measure limiting P in the right to conduct everyday business and in the exercise of the personal rights of marrying, forming a civil partnership, procreation, adoption, care and education of children, choice of profession, moving within the country or abroad, establishing residence and domicile, establishing relations with whomever they choose and to testify.</p>
<p><b>Key quotation in original language and translated into English with reference details (max. 500 chars)</b></p>	<p>“(…)a reforma do regime do Código Civil que introduziu a figura do acompanhamento da pessoa maior de idade (operada pela Lei nº 49/2018, de 14 de Agosto) visou adequar legislativamente a regulação da capacidade dos adultos às exigências da Convenção das Nações Unidas dos Direitos das Pessoas com Deficiência [CDPD] (e ao seu protocolo Adicional) de 2006, à qual Portugal havia aderido em 2009. Mas a CDPD é acima de tudo um elemento de interpretação do novo regime, uma vez que se impõe aos tribunais no exercício da sua função decisória. Refere Paula Távora Vítor que «o regime do maior acompanhado, apesar do avanço que significou, não conseguiu refletir de forma cabal o modelo que reclama adotar e encontra-se ainda apegado a pré-</p>



	<p>compreensões clássicas, que não logram apreender o salto no plano dos direitos humanos preconizado pela CDPD. Cabe, portanto, aos operadores do direito, e à doutrina e à jurisprudência em particular criar um novo quadro técnico que aplaque as incongruências relacionadas com os conceitos de capacidade e de medidas de apoio e opere uma redefinição terminológica e aos aplicadores, em geral, refletirem estes desenvolvimentos no cuidado e promoção dos direitos das pessoas com capacidade diminuída»."</p> <p>"The reform of the Civil Code regime that introduced the figure of the accompaniment of the adult person (operated by Law 49/2018, of 14 August) aimed to legislatively adjust the regulation of the adults' capacity to the requirements of the 2006 United Nations Convention on the Rights of Persons with Disabilities [CDPD] (and its additional protocol), to which Portugal had adhered in 2009(6). But the CRPD is above all an element of interpretation of the new regime, since it imposes itself to the courts in the exercise of their decision-making function. Paula Távora Vítor states that "the regime of the largest accompanied, despite the progress that it meant, failed to fully reflect the model that claims to adopt and is still attached to classical pre-comprehensions, which fail to grasp the leap in human rights advocated by the CRPD. It is therefore up to the operators of the law, and the doctrine and the jurisprudence in particular, to create a new technical framework that smoothes out the incongruities related to the concepts of capacity and support measures and operates a terminological redefinition and to the applicators, in general, to reflect these developments in the care and promotion of the rights of persons with diminished capacity".</p> <p>"E a necessidade da medida é algo que tem de emergir dos factos; é um juízo valorativo do resultado factual do processo. Pode-se afirmar que necessidade, adequação e proporcionalidade (em sentido estrito) são os conceitos-chave deste tipo de processos, sendo que na aplicação do regime do maior acompanhado vigora o princípio da intervenção mínima, norteadado pelo objectivo da menor restrição possível do seu exercício de direitos. Por um lado, é dada primazia à autonomia da pessoa e, por outro, quaisquer limitações judiciais à sua capacidade têm carácter subsidiário, em consonância com o disposto nos parágrafos 2 e 4 da CDPD, no nº 1 do artigo 26º, que consagra o direito fundamental à capacidade civil, e no nº 2 do artigo 18º, ambos da CRP [Constituição da República Portuguesa], segundo o qual as restrições aos direitos, liberdades e garantias se limitam ao necessário para salvaguardar outros direitos ou interesses constitucionalmente protegidos."</p>
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	<p>“And the necessity of the measure is something that has to emerge from the facts; it is a evaluative judgment of the factual result of the process.</p> <p>It can be said that necessity, suitability and proportionality (in the strict sense) are the key concepts of this type of process, and in the application of the regime of the most accompanied the principle of minimum intervention is in force, guided by the objective of the least possible restriction of the exercise of rights. On the one hand, primacy is given to the person's autonomy and, on the other hand, any judicial limitations to their capacity are of a subsidiary nature, in line with the provisions of paragraphs 2 and 4 of the CRPD, of Article 26(1), which enshrines the fundamental right to civil capacity, and of Article 18(2), both of the CRP [Constitution of the Portuguese Republic], according to which restrictions on rights, freedoms and guarantees are limited to what is necessary to safeguard other constitutionally protected rights or interests.”</p>
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