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Portugal^{*}, ^{}**

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I. Introduction

1. This core document was updated mainly on the basis of data available for the years 2014–2020, since the previous core document contained information until 2014. Data from previous years has in some cases been retained for purposes of comparison or because there is no new legislation in place.

II. General information about the reporting State

2. The Portuguese Republic is a democratic sovereign State, located in South-Western Europe (Iberian Peninsula). Its territory borders with Spain to the North and East and with the Atlantic Ocean to the West and the South and comprises two autonomous regions in the Atlantic Ocean: the archipelagos of the Azores and Madeira, totalling an area of 92,152 km². Its capital is Lisbon, and the official language is Portuguese. The official currency is the Euro.

3. Portugal became independent in 1143. In the XV century, it began expanding by sea, thus creating an overseas empire that lasted from 1415 to 1975. In 1910, the monarchy was replaced by a Republican system. In 1933, a dictatorship (*Estado Novo*) was instated, ruling the country until 25 April 1974. A new constitution was adopted in 1976, by a Constitutional Assembly elected by universal suffrage, providing for a wide range of fundamental rights – civil, economic, cultural, political, and social – and ensuring a democratic and multi-party regime, based on the dignity of the human person and on the free will of the people.

4. Portugal became a member of the United Nations on 14 December 1955 and acceded to the European Union (EU) on 1 January 1986. It is also a member of several other regional and international organisations, namely the Council of Europe, NATO, OECD, OSCE and CPLP (Community of Portuguese-speaking Countries). It is also part of the Schengen Area and of the European Economic and Monetary Union (Eurozone).

III. Demographic, economic, social, and cultural characteristics of the State

A. Demographic indicators¹

5. On 19 April 2021 the resident population in Portugal was estimated to be of 10,343,066 inhabitants. Of these, 5,422,846 are female (52.4%) while 4,920,220 are male (47.6%). 95.29% of the population resides in the mainland (9,855,909), 2.29% in Azores and 2.42% in Madeira. 16.68% of the population (1,717,050) is under 18 years of age.

6. From 2010 to 2018, the growth rate of the Portuguese population was negative. In 2019 and 2020, the crude rate was positive (0.19% and 0.02%, respectively in 2019 and 2020), due to an increase in net migration (44,506 in 2019 and 41,274 in 2020), as the natural balance remained negative (-25,214 and -38,931, respectively in 2019 and 2020). In 2020 there was a negative crude rate of natural increase of 0.38%, for the twelfth consecutive year, and a positive crude rate of net migration of 0.40%.

7. Between 2011 and 2020 the percent of persons under the age of 18 in relation to the total population went from 18.0% to 16.5%, while the proportion of older persons (aged 65 and over) increased from 19.0% to 22.4%. The number of older women is significantly higher (1,343,480) compared to men (966,168). Widowhood mainly affects women due to higher male mortality, explaining the disparity in the crude widowhood rate between men and women: 2.9‰ men and 6.4‰ women in 2020 (2.7‰ and 5.8‰ in 2011).

8. The birth rate (live births per thousand inhabitants) dropped from 9.2 in 2011 to 8.3 in 2020. In 2011 there were 96,856 live births from women residing in Portugal, compared with 84,426 in 2020. Of those, 43,387 were male and 414,039 females, which means a rate

¹ Census 2021, conducted during the first semester of 2021.

of males at birth of 106 (for every 100 female births). There has been a decrease in the number of births from teenage mothers, from 3,663 (3.8%) in 2011 to 1,769 (2.1%) in 2020.

9. In 2020 the total fertility rate increased to 1.40 (1.35 in 2011), which reflected a recovery of the observed values in the 2012–2015 period. 2013 had the lowest figure ever recorded in Portugal (1.21). There was an increase in the mean age of women at childbearing (30.1 years in 2011 to 31.6 years in 2020). The mean age of women at first birth rose from 28.4 to 30.2.

10. Life expectancy at birth has been steadily increasing until 2018–2019. In 2011–2013 it was of 80.00 years (76.91 for men and 82.79 for women) against 78.07 for men and 83.67 for women in 2018–2020. It represents an increase of 1.16 years among men and 0.88 years among women over the period 2011–2019. In 2019–2021, at birth, men and women could expect to live up to 77.67 years and 83.37 years, respectively.

11. In 2020 there were 123,720 deaths of individuals residing in Portugal, corresponding to an increase of 20.3% against 102,848 deaths recorded in 2011. Between 2011 and 2020 the crude death rate oscillated between 9.7 (2011) and 12.0 (2020) deaths per thousand inhabitants. The number of deaths of persons aged 85 and over increased from 34,567 in 2011 to 53,136 in 2020. Early mortality (under the age of 65) decreased from 18,055 in 2011 to 16,964 in 2020.

12. In 2020 the population density in Portugal was 111.7 inhabitants per km² (114.3 in 2011). In 2020, 73.4% of the population lived in predominantly urban areas (72.2% in 2011). In 2020 the metropolitan area of Lisbon was the region with the highest share of population living in predominantly urban areas (96.1%) and with the highest population density: 951.5 inhabitants per km².

13. Persons with disabilities aged 5 and over constituted 10,9% of the population. The rate is higher for females (- 12,9%) than for males (-8,7%). For persons aged 65 and over the rate is 29,4%. Walking (6,3%) and seeing (3,7%) were the difficulties or limitations that affected a greater number of persons.

14. According to Census 2021, most of the population aged 15 and over was Roman Catholic (7,043,016 persons), followed by 1,237,130 without religion. 186,832 persons declared to be Protestant, 63,609 Jehovah's Witness, 60,381 Orthodox, 36,480 Muslim, 19,471 Hindu and 16,757 Buddhist. According to the Constitution answers to questions on one's religious beliefs are optional (the response rate was 97,4%).

15. The working population (aged 15–64) declined from 6,961,852 in 2011 to 6,605,976 persons in 2020. The proportion of young adults (aged 15–24) in the total population went down from 10.8% in 2011 to 10.7% in 2020, and the weight of adult population (aged 25–64) decreased from 55.2% (2011) to 53.5% (2020). Overall, there has been an increase in the total dependency ratio (number of the persons under the age of 15 and aged 65 and over per 100 persons aged 15 to 64): 51.4% in 2011, 55.9% in 2020.

16. According to the 2021 Census, 542,165 persons of foreign citizenship lived in Portugal, which represents 5,2% of the total population. The 10 largest foreign communities residing in Portugal are represented by mostly Portuguese-speaking countries, particularly Brazil (199,810), Angola (31,556) and Cape Verde (27,144). United Kingdom, Ukraine, France, China, and India also have important communities in Portugal. In 2020, 118,124 residence permits were issued (of which 63,100 for men and 55,024 for women). 129,155 in 2019, 93,154 in 2018 and 61,413 in 2017.

17. In 2016 results from a survey applied to 308 municipalities revealed that Roma population in Portugal has about 37,000 persons, comprising roughly 0.4% of the population. The larger absolute number lives on the coastal area of the country: Lisbon, Setúbal, Porto, Aveiro, and Faro.

B. Social, economic, and cultural indicators

18. Portugal's Human Development Index value for 2021 is 0.866 – which puts the country in the very high human development category – positioning it at 38 out of 191 countries and territories.²

1. Health

19. The right to the protection of health is guaranteed by the Constitution and by the national Law on Health (*Lei de Bases da Saúde*, Law 95/2019, of 4 September), ensured, *inter alia*, through a National Health Service (NHS). The NHS is universal, guaranteeing health care to all resident population, *i.e.*, regardless their legal status applicable in specific conditions, and tend to be free of charge for resident beneficiaries. It grants the three levels of care: primary care, the “gatekeeper” of the system, at local health units; hospital care at hospital facilities; and long-term care at health units providing integrated continuous care.

20. Portuguese citizens and migrants with regular status are waived from paying participation fees for primary care and, under NHS referencing for hospital care. Among other situations, children up to 18 years of age, pregnant women and recent mothers, patients with 60% or more disability, patients in a situation of economic and social need, as well as dependants of their household, asylum seekers and refugees are exempted from paying those fees too, regardless NHS referencing.

21. Migrants who are in an irregular situation of residency and who present a document from a local administration authority certifying that they have been living in Portugal for more than 90 days might be charged or exempted of participation fees in the following situations: in case of public health situations; urgent and vital health care; communicable diseases that pose a danger or threat to public health (tuberculosis or AIDS, for example); maternal and child health and reproductive health care; children up to 18 years of age; vaccination according to the National Vaccination Program in force; and individuals in situations of social exclusion or in need proven by social security. For situations other than those mentioned, the total costs of care provided may be charged.

22. The Portuguese Law on Asylum was revised to transpose the Directives on the Common European Asylum System. Act No. 26/2014, of 5 May, introduced the first amendment to Act No. 27/2008, of 30 June, and establishes the conditions and procedures for granting asylum or subsidiary protection and the statutes of asylum seeker, refugee, and subsidiary protection. The Portuguese Law on Asylum (Law 27/2008, of 30 June) establishes the conditions and procedures for granting asylum or subsidiary protection and the statutes of asylum seeker, refugee, and subsidiary protection. As currently worded, it transposes the Directives on the Common European Asylum System, namely Directive 2004/83/CE of the Council of 29 April, Directive 2005/85/CE of the Council of 13 December, Directive 2011/95/UE, of the European Parliament and of the Council of 13 December, Directive 2013/32/UE of the European Parliament and of the Council of 26 June and Directive 2013/33/UE, of the European Parliament and of the Council of 26 June.

23. Applicants for asylum or subsidiary protection, and their family members, have access to the NHS in the same conditions as Portuguese citizens. This Law also determines that subsidiary protection is granted to those prevented from returning, or who feel unable to return to their country of nationality or usual residence, either given the systematic violation of human rights or under the risk of suffering serious harm, like Female Genital Mutilation which is punished under the Portuguese Criminal Code.

24. The infant mortality rate has continued its downward trend. In 2001 it was 5‰ and from 2015 onwards it has varied around 3‰ (2.43‰ em 2021 e 2.40‰ em 2021). Since 2015 the proportion of live births below 2500 grams onwards it has varied around 8,8%, in 2020 and 2021 the same proportion was 7,89% e 8,40% respectively.

25. Before the introduction of children's routine vaccination, infectious diseases were the leading cause of child death. Portugal has a successful National Vaccination Program in place

² UNDP Human Development Report 2021/2022.

for almost 50 years (since 1965), which explains the very high immunization coverage rate of the population (>95%).

26. The maternal mortality rate per 100,000 live births was 6.9 in 2016, 10.4 in 2019 and 20.1 in 2020. This indicator shows high time variability due to small absolute numbers, fact that must be considered when analyzing maternal deaths in Portugal. All over the world, attempts are being made to apply methodologies that allow overcoming the possible underestimation of data on maternal deaths. Portugal has developed mechanisms to improve the quality of information, collecting this indicator through the Death Certificate Information System, in accordance with the recommendations of the World Health Organization (WHO). The Electronic Death Certificate is universal and mandatory and has been the source of information for classifying maternal deaths according to WHO recommendations since 2016. Since 2019, maternal deaths have become the target of multiple coding. In addition to assigning the underlying cause of death code, codes for the morbidities identified on the death certificate are being assigned, to increase accuracy and improve the ability to characterize and study this phenomenon. Since 2021, there has been a National Commission for the Monitoring of Maternal Mortality, appointed by the Directorate-General for Health to study and monitor maternal deaths.

27. In April 2007, for the first time, abortion came to be permitted at the request of a woman (up until 10 weeks of pregnancy), by a doctor in a legally authorized health facility. The number of pregnancy terminations performed by all reasons and at the woman's request in the first 10 weeks of pregnancy show that there has been an overall downward trend since 2011. The number of terminations of pregnancy by choice in the first 10 weeks of pregnancy was 14,336 in 2018, 14,696 in 2019, 13,777 in 2020 and 11,640 in 2021 (provisional data). When compared to other European countries, using the indicator "number of abortions per 1000 live births" that is used for international comparison, it is possible to say that the number of abortions per 1000 live births in Portugal has always been below the European average. The average for the European region, in 2018, was 229.64 per 1,000 live births (Portugal 172.47 per 1,000 live births) and in 2019 was 210.84 per 1,000 live births (Portugal 177.34 per 1,000 live births).

28. Portugal has a National Health Plan in force, an important tool for resource planning in healthcare, framing objectives, plans and strategies to safeguard, improve, or restore the health of individuals and populations in Portugal. There are currently 10 National Health Priority Programmes, each with its own budget: Physical activity, Viral hepatitis, Diabetes, HIV/AIDS Infection, Tobacco Prevention and Control, Promotion of Healthy Eating, Cancer Diseases, Cerebrovascular Diseases, Respiratory Diseases and Prevention and Control of Infections and Antimicrobial Resistance.

29. The incidence of AIDS and HIV infection has decreased since 2012 from 6.0 and 17.5 per 100 000 inhabitants, respectively, to 2.1 and 9.0 in 2021. The number of HIV infection cases per diagnosis date showed a 48% reduction between 2012 and 2021.

30. Diseases of the circulatory system constitute the major cause of death in Portugal (29.7% in 2015) followed by malignant neoplasms (25.0%) and diseases of the respiratory system (11,6% in 2017 with particular focus on older persons (65 years and more). By age, about 95% of deaths from this last cause were from persons aged 65 and over and about 86% from persons aged 75 and over.

31. The significance of the different causes of death varies by sex in the 3 major causes of death in a consistent trend. While diseases of the circulatory system affect more women than men (55.5% of total female deaths in 2015), malignant neoplasms affect more men than women (59.6% of total male deaths in 2015) and a balance is reached regarding diseases of the respiratory system, the ratio of male gender to death was 104 male deaths per 100 females.

2. Poverty

32. According to the Survey on Income and Living Conditions conducted in 2022 on incomes from the previous year, 16.4% of the resident population was at-risk-of-poverty after social transfers in 2021, which reflects a decrease from 2020 (18.4%) and the second lowest value since the beginning of the series in 2003. The poverty threshold corresponds to 60% of

the median of the distribution of net equivalent monetary income. In 2021, this threshold corresponded to 6,608 Euros (around 551 Euros/month).

33. The risk of poverty decreased for all age groups in 2021, after a strong increase in the first year of the COVID-19 pandemic. Children and older persons were at a greater risk of poverty, respectively with 18.5% and 17.0% in 2021 (20.4% and 20.1% in 2020). The risk of poverty for persons aged 18–64 years has also decreased between 2020 (17.2%) and 2021 (15.6%). The risk of poverty for unemployed persons is still high although in a descending trend: 43.4% in 2021 against 46.5% in 2020. The relative at-risk-of-poverty gap decreased from 27.1% in 2020 to 21.7% in 2021.

34. Total annual average expenditure per household residing in Portugal was 20,363 Euros, based on the 2015/2016 Household Budget Survey of the total expenditure, approximately 31.9% was on housing (including expenditure on water, electricity, gas, and other fuels), 14.1% on transport and 14.3% on food and non-alcoholic beverages. Overall, the concentration of expenditure in these categories accounted for about 60% of the total annual average expenditure of households in 2015/2016, *i.e.*, up by 3.3 pp from the beginning of the decade (57%). In the 2015/2016 survey, the expenditure on health represented 5.5% of total annual average expenditure (5.8% in the 2010/2011 survey) and expenditure on education (2.3%) kept close to the previous survey (2.2% in 2010/2011).

35. The households in the bottom quintile of total equivalent income (20% of households with the lowest income) showed an average total expenditure corresponding to 56% of the total average expenditure (11,453 Euros). Households in the fifth quintile (20% of households with the highest income) recorded a total average expenditure above the national average, by around 61% (32,803 Euros). The analysis of total annual average expenditure according to the household reference person's characteristics shows that the lowest levels of the annual average expenditure in 2015/2016 were observed in households where the reference person was a woman, or aged 65 and over, or had not completed any education level.

36. The social security framework law defines the realization of the right to social security (Art. 63 CRP), through an insurance system for the working population that guarantees social benefits to replace lost earnings in case of sickness, maternity, paternity and adoption, occupational diseases, unemployment, invalidity, old age and death, and a social protection system for all citizens that encompasses social action, solidarity and family protection components, and that seeks to ensure basic rights and equal opportunities and protect those socially or economically in need as well as to contribute to social cohesion.

37. Before all social transfers from the social protection schemes, the risk of poverty was of 43.3% in 2021 (compared with 43.5% and 42.4% in the two previous years and 47.8% in 2013). Pensions play an important role in reducing the risk of poverty, since the rate dropped 21.8 p.p. to 21.5% after social transfers relative to pensions, in 2021 (compared to 4.6 p.p. in 2020). Regarding distribution of income, the GINI coefficient decreased from 35.4% in 2008, to 32.0% in 2021 (table 1).

38. The subsystem of family protection was subject to several changes with a view to strengthening family support: periodic updates of family benefits (last update Ordinance No. 224/2022, of 6 September); convergence between the family benefit amounts paid to children from 12 to 36 months and those paid to the children up to 12 months; reintroduction of the 4th income bracket for children up to 36 months and extension of benefit for children up to 72 months; and at the same time updated the increases for single parents and larger families with reference to the values set up for the family allowance. In addition, in 2022 a new "Child Guarantee" was introduced focused on families with very low incomes to ensure that all children in the 1st and 2nd income brackets receive at least a financial support of 70 Euros (100 Euros from January 2023). A new increase in the amount of family allowance in case of single parent families is also planned for 2023 (50% in the 1st income bracket and 42,5% between the 2nd and the 4th income brackets).

39. The parental protection benefits scheme was modified to strengthen maternity and paternity rights. In 2015, Act No. 120/2015, of 1 September, established that initial parental leave between the 120th and the 150th days may be taken at the same time by both parents. Moreover, the compulsory part of the father's exclusive parental leave, which corresponds to

a leave benefit paid by the social security, has been increased from 20 working days, in the 6 weeks following the birth, to 28 consecutive days.

40. In the field of dependency, informal caregivers obtained institutional recognition from public authorities, either as the main informal caregiver or as a non-main informal caregiver. This recognition is the responsibility of the social security services, and depends on family ties, the type of care provided (permanent or non-permanent) and whether or not there is remuneration. A support allowance to the main informal caregivers is paid to persons who have been recognized as such.

41. The Solidarity Supplement for Older Persons is a central instrument in the fight against elderly poverty by ensuring an additional income of a differential nature to all pensioners in situation of economic and financial need. Its reference value is updated regularly, taking into account the evolution of prices, the economic growth and the distribution of wealth. The last increase took place recently, under Ordinance No. 31-A/2023, of 19 January, in order to converge with the poverty line. The legal framework was amended in 2020 to extend coverage, removing the income of descendants from the means test conditions applied to pensioners and elderly people in the 1st, 2nd and 3rd income brackets.

42. The Social Integration Income (SII) as a measure of poverty reduction, in particular in its more extreme forms, modified, in 2016 the applicable equivalence scale by increasing the percentage of the amount to be granted to each adult from 50% to 70% of the SII reference value, and for each minor, from 30% to 50% of the same reference value. Apart from the 2016 update that paid back 25% of the cut previously operated, a new update of the SII reference value took place in 2017, 2018 and 2019. A new update is planned in 2023, following the update of the Social Support Index, which is the referential for the calculation of the benefit). During the COVID-19 crisis, access to the RSI has been simplified, eliminating the obligation of the execution of the insertion contract.

43. In 2020, a social benefit for family restructuring was created for victims of domestic violence who are forced to leave their homes and granted for a maximum period of 10 days (Act No. 101/2020, of 26 November). The 2022 budget law provided for the extension of unemployment benefits to victims of domestic violence to whom the status of victim is attributed.

44. In June 2017, the National Strategy for the Integration of Persons in Situations of Homelessness 2017–2023 was approved, whose main goal is to consolidate a planned and holistic approach regarding the prevention of homelessness and the intervention with persons in situations of homelessness. It has three main areas of intervention: 1) Promotion of information, awareness, and educational knowledge of the phenomenon; 2) Reinforce of the intervention that promotes the integration of persons in situations of homelessness; 3) Coordination, monitoring and evaluation of the Strategy, coordinated by the Social Security Institute.

45. For a better social protection of citizens, cooperation between the State and social institutions is based on the principle of partnership, with shared objectives, obligations and responsibilities, and the development of services, responses, and social facilities. Created in 2017, and improved in 2021, the Program for the Celebration or Extension of Cooperation Agreements for the Development of Social Responses (PROCOOP) introduced criteria and rules for the selection of social institutions with transparent and objective applications. It has been implemented through notices of applications, approved up to the limit of the budget allocated to it. As a result of the publication of this regulatory legislation, the first notice of applications was published for the following typical social responses: Day-care Centres; Residential Structures for Older Persons; Day Centres; Centres for Occupational Activities (CAO) and Residential Homes for persons with disabilities. Applications to PROCOOP covered the entire territory of mainland Portugal with an allocation of 13 million Euros from public funding.

3. Work and employment

46. Despite the restrictive measures adopted in 2020 and 2021 to contain the COVID-19 pandemic that affected the Portuguese labour market, the labour force participation of those aged 16 to 89 rose from 58.9% in 2019 to 59.2% in 2021. This positive trend occurred for

both men (their activity rate increased by 0.2 percentage points (pp), standing at 63.6% in 2021) and women (increased by 0.3 pp, standing at 55.3% in 2021). However, young persons' (aged 16 to 24) activity rate decreased by 4.9 pp, from 37.8% in 2019 to 32.9% in 2021. A smaller decrease of 2.5 pp also occurred in the activity rate of those aged 25 to 34 (from 90.4% to 87.9%). On the other hand, the participation of those aged 45 to 54 rose 2.9 pp, from 87.1% in 2019 to 90.0% in 2021, and that of those aged 55 to 64 increased by 4.4 pp, from 62.5% to 66.9% over the same period (table 2).

47. In 2021, 55.3% of the resident population aged 16 to 89 was employed (circa 4.8 million persons), of which 34.3% were university graduates (28.7% in 2019 and 20.1% in 2011), 30.2% had completed the upper and post-secondary education (29.3% in 2019 and 21.0% in 2011) and 35.5% had completed at most the third cycle of basic education (42.0% in 2019 and 58.9% in 2011). In 2021, most of the employed population (72.7%) worked in the tertiary sector (services), a percentage slightly higher than in 2019 (71.8%), but larger than in 2011 (67.3%). Next comes the secondary sector (manufacturing, electricity, gas and water supply and construction), with 24.6% (25.4% in 2019 and 28.7% in 2011) and the primary sector (agriculture, forestry, and fishing), with 2.7% in 2021 (2.8% in 2019 and 4.0% in 2011) (tables 3, 4 and 5).

48. Women represented, in 2021, 56.3% of the employed population in the services sector and constitute most services workers in the following activities: "Activities of households as employers" (98.2% in 2021, 98.4% in 2019, 98.7% in 2011), "Human health and social work activities" (81.5% in 2021, 83.7% in 2019, 81.1% in 2011) and "Education" (75.7% in 2021, 77.2% in 2019, 77.4% in 2011). Men were in majority in the primary and the secondary sectors (70.6% and 68.2%, respectively, in 2021), being overrepresented in the "Construction" and "Transportation and storage" activities (respectively, 93.1% and 79.8%, on average, over the period – 2011–2021). By occupation, women dominate on "elementary occupations" (68.0% in 2021, 69.6% in 2019 and 74.2% in 2011), as "clerical support workers" (66.2% in 2021, 64.7% in 2019 and 65.6% in 2011), as "service and sales workers" (64.9% in 2021, 66.5% in 2019, and 63.6% in 2011), and as "professionals" (60.0% in 2021, 58.1% in 2019 and 58.5% in 2011). By contrast, in 2021, women accounted only for 37.9% of "managers" (37.1% in 2019 and 33.3% in 2011) (table 6).

49. The unemployment rate has remained unchanged between 2019 and 2021 (6.6% in both years). However, in 2020, in first year of the COVID-19 pandemic, it stood at 7.0%. Compared to 2013, when the unemployment rate was 17.1%, the highest value of the 2011 data series, the drop was of 10.5 percentage points. Having steadily decreased between 2013 and 2019 (from 38.3% to 18.3%), the unemployment rate for those aged 16 to 24 years rose to 23.4% in 2021. Female unemployment is usually higher than male (6.9% for women and 6.3% for men, in 2021), having the gap reached its peak in 2019 (1.3 pp). Long term unemployment, comprising those seeking a job for 12 months and over, accounted for 48.7% of all unemployment in 2021, decreasing from 49.9% in 2019 and from 65.6% in 2014. This decrease was followed by the decline in very long-term unemployment (those looking for a job for 25 months and over) to 26.6% in 2021 from 33.3% in 2019 and 45.9% in 2015 (tables 7 and 8).

50. The right to constitute and join trade unions and to participate in their activities is fully recognized, in accordance with the Constitution (Art. 55). The legal framework does not grant competency to the Labour Administration to register and assess the number of workers affiliated to trade unions. In the sphere of trade union associations, 22 trade unions and 2 federations were registered, between 2020 and 2022. In 2022 there were 337 trade unions, 31 federations, 40 unions and 8 confederations with active registration (table 9). The management bodies of trade union associations, effective and alternate elected in 2022, were composed, by 65 % of men and 35 % of women (tables 9 and 10).

4. Education

51. Pre-primary education is the first stage of the Portuguese education system aimed at children between 3 to 5 years old. The universality of pre-primary education for all children over 5 years old was established in 2009, for age 4 in 2016, and age 3 in 2020. Still, attendance is not compulsory. So, the enrolment rate rose from 74.8% in 2000–01 to 91% in 2017–18, reaching 94% for children aged 5. The preschool network is provided by the state,

private and cooperative bodies, private social solidarity institutions and other non-profit institutions (several education statistics – tables 12–29).

52. Compulsory education begins at the age of 6 and lasts for 12 years. It encompasses basic and secondary education. Basic education lasts for 9 years and is divided into three cycles: the first cycle corresponds to the first four years of schooling; the second cycle to the next two years (these two cycles together correspond to primary education in the international classification); and the third cycle lasts for three years (lower secondary education in international classification). Specific goals within each cycle are integrated into the overall objectives of basic education, according to the age and stage of development of the students. Secondary education lasts for three years and corresponds to upper secondary education. It can be organized in different paths, including scientific-humanistic and vocational, with permeability between courses in both paths being guaranteed. Compulsory education is provided in public (84%), private and cooperative schools. State-run schools are free of charge.

53. There are several options for those wishing to pursue post-secondary education, including non-higher technological specialisation courses (CET), and higher education. Higher Education includes university and polytechnic education offered by public, private and cooperative institutions.

54. Retention rates have decreased considerably during the last 15 years, with a slight increase only in 2012 and 2013. From 2015 to 2019, retention rates have declined 52% in basic education, reaching 2.1% in the first cycle, 3.8% in the second cycle, 5.8% in the third cycle and 13.1% in secondary education in 2018/19 (tables 30–33). Retention tends to be cumulative, strongly linked with socioeconomic inequalities and a major cause of early school leaving.

55. The gross enrolment rate – total enrolment in a specific level of education, regardless of age, expressed as a percentage of the population in the official age group corresponding to this level of education – is usually higher than 100%, due to the significant retention rate.

56. Using the Eurostat standards, there has been a strong improvement in the rate of early leavers from education and training, especially from 39.1% in 2006 to 10.9% in 2019. Early school dropout rates are higher for boys than for girls (52.6% for boys and 37.2% for girls, in 2002; 13.7% for boys and 7.4% for girls, in 2019) (table 34).

57. Teacher/student ratio in public and private schools has increased slightly over the past decade but is still below EU and OECD averages (and lower in public compared with private schools). In 2017, the ratio was 13 students per teacher in primary education, and 10 in both lower and secondary education.

58. Enrolment in higher education is increasing since 2005, in comparison with the population with the same age, in all groups and namely from 18 to 20 years old. The share of 30–34-year-olds with tertiary educational attainment is improving, with a clear increase since 2011.

59. In the last fifty years, illiteracy rates in Portugal have been progressively and significantly declining, ranging from 33.12% (38.97% for women and 26.55% for men) in 1960 to 5.22% in 2011 (6.67% for women and 3.51% for men). During the entire period, the illiteracy rates were higher among women than men. Nevertheless, the decrease in illiteracy rates was particularly significant among women: 32.20 percentage points during the period 1960–2011, compared to 23.04 percentage points among men and 27.90 in relation to the total population. The high illiteracy rates were particularly marked in women at age 65 and over: 52% of women in this age group remained illiterate compared to 12.59% for men. By 2011, less than 0.5% of persons aged 10 to 18 were illiterate.

5. Culture

60. The right to culture, namely to its enjoyment and creation, is safeguarded in the Constitution, together with the rights to education and science. Those rights are further developed in Article 78 as a State responsibility, as well as the obligation to preserve cultural heritage in collaboration with all cultural agents.

61. It is important to highlight the role played in the last years in promoting access to several publics to public cultural services, with special ticketing conditions publicized in several joint dispatches of the Ministry of Finance and Culture, namely: free access for children up to the age of 12, for persons with disabilities and an accompanying person, or even for unemployed persons, or discounts for visitors aged 65 and over (50% of the value of the entrance), student or youth card holders (50% of the value of the entrance); large families – adults and its children – (50% of the value of the tickets); family ticket – for four or more close family members – (50% of the value of the tickets) or protocols with entities (20% of the value of the tickets). It should also be noted that since July 2017, the entrance to various Portuguese museums and heritage sites has become free on Sunday mornings and national holidays.

62. The measure “ÉS.CULTURA’18”, integrated in the national project “Culture for All”, allows all citizens residing in national territory, in the calendar year in which they reach the age of 18, to visit museums, palaces and national theatres free of charge, as well as other equipment or activities provided by the services and bodies under the Ministry of Culture. Other entities, public and private, may also join the measure. From its launch in April 2018 until December 2019, a total of 3844 young persons had access to cultural facilities through this initiative.

63. Two other measures from the “Culture for All” project promote access and inclusion:

(a) The National Repository of Objects in Alternative Format launched in the summer of 2018 promotes digital access in alternative formats (printed braille, digital braille, audio and digital texts) to the National Library and other national repositories. In 2019 about 4000 visitors accessed RNOFA.

(b) The platform “LIVRAR” allows any person to deliver or request books free of charge, giving priority to Libraries and other entities to obtain the books in catalogue. Launched in December 2018, currently it has 2111 private users, 34 entities and 775 books available since its launch (www.livrar.pt).

64. Focusing on the consumption of cultural goods and services, between 2014 and 2018, Monuments, Museums and Palaces showed a sustainable growth in the number of entries, with growth rates of 25.7%, 39.6% and 36.5%, respectively, and with annual average growth rates of 6.4%, 9.9% and 9.1%, despite a decrease in monuments and palaces in 2018 compared to 2017 (table 35).

65. Cultural participation is also increasing. The number of museum visitors has almost doubled from 10 million in 2012 to 19.5 million in 2018 (13.5% more than the previous year). Concerning heritage, specifically immovable cultural heritage, from 2014 to 2018 there was an increase of around 3% in the monuments protected. In 2018 there were 4546 monuments protected, of which 824 are national monuments.

66. According to data from the Cinema and Audio-visual Institute, in 2018, approximately 664.300 cinema sessions were held, with a total 14.7 million spectators and 78.7 million Euros of box office revenues. These figures change the growth trend since 2015 and represent a 5.9% decrease in the number of spectators compared to the previous year.

67. As to live performances, in 2018, the number of spectators increased by 9.5% compared to the previous year, the number of sessions held increased by 9.6%, tickets sold increased by 12.6% and the box office receipts increased by 31.5%. Of all the modalities of live performances, Theatre continued to register the higher number of sessions (36.3% of the total). However, it was the Music sector that had more spectators (7.6 million) and higher revenues from box office (76.9 million Euros).

68. Cultural employment plays an important role in the promotion of social inclusion and economic development. According to Eurostat data, cultural employment steadily increased from 3.1% in 2017 to 3.3% in 2018, and to 3.4% in 2019. Cultural employment in Portugal in 2019 represented 3.4% of total employment. The relevance of cultural and creative enterprises has also increased in recent years: from 4.8% in 2014 and 2015, to 4.9% in 2016 and to 5% in 2017. Performing Arts activities have the highest representation in the sector, representing 27.4% of all cultural and creative enterprises, followed by Architecture activities with 14.9%.

69. The National Strategy - National Arts Plan 2019–2029 represents a strategic political objective of integrating arts and culture in order to foster access to diversity, a fundamental key to inclusion and lifelong education, as well as the understanding that citizenship education and cultural democracy are central to the development of more cohesive, integrating and participatory communities. Led by the Ministries of Culture and Education, the Plan aims to respond to the need of organizing and combining all existing community-oriented initiatives and develop collaborative partnerships with public and private entities, namely by working in articulation with pre-existing plans, programs, and networks. It is intended for citizens of all ages, particularly children and young persons. The main objective is to promote fruition and participation in cultural activities, to all students and especially among the most vulnerable and marginalized communities as well as to promote critical and creative thinking, competencies that have been identified as essential in the Profile of Students Leaving Mandatory Education.

6. National accounts

70. In 2021 the Portuguese Gross Domestic Product (GDP) reached 214,470 million Euros, increasing 5.5% in volume when compared with the previous year, the highest since 1990, after the historic decrease of 8.4% in 2020, reflecting the markedly adverse effects of the COVID-19 pandemic on the economic activity. The GDP annual change rate rose between 2000 and 2008 (except in 2003), decreased between 2009 and 2013 (except in 2010) and then increased from 2014 to 2019. The GDP annual rates of change were, on average, 1.4%, -1.6% and 2.3% (respectively for 2000–2008, 2009–2013 and 2014–2019). Since 2000, Gross National Income (GNI) has increased continuously until 2008 and since then until 2012 presented some irregularity; from 2013 until 2019 GNI increased, reaching 207,256 million Euros in 2019. In 2020 and 2021, GNI decreased by 5,5% and -0,7%, reaching 196,049 million Euros in 2021 (table 36).

71. Gross disposable income per capita has increased from 12,509 Euros in 2000 to 20,774 in 2019. In 2020 decreased to 19,661 Euros and in 2021 increased to 21,224 Euros, the highest value of the period 2000–2021 (table 36). Among National accounts indicators, it stands out also the decreasing of the proportion of the Gross fixed capital formation (GFCF) in the total Gross value added (GVA), from 32.0% in 2000, to 16.8% in 2013. Since then, the indicator recovered continuously, reaching 23.5% in 2021.

72. Public debt has increased, moving from 127 626 million Euros (72.7 % of GDP) in 2007 to 269 250 million Euros (125.5% of GDP) in 2021 (table 37).

73. General Government expenditure on social protection has increased since 2000, from 29% of total public expenditure in 2000 to 40.3% in 2016, decreasing slightly in 2020 (38.4%), corresponding to 12.4% and 18.1% of GDP in the same years (18.9% in 2020). The relative weight of the expenditure on health in total public expenditure increased from 14.7% in 2000 to 16.1% in 2008, decreased to 12.2% in 2014 and recovered since then reaching 15.2% in 2020. Expenditure on health represented 7.5% of GDP in 2020, the same proportion observed in 2010, after having reached a maximum of 8% in 2009 (table 38).

74. Housing and community amenities were reduced. In 2020 it represented 1.1% of total public expenditure and 0.6% of GDP, compared with 2.4% of total public expenditure and 1.0% of GDP in 2000.

75. The evolution of expenditure on education has decreased from 14.7% of total public expenditure and 6.3% of GDP in 2000 to 9.6% and 4.7%, respectively, in 2020 (table 38).

76. Concerning General Government expenditure on public order and safety, data show (table 39) a minor decrease: in 2000, its proportion was 4.1% and 1.7%, in relation to total public expenditure and to GDP, decreasing to 3.8% and 1.9%, respectively, in 2020.

77. Concerning the Consumer Price Index (CPI), between 2000 and 2021 it has registered average rates of change of approximately 1.8%, attaining 1.3 % in 2021.

78. Concerning international assistance, Portugal disbursed 447 MUSD in 2021 (preliminary data, net ODA amounts), corresponding to 0.18% of GNI.

79. The geographic distribution of bilateral assistance has been reflecting the policy of diversification of Portuguese ODA, although Portugal is still committed to channelling the majority of its aid to Africa, which represented 66% of net bilateral ODA in 2021.

80. While the Portuguese Development Cooperation's activities have, in recent years, been mainly focused on the Portuguese-speaking African Countries (PALOP) and Timor-Leste, it is now gradually responding to other partners' interests in its know-how and expertise. Among these are Latin American countries such as Colombia, or African countries such as Senegal, Gambia, Namibia or the coastal countries of the Gulf of Guinea. The Portuguese priority countries (Angola, Cabo Verde, Guinea-Bissau, Mozambique, São Tomé and Príncipe and Timor-Leste) are among the top ten recipients and have received 72% of net bilateral ODA in 2021. Between 2020 and 2021, on average, 62% of gross bilateral ODA was channelled to LDCs which illustrates Portugal's commitment to allocate ODA to countries most in need.

81. The Portuguese Development Cooperation Strategy 2030 is the reference framework for the implementation of the public policy on international development cooperation, providing national and international coherence to these efforts and reinforcing political commitment in this matter.

82. Its main mission is the eradication of poverty, the fight against inequalities and the promotion of sustainable, equitable and inclusive global development, based on the respect for human dignity and leaving no one behind. As a distinctive mark, Portuguese Development Cooperation is centred on human development, by investing in people – in their abilities, skills, rights and opportunities – as a driving factor for positive transformation. The guiding principles mainstreamed into the development cooperation policy are (i) respect for human rights and fundamental rights and freedoms, (ii) the promotion and consolidation of peace and security, democracy and the rule of law, (iii) gender equality and the empowerment of women and girls as a cross cutting axis, and (iv) environmental protection and the fight against climate change, within a framework of fostering sustainability. To meet its ODA commitments and ambition, Portuguese Development Cooperation will take a whole-of-government approach to establish a schedule for the gradual increase of ODA.

IV. Constitutional, political, and legal structure of the State

A. Constitutional structure

83. The structure of the Portuguese State is based on the Constitution presently in force adopted by the democratically elected Constitutional Assembly, with entry into force on 25 April 1976. This Constitution (CRP) has had seven revisions so far: 1982, 1989, 1992, 1997, 2001, 2004 and 2005. It is composed by six parts: preamble; fundamental principles; Part I (Fundamental Rights and Duties); Part II (Economic Organisation); Part III (Organisation of the Political Power) and Part IV (Guarantee and Revision of the Constitution).

84. In accordance with the CRP (Art. 1), Portugal is “a sovereign Republic, based on the dignity of the human person and on the will of the people, and committed to building a free, fair and inclusive society”. Portugal is a democratic State based on the rule of law, the sovereignty of the people, plurality of both democratic expression and democratic political organization as well as respect for and the safeguarding of fundamental rights and freedoms (Art. 2 CRP). The Constitution also states that the aim of the Portuguese Republic is to achieve economic, social and cultural democracy and to further participatory democracy. Political power is exercised by the people, namely through universal, equal, direct, secret and periodic suffrage and referendums (Art. 10 CRP, which also guarantees a multi-party system).

85. Portuguese international relations are ruled by the principles of national independence, respect for human rights, the rights of peoples, equality among States, pacific settlement of international disputes, non-interference in other States internal affairs, and cooperation. Portugal stands for the abolition of, *inter alia*, imperialism, colonialism and any other forms of aggression, domination, and exploitation in the relations between peoples, and recognize the right of peoples to self-determination, independence and development. Portugal

maintains special ties of friendship and cooperation with Portuguese-speaking countries (Art. 7 (1) to (4) CRP).

86. CRP contains an extensive catalogue of “rights, freedoms and guarantees” and “economic, social and cultural rights” (Arts. 24 to 79), which consecrate constitutionally many civil, cultural, economic, political, and social rights provided for in international human rights treaties. Constitutional and legal provisions concerning fundamental rights are to be interpreted and integrated in accordance with the Universal Declaration of Human Rights, as expressly stated by Art 16 (2). Furthermore, norms and principles of general or common international law are an integral part of Portuguese law. Norms contained in regularly ratified or approved international conventions are in force at the domestic level provided that they have been published in the Official Gazette and while they are binding upon Portugal at the international level (Art. 8 (1) and (2)).

87. CRP guarantees the coexistence of a public sector, a private sector, and a cooperative and social sector in ownership of means of production, as well as free enterprise initiatives within a mixed economy and public ownership of national resources (Art. 80).

B. Political and legal framework of the State

88. There are four organs of sovereignty: President of the Republic; Parliament; Government and Courts (Art. 110 CRP). The political system in place is semi-presidential. Separation of powers is guaranteed by Art. 111 of the CRP.

89. According to Art. 112 CRP, there are three types of normative acts: Acts, Decree-Laws, and regional legislative decrees that deal with matters provided for under the political and administrative statute of each autonomous region. The Government can also adopt regulations. Normative acts are published in the Official Gazette.

1. President of the Republic

90. The President of the Republic (PR) represents the Portuguese Republic, guarantees national independence, State unity and the regular functioning of democratic institutions, and is, by inherence, the supreme commander of the armed forces (Art. 120 CRP).

91. The PR is elected for 5-year terms by universal, direct, and secret ballot, and can only run for two consecutive mandates. No woman has ever been elected for this office. In case of temporary impediment, the PR is replaced by the President of Parliament (Art. 132 CRP), whose competence shall however be limited (Art. 139 CRP). The PR is advised by the Council of State (Arts. 141 *et seq.* CRP).

92. The PR’s competence includes: presiding over the Council of State; setting the date of elections, in accordance with electoral legislation; convening Parliament on an extraordinary basis; dissolving Parliament, upon hearing the parties represented thereon and the Council of State; appointing and dismissing the Prime Minister (PM) and Government members (in this case upon PM’s proposal); and appointing and dismissing, upon Government proposal, the president of the Court of Audit, the Attorney General and the heads of the armed forces (Art. 133 CRP).

93. The PR has the right of promulgation and veto within the time periods stipulated by the Constitution. In case veto is exercised, Parliament may confirm its own decrees by absolute majority of Parliament members in office, and the PR is then obliged to promulgate (Art. 136 CRP). The PR also submits matters of relevant national interest to a referendum, declares states of siege or emergency, grants pardons and commutes sentences, upon hearing the Government, and requests the Constitutional Court to examine the constitutionality of norms contained in national legislation and international conventions (Art. 134 CRP). Concerning international relations, the PR appoints Ambassadors, upon Government proposal, and accredits foreign diplomatic representatives, ratifies duly approved international treaties, and is competent to declare war, upon Government proposal and with the authorisation of Parliament, after hearing the Council of State (Art. 135 CRP).

2. Parliament (Assembly of the Republic)

94. Parliament is the representative assembly of all Portuguese citizens (Art. 147 CRP) and the main legislative organ. It is presently composed of 230 members, elected in geographically defined constituencies in accordance with the law.

95. Parliamentarians are elected for four-year terms and exercise their mandate freely. They enjoy civil, criminal, and disciplinary immunity for votes and opinions expressed in the exercise of their duties.

96. Parliament has competences of a political, legislative, and supervisory nature, as well as competences in relation to other organs. It can legislate on all matters, except those relating to the organisation and functioning of Government. It approves Constitutional amendments, the political and administrative statutes of Autonomous Regions, the State Budget and international treaties, proposes to the PR the convening of referendums on matters of relevant national interest, authorises and confirms the declaration of state of siege and state of emergency, and authorises the PR to declare war and peace (Art. 161 CRP).

97. Parliament has exclusive legislative power on some matters, including elections and referendums, the Constitutional Court, organisation of national defence, legal regimes on state of siege and state of emergency, acquisition and loss of national citizenship, associations and political parties, basic legal framework of the education system, statute of mandate-holders elected by direct and universal ballot, legal framework for security forces, intelligence services and State secrecy, and the creation, extinction, and modification of local authorities (Art. 164 CRP).

98. Other matters are within the competence of Parliament, but the Government can be authorised to legislate thereon, pursuant to authorisation of and within the limits prescribed by Parliament. It is the case, for example, of issues relating to: the status and capacity of individuals; rights, freedoms and guarantees; definition of crimes, penalties and security measures; criminal procedure; general framework on disciplinary measures and misdemeanours; basic legal framework on social security and national health service; protection of nature and cultural heritage; taxes and fiscal matters; monetary system; organisation and competence of courts and status of magistrates and non-judicial conflict settlement entities; status of municipal authorities; guarantees of citizens, basic legal framework; and civil responsibility of Public Administration (Art. 165 CRP).

99. As a rule, Acts of Parliament are approved by simple majority, but some (called Organic Acts) must be approved by absolute majority of Parliamentarians in office (for instance, in the case of Acts pertaining to Parliament and Presidential elections, referendum and national defence). Amendments to the Constitution take the form of Constitutional Acts and must be approved by a 2/3 majority of Parliamentarians in office. Other Parliament deliberations take the form of resolutions (Art. 166 CRP).

100. As part of its supervisory powers, Parliament supervises conformity with the Constitution and the law and examines the acts of Government and public administration. It also examines the implementation of declarations of state of siege or of emergency (Art. 162 CRP).

101. The Government is formed considering the results of legislative elections. Parliament examines the Government Programme and may reject it (by absolute majority of Parliamentarians in office). The Government may seek a motion of trust at any time, on issues of relevant national interest. Similarly, any parliamentarian group may submit a motion of censure to Government. The rejection of the former or the approval of the latter will lead to Government resignation (Arts. 192 to 194 CRP).

102. Parliament holds debates on general or specific policy matters (Government summoning) upon request of Parliamentarian groups. Members of Parliament pose questions to Government, either in writing (requests) or at sessions held at least once a month with the participation of the PM (general political matters) or the Ministers (sectorial matters). The enforcement of a Decree-Law can be totally or partially suspended by Parliament until the approval of an Act which amends it (Art. 162 CRP).

103. Parliament also participates in the election of mandate-holders of external organs (either totally or partially), namely the Ombudsperson, the President of the Economic and Social Council, ten judges of the Constitutional Court, seven members of the High Council for the Judiciary, members of the High Council of the Public Prosecution Service, and members of the entity in charge of regulating the media. Furthermore, it approves the political and administrative statutes and election laws of the Autonomous Regions, pronouncing itself on the dismissal of their government organs, and grants Regional Legislative Assemblies authorisation to legislate on certain matters.

104. Parliament elects its own officials (President, four vice-presidents, four secretaries and four vice-secretaries) and adopts its rules of procedure. Parliament members elected by each party may constitute Parliamentarian Groups (generally one for each party represented in Parliament). Parliament establishes *ad hoc* and standing commissions (specialized on certain matters), which can also establish sub-commissions. There are currently 14 permanent commissions.³ *Ad hoc* commissions may undertake inquiries into any matter of public interest relating to the implementation of laws or Government acts.

105. Legislative proposals may be submitted by Parliamentarians and Parliamentary Groups, as well as by the Government and Regional Legislative Assemblies (bills) and by groups of citizens (minimum 20,000) registered to vote (Art. 167 CRP and Act No. 17/2003, of 4 June). Legislative initiatives are first examined by the specialised commissions, then discussed in Plenary and voted on “in generality” (preliminary vote on the general aspects of the initiative). Then, they are voted on “in speciality” (Article by Article), which can be done in Plenary or in Commissions. Voting in speciality on some matters (*e.g.*, elections for mandate-holders of organs of sovereignty, referendums, and political parties) must be done in Plenary. The final text is subject to a final global vote in Plenary. The text approved – called Parliament Decree – is sent to the PR for promulgation. After promulgation, it is designated as “Act” and sent to Government for referenda (PM’s signature) and then published in the Official Gazette.

3. Government

106. The Government is the body that conducts the country’s general policy and is the supreme authority within Public Administration (Art. 182 CRP). It is composed by the Prime Minister (PM), Ministers (who meet in Council of Ministers) and Secretaries and Under-Secretaries of State (Art. 183 CRP).

107. The PM is appointed by the PR after consulting the parties represented in Parliament and considering the results of legislative elections. Other members of Government are appointed by the PR upon PM’s proposal. The Government is responsible before the PR and Parliament and can be dismissed by either of them: by the PR when it becomes necessary to do so in order to ensure the normal functioning of democratic institutions and after consulting the Council of State; by Parliament upon rejection of a motion of trust or approval of a motion of censure (Art. 195 CRP). Should the PM resign or be dismissed, the entire Government will be removed from office. The PR then has the option of inviting another party to form Government, considering the composition of Parliament, or of dissolving Parliament and convening new legislative elections.

108. The Government has political, legislative, and administrative competences. It is responsible for: negotiating and finalising international agreements; approving international agreements outside the scope of competence of Parliament; submitting government bills and draft resolutions to Parliament; proposing to the PR the convening of referenda on important matters of national interest and the declaration of war and peace; and pronouncing itself on the declaration of a stage of siege or state of emergency (Art. 197 CRP).

³ Constitutional Matters, Rights, Freedoms and Guarantees; Foreign Affairs and Portuguese Communities; National Defence; European Matters; Budget and Finances; Economic Matters, Innovation and Public Works; Agriculture and Sea; Education, Science, Youth and Sports; Health; Labour and Social Security; Environment, Energy and Territorial Organisation; Culture, Communication, Public Administration, Administrative Modernisation, Decentralisation and Local Power and Transparency and MP’s Statute.

109. The Government has the power to make Decree-Laws on matters not within the exclusive competence of Parliament; to make Decree-Laws on matters within the relative competence of Parliament, in accordance with Parliament authorisation; and to make Decree-Laws that develop the principles or the basic general elements of Acts of Parliament. Legislation on matters concerning the internal organisation and functioning of Government is of the exclusive competence of this organ.

110. There have been 22 Constitutional Governments since 1976. To date, the post of Prime Minister has only been held once by a woman. The Government presently in office (XXIII) took office in March 2021 and is now composed by the PM and 17 Ministers.⁴ The Government has, since then, gender parity at ministerial level.

4. Autonomous regions

111. The two Autonomous Regions of Azores and Madeira have their own political and administrative statutes and self-government institutions (Arts. 6 (2) and 225 *et seq.* CRP) – a Legislative Assembly and a Regional Government, but their autonomy does not affect the integrity of State sovereignty and is exercised within the framework of the CRP. The members of Legislative Assemblies are elected for four-year terms by universal, direct, and secret suffrage in accordance with the principle of proportional representation.

112. Each Regional Government is politically responsible before the Legislative Assembly of its Autonomous Region. The PR, upon hearing the Government, appoints a Representative of the Republic for each region. This Representative appoints the President of the Regional Government, considering the results of regional elections, as well as the remaining members of the regional cabinet (upon proposal of its President).

113. Autonomous Regions are competent to, *inter alia*, legislate on matters of specific regional interest which are not within the exclusive competence of organs of sovereignty. The approval of regional budgets and of economic and social development plans and accounts, as well as the adaptation of the national fiscal system to regional specificities, fall within the exclusive competence of Regional Legislative Assemblies. These also adopt their own draft political and administrative statutes and electoral laws, which are sent to Parliament for discussion and approval.

114. Organs of sovereignty have the duty to cooperate with regional organs. Regional legislation and regulations must be signed by the Representative of the Republic, who has the power of veto. Regional Legislative Assemblies may, however, confirm their vote by absolute majority of members in office, in which case the Representative of the Republic is bound to sign. Legislative Assemblies may be dismissed by the PR, which entails the removal of Regional Government.

5. Local authorities

115. The democratic organisation of the State includes local authorities (public bodies with a territorial basis which pursue the interests of local populations) (Arts. 235-265 CRP). There are currently two types of local authorities: municipalities (308) which are divided into parishes (3091). Municipalities have associated themselves at various levels, to pursue common interests, *e.g.*, by establishing Inter-municipal communities (21 in mainland Portugal, and the Metropolitan Areas of Lisbon and Oporto).

116. The responsibilities and organisation of local authorities and the competence of their bodies are regulated by law in accordance with the principle of administrative decentralisation (Art. 237 CRP). In that regard, a decentralization programme transferring powers from the central government to the municipalities is currently underway in a wide range of domains.

⁴ Presidency of the Council of Ministers; Foreign Affairs; National Defense; Home Affairs; Justice; Finance; Parliamentary Affairs; Economy and Maritime Affairs; Science, Technology and Higher Education; Education; Labour, Solidarity and Social Security; Health; Environment and Climate Action; Infrastructures; Housing; Territory Cohesion; Agriculture and Food.

117. Each local authority has its own elected assembly with decision-making powers (municipal assembly or parish assembly), and a collegiate executive body that is responsible before such assembly (municipal cabinet and parish cabinet). Local authorities are vested with powers and competences associated with meeting the needs of local communities, in areas such as social and economic development, territorial organisation, supply of public goods, basic sanitation, health, education, culture, environment, and sports. Local authorities have their own staff, assets and finances, with management ensured by their own organs.

118. Administrative supervision over local authorities is limited to verifying their compliance with the law, and such authorities can only be dismissed due to serious illegal acts or omissions (Art. 242 CRP).

6. Electoral system

119. In accordance with the Constitution, all citizens eighteen years of age or older are eligible to vote and be elected, except in the case of incapacities provided for in general law (Art. 49 (1) CRP). Incompatibilities prescribed by law apply to the passive electoral capacity of active diplomats, military personnel, and magistrates. In elections for the PR, only citizens of Portuguese origin aged 35 or over can run.

120. On 31 December 2022, 10,841,878 national citizen residents in Portugal were registered to vote, plus 1,578,703 citizen residents throughout the world. Registration to vote is mandatory for all resident citizens seventeen years of age or older and is made automatically by electoral administration services. It is optional for non-resident Portuguese citizens and for foreigners residing in Portugal with electoral capacity. There is a single registration system for all elections.

121. Of the total 10,841,878 Portuguese registered to vote on 31 December 2022, 612,412 are living in Member-States of the European Union and 336,057 are living in other European countries, 69,087 in Africa, 450,061 in America and 111,086 in Asia and Oceania. It should be noted that the Portuguese census registers 14,466 foreign citizens from Member-States of the European Union and 16,577 foreign citizens from other countries with reciprocity conditions.

122. The right to vote is exercised in person, by means of universal, equal, direct, secret, and periodic ballot, and constitutes a civic duty (Arts. 10 and 49 (2) CRP). There are five types of election: for the President of the Republic, for Parliament, for Regional Legislative Assemblies, for Local Authorities and for the European Parliament. There is also the possibility of convening national and local referenda. The polling system varies in accordance with the election: in Presidential elections, there is a majority two-round system; in elections for Parliament, autonomous regions and local authorities, there is a proportional system and votes are converted into mandates in accordance with the method of Hondt. Voter turnout has tended to be above the national average in major urban centres in all elections except those for local authorities.

123. In 2006, the Parliament adopted a Law⁵ which set at 33% the minimum representation for both sexes in the electoral lists for the National Parliament, the European Parliament and for Local Authorities, having effects on the percentage of elected members, corresponding to a quantitative threshold to parity. In 2019, the Parliament approved a new Law rising to 40% the minimum threshold of women and men in electoral lists to the national and European parliaments, elective bodies of municipalities, and members of the Parish Councils. Non-compliant lists are rejected. In the 2022 January general elections, 85 women were elected to the national parliament (37%).

124. Courts are responsible for examining complaints on the conduct of elections and for verifying the legality and validity of electoral procedure acts. Thus, candidacies are presented before the Constitutional Court (Presidential and European) or before common courts (legislative, local, and regional), for verification of legality. There is a period of electoral campaign of 13 days, during which political parties have the right to use specific means of

⁵ Organic Act No. 3/2006, of 21 August, amended by Corrective Declaration No. 71/2006, of 4 October 2006.

campaign, such as broadcast time on TV and radio services and to post propaganda, as well to use recreational and other public facilities.

125. Electoral campaigns are governed by the principles of freedom of propaganda of means and content, of equal opportunities and treatment for all candidatures, of impartiality of public bodies towards all candidatures, and of transparency and scrutiny of electoral accounts (Art. 113 (2) CRP). The media are bound not to discriminate any candidature. The publication of opinion polls as from the eve of elections, until the closing of voting polls, is prohibited.

126. A National Elections Commission (CNE) ensures equal opportunities of action and propaganda to all candidacies, equality of treatment to all citizens in electoral registration and electoral conduct and provides information on electoral issues. It applies fines to political parties, mass media and publicity and other companies for misdemeanours resulting from violations of electoral regulations. CNE's decisions can be appealed before the Constitutional Court, which is the competent body to examine cases relating to jurisdictional and administrative acts on electoral matters, including irregularities on the conduct of elections.

127. In Presidential election, there is a single national constituency. All Portuguese citizens of origin 35 years of age or over may run for election. To be elected, it is necessary that the candidate obtains more than half of validly expressed votes. If no candidate obtains such majority in the first electoral round, a second round will be convened, with the participation of the two most voted candidates (Art. 126 CRP). In accordance with the Constitution presently in force, Presidential elections were held in 1976, 1980, 1986, 1991, 1996, 2001, 2006, 2011, 2016 and 2021. Seven candidates participated in the last Presidential elections, which elected the current PR (Mr. Marcelo Rebelo de Sousa) with 60.7% of votes (2,534,745 votes). The voter turnout in presidential elections decreased from 75.4% in 1976 to 39.24% voters (4,262,672 voters) in 2021.

128. In legislative elections (for Parliament), there are 20 constituencies in Portugal (coinciding with 18 Districts in the continent, plus two Autonomous Regions), electing members of Parliament in proportion to the number of registered voters. Portuguese citizens resident abroad elect 2 members in the constituency of Europe and 2 members in the constituency outside Europe. Candidacies are presented by political parties only, isolated or in coalition, but the lists may include independents (not registered in a political party) (Art. 151 CRP). Each voter has one vote, and the lists are collective, closed, and blocked. Representation is proportional and votes are converted into mandates through the method of Hondt. The establishment of a minimum number of votes for a party to be represented in Parliament is constitutionally prohibited. Parliamentarians represent the country, rather than the constituency which elects them (Art. 152 CRP).

129. Since 1976, there have been 16 legislative elections in Portugal: in 1976, 1979, 1980, 1983, 1985, 1987, 1991, 1995, 1999, 2002, 2005, 2009, 2011, 2015, 2019 and 2022. In the latest, 23 parties and forces participated. 5,563,497 voters elected 230 Deputies as follows: the Socialist Party (PS: 41.37% and 120 seats), the Social Democrat Party (PPD/PSD: 27.67% and 72 seats); the Party Chega (Chega: 7.18% and 12 seats); the Party Liberal Initiative (IL: 4.91% and 8 seats); the Left Wing Block (BE: 4.40% and 5 seats); the Coalition Portuguese Communist Party/Ecologist Party (PCP-PEV: 4.30% and 6 seats); and the party People, Animals, Nature (PAN: 1.58% and 1 seat); the Party Livre (L: 1.28% and 1 seat); and two pre-election coalitions PPD/PSD.CDS-PP (0.91% and 3 seats) and PPD/PSD.CDS-PP.PPM (0.51% and 2 seats). The results of other participating parties that didn't achieve to elect any representative to the Parliament varied between 0.00% and 1.60%.

130. In the 2022 elections 85 women were elected as members of Parliament (37%), four mandates less than in 2019 (89). However, it does not invalidate the positive trend over the years.: 76 in 2015 (33.3%), 61 in 2011 (26.5%), 63 in 2009 (27.4%), 49 in 2005, 45 in 2002, 40 in 1999, 28 in 1995, and 20 in 1991. The percentage of female representation continues to be relatively low in Regional Assemblies. Election for Regional Assemblies is similar to the one for Parliament.

131. In Azores, there are nine constituencies (one for each island), plus one regional compensation constituency (designed to correct identified distortions in the allocation of seats considering votes obtained). In accordance with the Constitution presently in force,

eleven elections have been held for the Azores Regional Legislative Assembly: 1976, 1980, 1984, 1988, 1992, 1996, 2000, 2004, 2008, 2012, 2016 and 2020. In 2020, of 229.002 electors registered, 104.009 have voted. The Socialist Party won 25 seats (of 57), representing 39.13% of the votes (30 seats in 2016).

132. In Madeira, only Portuguese citizens with current residence in the region can be elected for its Regional Assembly. Twelve elections have been held: in 1976, 1980, 1984, 1988, 1992, 1996, 2000, 2004, 2007, 2011, 2015 and 2019. In 2019, of 257,967 electors registered only 143.190 voted. PPD/PSD won 21 seats (of 47), representing 39.42% of the votes (24 seats in 2015).

133. Local elections comprise elections for parish assemblies, municipal assemblies, and municipal cabinets. Elections are held by universal, direct, and secret suffrage of the citizens registered to vote in the area of the local authority in question, in accordance with the proportional representation system (same system as for Parliament, with the necessary adaptations).

134. There is a separate vote on the municipal cabinet, and the first candidate in the most voted list shall be appointed mayor (head of the executive cabinet). The first candidate in the most voted list for parish assembly shall, in most cases, be appointed head of the parish cabinet. Local authority mandate-holders are elected for four-year terms, and as a rule, the elections are held simultaneously.

135. Groups of registered electors may also nominate candidates alongside political parties, either individually or in coalition. Nationals of EU member States, Brazil and Cape Verde may vote and be elected. Nationals of Norway, Iceland, Uruguay, Venezuela, Chile, Argentina, Colombia, New Zealand, and Peru and United Kingdom may vote (the concession of this right to foreign nationals is subordinate to reciprocity).

136. Since 1976, thirteen rounds of local elections were held: in 1976, 1979, 1982, 1985, 1989, 1993, 1997, 2001, 2005, 2009, 2013, 2017 and 2021 and the distribution of seats in local organs has greatly varied.

137. European Parliament elections have a single constituency which currently elects 21 seats. Nationals of EU Member States resident in Portugal are eligible to vote, and any national of an EU Member State may run for election, regardless of place of residence. Since 1987, eight such elections were held: in 1987, 1989, 1994, 1999, 2004, 2009, 2014 and 2019. The Socialist Party won 9 seats in 2019 and 8 seats in 2014.

138. The Portuguese democratic system has been regularly functioning since 1976. All national and sub-national elections were held within the schedule laid out by law. Occasionally, the dismissal of Government or collegiate bodies, in accordance with constitutional procedures, prevented such bodies from fulfilling their full mandates and led to the anticipation of electoral acts.

139. Citizens may also be called upon to pronounce themselves in national or local referenda (Art. 115 CRP). These are convened by the PR, upon proposal of Parliament or of the Government. Groups of citizens may submit a request to this effect to Parliament. Only “matters of relevant national interest that must be decided by the Parliament or by Government through the approval of an international convention or legislative act” may be submitted to referendum. Constitutional amendments, budgetary or tax issues, and matters within the political or legislative exclusive competence of Parliament, may not be submitted to referendum. Three national referenda have been held since 1976: two in 1998 and one in 2007.

7. Political parties

140. Political parties are expressly recognized by the Constitution, which states that they “shall contribute to the organisation and expression of the will of the people, with respect for the principles of national independence, the unity of the state and political democracy” (Art. 10 (2) CRP). They are fundamental actors in the constitutional and political scene and enjoy several prerogatives, including the right to broadcasting time on the public radio and television service, and the exclusive right to submit lists of candidates in elections for Parliament. However, as no one can be deprived of the exercise of any right because he or

she is or ceases to be registered as a member of any legally constituted party (Art. 51 CRP), Parliament Members do not lose their seats in case they cease to be registered in a party and lists of candidates may include independent persons.

141. No one can be simultaneously registered as a member of more than one political party and these parties must not employ names that contain expressions which are directly related to any religion or church, or emblems that can be confused with national or religious symbols. The creation of parties with a name or manifesto that possesses a regional nature or scope is prohibited. Political parties represented in Parliament and in regional or local assemblies, which are not part of the respective executive bodies, have further prerogatives emerging from the rights of opposition. The 23 existing political parties are registered at the Constitutional Court.

8. Public Administration

142. The Constitution establishes that Public Administration shall seek to pursue public interest and shall respect all citizens' rights and interests protected by law (Art. 266 CRP). There are three main types of administrative bodies: those within the direct administration of the State (central or regional); those within the indirect administration of the State (with legal personality, distinct from that of the "State", as well as administrative and financial autonomy, but whose activity pursues State purposes); and those within autonomous administration (these pursue the interests of those who formed them and define in an autonomous and independent manner their own guidance and activities – it is the case of regional and local administrations and public associations).

143. Art. 268 CRP recognizes a number of rights to citizens in their relations with Public Administration, namely: the right to be informed about progress of the procedures which directly concern them and of such decisions as are taken in relation to them; the right of access to administrative files and records, subject to the law governing matters of internal and external security, criminal investigation, and personal privacy; the right to be notified of administrative acts which concern them, and that those acts which affect their rights or legally protected interests be expressly motivated; the right to judicial protection of their rights and legally protected interests; the right of appeal against acts and norms which affect such acts or interests; the right to the issuing of positive rulings requiring the practise of administrative acts that are due by law, and of adequate interim measures; and the right to a maximum time limit for replies from the Administration, as provided for by law.

144. The procedure of administrative bodies is governed by the Code of Administrative Procedure. Public officials and agents are civilly and criminally liable and subject to disciplinary proceedings for their actions and omissions in the performance of their duties (Art. 271 CRP). The State itself is liable for damages resulting from the exercise of legislative, judicial, and administrative powers.

9. Armed forces

145. The PR is the supreme commander of the armed forces and chairs the Supreme National Defence Council, specific consultative body on matters concerning national defence and the organisation, operation, and discipline of the armed forces. This Council includes members elected by Parliament (Art. 274 CRP).

146. Armed Forces are charged with ensuring the military defence of the country under the authority of the PR, the Parliament, the Government, the Supreme National Defence Council, and the Supreme Military Council. They are composed exclusively of Portuguese citizens and have a single organisational structure for the entire Portuguese territory. The Armed Forces are responsible for fulfilling Portugal's military commitments and for taking part in humanitarian and peace missions undertaken by international organisations of which Portugal is a member. They may also be charged with cooperating in civil protection missions, tasks related to meeting the basic needs and improving the quality of life of the population and actions of technical-military cooperation.

147. The structure of Portuguese armed forces comprises three branches of the military - navy, army, and air force. Recruitment into the armed forces is voluntary in times of peace after the official abolition of mandatory military service in 2004.

148. Women started entering the Armed Forces in the nineties. Two laws contributed to this change: the Law of Military Service from 1991, which, among others, allowed the entry of women in training schools for Officers and Sergeants in order to integrate the Armed Forces; and the Ordinance regulating the military service by women. From that moment on, specific regulations have established the classes, arms, services, and specializations open to women in each branch of the armed forces.

149. By Ministerial decision 101/2008, of 6 June, in proofs for admission to the Armed Forces, the gender equality principle must be respected in what concerns access to classes, arms, services, and specializations.

150. With the professionalization of the armed forces, a National Defence Day was created in 1999. The main objective of this military duty is to draw the attention of citizens aged 18 to national defence issues and to raise awareness to the role of the Armed Forces. This is done by teams made up of female and male military personnel and provides an important source of information about the military profession. Since 2009, all citizens, male and female, are called-up in equal terms to fulfil this duty.

10. Constitutional guarantee and revision

151. The validity of laws and other acts of the State, the autonomous regions, local authorities, and any other public entities depends on their conformity with the Constitution (Art. 3 (3) CRP). Such conformity can be verified on a preventive basis or *a posteriori*.

152. The Constitutional Court can be requested to rule on such conformity prior to the promulgation, ratification or approval of any Act, Decree-Law, regional legislative decree, treaty, or international agreement. If the norm is deemed unconstitutional, the decree that contains it shall be vetoed and returned to the organ which approved it; it may not be promulgated or signed unless such norm is removed or the decree confirmed by a two-thirds majority of Members of Parliament present, provided that higher than the absolute majority of Members in office (Arts. 278 and 279 CRP).

153. *A posteriori*, any ordinary court can refuse to apply a norm in case it deems it unconstitutional. Court decisions on the constitutionality of a norm can be appealed before the Constitutional Court (Art. 280 CRP). Any norm deemed unconstitutional upon examination of three concrete cases shall be declared unconstitutional with generally binding force, and thus repealed (Arts. 281 and 282 CRP). A declaration of unconstitutionality with general binding force can also be made at the request of, *inter alia*, the PR or the Ombudsperson, who may also request that the Constitutional Court rule on the unconstitutionality by omission, by declaring failure to adopt the necessary legislative measures to give effect to Constitutional norms (Art. 283 CRP).

154. The Constitution can be amended by Parliament every five years or at any moment upon request of four-fifths of the Members of Parliament, except during a state of siege or state of emergency. Constitutional amendments are approved by a two-thirds majority of the Members of Parliament, as a Constitutional Act, whose promulgation cannot be refused by the PR.

155. Some Constitutional provisions cannot be amended: national independence and State unity; separation of the State and Church; respect for the rights, freedoms and guarantees of citizens and for the rights of workers and labour unions; universal, direct, secret, and periodic ballot as a form of designation of mandate-holders in organs of sovereignty, regional organs and local authorities, as well as the proportional representation system; pluralism of expression and political organisation, including political parties and the right to democratic opposition; separation and interdependence of organs of sovereignty: independence of the courts; autonomy of local authorities; and political and administrative autonomy of Azores and Madeira (Arts. 284 to 289 CRP).

C. Administration of justice

156. Public expenditure on public order and safety increased from 2,227 million Euros in 2000 to 3,605 million Euros in 2009, reaching the highest value in the period (2000–2018),

corresponding to 4.1% in relation to total public expenditure in both years (1.7% and 2.1% of GDP in same years). Between 2009 and 2018 the profile shows some irregularity, decreasing to 3,343 million Euros in the latter, representing 1.6% of GDP, the lowest share since 2000, and 3.8% of public expenditure.

1. Courts

157. The Courts administer justice in the name of the people (Art. 202 (1) CRP). They are independent and subject to the law only (Art. 203 CRP) and their rulings are binding on all persons and bodies, public and private, prevailing over the decisions of all other authorities (Art. 205 (2) CRP). Court hearings are public, “except in the event that in order to safeguard personal dignity or public morals, or to ensure its own proper operation, the court in question rules otherwise in a written order setting out the grounds for its decision” (Art. 206 CRP). According to the Constitution (Art. 209), there are the following categories of courts:

(a) Constitutional Court

158. The Constitutional Court is specifically responsible for administering justice in matters of constitutional nature (Art. 221 CRP). It comprises 13 judges, 10 of whom elected by the Parliament and 3 co-opted by those elected. They enjoy the same safeguards as all judges, i.e., independence, immovability, impartiality, and immunity.

159. The Constitutional Court also has competence in electoral matters and renders judgement in last instance on the regularity and validity of acts of the electoral procedure. It verifies the death of the PR, declares the permanent or temporary incapacity to perform presidential functions of the PR or any presidential candidate, and verifies forfeiture of the office of PR. It further verifies the legality of the formation of political parties and coalitions, assessing the legality of their names, initials and symbols, and ordering their abolition, all as laid down by the CRP and the law, and verifies in advance the constitutionality and legality of national, regional and local referenda. At the request of Members of Parliament and in accordance with the law, it rules on appeals concerning losses of seats and elections held by Parliament and the Regional Legislative Assemblies (Art. 223).

(b) Judicial courts

160. The structure of judicial courts is composed by courts of first and second instance, headed by the Supreme Court of Justice. These courts have jurisdiction over all matters not assigned to other courts and, generally, are competent to trial matters on civil and criminal proceedings (Art. 211 CRP). Courts with the exclusive power to try certain categories of crime are prohibited (Art. 209 (4) CRP).

161. At the top of the hierarchy of the judicial courts is the Supreme Court of Justice, whose main task is to decide on appeals lodged against decisions of second instance courts. Located in Lisbon, it has nationwide jurisdiction. The five courts of second instance deal with appeals lodged against decisions of the first instance courts. Their jurisdiction is restricted to the group of counties as defined by law.

162. National territory is divided in 23 counties. First instance courts are usually the county courts. Their territorial jurisdiction corresponds to the administrative district areas, except for the Lisbon and Porto districts that are divided respectively in three and two counties. They may function as a singular court (1 judge), as a collective court (3 judges) or as a jury court. In every county court there is a president, a coordinator prosecutor from the Public Prosecution (who runs the services of the Public Prosecution) and a judicial administrator. The county courts have generic and specialized competence. They are divided in central instances that may comprise sections with specialized competence (civil, criminal, criminal inquiry, family and minors, labour, commerce, and enforcement) and local instances that encompass sections with generic competence and sections of proximity.

163. There are also courts with an extended territorial competence, with jurisdiction over more than one county or over matters specifically laid down in law. These courts are:

(a) The Intellectual Property Court: Located in Lisbon, it has nationwide jurisdiction, and is competent to decide, among others, on matters related to copyright, industrial property, domain names, trade names, and Corporate Names;

(b) The Competition, Regulation and Supervision court: Located in Santarém, it has nationwide jurisdiction, and is competent to deal with appeals, reviews and enforcement of decisions, orders and other measures related to administrative offences legally susceptible to be challenged by independent administrative entities with regulation and supervision tasks;

(c) The Maritime Court: Located in Lisbon, it has jurisdiction over the North, Central and South Maritime Department, and is competent to decide, among others, on actions related to maritime and commercial law;

(d) The Enforcement of Sanctions Courts: Located in Coimbra, Évora, Lisbon, Porto and Ponta Delgada. Once criminal judgements become final and sentences involving deprivation of freedom or security measures have been determined, it is up to the court of enforcement of sanctions to supervise the enforcement and to decide on whether to modify, replace or terminate the sentence;

(e) The Central Court of Criminal Enquiry: Located in Lisbon, it has nationwide jurisdiction and is competent for the examining stage for certain types of crimes such as crimes against peace and humanity, terrorism, money laundering, corruption and malicious insolvency.

(c) Administrative and tax courts

164. Administrative and tax courts deal with disputes related to administrative and tax matters. At their apex is the Administrative Supreme Court. Its main function is to decide on appeals related to administrative and tax matters. It is composed by two sections, one for administrative litigation and the other related to tributary disputes. The Administrative Supreme Court is located in Lisbon and has nationwide jurisdiction.

165. The second instance administrative and tax courts are the Administrative Central Courts. Their main function is to decide on appeals lodged against decisions on disputes handed down by circuit administrative courts and by tax courts. These central courts also deal with requests related to declarations of illegality of national tributary norms.

166. There are two Administrative Central Courts, the North Administrative Central Court in Porto, and the South Administrative Central Court in Lisbon. Each one has two sections, one overseeing decisions on administrative issues and the other on tributary matters.

167. The circuit administrative courts, being first instance courts, decide on disputes related to administrative matters. In turn, the tributary courts, while courts of first instance, decide on conflicts related to tax issues.

(d) Court of Audit

168. The Court of Audit is the senior body with authority to scrutinise the legality of public expenditure and judge such accounts as the law may require to be submitted to it. Its President is appointed for four-year mandates by the PR. However, the President can be dismissed upon Government proposal and PR approval (Art. 214 CRP).

(e) Other courts

169. The Constitution also mentions maritime courts, arbitration tribunals and *Julgados de Paz* (literally “Justices of Peace”), as well as martial courts (Arts. 209 (2) and 213), although these last ones were abolished in 2003 and may only be established in times of war. Currently, there are 25 Justices of Peace and 32 Justice of Peace Judges. Their competence is merely declaratory and restricted to legal actions within the exclusive competence of first instance judicial courts (which also enforce their decisions). They mainly examine civil cases relating to contract and property law, as well as claims for compensation submitted by victims of certain types of crime (non-aggravated body injury, defamation, slander, and non-aggravated theft). The procedure comprises a mandatory mediation phase.

2. Legal professionals

(a) Judges and Public Prosecutors

170. Judges and Public Prosecutors are recruited into first instance courts on the basis of merit by a competitive selection process open to all Portuguese citizens (or citizens of Portuguese-speaking countries subject to reciprocity) with a recognized law degree who need to fulfil the general requirements for the exercise of civil service. Promotion into second instance courts and the Supreme Court of Justice determined by a competitive selection process (Art. 215 CRP).

(i) *Judges from judicial courts and from administrative and tax courts*

171. Judges enjoy security of tenure and cannot be transferred, suspended, retired, or removed from office except in the cases laid down by law. Except when laid down by law, they also cannot be held personally liable for their rulings. The exercise of the judiciary is incompatible with the performance of any other public or private function, except unremunerated teaching or legal research functions (Art. 216 CRP).

172. Judges from judicial courts form a single body and are governed by the Judicial Judges Statute. Judges from the administrative and tax jurisdiction, just like the judicial judges, form a single body and are governed by constitutional provisions, by the Statute of the Administrative and Tax Courts and, in all other matters not covered in the latter, by the Judicial Judges Statute. According to the position that the respective courts hold within the structure of the judicial and administrative and tax courts, there are three categories of judges: in the first instance courts there are Law Judges; in the second instance courts, Appellate Court Judges (*Juízes Desembargadores*) and in the High Courts, Counsellor Judges. The appointment, placement, transfer and promotion, as well as the exercise of disciplinary action over the judges of the judicial, administrative, and tax courts, are entrusted to the High Council for the Judiciary and to the High Council of the Administrative and Tax Courts, respectively.

(ii) *Public Prosecutors*

173. The Public Prosecution Service represents the State. It prosecutes and sustains prosecution during criminal inquiries and trials, lodges appeals (even if in the interest of defence) and promotes the execution of sentences. It also defends the democratic rule of law as well as collective and diffuse interests.

174. The Public Prosecution Service has its own statute and enjoys autonomy. Public Prosecutors are magistrates who are accountable, subject to a hierarchy, and cannot be transferred, suspended, retired, or removed from office except in cases provided for by law. The appointment, assignment, transfer, and promotion of Public Prosecutors and the exercise of discipline over them are the responsibility of the Prosecutor General's Office (Art. 219 CRP).

175. The Prosecutor General's Office is the highest body of the Public Prosecution Service, and is chaired by the Prosecutor General, comprising the High Council of the Public Prosecution Service (which includes five members elected by Parliament, two appointed by the Minister of Justice and eleven elected by their peers). The Prosecutor General is appointed for a six-year mandate (and can be dismissed) by the PR, upon Government proposal (Art. 220 CRP). There are Public Prosecutors at the courts of all levels.

(b) Lawyers

176. The lawyer is a liberal professional who, *inter alia*, exercises the forensic mandate, *i.e.*, defends the interests through the practice of legal acts inherent to his/her profession and provides legal counselling which rest on the interpretation and application of law and/or norms at the request of a third party.

177. A lawyer must enrol in the Bar in order to practice legal acts. The Bar is a public association of law graduates that exercise the legal profession. It guarantees access to justice and to legal information, regulates the exercise of the profession, ensures the social function,

dignity, and prestige of the lawyer's profession, promotes access to the knowledge and application of the law and it exercises disciplinary authority over lawyers and trainee lawyers. Access to this legal profession entails, in addition to a degree in law, a traineeship and a final examination.

178. Lawyers exercise their duties with full technical autonomy and in an independent manner. They are bound to professional privilege and enjoy a number of prerogatives, namely the right to communicate with detained clients, to obtain information and consult judicial files, not to have their professional correspondence seized and to special safeguards regarding searches and interception of communications (which must be decreed and presided by the competent judge).

179. The CRP recognizes legal representation as an essential element in the administration of justice and establishes that lawyers must enjoy the immunities needed to exercise their mandates (Art. 208 CRP). Furthermore, in terms of criminal proceedings, the defendant is recognized as having the right to choose counsel and to be assisted by him in relation to every procedural act (Art. 32 (3) CRP).

180. The assistance of a lawyer is mandatory in most civil cases (including all those in which appeal is admissible) and in all criminal cases. In cases where the defendant does not appoint a lawyer, one must be appointed on his behalf through the mechanisms established in the legal aid framework.

(c) *Solicitadores* (Legal agents)

181. *Solicitadores* are liberal professionals that provide legal counselling and exercise forensic mandate within the limits defined by law. They may represent the parties whenever a lawyer does not have to be compulsory appointed and legally represent their clients outside the courts, for instance, before tax administration, at the notary offices, at the civil registries, and at the local administration bodies. The *Solicitadores* National Association – a public association that represents *solicitadores* – is entrusted with disciplinary power over its members and may give opinions on draft legislation related to its attributions.

(d) Enforcement agents

182. Enforcement agents are the professionals to whom the law grants public authority to act under the enforcement process. They do not represent either party, but they are responsible for making all necessary diligences of the enforcement procedure, including service of documents, attachments, sales, and other business transmitting property regarding enforcement sale and publications. They generically ensure the handling of the case, performing all acts necessary to obtain the payment of a debt, the delivery of an asset or the provision of a certain fact. They perform all the diligences of the enforcement procedure near the debtor, the official bodies or third parties.

183. Enforcement agents are represented by a National Association, who also represents the *solicitadores*.

(e) *Juizes de Paz* (Justice of Peace Judges)

184. It is up to Justice of Peace Judges to take, according to law or to equity, decisions concerning matters that are submitted to them. They are appointed for five years by the Council of the Justice of Peace that exercises disciplinary authority over them and are subject to the impediments and suspicions established in the civil procedure law for judges.

(f) Other professions within the scope of Justice

(i) *Conflict mediators*

185. Conflict mediators are an impartial and independent third party, devoid of the power of imposition over the mediated, who assists the parties, in a voluntary and confidential manner, in an attempt to build a final agreement on the purpose of the dispute.

(ii) Insolvency practitioners

186. Insolvency practitioners are responsible for the supervision and guidance of the acts that compose the special revitalization process as well as the management or liquidation of the insolvent's assets under the insolvency proceedings.

(iii) Registrars

187. Registrars are public officials working on issues related to the definition and the publicity of facts and actions relating to the status or legal capacity of natural persons (civil registration) or that develop their activity in the area of publicity rights over immovable and movable assets subject to registration (land and vehicle registries) and the status of traders, companies, and other entities subject to commercial registration.

(iv) Notaries

188. Notaries are jurists whose written documents, prepared in the exercise of their function, are considered authentic. A notary can be both a public official that grants authenticity to documents and a liberal professional who works independently, impartially and by choice of the parties.

(v) Official of industrial property agents

189. Official industrial property agents are professionals specialized in industrial property matters that exercise Industrial Property Rights on behalf of and in the interests of the parties that are their customers.

(vi) Criminal investigators within the Portuguese Criminal Police

190. These professionals carry out the mission of the *Polícia Judiciária*, within the scope of prevention, detection and criminal investigation, namely, to assist the judicial authorities, select, materialize, articulate and process all the evidence for determining the causes, circumstances and authorship of criminal infractions, in accordance with the criminal procedural law.

(vii) Prison guards

191. Prison guards are responsible for ensuring the safety of the prison community, while maintaining order and security of the prison system and protecting the life and integrity of citizens that serve a sentence or a measure involving deprivation of liberty.

3. Security Forces and Services

192. There are several law enforcement agencies in Portugal, namely a security force of military nature (GNR – National Republican Guard), another of civil nature (PSP – Public Security Police) and criminal police (*Polícia Judiciária* - PJ) with competence to investigate the most complex and serious crimes. The first two are under the aegis of the Ministry of Home Affairs, as well as a criminal police agency specialized on immigration and borders (SEF). PJ is under the remit of the Ministry of Justice. There is also a total of 37 municipal police forces throughout the country under the authority of mayors (but subject to the supervision of the Ministry of Finance and of the Ministry for Territorial Cohesion). In 2007, an Integrated Internal Security System was created to optimize the operational capacities of the various systems, bodies and services relevant to ensure public order, security, and tranquillity.

193. The total number of law enforcement officers, according to the 2021 National Report of Internal Security (RASI), is 44,567 (including GNR, PSP, SEF, PJ and the Maritime Police), a slight decrease compared to the previous year (44,969).

194. Under the 2nd Generation of Local Security Contracts (LSC), in execution since 2016, PSP mobilized 24 of its Police Stations, in 28 territories, to develop network projects to combat juvenile delinquency and local criminal drivers, increase police visibility and reduce social vulnerabilities, mainly by ensuring full citizenship rights and gender equality.

195. Currently (2023), PSP integrates 39 territories under the scope of Local Security Contracts, distributed over 27 parishes. LSC is a privileged tool to foster institutional cooperation between the Security Forces and local authorities and civil society organizations. LSC aims to improve community relations, police visibility, combat juvenile delinquency and address local criminal drivers to reduce social vulnerabilities, improve social relations and promote fundamental rights.

4. Prisons

196. In 2022, there were 49 prisons in Portugal, accommodating 12,188 inmates (with a capacity for 12,637), and 4,077 prison guards. Over the last years there has been a downward trend of the prison population. Most inmates were male (11,320). Women represented a total of 868 inmates. In 2022, there were 2,469 pre-trial detainees. Most sentenced prisoners were serving prison sentences of 3 to 9 years (5,209). Prisoners serving sentences of more than 15 years and up to 20 years and of more than 20 years up to 25 years were, in 2022, 576 and 362, respectively.

197. In 2022, most sentenced prisoners were convicted for crimes against persons (3,064), followed by crimes against property (2,399) and by crimes related to drugs (1,071). Deaths in custody amounted to 53 (42 related to sickness and 11 to suicide).

5. Civil law

198. Portugal is a civil law country, influenced by the Roman and German tradition. Apart from the Constitution, the Portuguese legal system is primarily based on the Civil Code⁶ applied by courts in accordance with the Civil Procedure Code (CPC).

199. The Civil Code contains a general part regulating the sources of law, their interpretation and application, private international law, the status of persons, both natural persons (legal personality, legal capacity, rules on adults in need of accompaniment for incapacity due to insanity, mental illness or medical condition, personality rights, residence and legal representation) and legal persons (incorporation, legal capacity, liability, extinction, associations, foundations, and others), and legal acts (legal transactions, rules for calculating time limits, exercise and protection of rights and rules relating to evidence, including documents). Another major part is devoted to obligations, including their sources (namely contracts and civil liability), their modalities, transmission, guarantees, fulfilment, extinction, and compensation. As it concerns contracts, sale and purchase are specially regulated, as well as, *inter alia*, donations, companies, tenancies, lending, mandate, and deposit. A third part is devoted to property law, regulating issues such as possession, property, usufruct, and real estate servitudes. The fourth part deals with family law, containing the main provisions on themes such as marriage, divorce, family relations, parenthood, parental responsibilities, adoption, tutorship, and maintenance obligations. Finally, the fifth part is devoted to succession and inheritance law, containing provisions on issues such as division and administration of estate, types of succession, and wills.

200. The new CPC, approved by Act No. 41/2013, of 26 June, introduced significant changes in this type of procedure. The main changes for the majority of the proceedings were the following: i) limitation of the number of pleadings in a proceeding; ii) simplification of the proceedings; iii) the possibility given to the judge to adapt the proceedings to the case.

201. As for the enforcement proceedings, the key changes introduced by the new code were to i) streamline the system of debt recovery, especially by direct electronic seizure of bank accounts of the debtor by the bailiffs; ii) speed up the enforcement of civil court rulings; iii) allow cases to be closed in court without waiting for all pending payments to be made when only periodic payments are seized and the future incomes are adjudicated to the creditor; iv) and to encourage the use of electronic auctions to sell seized assets. These changes allowed a significant drop of the total pending enforcement cases.

202. The CPC contains provisions, *inter alia*, on *locus standing*, judicial review, legal representation, impediments, and deadlines. All decisions must be duly motivated. As a rule,

⁶ Approved by Decree-Law 47,344, of 25 November 1966, and amended several times.

civil procedure is public, except if such public nature might cause damage to the dignity of persons, intimacy of private or family life or public morals, or if it may jeopardize the efficacy of the decisions to be taken. As a rule, the facts should be alleged by the interested party, but this does not preclude the judge from considering other essential facts which result from the discussion of the case. The court does not initiate civil proceedings *ex officio*. The settlement of the dispute must be requested by one of the parties, and there are rules on the representation of children, persons lacking legal capacity and corporations, among others.

203. Two main types of legal actions are foreseen: declaratory and enforcement actions. Actions for declaration may be purely for assessment (when their purpose is merely to obtain a declaration as to whether a right or fact exists or not); ruling (to demand the provision of an object or act, presupposing or preventing the violation of a right or fact); or establishment (to allow a change in the existing legal system). As a rule, court decisions can be appealed to a higher court, except if the value of the case is below the minimum required to lodge such appeal. Judgements on the status of persons and family law can always be the object of an appeal. Courts of Appeal are in general terms the competent courts to examine appeals, but some appeals can go up to the Supreme Court of Justice (as a rule, this Court pronounces itself on matters of law only). In most cases, appeals do not suspend the efficacy of a judgment; this rule does not apply in relation to cases concerning the status of persons.

204. Enforcement actions are those in which the creditor requires the appropriate coercive measures to the achievement of an obligation due to him. They are based on an enforceable title, which can be a judicial sentence, a private document with executive force, certain debt claims and other documents to which, by special provision, is given executive force.

205. In recent years, a comprehensive package of administrative simplification, digitalisation and innovation measures across the justice sector has contributed to significantly changing the relation between justice and citizens, promoting simpler, digital, open and innovative approaches and optimising the delivery of justice services. This package has a crosscutting nature: it encompasses all types of procedural law.

206. Labour law is a branch of civil law, based on the assumption that although both parties are equal, the employee is frequently in a weaker position than the employer and must therefore be protected. Act No. 7/2009, of 12 February, approved the Labour Code currently into force.

6. Criminal law and crime figures

207. The main principles of the Portuguese criminal justice system are established by the CRP, which guarantees the principles of legality and non-retroactivity in the implementation of criminal law, except if the new provisions are more favourable to the defendant as well as the principle of presumption of innocence.

208. The death penalty is expressly prohibited under Article 24(2) of the CRP. It was first abolished for political crimes in 1852 and in 1867 for all crimes, except those of a military nature. The 1911 Constitution abolished it for all crimes, but it was re-introduced in 1916 for crimes committed in a theatre of war. It was abolished with the entry into force of the 1976 Constitution. The last confirmed execution took place in 1846.

209. No one can be tried more than once for the same crime and there is the right to have the sentence reviewed and compensation for damages suffered (Article 29 CRP). Sentences of a perpetual nature, unlimited or undefined duration are prohibited, and criminal liability is non-transferable. No sentence automatically results in the loss of any civil, professional, or political right (Article 30 CRP).

210. The Criminal Code (CrC)⁷ also recognizes the principles of *nulla poena sine culpa* and proportionality, and therefore under no circumstances can the sentence go beyond the measure of guilt. It is applied in full to persons aged 21 and above. Special criminal

⁷ Approved by Decree-Law 400/82, of 23 September, and subject to an important revision in 1995; last amendment introduced by Act No. 102/2019, of 6 September.

legislation applies to those aged 16 to 21.⁸ In its general part, the CrC deals with matters such as the territorial jurisdiction of Portuguese courts, the liability of natural and legal persons, intent and neglect, criminal irresponsibility, forms of crime and exclusion of unlawfulness and guilt. Penalties and security measures aim at protecting legal interests and reintegrating perpetrators into society.

211. A wide range of penalties is typified. The main types of penalties are imprisonment and fine. Prison sentences of up to two years can be served in the form of home detention with electronic monitoring. Prison sentences can also be replaced by community service or a suspended sentence. A fine can be replaced by a reprimand. Accessory penalties are also contemplated such as the prohibition to exercise a profession, activity, or function for a certain period. The CrC foresees a range of penalties for legal persons. The court decides on the concrete penalty to be applied, within the limits prescribed by law and considering such factors as the offender's personal circumstances and guilt. Furthermore, special mitigation or waiver of sentence can be decided. Legal persons can be sentenced to fines or dissolution, as well as to several accessory penalties.

212. The CrC also regulates parole, the confiscation of instruments, products and advantages for the State and such security measures as the institutionalisation of persons who lack capacity to be criminally liable and the prohibition of certain activities or the withdrawal of a driver's licence. A specific chapter establishes rules regarding security measures for persons with mental health conditions who cannot be held criminally liable.

213. As a rule, the duration of prison sentences ranges from one month to 20 years. In a limited number of cases (aggravated murder, drug trafficking with criminal association, crimes against humanity)⁹ it can go up to 25 years. For the punishment of several crimes there is a system of "legal accumulation", by which a single penalty is imposed, with a maximum limit of 25 years of imprisonment. Relatively undetermined sentences can be applied, but under no circumstances can they extend for more than 25 years. Some crimes (such as terrorism and drug trafficking) are regulated by special legislation, which does not affect the basic principles established under the CrC.

214. The Code of Criminal Procedure (CCrP)¹⁰ is based, *inter alia*, on the principle of the legality of procedure, which means that the application of criminal penalties and security measures can take place only in conformity with the law.

215. A person charged or whose indictment has been requested within a criminal proceeding is given the status of defendant (*arguido*). Since 2007, the granting of such status, if made by a police body, must be confirmed by a judicial authority. The status of "*arguido*" entails several rights, such as the right to remain silent, to be informed of charges brought against him or her, to request the appointment of a lawyer and to offer evidence. The defendant can appoint a lawyer at any stage and the assistance of a lawyer is mandatory in several acts (such as interrogations of detained or imprisoned defendants) and in all cases after prosecution. If the defendant does not appoint a lawyer of his or her choice, an *ex officio* lawyer is appointed on his or her behalf, but the defendant may be responsible for the payment of the lawyer's fees in case legal aid has not been requested and approved.

216. Victims can associate themselves to the procedure (by becoming "*assistants*"), to receive information, intervene in the proceedings and seek remedy. For this purpose, a civil claim can be attached to the criminal procedure. Article 67-A of the CCrP includes several qualifications of "victim". Thus, "victim" is a person who, because of an act or omission committed under the criminal laws into force, suffered an emotional, moral, or patrimonial damage. The "victim" also encompasses the close relatives and those who have suffered damage by intervening in assisting victims or preventing the victimization. This provision also includes the notion of the especially vulnerable victim. This vulnerability is assessed on a case-by-case basis and special attention must be given to victims who have suffered

⁸ Arrangements provided for in Decree-Law 401/82, of 23 September shall apply to young persons aged more than 16 years and less than 21.

⁹ Art. 28 of Decree-Law 15/93, of 22 January; last amended by Act No. 15/2020, of 29 May.

¹⁰ Approved by Decree-Law 78/87, of 17 February; last amendment introduced by Act No. 102/2019, of 6 September.

considerable harm due to the severity of the crime, including victims of crimes motivated by discrimination based on special features or those that depend on the perpetrator that renders them particularly vulnerable (Articles 20, 21 and 22 of the Statute of the Victim, approved by Act No. 130/2015, of 4 September).

217. As follows from Article 8 of this law, the State must ensure that victims are provided with adequate information on the protection of their rights. A crime victim is entitled to receive information about his rights or about the state of the judicial proceedings, except in situations covered by judicial secrecy, and the main decisions taken therein, as well as to receive information in a simple and clear way. When vulnerable and in need of support, the victim may be accompanied by a family member, a friend, a lawyer, or a victim support technician to assist the victim in the understanding the information provided to her/him. The Statute recognizes the right of all victims of crime to an adequate level of protection, also extensive, where appropriate, to the victims' relatives on what concerns their security and protection of private life, whenever there are serious threats of reprisal, revictimization or strong indications that the right to privacy of the victim may be disturbed.

218. When violent crimes victims – such as those crimes resulting in serious body injuries or death – are unable to obtain compensation from the offender (for example, because the latter is unknown or it can reasonably be predicted that he or she does not have the means to provide compensation), they can seek compensation from the State, by applying to the Commission for the Protection of Victims of Crimes. In 2021, this Commission awarded compensation of a total amount for violent crimes of 718,440 Euros and for domestic violence of 152,400 Euros which represents an increase regarding 2020 violent crimes values (457,580 Euros) and 2020 domestic violence figures (136,200 Euros). The average compensation value awarded for these two types of categories of crimes in 2021 was 13,062 Euros and 3,157 Euros, respectively.

219. Although the proceedings are, as a rule, public, they can be subject to judicial privilege, during inquiry, at the request of the defendant, the assistant, or the victim, or by order of the Public Prosecution Service. The public can be present at public procedural acts, except if the judge decides otherwise, *ex officio* or at the request of the parties. As a rule, procedural acts in cases of trafficking in persons and sexual crimes are carried out behind closed doors to protect the victims. The reading of judgments is always public.

220. The proceedings are initiated with the report of a crime. If the suspect is detained, he or she must be brought before a judge within 48 hours. The report of a crime entails the initiation of a criminal inquiry, directed by the Public Prosecution Service, with the assistance of criminal police bodies.

221. The CCrP indicates a number of coercive measures, which can be applied to the defendant, such as the term of identity and residence; bail; periodic presentation before a police or judicial authority; suspension of the exercise of a certain profession, function, activity or right; prohibition or imposition of conduct; home detention; and pre-trial detention. All such measures, except the first, must be decreed by a judge and can only be applied if the following requirements are met: evasion or risk of evasion, risk of disturbing the normal course of the inquiry or the investigative stage and, in particular, danger to the collection, preservation or veracity of evidence, or risk, due to the nature and circumstances of the offence or of the defendant's personality, that he continues his criminal activity or gravely affects public order and peace.

222. Furthermore, pre-trial detention can only be ordered if other provisional measures are deemed insufficient and exhaustive legal requisites are fulfilled.

223. Other acts of inquiry (such as the first preliminary court examination of a detainee within a 48-hour delay) must be performed by an examining judge (the judge of inquiry), and others must be ordered by such a judge (for example home searches and seizure of correspondence).

224. The inquiry closes with prosecution or withdrawal of proceedings, within fixed time frames from the date when the inquiry against a particular person has begun or since the acquisition of the defendant's statute. If either the defendant or the "assistant" do not agree with the decision taken at the end of the inquiry, they can request opening of instruction (an

optional phase, under the direction of a judge), at the end of which the judge decides whether to indict or not the defendant.

225. Trial comprises a hearing, as a rule public, at which the defendant should be present, except in circumstances provided for by law. No evidence obtained through illegal methods (such as torture or ill-treatment) is admissible. Witnesses testify under oath, but the defendant takes no such oath and has the right to remain silent. Close relatives cannot be obliged to testify against one another. Crimes punishable with less than five years of imprisonment or just with a fine penalty can, under certain conditions, be tried in accordance with abbreviated proceedings.

226. The sentence (or, at least, a summary thereof) is read out in public and must be duly motivated. Sentences can be appealed to a higher court with suspensive effects.

227. Incidence of violent death and life-threatening crimes reported per 100,000 persons has been increasing from 2014 (6.22) to 2018 (6.70).

228. In 2018, 3,459 persons were brought to court for violent or other serious crimes such as homicide, robbery, assault, and trafficking (33.7 per 100,000 persons), 2,280 sentenced (22.2 per 100,000 persons) and 801 incarcerated (7.8 per 100,000 persons). Since 2014, there has been a trend to decrease these numbers and rates, except in 2015, when there was a small increase. The number of reported cases of sexually motivated violence increased from 2,475 in 2014 to 2,621 in 2018. The highest figure reported in this period was 2,695 in 2017 and the lowest was 2,475 in 2014.

229. In 2021, the Security Forces recorded 26,517 domestic violence participations (12,754 by GNR (48,1%) and 13,763 (51,9%) by PSP. Overall, in 2021 there was a decrease of -1102 occurrences compared to 2020 (-4%). Compared to 2020, there were 462 fewer occurrences recorded by GNR (-3,5%) and 640 fewer participations in PSP (-4,4%). In line with data from previous years, most victims were female (81,8%). In 83,5% of the occurrences the perpetrator was male.

230. In 2015, Portugal amended the CrC defining the autonomous crime of female genital mutilation, punishable by a prison sentence of 2 to 10 years and introduced the crimes of persecution (imprisonment up to 3 years or a fine, if a more severe sentence is not applicable under another legal provision) and forced marriage (imprisonment up to 5 years). There were also changes to the crimes of rape, sexual coercion, and sexual harassment, always in compliance with the provisions of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (Istanbul Convention).

231. Article 152 CrC, which defines the crime of domestic violence, was amended by Act No. 44/2018, whereby a new aggravating circumstance was added: the dissemination, on the Internet or by any other means of public sharing, of personal data, namely image or sound, regarding the privacy of one of the victims without his/her consent. In this case, the penalty is increased (ranging from two to five years). Following the recommendations of GREVIO, Act No. 101/2019, of 6 September, Portugal reviewed the description of the crimes of rape and sexual coercion, making clearer that these offences are based on the absence of the consent of the victim.

D. Non-governmental organizations

232. Non-Governmental Organisations (NGOs) have the legal nature of an association or a foundation. Art. 46 CRP guarantees freedom of association and the right of all citizens freely to associate with one another without any authorisation, on the condition that such associations are not intended to promote violence, nor contrary to the law. Associations shall pursue their purposes freely and without interference from public authorities and not be dissolved by the State or have their activities suspended, except by judicial order.

233. The Civil Code sets forth the legal framework for associations. Arts. 167 *et seq.* establishes several steps for their incorporation with the initial requirement that a meeting of its founders should take place and that the future articles of the association are approved, stating its name, purpose, and headquarters. The association's name must be certified as

admissible by the National Register of Legal Persons (NRLP). A public deed is then celebrated at a notary, who must promote the publication of its constitution and articles. The process is completed with its definitive registration at the NRLP and with declaration of commencement of activities before the tax administrative offices.

234. A simplified incorporation procedure exists since 2007 called “On the Spot Association”, by which an association can be incorporated in a single act at a register, without an admissibility certificate issued by the NRLP and with the adoption of pre-approved articles of association. However, this type of procedure does not apply to all sort of associations (for instance political parties, unions, and employers’ associations).

235. Portugal is Party to the European Convention on the Recognition of the Legal Personality of International Non-Governmental Organisations, done at Strasbourg in 1986. The National Register of Legal Persons is the designated authority for the purpose thereof.

236. Legal persons such as associations, foundations or cooperatives may be granted by Government the status of “public utility legal person”. This status is granted by the PM and instructed by the General Secretariat of the Presidency of the Council of Ministers, and grants tax benefits and tariff exemptions.

237. Certain associations, such as Non-governmental Development Cooperation Organisations (NGDOs), Environmental Non-governmental Organisations (ENGOs), Migrant, Women and Youth Associations, and Associations of Persons with Disabilities, can apply to be recognized by certain public departments, in order to be given the status of social partners, and receive State support, tax exemptions and other benefits. This recognition implies a second registration with the concerned public departments (which often automatically gives the association the status of “public utility legal person”).

238. NGDOs based in Portugal should apply for registration with the Portuguese agency for development cooperation - *Camões – Instituto da Cooperação e da Língua, I.P.* (under the supervision of the Ministry of Foreign Affairs), in case they promote non-profit objectives and aim at developing, implementing and supporting programmes and projects of a social, cultural, environmental, civic and economic nature, *inter alia* those aimed at promoting and protecting human rights in developing countries. Should an NGO be recognized as a NGDO, it shall automatically be given the status of public utility legal person and may apply for public funding for its projects and programmes.

239. There are presently 172 organisations registered as NGDOs by Camões, 61 of which are members of the Portuguese Platform of NGDOs,¹¹ 121 ENGOs,¹² 1,273 Youth Organisations¹³ and 152 immigrant associations, these recognized by the High Commission for Migration. 40 NGOs are members of the section of Non-governmental Organisations of the Consultative Council of the Commission for Citizenship and Gender Equality (CIG).

E. The media

240. Freedom of the press is guaranteed by the Constitution, implying, *inter alia*, the freedom of expression and creativity of journalists and other staff, freedom of journalists to take part in determining the editorial policy of media bodies, the right of journalists to access sources of information and to the protection of professional independence and secrecy, right to elect editorial boards, and the right to create newspapers and any other publications, regardless of any prior administrative authorisation, bond or qualification (Art. 38 (1) CRP).

241. Ownership and financing of the media are publicized, and the State shall ensure the media’s freedom and independence from political power and economic power by imposing the principle of specialisation on businesses that own general information media, treating and

¹¹ *Source* : Camões, I.P, <http://www.instituto-camoes.pt/activity/o-que-fazemos/cooperacao/atuacao/financiamos/perguntas-frequentes-ongd-2/ongd-registadas>.

¹² *Source*: Official Gazette, II Serie, Aviso (extracto) n.º 4115/2008, of 19 February.

¹³ *Source*: IPJ/RNAJ.

supporting them in a non-discriminatory manner and preventing their concentration, particularly by means of multiple or interlocking interests.

242. According to the Media Regulatory Authority (ERC – Regulating Entity for the Media)¹⁴ there are 14 media groups in Portugal as of January 2013. Further to this group of 14 media companies, it may also be included the communications convergence player *Vodafone Portugal – Comunicações Pessoais, S.A.*, a provider of pay television services.

243. The State ensures the existence and operation of a public radio and television service, but its structure and operation are independent of the Government, Public Administration and other public authorities. The public media sector is legally obliged to ensure the expression and confrontation of ideas from all currents of opinions. Radio and television broadcasting stations (spectrum users) operate only with licenses that are granted under public calls for tender.

244. Concerning television broadcasting market in 2016, the average daily TV viewing time per person was 4h46 minutes, against 3h29 minutes in 2009. FTA channels controlled the market (Public Broadcaster RTP 17.4 %, TVI 24.7% and SIC with 22,7 % of share) but Pay TV/others registered a trend of growth (35.1% of share in 2016, against 18.2% in 2009).¹⁵ According to the Electronic Communications Regulatory Authority (ANACOM), in the third quarter of 2017, there were 3.8 million subscription TV service (TVS) subscribers, 116 thousand (3.2 % percent) more than in the 3rd quarter of 2016. At the end of the 3rd quarter of 2017, the cable TV distribution service accounted for 36, 1% of total subscribers, xDSL for 15.7% and DTH for 14.8%. Optical Fibre (FTTH/FTTB) represented 33, 4% of total subscribers. It is estimated that 93.6 % of subscription TV subscribers received their service as part of a package.

245. Regarding the press market in 2016, 1,271 periodical publications reached 23,035 annual editions, with 322,156 million circulation copies of which 192,880 million copies were sold.¹⁶ Compared to 2015, printed materials recorded a fall in total circulation (-21.9 %), number of copies sold (-17.6%), number of publications (-7.5%) and editions (-3.4%). Most periodicals considered (771) were in “paper” format, while 494 were widespread in “Paper and electronic both” support. By type of publication, newspapers represented 73% of sold copies.¹⁷

246. Concerning radio market, the average listening time was 3h13 minutes in 2016, against 3h18 minutes in 2009¹⁸. At the end of 2016, there were 322 licensed radio stations – 2 international, 6 national, 5 regional, 1 regional and local and 318 local stations.¹⁹ Public Broadcaster (*Grupo RDP*) had 8.7% of share, the market being dominated by commercial broadcasters (*Grupo Renascença* with 35.9% and *Grupo Media Capital Rádios* with 34.9% of share).

247. ERC – Regulating Entity for the Media is an independent administrative body established to regulate and supervise the media, and to ensure the right to information and the freedom of the press; non-concentration of ownership of the media, independence from political and economic power; respect for personal rights, freedoms and guarantees; and free expression and confrontation of opinions. ERC’s Regulation Council has 5 members, 4 of which elected by Parliament and the fifth chosen by those elected.²⁰

¹⁴ Source: ERC – Regulating Entity for the Media, <http://www.erc.pt/pt/transparencia>.

¹⁵ Grupo Marktest (2016), *Anuário de Media & Publicidade 2016*.

¹⁶ INE (2016) Statistics of Culture.

¹⁷ INE (2016) Statistics of Culture, p. 165 et seq.

¹⁸ ERC (2016) Regulation Report, Vol. 1, p.26.

¹⁹ ERC (2016), Regulation Report 2016, Vol. 1, p. 200.

²⁰ Act No. 53/2005, of 8 November.

V. General framework for the protection and promotion of human rights

A. Acceptance of international human rights norms

248. Tables 40, 41 and 42.

B. Legal framework for the protection of human rights at the national level

1. Reference to human rights in the Constitution, a bill of rights, a basic law or other legislation

249. Pursuant to Article 8 CRP, “[...] the rules and principles of [...] international law form an integral part of Portuguese law”, “the rules provided for in international conventions duly ratified or approved shall [...] come into force in Portuguese internal law once they have been officially published, and remain so for as long as they are internationally binding on the Portuguese State.”

250. The Principles set forth in the Universal Declaration of Human Rights are in force within the Portuguese territory, being directly applicable and binding on public and private bodies (Art. 18 CRP). Art. 12 CRP entitles all Portuguese citizens to all the rights enshrined in Portuguese Fundamental Law, by stating that “All citizens shall enjoy the rights [...] laid down in the Constitution”.

251. These rights encompass a wide range of civil, cultural, economic, political and social rights and freedoms. CRP follows the systematization of rights adopted by the Universal Declaration of Human Rights. Articles 24 to 57 relate to “Personal rights, freedoms and guarantees” (which are equivalent to the civil and political rights), whereas Articles 58–79 relate to “Economic, social and cultural rights and duties” (equivalent to the economic, social and cultural rights).

252. The principle of equality (Art. 13 CRP) determines that every citizen shall possess the “same social dignity and shall be equal before the law” and that “no one shall be privileged, favoured, prejudiced, deprived of any right or exempted from any duty on the basis of ancestry, sex, race, language, place of origin, religion, political or ideological beliefs, education, economic situation, social circumstances or sexual orientation”.

253. Article 15 provides that: “1. Aliens and stateless persons staying or residing in Portugal shall enjoy the same rights and be subject to the same duties as Portuguese citizens. 2. The foregoing paragraph shall not apply to political rights, to the performance of public duties that are not predominantly technical or to rights and duties restricted to Portuguese citizens under the Constitution and by law”.

254. Article 16 determines that the fundamental rights embodied in the Constitution shall not exclude any other rights “either in the statutes or resulting from applicable rules of international law” and that “the provisions of the Constitution and laws relating to fundamental rights shall be read and interpreted in harmony with the Universal Declaration of Human Rights”.

2. Incorporation of human rights treaties into the national legal system

255. Any legislation that violates the Universal Declaration on Human Rights is prohibited. The validity of the laws and other acts of the State, the autonomous regions, local government and any other public bodies depends on their compliance with the Constitution (Art. 3 CRP) and anyone who violates these fundamental principles can be held accountable under the terms of the legal regime for the protection of fundamental rights.

256. Most legal literature considers that the status of treaty law, which is that of ordinary international law, is below the Constitution but above ordinary legislation. Accordingly, once ratified by Portugal and published in the Official Gazette, international treaties, and

agreements, and thus the rights established by them, apply directly and are directly binding on all public or private bodies (Art. 18 CRP).

257. This means that, in case of a violation of one of these principles involving, for instance, discrimination, the victim would have the right to go to court to claim her or his rights and cannot be denied justice due to lack of means (Article 20 CRP). International law norms – notably in human rights – can be invoked before national courts.

3. Judicial, administrative, or other authorities with competence in the area of human rights

258. Sovereign power bodies in Portugal are all responsible for the promotion and protection of human rights:

(a) The President of the Republic is responsible for requesting the Constitutional Court to review the constitutionality of rules laid down by laws, executive laws and international agreements, and to rule whether legal provisions or statutes are unconstitutional due to any inclusion or omission (Art. 134 CRP).

(b) Unless it authorises the Government to do so, the Parliament is exclusively responsible for legislating on rights, freedoms and guarantees (Art. 165 CRP). The Commission for Constitutional Matters, Rights, Freedoms and Guarantees (also known as the First Commission) is specifically competent in matters of human rights.

(c) The Government is responsible for the implementation of policies (Art. 182 CRP). The development, implementation and evaluation of specific policies is the ministries' responsibility through its many departments and agencies.

(d) The National Committee for Human Rights (CNDH) established in 2010, is composed by representatives of different Ministries. Its main objectives are to contribute to the definition of a national human rights policy and to coordinate the different Ministries in the drafting of reports due by Portugal to international organisations as well as in the follow-up to the observations of those organisations.

(e) The Courts are responsible for the administration of justice, and for the defence of citizens' rights and interests that are protected by law, repressing breaches of the democratic rule of law, and ruling on conflicts between public and private interests (Art. 202 CRP). The Constitutional Court is specifically responsible for controlling the constitutionality of rules and other acts of the authorities.

4. Provisions of the various human rights instruments that have been invoked before national courts, other court or administrative authorities

259. Treaties duly ratified by Portugal form an integral part of the domestic legislation and can thus be invoked before national courts, whatever the type of instance.

5. Remedies available to individuals who claim that any of his or her rights have been violated

260. The Portuguese legal order encompasses both judicial and non-judicial mechanisms for the defence of individuals' rights.

(a) Right of access to the courts

261. CRP enshrines the principle of effective judicial protection, guaranteeing everyone access to the courts to defend her or his rights and providing that justice cannot be denied to anyone due to lack of means (Art. 20 CRP). The law ensures expedite and priority legal proceedings with the aim of assuring effective and timely judicial protection against threats to or violations of personal fundamental rights, freedoms, and guarantees.

262. The right of access to the courts is foreseen in the framework of the individuals' constitutional rights *vis-à-vis* the public administration (Art. 268 CRP). Administrative courts have the competence to settle disputes arising from administrative legal relations.

263. Access to the courts is guaranteed by the Constitution even during a state of siege or of emergency so far as the defence of the rights, liberties and guarantees undermined or jeopardized by an unconstitutional or unlawful measure is concerned.

264. Court and lawyers' fees can be covered by legal aid. The provision of legal aid takes the following forms:

- (a) Exemption from court fees and other procedural costs.
- (b) Appointment of a lawyer or solicitor by their respective representative's association and payment of his/her fees including a phased payment.
- (c) Phased payment of court fees and other procedural costs.
- (d) Appointment of an enforcement agent.

265. Only persons who can prove that they lack sufficient resources to pay court or lawyers' fees are eligible for legal aid. The following persons are eligible for legal aid:

- (a) Portuguese and European citizens.
- (b) Third-country nationals and stateless persons holding a valid residence permit in a Member State of the European Union.
- (c) Third-country nationals without a valid residence permit in a Member State of the European Union to the extent that such protection is granted to Portuguese nationals by the laws of the respective countries.

(b) The right to appeal the Constitutional Court

266. The Constitutional Court has specific jurisdiction over matters of a constitutional nature (Arts. 277 to 283 CRP).

267. The Court rules in cases of abstract control (including the preventive control of constitutionality, the successive control of constitutionality and the control of unconstitutionality by omission) and of control of constitutionality in judicial cases. As for the latter, courts cannot apply rules that breach the Constitution (Art. 205 CRP), and individuals can appeal the Constitutional Court against court decisions on issues of constitutionality.

(c) Liability of public bodies

268. Jointly with their officeholders, staff and agents, the State and all other public bodies are civilly liable for such actions or omissions in the performance of their functions resulting in a violation of fundamental rights, freedoms and guarantees or in any loss to somebody (Art. 22 CRP).

269. The Regime on the Non-Contractual Liability of the State and other Public Entities establishes the reparation of damages arising from the exercise of legislative, judicial and administrative powers. In the exercise of its administrative power, the State and other public entities are solely responsible for the damages resulting from unlawful actions or omissions committed with ordinary negligence by members of their bodies, employees or agents in the exercise of the administrative function and because of this exercise.

270. Regarding the exercise of the judicial power, the damages wrongfully caused by the administration of justice, including the violation of the right to a judicial decision within a reasonable time, are also subject to reparation.

271. In the exercise of its legislative power, the State is held liable for abnormal damages caused to citizens' rights and legally protected interests that are contrary to the CRP, international law, European Union Law or reinforced normative acts.

272. Victims can claim for reparation and compensation from the offender in court by filing a civil request for compensation (Art. 71 to 84 CCrP). Special protection is given to victims of violent crimes and domestic violence, who can request an advance of the compensation to the Commission for the Protection of Crime Victims.

(d) The right to popular action (*actio popularis*)

273. Art. 52 CRP grants everyone, either personally or through associations defending the interests in question (such as consumer rights and the environment), the right of *actio popularis*. Act No. 83/95, of 31 August, further implements this right.

(e) Non-judicial mechanisms

274. Art. 52 CRP lays down the right of all citizens to submit petitions for the defence of their rights to bodies exercising sovereign power or any other authority, including the right to be informed of the result of the consideration thereof within a reasonable period of time. Act No. 43/90, of 10 August, further implements this right.

275. Everyone has the right to file a complaint with the Ombudsperson against illegal or unjust actions or omissions by the public authorities (Art. 23 CRP). The Ombudsperson investigates and makes (non-binding) recommendations as deemed necessary to prevent and/or remedy injustices and infringements to the law.

276. Independent administrative bodies can assess complaints by the individuals against violations of their rights, as the Media Regulatory Entity, the Data Protection National Commission and the Access to Official Documents Commission.

277. Equality bodies are responsible for preventing and combatting discrimination, including competence to apply administrative sanctions and to issue opinions regarding discriminatory practices following procedures opened upon complaints or ex officio. This is the case of the Commission for Equality and Against Racial Discrimination (CICDR), the Commission for Citizenship and Gender Equality (CIG), the Commission for Equality in Labour and Employment (CITE) or the National Institute for Rehabilitation (INR).

278. Any citizen grieved in his or her rights by an administrative act possesses those means of defence directed at the revocation or the amendment of the act concerned, by means of a claim before the author of the act and/or an appeal before the competent hierarchical superior. This subject is covered by the Code of Administrative Procedure.

279. The Ministry of Justice supports the establishment and the application of extrajudicial means of alternative dispute resolution, including mediation, conciliation, and arbitration, promotes the creation and support of arbitration centres, Justices of Peace and mediation systems, and extends legal aid to them.

280. The right of resistance (Art. 21 CRP) is conceived as a last resort for the protection of all those who are faced with an order that infringes their fundamental rights, freedoms and guarantees.

6. Institutions and machinery with responsibilities for overseeing the implementation of human rights and for the advancement of women, children and young persons, older persons, persons with disabilities, minorities, indigenous peoples, refugees, and IDPs

(a) National Institute for Rehabilitation (INR)

281. The INR is a public body with administrative autonomy, depending on the Ministry of Labour, Solidarity and Social Affairs. Its main purpose is to ensure the planning, execution, and co-ordination of national policies by promoting the rights of persons with disabilities.

282. INR's main guidelines are based on the principles of non-discrimination, inclusion, and participation of persons with disabilities, with the fundamental objectives of raising awareness about the rights of persons with disabilities; ensuring protection against discrimination; and the full realisation of their human rights through necessary measures for their effective inclusion in all domains of social life.

283. Its role and competences were substantially reinforced by Act No. 46/2006, of 28 August, which prohibits and punishes discrimination based on disability and existence of risk aggravated by health conditions. Under this law, discrimination is prohibited in the enjoyment of goods or services, access into education or training systems, access to public spaces, access to an employment and lack of communicational accessibility. INR receives complaints, forwards them to the competent authorities and prepares a consolidated annual

report on the application of the law. In addition, it provides that all Disability NGOs have the right to intervene in support of the complainant.

(b) National Commission for the Promotion of the Rights and the Protection of Children and Young Persons

284. The National Commission for the Promotion of the Rights and the Protection of Children and Young Persons' mission is to contribute to the co-ordination, follow-up, and assessment of the activities of public bodies and community agencies involved in the promotion and protection of the rights of children and young persons. It operates under the Ministry of Labour, Solidarity and Social Security, having administrative autonomy.

285. The Commission had its functional and operational mechanisms reviewed and autonomy reinforced in 2017. It replaced the previous National Commission for Protection of Children and Young Persons at Risk, which existed since 1998, gaining a broader scope of competences that transcend the prevention and protection of children and young persons' rights in risks situations.

286. The Commission has a president, a National Council (core and extended format), commissioners (representatives appointed by the members of the government with responsibility for the areas of council of ministers, youth, justice, social security, health, education, home affairs), and representatives from the Regional Governments (Azores and Madeira), the Attorney-General, the Ombudsperson, and civil society organizations.

287. The Regional Coordination Teams assure direct support to the local Commissions (currently 331 nationwide) in each five territorial areas contributing to the implementation of the National Commission's plan of activities. A technical Operational team with executive functions and multidisciplinary training supports the National Commission activity.

288. The Commission also follows up, supports, and monitors the activity of the Commissions for the Protection of Children and Young Persons (CPCJ), which are non-judicial official institutions with functional autonomy aimed at promoting children and young person's rights, and preventing and protecting them against situations that affect their safety, health, education, training, and full integral physical, psychological and emotional development. The National Commission promotes a culture of prevention supporting specific activities and systemic projects to be developed by CPCJ.

289. Since 2004, the CPCJs have been responsible for giving permission to children to participate in activities related to Arts and Entertainment. Entities promoting cultural, artistic or publicity activities in which children up to the age 16 participate as actors, singers, dancers, performers, musicians, and models must request permission to the CPCJs so that children can take part in the activity.

290. The facilities and support materials necessary for the daily management of these Commissions are mainly guaranteed by the municipalities. Currently (2022), there are 311 Commissions for 308 Municipalities.

291. The Commission undertook a systematized training plan aiming at qualifying its professional staff working in CPCJ and in other entities with competencies on childhood and youth in areas related to the promotion and protection of children and young person's rights. It also promotes the implementation of parental training programmes for families at risk, in collaboration with relevant national, regional, and local stakeholders.

292. The Commission is responsible for planning, monitoring/supervising and evaluating the National Strategy for the Rights of the Child and for preparing a multiannual plan for the promotion and protection of children's rights, taking into account the implementation in Portugal of the Convention of the Rights of the Child.

(c) Commission for Equality and Against Racial Discrimination (CICDR)

293. CICDR is the national specialized body since 1999 that fights against racial discrimination based on racial and ethnic origin, colour, nationality, descent and place of origin, with regard to access of goods and services, social protection, healthcare, social

benefits, education and culture. It also monitors the spread of hate speech based on these grounds.

294. In 2017, the CICDR's intervention was reinforced, namely by including descent and territory of origin among the protected grounds, harmonising and simplifying procedures, and including multiple discrimination and discrimination by association in the law.

295. CICDR is competent to receive discrimination complaints, and to open and decide on the respective administrative procedures, among other competences related to information and awareness-raising. Any person can submit a complaint, through various means, by email, mail, in person at CICDR or at the police.

(d) Governmental mechanisms for gender equality

(i) The Commission for Citizenship and Gender Equality (CIG)

296. CIG is the national mechanism responsible for drawing up and implementing global and sectoral policies to promote active citizenship and gender equality in all areas of political intervention. It works under the direction of the Minister in the Cabinet of the Prime Minister and for Parliamentary Affairs and reports to the Secretary of State for Equality and Migration. It has its head office in Lisbon and a branch in Porto.

297. CIG contributes to amending the regulatory framework, or its implementation, elaborates studies and planning documents to support political decision-making, promotes education for citizenship and activities to raise civic awareness to identify situations of discrimination and ways to eradicating them, proposes measures and develops activities to combat all forms of gender-based violence and support its victims, and ensures the coordination and technical supervision of victim care and assistance structures within the scope of the National Support Network for Domestic Violence Victims. It also cooperates with international and EU organizations as well as with their counterparts in other countries.

298. CIG has an Advisory Board composed of:

(a) A Section of Non-governmental Organisations (40 NGOs – 29 are women's rights associations and NGOs working in the field of gender equality and 11 are working in the area of human rights).

(b) An Inter-ministerial Section comprising representatives of each line Ministry and Services that work as gender focal points in their respective areas with the aim of mainstreaming gender equality into all policies. They have the formal Statute of Advisers for Equality. The "Equality Adviser Statute" assigns a clear mandate and functions to the Advisers for Equality and encompasses the creation of intra-ministerial working teams.

(c) A Technical and Scientific Advisory Group chaired by the member of the Government in charge of the CIG that is composed by the president and the vice-president of the Commission and 10 personalities with recognized scientific expertise in the fields of citizenship, human rights, women's rights, and gender equality.

(ii) Commission for Equality in Labour and Employment (CITE)

299. CITE works under the direction of the Ministry of Labour, Solidarity and Social Affairs and the Minister in the Cabinet of the Prime Minister and for Parliamentary Affairs (in charge of gender equality). It is a tri-partite, equilateral body composed by government representatives and social partners representing the employees and the employers.

300. Its main tasks are the promotion of equality and non-discrimination between women and men in work, employment and professional training both in the public and private sector; and the protection of maternity and paternity as well as the issue of reconciling professional, family and personal life, especially by issuing Opinions or Recommendations regarding complaints on the grounds of gender-based discrimination.

301. CITE evaluates the complaints of discrimination and draws up reports on these matters, which are sent to the interested parties. It is mandatory for employers to request a legal opinion from CITE before the dismissal of pregnant, puerperal, or breast-feeding women. The legal opinion is given in 30 days. If the opinion is negative, only a court of law may

authorize the dismissal. Employers are also required to seek legal opinion if they disagree with requests for reduced or flexible working hours for women and men with young children. The opinion must be given within 30 days and, again, if the opinion is negative only a court of law may authorise the employer to deny the employee's request. Workers or their representatives can also request CITE to issue a binding opinion on alleged situations of gender-based pay discrimination.

302. CITE maintains the register of court decisions regarding equality and non-discrimination between men and women in work, employment, and vocational training, in order to provide information about any final decision.

303. CITE provides information and legal services on equality and non-discrimination and assists victims of gender-based discrimination at work, employment, or vocational training.

304. CITE promotes studies, research and projects concerning equality and non-discrimination in labour, employment, and vocational training, as well as good practices for reconciling professional, family, and personal life. It also cooperates at national and international levels with public and private organisations in activities and projects related with CITE's mission.

C. Framework within which human rights are promoted at the national level

1. National and regional parliaments and assemblies

305. The Parliament is the representative assembly of all Portuguese citizens. Parliamentarians are elected by constituencies with geographical limits laid down by the law. All Portuguese citizens entitled to vote may stand for election, subject to the restrictions laid down by electoral law.

306. Parliamentarians exercise their mandates freely and may table proposals for constitutional amendments and bills; question the Government concerning any of the latter's acts or any act of the Public Administration; request and obtain, from the Government or any public body data, information, and publications that they deem necessary for the fulfilment of their mandates; and request the establishment of parliamentary committees of inquiry. The Constitution determines immunities, rights, privileges, and duties of parliamentarians as well as grounds for forfeiture and renunciation of mandates.

307. The Parliament is responsible for revising the Constitution in accordance with the constitutional revision rules. Revision may take place once five years have elapsed after the publication of any revision law or at any time by four-fifths of the parliamentarians entitled to vote. However, revisions must respect certain limits, such as national independence and the unity of the State, the republican form of government, the separation of church and State, and the rights, freedoms and safeguards of citizens and workers.

308. It approves international conventions on matters falling within its competence, treaties involving Portugal's participation in international organizations, treaties of friendship, peace treaties, defence treaties, and any other treaties that the Government submits to it. It is also assigned the tasks of scrutinising the activity of the Government and the Administration and ensuring compliance with the Constitution and laws.

309. It has the competence to legislate, *inter alia*, on the election of office holders in organs of sovereignty; the referendum regime; the organization, functioning and procedures of the Constitutional Court; the organization of the national defence; states of siege and states of emergency; situations relating to Portuguese citizenship; and political parties and associations.

2. National human rights institutions

(a) Office of the Ombudsperson

310. The Ombudsperson monitors the application of all existing legislation and is democratically elected by 2/3 of the members of Parliament. He/she has the power to

supervise the acts of Public Administration, or of other entities, including private ones that pursue public interest, and recommend certain measures to the public powers to combat illegalities or injustices.

311. The Ombudsperson's independence – a requirement in its capacity as the National Human Rights Institution, in accordance with the Paris Principles (Status A accreditation) – is strengthened by the elaboration of reports submitted to the bodies of international organizations on the fulfilment of international obligations by the Portuguese State.

312. Citizens may submit the Ombudsperson, orally or in writing, complaints about actions or omissions of public authorities. The Ombudsperson investigates and takes a stand, namely through recommendations to competent bodies to prevent or redress injustices.

313. The Ombudsperson is empowered to: (a) recommend ways in which to correct the illegal or unjust acts or to improve the services of the Administration; (b) draw attention to any flaws in legislation and request an evaluation of the legality or constitutionality of any provision whatsoever; (c) give opinions on all questions placed by the Parliament; and (d) ensure the dissemination of information on the fundamental rights and freedoms.

314. The Ombudsperson may: (a) audit any sector of the administration, examine documents and request any information deemed necessary; (b) conduct inquiries; (c) seek, in cooperation with the competent organs and departments, the most appropriate solutions to the defence of the legitimate interests of citizens and the best means of improving administrative services; (d) order the publication of press releases or information bulletins on findings, using the media when necessary.

315. The Ombudsperson submits an annual activity report to the Parliament, which is published in the Official Gazette.

(b) Public Prosecution Service

316. The Public Prosecution Service is a constitutional body entrusted with powers to prosecute, participate in the implementation of criminal policy, represent the State and to defend the democratic legality and the interests laid down by law. The Public Prosecution Service has its own statute, being considered an autonomous magistracy from a procedural standpoint.

317. The Public Prosecution Service is, *inter alia*, responsible for:

- (a) defending democratic legality.
- (b) representing persons lacking legal capacity, having no permanent residence and those whose whereabouts are unknown.
- (c) taking legal action in administrative litigation to defend public interest, fundamental rights, and administrative legality.
- (d) representing ex officio workers and their families to defend their social rights.
- (e) defending and promoting the rights and interests of children, youth, older persons, persons with disabilities, and other vulnerable persons.

(c) Office for Judicial Cooperation and International Relations

318. This Office was established under the direct control of the Prosecutor General. Its purpose is to ensure the access of members of the Portuguese legal professions to foreign, international, and European law and it has been given the responsibility of setting up and managing a documentation centre on human rights and international law.

319. The Office's webpage contains information regarding the UN work on human rights in Portuguese, as well as the text of all reports presented by Portugal to Treaty Monitoring Bodies, the Summary Records of the reports' presentations, and the respective concluding observations.

320. The Office has translated into Portuguese the Human Rights Fact Sheets Series Collection of the OHCHR and includes also bilingual templates (Portuguese/English) for

lodging a complaint with the United Nations Treaty Bodies or the European Court of Human Rights.

3. Dissemination of human rights instruments

321. All human rights instruments to which Portugal is a State Party have been translated into Portuguese and published in the Official Gazette, which can be freely accessed on its respective webpage. The instruments published at the Official Gazette are considered as the authentic ones.

322. The dissemination of human rights instruments is also carried out through the webpage of the Office for Judicial Cooperation and International Relations, which includes an extensive list of universal and regional human rights treaties, including those which have not been ratified by Portugal. Additionally, the webpage of the Directorate General of Justice Policy, under the direction of the Ministry of Justice, includes the main human rights treaties which are binding for Portugal.

323. A significant number of references to international human rights instruments can be found in the institutional websites of the different Ministries, which are structured not only to facilitate access for professionals but also the public at large.

324. The National Commission for the Promotion of Rights and Protection of Children and Young Persons develops awareness raising campaigns, such as the National Campaign of Child Abuse Prevention Month. It produces and disseminates human rights materials, such as online manuals with guidelines for Education, Social Services, Police forces, Health and Media professionals, books, posters, leaflets, and brochures. It also provides professional specialized certificate training on subjects related to child protection, abuse, and neglect, and provides for counselling, referral, and clarification of questions raised by Public Administration and the public.

325. Portugal is a strong supporter of the UN Guiding Principles on Business and Human Rights and is deeply committed to respecting its obligation to protect against human rights abuses by third parties, including by businesses, and to guarantee access by victims to effective remedy for human rights violations. Currently, Portugal is preparing the National Action Plan on Responsible Business Conduct and Human Rights which will include specific measures dedicated to the UN Guiding Principles on Business and Human Rights, focusing on the three pillars «Protect», «Respect» and «Remedy».

4. Raising human rights awareness among public officials and other professionals

(a) The Centre for Judicial Studies (CEJ)

326. CEJ provides initial and continuous training in fundamental rights and the international system for their protection to prosecutors, judges of judicial courts and of administrative and tax courts. Initial training gives attention to the European Convention on Human Rights and to the European Charter of Fundamental Rights. Continuous training is on the jurisprudence of the European Court of Human Rights, trafficking in persons, domestic violence, violence against women, female genital mutilation, rights of persons with disabilities, “the best interests of the child”, the victim and criminal law, implementation of fundamental rights and the situation of vulnerable young persons and children.

327. Human rights training is mandatory for prosecutors and judges working in criminal courts and family courts, encompassing necessarily domestic violence and children’s rights. Initial training also encompasses obligatory sessions on the case law of the European Court of the European Court of Human Rights and the Court of Justice of the European Union on fundamental rights. In this first cycle of studies, domestic violence and victim protection matters are mandatory subjects in the training component of Criminal Law and Criminal Procedure.

328. To disseminate relevant jurisprudence of the European Court of Human Rights (ECtHR) and of the European Court of Justice, CEJ, in cooperation with the national judges of those courts, has been publishing on its website on a monthly and bi-monthly basis,

respectively, a newsletter giving notice of the most relevant judgements rendered in the said period of time.

329. Since 2014, CEJ participates in the European Programme for Human Rights Education for Legal Professionals (HELP) thus enhancing the capacity of judges, lawyers and prosecutors to apply the European Convention on Human Rights and has promoted the publication of several e-books regarding some of the topics aforementioned.

330. CEJ participates in the Program “Justice for all”, a partnership with the Directorate General for Rehabilitation and Prison Services and the Directorate General for Education aimed at the promotion of democratic values. This project is carried out through awareness raising, dissemination of information, workshops, and moot courts, aimed at young persons, between 12 and 25 years.

(b) The Bar Association

331. The Commission of Human Rights of the Bar Association (CDHOA) develops numerous activities in the field of human rights, framed in the general action of the Bar Association. This commission promotes, by all available means, the rights, freedoms and guarantees of the human person providing training, conferences, press releases, and visits on location to senior citizens, to prisons, to detention centres or residences for migrants, and pro-bono support groups, for the specific case of Ukrainian refugees.

332. The CDHOA engages with national and international civic and institutional organizations, having signed different agreements to ease up access to legal information, namely to migrants and women. It also denounces publicly situations of human rights breaches and awards every year a prize to any entity ensuring respect for the fundamental rights of citizens.

333. The CDHOA carries activities on its own initiative, upon request of any of the competent bodies within the Bar Association or even under request of a registered member on different areas such as Criminal Procedures, Prison system, execution of sentences and security measures, Asylum, minorities and migrations, on Family, minors and domestic violence, on Gender equality, on Employment, Health and Social Issues, Culture and Education, Environment, Administration of Justice and Legal practice conditions.

(c) Security Forces and Services

334. Portugal is ranked in the top five safest countries in the world. The professionalism and capacity of the Portuguese Law Enforcement Agencies (LEAs), in maintaining peace and order in large-scale events is recognised worldwide. Portuguese LEAs adopted the proximity/community policing in the 1980s and are deeply committed and engaged in several national and local networks to prevent and protect victims of crimes, especially those in most vulnerable criminal scenarios. Since then, LEA adopted a very comprehensive policing model, supported in four pillars (Intelligence, criminal prevention, police response, and criminal investigation), with special training for kind of units. The heads of the criminal prevention departments make regular appearances on national TV channels, radio, and press, often sharing advice on self-protection procedures.

335. GNR and the PSP have university level Training Establishments for senior officers, with research and science departments. There is a very dynamic cooperation with other universities, from different countries or different degrees (i.e., Law, Sociology, Psychology, Political Sciences, International Sciences). Police training embraces subjects like human rights, non-discrimination, information and legal protection, Ombudsperson duties, legal system and courts, and the study of regional and global protection systems. In PSP the recruitment processes have been improved, with the recent introduction of a new psychological test, aiming to measured aggressiveness, frustration and intolerance (radicalism, indifference to norms, gratuitous contestation and feelings of non-acceptance and complacency).

336. GNR offers a master’s degree in Military Sciences, in the Specialty of Security. This course includes the following subjects: Fundamental Rights (60 hours), Leadership and Ethics (60 hours), Constitutional Rights (120 hours), Criminal Law (135 hours), Criminal

Law Proceedings (75 hours), Police Tactics (90 hours), Internal Security Studies (75 hours), Communication (45 hours) and International Human Rights and Armed Conflicts Law (45 hours). The initial military training, given at the GNR's School, include the subjects of Human Rights and Ethics. GNR took a major step towards restructuring the Special Programs Sections to the Criminal Prevention and Community Policing Sections. To do so, it started, in 2019, a specialization with the Criminal Prevention, Community Policing and Human Rights Course with 120 hours, 30 of which dedicated to human rights. The course also covers other subjects, such as hate crimes, trafficking in persons, domestic violence, victim status, racial discrimination, among other subjects, and was provided to 366 Officers since the implementation. The Guards Training Course includes the following Curricular Units related to the subject of the document with the workload: Human Rights and Fundamental Rights (25 hours); Military and Professional Ethics and Deontology (25 hours); Communication and Relationship with Citizens (25 hours); General Notions of Law (25 hours); Criminal Law and Criminal Procedure (50 hours); Criminal Reports (Domestic Violence - 05 hours; Crimes of a Sexual Nature - 03 hours). The specialization or promotion courses have in their respective detailed programs, themes related to Human Rights, approach to Criminal Law and Criminal Procedure, as well as Professional Ethics. Regarding training on Trafficking in Persons the Observatory on Trafficking in Human Beings provided to GNR: 2021: 11 training actions. Total: circa 1.630 trainees; 2022: 8 training actions. Total: 1.643 trainees. PSP offers 116 hours of training on Fundamental Rights and Human Rights, 90 hours on Ethics, 45 hours on constitutional rights, 224 hours on criminal law and social order, 142 hours of criminal procedure and judicial organization, 322 hours of strategy and tactics of the security forces, 30 hours on communication skills and 64 hours on command and leadership. In 2022, the Observatory on Trafficking in Human Beings with a multidisciplinary pool of trainers started the training "Child Trafficking: from prevention to detection". This training will occur up until February 2023. During 2022, 7 training actions were provided - total of 182 PSP trainees.

337. PSP training, among other areas, includes 116 hours of Fundamental Rights and Human Rights, 90 hours on Ethics, 45 hours on constitutional rights, 224 hours on criminal law and social order, 142 hours of criminal procedure and judicial organization, 322 hours of strategy and tactics of the security forces, 30 hours on communication skills and 64 hours on command and leadership.

338. In July 2016, PSP signed a Protocol with the High Commission for Migration (ACM) to implement the "TOGETHER FOR ALL Programme" which contributes "to the prevention of conflict in multicultural communities who may be in vulnerable situations, and also for the safety of all citizens regardless of their nationality or cultural belonging". ACM is committed to "provide training to elements of the PSP of the first two levels of intervention on the immigration phenomenon in Portugal, the national and cultural groups living in the country, the issue of diversity and intercultural dialogue (stereotypes, discrimination and ways to deal with difference. PSP has also a specialized policing project, the *Significant Blue*, aiming to prevent crime among persons with disabilities, especially intellectual and cognitive. Starting in 2014 PSP has made an average of 200 awareness sessions per year, aiming thousands of persons with disabilities and their families.

339. SEF initial training programme is updated according to the Common Core Curriculum for Border and Coast Guard Basic Training in the EU, and therefore, fundamental rights are present throughout the entire training programme, with a specific focus on vulnerable groups, such as minors and victims of trafficking in human beings. In this one-year course, with 1450 hours of theoretical training and 6 months of practical traineeship, fundamental rights-related aspects have been strongly emphasized, and it includes a strong law qualification in subjects such as Constitutional law, (focusing on the chapter of Rights, Freedoms and Guarantees), Fundamental Rights, (with a specific focus on equality, discrimination and protection of victims), Professional Ethics, (highlighting the duties of an official related to respect for the Rights of migrants), Sociology of Migrations, Asylum, and Personal Data Protection.

340. In the context of safeguarding fundamental rights and preventing discrimination, SEF has integrated a Specific Training Program in the Annual Training Plan, namely, the following courses: Vulnerability, Fundamental Rights and Ethics; Prevention of discriminatory practices; Preventing Gender and Race Discrimination; Border Control and Fundamental Rights; Return and Integration of Fundamental Rights. SEF inspectors have

actively participated in important specialized training in collaboration with European and international organizations such as CEPOL, FRONTEX and IBERPOL in matters of identification of particularly vulnerable persons, such as unaccompanied children and victims of trafficking and Human Rights in migration and return context.

341. SEF has a group of experts focused on the protection of children in migration, composed of SEF inspectors with a vast experience in issues related to minors, such as human trafficking, criminal investigation, human rights, and international protection. This group includes the expert representing the Portuguese State in the European Commission (Informal Expert Group on the Protection of children in migration). This Advisory Group monitors all issues related to minors within the competences of the SEF, producing information, recommendations, and contributions, either internally or externally, to national and international entities, such as the European Commission, the European Migration Network, UNICEF, among others.

342. In the framework of the training, it is also worth noting the implementation throughout 2022 of a set of training actions for Human Rights in a total of six (6) training actions developed by the Inspectorate-General of Home Affairs under the Plan for the Prevention of Manifestations of Discrimination in Security Forces and Services – two (2) with the SEF, two (2) with the PSP and two (2) with the GNR.

343. Until the January 2023, ACM provided special training to 338 new *Polícia Judiciária* Inspectors on racial discrimination.

344. ACM's trainees are made aware on the need to report to the Commission for Equality and Against Racial Discrimination (CICDR) regarding discriminatory practices they witness, collaborate with the Commission in case of administrative offenses, and provide information to victims of racial discrimination.

(d) Prison guards

345. Prison guards receive information about relevant international instruments and domestic law, particularly the Code of Conduct for Law Enforcement Officials; the Principles of Medical Ethics relevant to the Role of Health Personnel in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Standard Minimum Rules for the Treatment of Prisoners; the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; and the European Prison Rules.

346. In July 2018, ACM and the Directorate General of Prison Services and Reintegration (DGRSP) signed a Protocol that foresees the empowerment of human resources in the areas of re-education and social rehabilitation, and prison guards giving them specific knowledge and tools to communicate with migrants and persons from diverse ethnic groups. Until January 2023, 30 sessions took place, where 566 professionals received training on deconstructing stereotypes, racial discrimination, and intercultural education.

(e) National Health Programme for Child and Youth

347. Created in 2013, this Programme reinforces the protection of children and young persons by including, as a health monitoring parameter, interventions to identify, support, and guide children and families victims of abuse and violence, such as neglect, physical/psychological/sexual abuse, bullying, and harmful traditional practices, including female genital mutilation.

348. Health professionals register information on the detection of risk factors, signs and symptoms of abuse, clinical management and referral of situations which will also produce statistical and epidemiologic information on the matter.

(f) Mental Health

349. Based on the experience of the Family Violence Service of Sobral Cid Psychiatric Hospital (Coimbra), the National Programme for Mental Health promotes training initiatives on the subject, since 2010, for professionals of Primary Health Care and Community Mental Health services across the country. Simultaneously, it has supported relevant experiences on

the subject in the five mainland regional health administrations, developing the creation of an indicator that registers situations of family violence that need monitoring in the database of hospital emergency departments and primary care services.

350. In 2013, the Coimbra Hospital and University Centre created a special unit for victims of traumatic events. The Psychogenic Trauma Prevention and Treatment Centre is supported by a multidisciplinary networked work strategy, in order to respond to an undervalued morbidity, but with dramatic consequences for the victims of traumatic events.

351. Portugal is strongly committed to promoting the health of children and adolescents, including their mental health. The national priorities in this area are embodied in the National Mental Health Plan for 2007–2016, which contains specific measures for Childhood and Adolescence. Child and Adolescent Psychiatry includes mental health assessment, diagnosis, and therapeutic strategies for situations of mental disorder, as well as preventive interventions in risk groups. Child and Adolescent Psychiatry works through a Hospital Referral Network, which operates at three levels: primary health care, local specialized services, and regional specialized services. The following groups are given priority: pregnancy and early childhood; adolescents working on the promotion of healthy lifestyles; and suicide prevention, with a special role being played by schools, encompassing the areas of interpersonal relationships, sexuality, assertiveness, prevention of drug abuse, and violence. In 2019, a new referral network was launched, corresponding to the increase in the number of child and adolescent psychiatry units in the country in the last 5 years. Between 2021 and 2022, ten new community mental health teams were created, with funding from the Recovery and Resilience Program. These teams are distributed across the five health regions of the country and are integrated into child and adolescent psychiatry services. By 2026, 10 more teams will be created.

352. The Ministry of Health and the Ministry of Labour, Solidarity and Social Security finance integrated health and social security responses for persons with severe mental condition and/or psychosocial disability. Under the Recovery and Resilience Program, 1000 places are planned to be made available in new long-term care units, starting in 2023.

353. The right to ongoing integrated mental health care implies access to appropriate services and professionals, individualized treatment, entitlement to rehabilitation and care programs that promote autonomy, less restrictive and community-based services. The Pilot experience (a total of 25 units) includes four childhood and adolescence units (2 residential and 2 socio-occupational), as well as 13 adult residential units (5 socio-occupational ones and 3 domiciliary teams). Units and teams have the following objectives: 1) Rehabilitation and autonomy of persons with psychosocial disability; 2) Family and social integration of persons with psychosocial disability; 3) Promotion of community life as independent as possible; 4) Strengthen the capacity of families and other caregivers, facilitating and encouraging family support and promoting their participation and involvement in caregiving.

354. Entities are financed through a program contract with the Social Security Institute and the Regional Health Administration. The Ministry of Labour, Solidarity and Social Security provides funding for Direct Family, which grants benefits to persons with psychosocial disability and families in particularly vulnerable situations.

355. Mental Health Law is under revision focusing on organizational aspects, compulsory internment and implementation of the human rights dimensions resulting from the CRPD. The forensic system was remodelled following the launch of new legislation in 2019. Local Mental Health Services will continue to provide psychiatric and mental health care to referenced users, although the coverage rate is not yet 100%. Within the scope of the Recovery and Resilience Programme, an ambitious mental health reform is under way in Portugal, which involves the creation of 20 adult community teams (in addition to the 20 for children's team) and the recovery and refurbishment of 20 mental health services. It is also planned to build 3 new forensic units, and 3 forensic residences to transition to the community.

(g) Health Action for Children and Youth at Risk

356. Child and youth abuse pose particular challenges to health care professionals, whether in primary health care or in hospital care, as they hold particular responsibility for the early

detection of risk factors, alarm signals and signalling of children and young persons at risk, or in transition to real danger.

357. The Health Action for Children and Youth at Risk (HACYR) was created in 2008 with the main objective of creating a structured response by the National Health Service to the phenomenon of Maltreatment/Abuse, through the development of a “National Network of Support Teams for Children and Youth at Risk”, both at the level of Primary Health Care and at the level of Hospitals with Pediatric care. Through the network of Support Teams for Children and Youth at Risk (NACJR) and Hospital Support Teams for Children and Youth at Risk (NHACJR), an intervention in the field of abuse of children and young people has been consolidated, both in the preventive aspect of the phenomenon, as in the detection, monitoring and signalling of the occurrences that have risen, as well as in the aspect of promoting children’s rights.

358. Operational multidisciplinary teams were created in Primary Health Care, called Support Centres for Children and Youth at Risk (composed at least by 1 doctor, 1 nurse + 1 mental health professional and / or social worker), and in hospitals with paediatric care, called Hospital Support Centres for Children and Youth at Risk (composed at least by 1 paediatrician, 1 nurse, 1 social worker, and, if possible, 1 mental health professional and/or professional from the legal department). These 291 multidisciplinary teams are integrated in a National Network of Support Centres for Children and Youth at Risk, whose main role is to provide advice to healthcare professionals.

359. Since 2009, up to 100,000 cases have been registered and monitored by health services in the National Network of Support Centres for Children and Youth at Risk. Of these, 80% were followed by health services concurring with other community services, without recourse to judicial intervention.

360. The Practical Guide related to Approach, Diagnosis and Intervention – Mistreatment in Children and Youth, published in 2011, aims at motivating health professionals to comply with their role in the prevention of, and intervention in, maltreatment, and the basis for professional training, by clarifying basic concepts, facilitating the identification and intervention processes regarding situations of abuse and promoting coordinated actions between different entities.

(h) Health Action on Gender, Violence and Life Cycle

361. In 2013, the Ministry of Health created an integrated intervention model on interpersonal violence throughout the life cycle called “Health Action on Gender, Violence and Life Cycle” (HAGVLC) aimed at protecting the direct or indirect victim, reversing the conduct of the perpetrator and stimulating the development of more balanced family dynamics.

362. The Health Action goals are to promote equality and, in particular, health equity; to prevent interpersonal violence, including domestic violence, stalking, dating violence, violence against older persons, vicarious violence and human trafficking; and to encourage the functional articulation of the Health Action for Children and Youth at Risk with the intervention in the field of adult violence, thus promoting an integrated approach to combating violence.

363. The Health Action is carried out by 260 multidisciplinary teams for the Prevention of Violence in Adults in Primary Health Care and in Hospitals, with similar composition and intervention to the Support Teams for Children and Youth at Risk. There are an Interpersonal violence Manual and its Practical Guide published in 2014, prevention strategies, approach, and flowcharts allowing diagnosis and intervention. Since 2013, up to 20,000 cases of interpersonal violence in adults have been registered and monitored by health services in the National Network of Teams for the Prevention of Violence in Adults.

364. In the 2019, both Health Actions were included in the National Program for the Prevention of Violence in the Lifecycle (NPPVLC), created to reinforce prevention, diagnosis and intervention mechanisms in violence in a lifespan approach, with special attention to populations with increased vulnerability, and extend the scope of action also to violence against health professionals with a specific action plan - Action Plan for the

Prevention of Violence in Health Sector. The Program fosters a paradigm of good practices in the National Health Service that allows the promotion of healthy relationships and the prevention of interpersonal violence in different contexts and stages of the life cycle. All areas, HACYR, HAGVLC and APPVHS have a national registration system, aligned with several WHO guidelines and international regulations on human rights.

(i) The National Programme for the Prevention of Accidents

365. This Programme is based on the principles of health promotion and security directed to citizens and the specific environments in which they live, work and study; to the prevention of accidents through actions directed at vulnerable groups and the main risk factors; and to the improvement of the quality of health care, from pre-hospital emergency to the creation of integrated services for victims and their families.

366. Its implementation involved training health professionals so that they can intervene in a competent manner throughout the cycle of trauma and monitoring of unintended accidents.

367. The Project “Babies, Children and Youth in Safety” was developed as a result of a 2010 diagnosis of the inadequate technical competences of health professionals working at Health Care Centres and Maternities regarding restraint systems for children and daily safety education. In 2018, a protocol was signed to continue the work focusing on the development of new partnerships, promote the training of health professionals, extension of the project to other sectors as well as the promotion of Health Literacy with regard to safety and accident prevention.

368. The Health Literacy Action Plan seeks to enhance and create, more and new opportunities for activating healthy behaviours, integrating other strategies, initiatives, projects, and activities to promote health throughout the life cycle.

369. In 2017, a National Trauma Commission was created, which acts in the field of road accidents, as well as in all types of traumatic events involving central and regional health institutions, with an emphasis on the increasing operationalization of pre- and intra-hospital emergencies, in the hospital approach and in the subsequent monitoring of the traumatized patient.

(j) Access of foreign citizens to the National Health System

370. In 2014, the Directorate-General of Health, the Central Administration of the Health System, and the Directorate-General of Social Security published a Manual of administrative procedures, whose main objective is to ensure a correct registration and attendance of foreign citizens in the National Health Service (NHS) units. The Manual also clears the financial responsibility on the health care treatments, according to the foreign citizens condition of residence in Portugal. The procedures in the Manual arise from the application of the Portuguese and European legislation, as well as bilateral agreements between Portugal and third countries, regarding the access of foreigner citizens to the Portuguese health system. It gathered and unified all existing legislation on the rights and duties of the patient, namely the rights of choice, information, consent, spiritual, and religious assistance.

371. Since 2016, the Ministry of Health has been offering several training sessions to health care and administrative professionals working in local health units and hospitals across the country on the rights and duties of refugees to the NHS, presenting practical cases for discussion and giving legal documentation. These training sessions are divided into two types: one is done in cooperation with ACM and the other is done as part of the inter-ministerial training package developed in the framework of the Cooperation Protocol in support of applicants and recipients of international protection led by the Ministry of Labour, Solidarity and Social Affairs.

(k) National Strategy for Equality and Non-Discrimination 2018–2030

372. Since 2019, the Directorate-General for the Qualifications of Public Servants (INA, I.P.) develops a specific training program on Equality and Non-Discrimination as part of its regular training offer, following a protocol established with CIG. It includes four courses on

equality and non-discrimination, gender responsive policies, gender budgeting and equality plans, which are complemented by practical modules.

373. In June 2020, the Government launched the first Common Annual Training Plan on Violence Against Women and Domestic Violence, which standardizes concepts, training contents and methodologies based on the analysis of concrete cases and resorting to a pool of experts. This Plan was developed in several governmental areas and guarantees that all sectors follow the same integrated and interdisciplinary approach to training, whilst safeguarding technical specificities.

374. INA, I.P. has developed a Human Rights Training Program for the Public Administration, aimed at its workers and management. It has started in 2022, and it is expected to have two editions each year, allowing for the training of 40 workers and managers in each edition. The goals of the Program include the promotion, awareness, and dissemination of human rights, as well as the integration of these rights into the work of public servants.

375. The Agency for Administrative Modernization (AMA, I.P.) has prepared and disseminated a Methodological Guide for Public Services based on Human Rights. This guide presents a working methodology based on internationally recognized Human Rights and is addressed to managers of public services who intend to adopt this approach in the processes of evaluation and (re)design of services.

5. Promotion of human rights awareness through educational programmes and Government-sponsored public information

(a) Ministry of Justice

376. The Ministry of Justice and the Public Prosecution Service contribute for the promotion of human rights awareness through studies, seminars, translation of documents, training on human rights matters, and a permanent dissemination policy of the work carried out by human rights committees.

377. The webpage of the Office for Judicial Cooperation and International Relations includes extensive information on universal and regional human rights protection systems, a description of the functioning of the individual complaints system in the framework of the European Convention on Human Rights and of the United Nations treaty bodies, European Court case law, general comments/recommendations and concluding observations of the different United Nations treaty monitoring bodies (many of them translated into Portuguese) with special emphasis on those treaties which are binding for Portugal.

378. The webpage of the Directorate General of Justice Policy (DGJP) and its Facebook page contain information on visits and activity reports of human rights committees, concluding observations issued by the United Nations treaty monitoring bodies, international days observed at UN and European level and human rights prizes.

(b) Ministry of Home Affairs

379. Security Forces and Services actively participate in efforts to promote a culture of tolerance and respect for human rights within society, having to that effect developed a comprehensive set of instruments focused on concrete issues and on the needs the groups most exposed to situations of vulnerability.

380. In order to eradicate chemophobic or discriminatory behaviour among police officers, PSP has improved all its recruitment processes, introducing new fields of evaluation, namely aggressiveness, frustration and intolerance (radicalism, indifference to norms, gratuitous contestation and feelings of non-acceptance and complacency). A “personality test” was also introduced to identify “attitudes/behaviours/personality traits or characteristics”.

381. National campaigns conducted by security forces and services play a key role in raising awareness in society, helping to increase public’s general understanding of violence and discrimination in any of its forms. The security forces and services also make use of these campaigns to appeal for crime reporting and encourage civic behaviour. Seeking to get the message across an increasing number of people, security forces and services have been

diversifying the means of dissemination used in their campaigns, including the use of social networks and official websites, as well as through regular participation in radio and television programmes. The security forces and services also have a wide range of Special Programmes, which they carry out individually or in partnership, aiming to deepen, qualify and improve the mechanisms to protect and safeguard the most vulnerable groups of the population, such as children, migrants, women, and older persons, among others.

382. During the 2021/2022 school year, PSP, within the scope of the Safe School Programme, carried out 8,723 awareness-raising actions on topics related to Human Rights, which were attended by 167,426 students. These actions encompass topics such as Human Rights, Gender Equality, Bullying, Cyberbullying, Intercultural Dialogue, Citizenship and Non-Discrimination, Mistreatment, Migrants/Refugees, Sexual Offenses, Child Safety, Human Trafficking, Domestic Violence and Dating Violence.

383. On January 2022 PSP inaugurated the “Espaço Acolher”, a Police Structure for Specialized Assistance to Victims of Domestic Violence based in the municipality of Sintra. Between October 31st and November 25th, PSP carried out the Specialization Course for the Prevention and Police Intervention in Domestic Violence, with a total of 140 hours of training and aimed at 54 police officers. On the 24 of November PSP inaugurated the “Espaço Vida – Integrated Victim Support Response - RIAV”, another Police Structure for Specialized Assistance to Victims of Domestic Violence, this one in the municipality of Loures. On 25th November PSP promoted a seminar on “Health and Safety in Domestic Violence” in the city of Torres Novas. The event was attended by 380 people. Finally on this subject, between 25th November and 10th December PSP joined the campaign UNiTE - 16 Days for the End of Violence Against Women and Girls, through the publication on its social networks of several photographs of police officers with allusive gestures and messages to the ephemeral.

384. The Project “by your side”, was established by protocol signed in 2022 between GNR and the National Commission for the Promotion of the Rights and Protection of Children and Youth, Public Security Police, ISCTE - University Institute of Lisbon, Directorate General of Education, Directorate General of Health, Institute of Social Security IP, Order of Portuguese Psychologists, Lisbon Regional Council of the Portuguese Bar Association, Association of Psychotherapy EMDR Portugal. This protocol established the general conditions for cooperation and collaboration between the Parties with a view to developing the intervention project for children and young persons who are victims of domestic violence as follows: “By your side - Children’s time is not the time of processes”. The importance of trauma treatment and breaking the intergenerational transmission of domestic violence.

385. Protocol established in 2022 between GNR and the Association for the Promotion of Child Safety (APSI) for the improvement of information and clarification of citizens, with special focus on families, with the purpose of preventing accidents involving children and young persons. The added value inherent in this protocol is to take advantage of the fact that APSI is an opinion leader in the areas of water safety, safety in play and play spaces, passenger child safety and safety in public transportation of children, being a reference entity in Portugal and Europe in the area of child safety. APSI is the only entity in Portugal dedicated exclusively to accident prevention and its knowledge and experience in this field is vast, and in some areas, unique in the country. The GNR has a unique ability to reach a wide audience, given its presence in 94% of the national Territory, as well as the fact that it has military dedicated to the Special Proximity Policing programmes.

386. In May 2022 PSP signed a cooperation protocol with the Portuguese Association of Missing and Vulnerable Children. This protocol reinforced the mutual collaboration in the public disclosure by APCD of information that allows the location of a missing minor (Euronet protocol or by other means) at our request in certain circumstances, the APCD support for families and minors missing during and after the disappearance through legal and psychological support, a mutual collaboration in preparing studies on the disappearance of minors, and mutual collaboration in the elaboration of teaching materials to be used in actions in the field of primary prevention.

387. The Cooperation Protocol between GNR and Pingo Doce (leading chain in the supermarket segment in Portugal with more than 460 stores spread over 300 locations throughout the country), signed in 2022, aimed to strengthen relations, with a view to

developing common actions and initiatives of proximity and support for older persons, children and young persons in need. The common commitment to this Protocol highlights what both institutions do in isolation, helping to make a difference in the lives of the most vulnerable, through the sharing of self-protection measures and promotion of preventive behaviours to crime victimization and social support.

388. Protocol established under the IAMDIGITAL (EUSOUDIGITAL) Programme signed in 2022 between GNR and Movement Towards Active Digital Use (MUDA) with a view to promoting digital training (basic in terms of daily use) for adults aged 45 and over, allowing them to adapt to new employment realities that depend on internet access, to combat isolation through digital tools and to use the internet safely. In order to materialize this protocol, the officers from GNR, dedicated to the Special proximity policing programmes, became IAMDIGITAL mentors, enabling them to empower the elderly that they have signalled within the scope of the Senior Census Operation.

389. PSP is also part of the IAMDIGITAL (EUSOUDIGITAL) Programme, a consortium signed with AD2 CONSULTING. By the end of 2022, PSP had trained 397 police mentors for the project, having carried out 75 awareness-raising actions to empower older persons on digital inclusion and empowerment.

390. Under project RIMM (Reinforcement of Integrated Migration Management), financed by the European Commission and the Portuguese State budget, SEF has lectured in São Tomé e Príncipe, Guinea Bissau and Cape Verde, between the last quarter of 2020 and March 2021, a new training course on Trafficking in Human Beings and Child at Risk under the border context. This training fits within the purposes of the project for the combat against Trafficking in Human Beings, with a special emphasis on children. Within this purpose, the project develops capacity-building actions of entities with legal attributions in the combat against Trafficking in Human Beings, in particular the border control authorities of these African countries, as well as information actions and prevention within potential victims.

391. Also, on this subject and during 2022, PSP in cooperation with the OTSH and within the scope of “Training in child trafficking - from prevention to protection”, carried out 7 training sessions which covered 182 police officers.

392. The Observatory on Trafficking in Human Beings supports and provides training and awareness raising actions at international and national level. It has a long cooperation with the UNODC, CPLP secretariat, IOM, and Ministries from Portuguese Speaking Countries. These training actions are based on the Portuguese versions (translation by the Observatory on Trafficking in Human Beings) of the UNODC Anti-Human Trafficking Manual for Criminal Justice Practitioners.

393. The IV National Action Plan to Prevent and Combat Trafficking in Human Beings 2018–2021 is aligned with the 2030 Agenda for Sustainable Development and with the 2017 Communication from the Commission to the European Parliament and the Council - Reporting on the follow-up to the EU Strategy towards the Eradication of trafficking in human beings and identifying further concrete actions as examples. Additionally, it incorporates the recommendations of the Council of Europe Convention on Action against Trafficking in Human Beings, approved in 2017, by the Committee of the Parties.

394. The IV Plan aims to a) Reinforce knowledge and inform and raise awareness about the human trafficking; b) Ensure that victims of trafficking have better access to their rights, as well as consolidating, strengthening and qualifying the intervention; c) Strengthen the fight against organized crime networks, namely dismantling the business model and dismantling the trafficking chain.

(c) Ministry of Education

395. The Framework Education Act has a global active citizenship perspective aiming at educating students to be responsible citizens, capable of making their own decisions.

396. Following a revision of the curriculum, education for citizenship has been reinforced from pre-school education till upper secondary level. The 2018 Decree-Law on curriculum for the basic and secondary establishes the mandatory creation of school-based strategies for implementing a specific curricular component, Citizenship and Development, aimed at

developing a broad range of active citizenship competences deemed essential for any young person to achieve at 18 years of age.

397. This curriculum update obeyed two major guidelines: the National Strategy for Citizenship Education (2017), which sets out guidelines according to which Citizenship Education, through the curricular component Citizenship and Development, should be implemented within the national curriculum (cross-cutting approach in all educational levels and mandatory separate subject from 5th to 9th grade); the Students' Profile by the end of Compulsory Schooling (2017), according to which the syllabuses have subsequently been object of a global reorientation, in order to achieve a core of learning contents and goals – core curriculum competences – for each subject, in line with the Students' Profile.

398. In 2017, the School Participatory Budget was launched, as an annual additional fund to each public school to be used to implement measures proposed, discussed and voted by students in the third cycle of basic education and/or secondary education. The main goals are to develop students' sense of belonging, participation, and awareness about democratic procedures. Simultaneously, the Youth Participatory Budget was created, allowing young persons between 14 and 30 years old to decide where to invest a part of the national State Budget. Both initiatives are part of a national strategy to promote participation in the public affairs among young persons.

399. "Students' Voice" is an initiative of the Ministry of Education aimed at giving children and youth a regular opportunity to discuss matters of relevance for them and promoting a critical and active involvement in search for solutions for the challenges they face in daily life in schools and in society. It is usually a one-day event held in a selected school, where the Minister of Education also participates in the debate. Teachers and students from all over the country can follow the discussions online. An example of this initiative took place on the 10th of December 2018, to celebrate the 70th anniversary of the Universal Declaration of Human Rights.

400. Schools, from kindergarten to secondary education, develop projects for the promotion of health education addressing Mental Health and Violence Prevention, Healthy Food Education, Physical Activity, Affections and Sexuality Education and Addictive Behaviours and Dependencies' Prevention. All schools' clusters have a "Health and Sexual Education Coordinator" for this area and a plan carried out in collaboration with the Health Staff from the Local Health Authorities and community organizations.

401. The Ministry of Education is implementing support measures for the acquisition of the Portuguese language, as an object of study and as a language of schooling, through the offer of the school subject Portuguese as a non-native language. The intention is to ensure that all children that are non-native Portuguese speakers benefit from equal conditions to achieve the school curriculum and educational success, irrespective of their mother tongue, culture, social background, origin, and age.

402. Immigrant children placed in the A1, A2 and B1 language levels, according to the Common European Framework of Reference for Languages, can also benefit from specific assessment criteria as well as final exams in the Portuguese subject adequate to their language level. The implementation of this educational measure can also directly or indirectly promote the social integration of immigrant children and their families in the community.

403. Portugal participates in the Council of Europe project "Education for Democratic Citizenship", since 1997, renamed in 2004 "Education for Democratic Citizenship and Human Rights".

404. Studies on Education for Democratic Citizenship are being developed in several higher education institutions as well as in other institutions. Sociocultural Mediators have frequently been appointed by local authorities or special employment programmes to work in schools with a high level of ethnic diversity. These mediators have played an important role in intercultural dialogue and in further promoting family participation in school dynamics.

405. Since 1986, schools have been fostering the creation of European Clubs ranging all levels of education contributing to the involvement of students in learning about the European Project, increasing their participation, reinforcing the protection of their rights and duties,

thus strengthening their identity and European citizenship values. The National Clubs Network is under the coordination of the Ministry of Education.

406. The Youth Parliament program is organized by the parliament in collaboration with other entities, with the objective of promoting education for citizenship and the interest of young persons in the debate of current topics. The programme involves two national sessions at the Parliament, prepared throughout the school year, with the participation of parliamentarians, including the Commission for Education, Science and Culture, the parliamentary body responsible for guiding the programme. All schools from the second and third cycles of basic education and from upper secondary education are invited to participate.

407. Program “Cuida-te+” aims at promoting health and healthy lifestyles among young persons between 12 and 25 years. The programme promotes awareness raising and training on nutrition and physical and sports activities; addictive behaviours; sexual and reproductive health and mental health. It has Youth Health Offices in different parts of the country, a free telephone support line for questions related to sexual and reproductive health (Sexuality Line), mobile units and an information portal. In 2019, the Sexuality Line answered 4,716 calls, the Mobile Units had 19,656 young users, Youth Health Offices provided 9,417 appointments and 11,116 young persons participated in different awareness raising sessions.

408. The online and offline campaign “70JÁ!” targets young persons from 15 to 30 years of age raising awareness on rights of young persons and promoting a rights-based approach on youth policy and work. The campaign has its roots on the article 70 of the Portuguese Constitution that specifically addresses youth rights and the special protection guaranteed to youth on the enjoyment of rights. The Committee 70JÁ! involves a dozen public administration institutes, the government and youth organizations. Its volunteering programme is promoted by the Institute of Sports and Youth (IPDJ) and comprises awareness raising actions in educational establishments, associations, or other non-profit entities on young persons’ constitutional rights. In 2019, 3,264 youngsters participated in the programme.

409. The “No Hate Speech Movement Campaign”, launched by the Council of Europe in 2012, was promoted by a national committee coordinated by IPDJ. After the end of the Campaign on European level, IPDJ continued to develop actions in this area through the Safer Internet project. One of the concrete outcomes of this initiative was the translation into Portuguese of the manual WE CAN! Taking Action against Hate Speech through Counter and Alternative Narratives. During 2019 IPDJ developed activities with (and for) young activists, online and offline, within the No Hate Speech Network (created in 2019) using the We CAN Manual to produce counter and alternative narratives to hate speech. In line with the Final Declaration of the Evaluation Conference held in Strasbourg on April 2018, IPDJ continues active and committed to keeping the human rights movement alive online, preserving its youth and relevance, inviting all partner entities and youth associations to participate.

410. The National Plan for Ethics in Sport is based on structured and measured actions that promote ethical values in physical activities and sport, such as truth, respect, and responsibility. Its underlying idea is that education through sport, especially at a young age can contribute for a more equitable and fairer society at the community level.

411. IPDJ, along with the National Commission for the Promotion of Rights and Protection of Children and Youngsters and non-governmental partners, has been promoting the “Start to talk” campaign launched by the Council of Europe in 2018. The campaign is a call for action to the sport movement and other stakeholders to take the necessary prevention and protection measures to stop child sexual abuse. “Start to talk” is about adults breaking the silence and lending children a voice.

412. The “ALL IN – towards gender balance in sport” was a European project coordinated in Portugal by IPDJ aimed to put into action the rights to equality and non-discrimination in sport to make it a reality for all girls and women, regardless of their origin or abilities.

413. Finally, in the framework of basic schooling, children have civic training courses every year. There is a school contest called “My school against discrimination” that rewards work about school and discrimination.

(d) Ministry of Labour, Solidarity and Social Security

414. The Social Security Institute (ISS, I.P.) developed the project “We want to talk to you about the rights of older persons. What you need to know to choose a social service.” intended to meet the main needs and expectations of older persons and their families. It produced a brochure to raise awareness about the rights of older persons, the type of social services available and the care to be taken when choosing a social service for better decision making.

415. General information on social benefits and programmes is available on the social security website, by telephone (blue number) or at the local social security services. Several services are directly accessible through the service “Direct social affairs” on the internet, including the possibility of claiming social benefits and consulting personal data.

416. An awareness campaign to tackle the non-take up of the RSI was launched in 2017. This campaign included television spots with several institutional information that can be found on the internet.

6. Role of civil society, including non-governmental organizations

417. CIG has an Advisory Board that comprises an NGO section made up of 40 national NGOs working for the promotion of the values of citizenship, human rights, women’s rights, and gender equality, in particular by combating multiple and intersecting forms of discrimination based on grounds of sex, religion or belief, disability, age, sexual orientation, gender identity and expression, and sex characteristics, social origin, and ethnicity. 25 of them are in the area of gender equality and the Board has been expanded to include 15 NGOs working in citizenship and human rights.

418. The CIG involves NGOs in the design and implementation of policies, action plans and activities; establishes partnerships; organizes seminars, conferences, campaigns and other events together with NGOs. In addition, civil society organizations play a key role in guaranteeing and providing services to victims of domestic violence, in the context of the National Support Network for Domestic Violence Victims, and with other public support.

419. The Ministry of Education in collaboration with public and private agencies and NGOs develops several citizenship education initiatives and measures, such as issuing Pedagogic Guidelines on citizenship education for teaching practices. NGOs also play an important role within the scope of the National Strategy for Development Education 2018–2022: the Portuguese Platform of NGDOs is member of the Monitoring Commission of this Strategy and several CSOs have subscribed the Action Plan.

420. The Programme for Priority Intervention in Educational Territories aims at creating conditions for the promotion of educational success for all students, combating dropout, absenteeism, and indiscipline, as well as allowing a qualified transition to working life. Schools with high numbers of students at risk of school and social exclusion work with parents, teachers, businesses, municipalities, and local NGOs, to implement an improvement plan, supported by the Educational Project of the School Cluster.

421. The strategic importance of the entities of the social and solidarity sector has been recognised by the Portuguese State for several decades. In 1996 the Cooperation Pact for Social Solidarity was signed between the State and the representatives of the social sector institutions committing the signatories to cooperate in order to achieve certain goals, namely the “development of an integrated social support network, contributing to the equitable coverage of the country and social services and facilities” and the “optimisation of available resources, in order to enable better social services, based on the cost/benefit/quality of services”. Since then, there has been a significant broadening of the social equipment network, with the third sector assuming a fundamental role within the communities where the institutions are located. The State provides technical and financial support.

422. There are three national bodies representing non-profit institutions (*Confederação Nacional das Instituições Particulares de Solidariedade Social*; *União das Mutualidades Portuguesas*; and *União das Misericórdias Portuguesas*) which jointly represent approximately 4,700 institutions. Successively, through annual, and more recently biennial, Protocols of Commitment, the details of the relationship model between the State and the

institutions of the social and solidarity sector are regulated. the State and these three bodies meet to discuss the annual cooperation agreement.

423. The cooperation model currently in place relies on a number of principles in which the institutions complement the state's responsibilities for the protection of citizens, taking into account the fact that institutions have greater proximity to the community, thereby ensuring greater availability and responsiveness, particularly in emergency situations, and that they are also able to implement a more rational management of resources.

D. Reporting process at the national level

1. National coordinating structure for reporting under the treaties and participation of departments, institutions, and officials at the national, regional and local levels of governance

424. The Executive Secretariat of the National Committee for Human Rights (CNDH – *Comissão Nacional para os Direitos Humanos*) – a coordination body established in 2010 and headed by the Ministry of Foreign Affairs aimed at improving the human rights situation in Portugal – is responsible for gathering and compiling the information submitted by different line ministries and other public entities for reporting under the international human rights treaties ratified by Portugal.

425. The preparation and drafting of the reports take place under the CNDH, including consultation with NGOs.

2. Whether reports are made available to or examined by the national legislature prior to submission to the treaty monitoring bodies

426. As a general rule, reports are not examined by the Parliament prior to their submission to the treaty bodies, except in cases where Parliament is asked to provide specific written inputs to the report.

3. The nature of participation of entities outside of government

427. The Office of the Ombudsperson as well as the Department of Judicial Cooperation and International Relations of the Public Prosecution Service (which are both independent from the Government) were full and active participants in the elaboration of the core document, as well as of national reports and have observer status in the CNDH.

E. Other related human rights information

1. Follow-up to international conferences

428. In general terms, all binding and non-binding instruments are considered by the competent national authorities in their respective areas of activity. Moreover, that information is disseminated by those authorities, being considered most relevant in raising awareness on the issues underlined and in obtaining inputs regarding both the drafting of legal texts and the adoption of technical or practical solutions to accomplish the highest standards of compliance with the undertaken commitments or addressed recommendations.

2. Information on non-discrimination and equality and effective remedies

(a) General framework

429. According to Art. 15 CRP, foreigners, stateless persons, and European citizens who reside in Portugal or find themselves in the country, shall enjoy the same rights and be subject to the same duties as the Portuguese citizens. This principle of national treatment is also enshrined in Art. 14 Civil Code.

430. Foreigners are, however, excluded from certain political rights, from the exercise of public offices not predominantly technical in nature, and from rights that the Constitution

and the law reserve exclusively for Portuguese citizens, such as belonging to the Armed Forces, which is limited to nationals.

431. Subject to reciprocity, exceptions are made to foreigners who reside in Portugal regarding the right to vote for, and stand for, election as local councillors, and to citizens of European Union Member States residing in Portugal as regards the right to vote for, and stand for, election as Members of the European Parliament; and to citizens of Portuguese speaking countries residing in Portugal, excluding appointment to the offices of President of the Republic, President of the Parliament, Prime Minister and President of any of the supreme courts, and of service in the armed forces and the diplomatic corps.

432. A structuring principle of the Portuguese legal system is the principle of equality according to which every citizen shall possess the same social dignity and shall be equal before the law and no one shall be privileged, favoured, prejudiced, deprived of any right or exempted from any duty on the basis of ancestry, sex, race, language, place of origin, religion, political or ideological beliefs, education, economic situation, social circumstances or sexual orientation.

433. Art. 18 CRP states that the Constitution's provisions regarding rights, freedoms and guarantees shall be directly applicable to, and binding on, public and private persons and bodies.

434. Art. 59 CRP recognizes every worker a set of rights, regardless of age, sex, race, citizenship, place of origin, religion, and political and ideological convictions. These rights concern salary, work arrangements as to provide personal fulfilment and work-life balance, safety, hygiene and working conditions, a maximum working time, weekly rest, paid holidays, unemployment assistance and work-related accident or occupational illness assistance, including fair compensation.

435. Equality and non-discrimination are also enshrined in the Portuguese Labour Code in Articles 23 to 32 and 85 to 88. Pursuant to Act No. 35/2014, of 20 June, civil servants also benefit from equality and non-discrimination guarantees.

436. Act No. 46/2006, of 28 August, forbids and punishes direct and indirect discrimination on grounds of disability and of an aggravated risk for health. Act No. 93/2017, of 23 August, establishes the legal framework on the prevention, prohibition and combat of discriminatory practices based on racial and ethnic origin, colour, nationality, descent and place of origin, in the access to and provision of goods and services, social protection, access to healthcare, social benefits, education and culture. Act No. 14/2008, of 12 March, forbids and punishes gender-based discrimination in the access to and provision of goods and services.

437. Under Portuguese Law direct discrimination is deemed to exist whenever, on grounds of social origin, age, sex, sexual orientation, gender identity, civil status, family situation, genetic heritage, reduced capacity for work, disability, chronic disease, nationality, ethnic origin, religion, political or ideological convictions or trade union membership, a person is subject to less favourable treatment than that given to another person who was or is in a comparable situation.

438. Indirect discrimination is deemed to exist whenever a provision, criterion or practice, which is apparently neutral, may place persons in a disadvantaged position in relation to others, on the grounds of social origin, age, sex, sexual orientation, gender identity, civil status, family situation, genetic heritage, reduced capacity for work, disability, chronic disease, nationality, ethnic origin, religion, political or ideological convictions or trade union membership, unless the provision, criterion or practice in question is objectively justified for a legitimate purpose and the means to attain that purpose are necessary and appropriate.

(b) Legal framework and general policies to enhance equality between men and women

439. Art. 13 CRP enshrines the principle of equality regardless of the sex of the persons, while Art. 9 CRP provides for the promotion of equality between men and women as a fundamental task of the State, and Art. 109 CRP states that direct and active participation of men and women in political life is a condition and fundamental instrument of the consolidation of the democratic system and that the law must promote equality in the exercise

of civic and political rights and non-discrimination based on sex in the access to political office.

440. The harassment of an employee or a job applicant amounts to discrimination. Any form of undesired verbal, non-verbal or physical conduct of a sexual nature, with the above-mentioned purpose or effect is considered harassment, defined as undesired conduct related, *inter alia*, with sex, occurring during the recruitment process, at work or during vocational training, with the purpose or effect of undermining a person's dignity or creating an intimidating, hostile, degrading, humiliating or destabilising environment.

441. The State is responsible for promoting equal opportunities at work, the reconciliation of professional, family and personal life, equality in the exercise of civic and political rights and non-discrimination based on gender in access to political positions. A 2015 Labour Code amendment reinforced maternity and paternity rights, namely, to allow parental leave shared by both parents.

442. In 2018, the National Strategy for Equality and Non-Discrimination 2018–2030 “Portugal + Igual” (ENIND) was approved. Aligned with the 2030 Agenda, ENIND started a new cycle in the promotion of women's rights and in eliminating discrimination based on a systemic and comprehensive approach to public policy in three major areas: a) promoting equality between women and men; b) preventing and combating violence against women and domestic violence, including harmful practices such as female genital mutilation (FGM) and forced and early marriages; c) combating discrimination on the basis of sexual orientation, gender identity and expression, and sex characteristics. These 3 areas correspond to ENIND's three action plans 2018–2021. For the first time, Portugal has an umbrella long-term equality and non-discrimination national strategy, that brings together and articulates these three areas.

443. These three action plans are based on the definition of strategic objectives that translate into a total of 131 very concrete measures for the first four years of ENIND's implementation (2018–2021), to be followed by a revision exercise for the following four years. In turn, these measures translate into indicators with measurable yearly targets, following an approach that is more action-based and operational.

444. The Action Plan for Preventing and Combating Violence against Women and Domestic Violence 2018–2021 relies on an equality approach seeking sustained and long-term action on the elimination of gender stereotypes and consequent phenomena of discrimination and violence against women and domestic violence.

445. ENIND emphasizes the multidimensional nature of disadvantage stemming from the intersection of various discrimination factors, such as sex with age, disability, race and national or ethnic origin. As such, it expressly mainstreams intersectionality across all three plans, creating specific actions that recognize the specific intersectional needs of women and girls.

446. Under ENIND, several strategic areas have been pursued, with tangible results, namely at legislative level.

447. Act No. 62/2017, of 1 August, defines minimum thresholds of women and men in boards of public state and local companies (33% as of 1 January 2018) and listed companies (20% as of 1 January 2018; 33% as of 1 January 2020). The impacts have been positive: since 2017 till the 31 December of 2021, the number of women in boards of listed companies rose from 12 to 29,3%, in State companies from 27 to 40,3% and in local public companies from 20 to 31,8%.

448. Organic Act No. 1/2019, of 29 March, increased from 33,3% to 40% the minimum threshold of women and men in the electoral lists to national and European parliament, elective bodies of municipalities, and members of the Parish Councils. In the 2022 January general elections, 85 women were elected to the national parliament (37%). On the other hand, the Government that took office in 2022 has a record 50% of women ministers and 38% of women secretaries of state.

449. Act No. 26/2019, of 28 March, defines a minimum 40% threshold of women and men among top civil servants in public administration, and in public higher education institutions

and public associations. In December 2021, women represented 44,4% among top civil servants.

450. Act No. 60/2018, of 21 August, creates mechanisms to promote equal pay between women and men for equal work and work of equal value. This law creates a duty for companies to have transparent pay policies based on the application of gender-neutral job evaluations, and includes the following dimensions:

(a) Annual availability of statistical information about pay differences by company (balance sheet) and by sector of activity (barometer). The 1st edition of the barometer was launched in June 2019 and the 2nd edition on 6 March 2020 and includes both the adjusted and unadjusted gap. The balance sheet, per company, profession and qualification levels was launched in 2020. According to the 4th edition of Equal Pay Barometer (2022), in 2020, the pay difference between men and women stood at 1,104.50 Euros for men and 957.50 Euros for women [average monthly base salary] and 1,344.50 Euros for men and 1,128.40 Euros for women [average monthly earnings earned]; according to the same source, the gender pay gap (GPG) (base and gain) has been decreasing, despite still remaining at 13.3% and 16.1% (respectively), to the detriment of women. In December 2022, the government approved a new initiative to distinguish “Companies that Promote Equal Pay Between Women and Men” for their good practices.

(b) Since August 2019, any worker/trade union representative may request CITE to issue a binding opinion on a situation of alleged remuneration discrimination.

(c) Since August 2019, companies must have a transparent remuneration policy, based on the objective evaluation of job components, and, in case of allegation of discrimination, it is incumbent on the company to demonstrate its transparent and objective remuneration policy.

(d) Based on the balance sheet, the Labour Inspectorate notifies companies to present a plan for assessing the pay differences. Companies must implement the plan and report results within 1 year; unjustified remuneration differences are assumed to be discriminatory.

451. To promote equal pay between men and women, information campaigns have been launched in the media and social networks on National Equal Day in recent years. Portugal joined EPIC – the International Coalition for Equal Pay, created in the end of 2017 with leadership of ILO, the department of women of the United Nations and the OECD. Portugal was the 11th country to join EPIC, joining countries such as Canada, Germany and Iceland, and also a set of public entities, social partners, companies and other entities operating in this area. Membership depends on compliance with 11 criteria relating to the existence of legislation and public measures promoting equal remuneration between women and men.

452. The nationwide project “Engineers for a day” started in the school year 2017/2018 working directly with lower secondary and secondary students to challenge stereotypes in the areas of engineering and ICT, through practical exercises, mentoring and work experiences, to incentivize more girls to choose these areas. Altogether, the project (already in its 3rd edition) has involved more than 6,000 students, 25 schools, 44 companies, 11 higher education institutions, and several other stakeholders such as municipalities, foundations, and associations. The Digital Transition Action Plan prioritises the indicator regarding the percentage of women employed in the ICT sector.

453. In December 2018, an innovative work-life balance programme was launched to foster conditions for women and men to be able to balance professional, personal, and family life. Its 4 axes (with a total of 33 actions) are intersectoral and range from promoting work-life balance practices in private and public organizations, including through dialogue with social partners; developing specific action measures in the public administration; improvement of infrastructures, services and incentives in the care, education, transport and health sectors; and producing knowledge.

454. Portugal adopted its III National Action Plan 1325 (2019–2022) which outlines the to continue promoting and implementing the objectives of the Women, Peace and Security Agenda at national and international levels. The III NAP 1325 included some of the relevant recommendations of the Global Study on the implementation of the UNSCR 1325, 2015.

455. A concern of the III NAP 1325 is the integration of a three-dimensional perspective – national, European, and international, that includes the dimension of the external representation of the State, for example in the context of development cooperation. As an operative tool for implementation of the resolutions on WPS, and as previous NAPs, this plan is developed from a strong inter-ministerial commitment, involving the various sectors that contribute to the objectives and measures included in it, by mainstreaming gender equality in various areas of intervention and governance.

456. There are training programmes and courses raising awareness on matters concerning the WPS agenda, particularly, on gender equality and human rights, sexual violence and health issues in main sectors such as diplomacy, defense, security and justice.

457. In the last 10 years (since the approval of the I NAP) Portugal increased the number of military personnel trained as gender focal points and gender advisors.

458. To promote stability and good governance, Portugal has been developing cooperation programmes on technical-military, law enforcement, legal and judicial issues, aiming to contribute to their internal security and institutional empowerment integrating a gender perspective.

459. Civil society organisations play an essential role in the development of these policies, often complementing the work done by military, security and civilian personnel in conflict and post-conflict settings and in situations of emergency.

(c) Legal framework and general policies to eliminate racial discrimination

460. Art. 13 CRP enshrines the principle of equality and non-discrimination, and Art. 5 of the Administrative Procedure Code states the rule that public authorities or public institutions whether national or local are also forbidden to exercise racial discrimination. Complaints to the Ombudsperson and judicial actions are admissible for this kind of violations. Art. 46 CRP prohibits fascist and racist organizations.

461. Amendments introduced in 2007 and 2013 to Article 240 CrC contributed to reinforce the legal framework regarding the crime of racial discrimination. Furthermore, Article 246 CrC establishes that those who were convicted for this crime, can be temporarily deprived of their active and/or passive electoral capacity for a period ranging between two to ten years.

462. When determining the sentence, within the legally defined limits, consideration is given to the defendant’s guilt and the need for prevention of future crimes (Article 71 CrC). According to this provision, the court takes into account the degree of unlawfulness of the act, the way of its execution and the seriousness of its consequences, the intensity of the wilful conduct or of the negligence and the feelings evidenced when committing the crime and the motives that have determined it. As a result, in the case of a racist crime, the “racist aim” shall be considered by the judge while rendering his ruling.

463. Act No. 55/2020, of 23 August, sets out the main objectives and priorities regarding criminal investigation, designating specific types of crimes to be primarily prevented and investigated by the authorities for the biennium 2020–2022. Among the crimes whose prevention is considered top priority, are the crimes of racial discrimination.

464. In what regards to main orientations in criminal policy, Act No. 17/2006, of 23 May, establishes objectives, priorities, and orientations on what regards to deterrence, criminal investigation, proceedings and penalties and security measures lines of execution. Accordingly, to the same Act, every two years, an Act must be put into force, establishing those goals. In this context, Act No. 55/2020, of 23 August, set out the main objectives and priorities regarding criminal investigation, designating specific types of crimes to be primarily prevented and investigated by the authorities for the biennium 2020–2022. Among the crimes whose prevention was considered top priority, were the crimes of racial discrimination. A new Act will now enter into force.

465. The Act that approves the legal framework of entry, permanence, exit and removal of foreigners into and out of national territory (Article 109 of Act No. 23/2007) defines and identifies the possible situations for issuing residence permits to victims of trafficking in human beings. The residence permit is issued after the expiry of the reflection period if:

(a) It is necessary to extend the permanence of the concerned party in national territory considering the interest his/her presence may have to judicial investigations and proceeding.

(b) whether he/she shows a clear intention to cooperate with the authorities in the investigation and repression of trafficking in human beings and facilitation of illegal immigration.

(c) whether he/she has severed all relations with those suspected of the offences listed in the preceding number.

466. There is an exception to these criteria: authorization of residence may be granted to a victim of trafficking of persons when the personal circumstances of the victim with regard to his/her situations of vulnerability of his/her family members or persons with whom he/she has close relationships justify it – Decree-Law No. 368/2007, of 5 November 2007, on the conditions for granting a reflection period and a residence permit to victims of Trafficking in Human Beings who are unwilling or unable to co-operate with the justice system.

467. This Decree-Law has a single article which stipulates that a residence permit can be issued on the following grounds:

(a) fear for their safety and the safety of their family members.

(b) fear for their health and the health of their relatives.

(c) have a frail familiar situation.

(d) are found to be vulnerable under any attending circumstance.

(e) This residence permit can be granted based on a proposal made by the National Trafficking in Human Beings Rapporteur, the police and judicial authorities to the Minister of Home Affairs. The need to protection – and therefore the renewal of the residence permit is allowed as long as the victim and the victim's family need protection.

468. Concerning education for non-Portuguese citizens living in the territory, children cannot be refused the benefits of public schooling due to the irregular residence situation of parents. The registry of irregular minors is confidential.

469. The 2018 Portuguese Nationality Law introduced two changes. First, the most important change undoubtedly concerns the *ex lege* acquisition at birth in the form a moderate version of *ius soli*. The second one regards naturalization, which has been facilitated by a lowering of the residence requirement to five years and by additional changes.

470. Act No. 93/2017, of 23 August, established a new legal regime on the prohibition, prevention, and fight against discrimination on grounds of racial or ethnic origin, colour, nationality, ancestry, and territory of origin. This Law also punishes acts that will result in the violation of any fundamental rights, or the refusal or restriction of the exercise of economic, social, or cultural rights to any person.

471. In 2017, descent and territory of origin were added as prohibited grounds of discrimination and prohibited multiple discrimination and discrimination by association. New powers were given to the Commission for Equality and Against Racial Discrimination, which can now collect evidence in cases of racial discrimination and to handle the entire procedure from beginning to end, increasing the efficiency of this body. Additionally, the threshold of the maximum fines has been raised.

472. A Plan for the Prevention of Acts of Discrimination in the Security Forces and Services, coordinated by the Inspectorate General of Home Affairs (IGAI) is in force since March 2021 binding GNR, PSP and SEF to strengthen intervention areas, i.e., recruitment to training, interaction of members of those three security organizations with other citizens and among themselves (including on social media), promotion of the police corporate image and communication and preventive mechanisms and monitoring of manifestations of discrimination. The Plan, which defines areas of intervention, objectives and specific measures related to recruitment, training, and performance of members of those three security organizations, has been prepared by IGAI with the participation of GNR, PSP and SEF. Each of those three security agencies also has a Human Rights Officer appointed and in office

since April 2021, working with IGAI in monitoring the Plan for the Prevention of Acts of Discrimination in each of those three security agencies.

473. The National Roma Communities Integration Strategy (ENICC) was initially approved for 2013–2020. The ENICC monitoring process showed a 94.1% implementation rate between 2013 and 2016, and the need to review the Strategy’s definition and the identification of priority intervention areas. As a result, its implementation was extended until 2022 to allow a further intervention and to introduce new measures. There is a strategic objective on promoting inclusive and non-discriminatory citizenship, broken down into two specific goals: to promote non-discrimination and anti-discrimination measures; to promote civic, political, cultural, and associative participation, and volunteering for Roma persons. In 2021, the implementation rate of the Strategy was 74.2%.

474. Regarding education, the profile developed by the Directorate-General for Education and Science Statistics on Roma students registered in Portuguese public schools in the school year of 2016/2017 showed a total of 12,963 Roma children and young persons attending public school. 15% of them were at the pre-school level. The remaining 85% were distributed among the four sequential levels of Portuguese compulsory school, as follows: Basic Education, 1st cycle – 45.4%; Basic Education, 2nd cycle – 23.7%; Basic Education, 3rd cycle – 13.9%; Upper Secondary Education – 2%. 67.3% of Roma students enjoyed socio-economic support, 65% of whom in the highest level.

475. 56,2% of Roma children and young persons attending public schools have succeeded, with attainment rates ranging from 49.1%, in the 2nd cycle of Basic Education to 64% in Upper Secondary Education. Nevertheless, Roma girls in the 2nd and 3rd cycles of education dropped out of school at a significantly higher rate than boys: 195 girls compared to 131 boys in the 2nd cycle; 93 girls compared to 57 boys in the 3rd cycle. On the other hand, in Upper Secondary School, the number of girls attending school is relatively more even with the number of boys (46% and 54%, respectively).

476. The National Plan to Combat Racism and Discrimination 2021–2025 includes, in its own framework, measures and activities concerning housing. One of these measures is the creation of the Observatory on Housing, Leasing and Urban Rehabilitation, by the Institute for Housing and Urban Rehabilitation (IHRU) and in collaboration with the High Commission for Migration (ACM). This Observatory aims at gathering and disseminate information through surveys and studies, which would allow the production of knowledge, at the national, regional, and local level. This type of data is especially necessary for further diagnosis and to better comprehend how certain groups experience precarious housing conditions.

477. The Observatory for Roma Communities (ObCig, integrated in the ACM), which mission is the study, strategic and scientific follow-up of Roma communities in Portugal, has continuously produced new information materials, which envisage to deconstruct stereotypes and contribute for equality in access to opportunities and Human Rights. Between 2020 and 2022, a total of 11 newsletters were produced and disseminated, contributing to a better knowledge and reflection on themes such as the importance of civil and political participation of Roma persons, discrimination, and gender equality, among others. Through its Collection *Olhares*, which aims at disseminating studies, papers or dissertations especially relevant to Roma communities in Portugal, ObCig published two new volumes, titled *Expectations of Roma Families regarding Care by the Family Nurse and Preventing and Fighting Violence Against Roma Women*. In its project called *Conversas Com...* (“Discussions With...”), which seeks to promote debates between researchers, mediators, Roma university students and other social actors in an online format, based on the themes previously studied on other ObCig activities, a total of 9 sessions took place, serving as a space of interaction and reflection, which themes as diverse as Housing Policies, Health and Preventive Care, Fighting Domestic Violence Against Roma Women, among others.

(d) Measures/programmes available to adult asylum seekers and/or humanitarian migrants

478. The Portuguese Refugee Council (CRP) is a NGDO established in 1991 and a partner of UNHCR since 1993. Its main goal is to promote a more humanitarian asylum policy at

national level by establishing several protocols with the Portuguese Government (Ministry of Home Affairs and Ministry of Labour, Solidarity and Social Security) for the hosting of asylum seekers and integration of refugees. In 2014, CRP signed a cooperation protocol with the Immigration and Border Service (SEF) determining the provision of direct support to applicants of international protection and ensuring the maintenance of the Council's facilities, namely the Refugee Shelter Centre and the Refugee Children Centre.

479. The ACM is the institution responsible for raising public awareness about refugees and for liaising with civil society organisations and local authorities during the hosting process. In mid-2016 its National Support Network for the Integration of Migrants (RNAIM) was readjusted to meet a more modern and integrated migration policy and to address recent migration dynamics. RNAIM is composed by three National Support Centres for the Integration of Migrants (CNAIM) and 106 Local Support Centres for the Integration of Migrants (CLAIM) – resulting from a partnership between local municipalities, universities, and civil society organisations – providing an integrated support in hosting, resettlement, relocation, and integration of refugees at the national and local level.

480. The ACM provides a Telephone Translation Service in 69 languages and dialects to overcome the language barrier, one of the great difficulties experienced by immigrants in their relationship with public services in Portugal. coordinating the Working Group responsible for executing the Portuguese Host Language Programme (basic and technical Portuguese classes for migrants).

481. In 2020, in order to better monitor the different stages of reception processes which take course in the scope of international protection, and considering both planned (as resettlement, relocation and other solidarity mechanisms including bilateral agreements), and non-planned (such as spontaneous applications) movements, it was created the *Grupo Operativo Único* (Joint Operative Group), which congregates in its restricted format the High Commission for Migration, the Immigration and Border Service and the Institute of Social Security, to which are added, in its larger format, other relevant entities which act in the reception and integration areas.

482. Until January 2023, Portugal took in, within the scope of different existing resettlement and relocation mechanisms, a total of 4,261 persons (2,640 men, 1,618 women and 3 with no further information on gender) from 37 different nationalities. To date, 117 different municipalities across the country have been involved in hosting them.

483. Portugal ranked 8th in the group of EU Member States that best achieved the commitments assumed under the Relocation Mechanism implemented until 2018. In absolute figures, Portugal was the 6th out of 28 EU Member States in terms of relocation of refugees. Besides the spontaneous requests, the international protection in Portugal between 2015 and 2022 was also framed by: the EU relocation solidarity mechanism, implemented between December 2015 and April 2018, hosting 1,550 persons; the EU-Turkey Agreement which, from June 2016 to December 2017, offered resettlement to 142 refugees in Portugal; the EU resettlement scheme 50,000, resettling from Turkey and Egypt 930 persons until the end of 2021; *ad hoc* relocation of humanitarian boats, from Malta and Italy, since July 2018, hosting 296 persons.

484. ACM's Refugee Integration Support Office and the Refugee Welcome Kit aim to support the first contact of refugees with the country and provide a set of useful tools for the first stage of their integration in Portugal. The Refugee Welcome Kit includes: two dictionaries of common words and expressions; a USB stick with useful content (e.g., the Constitution of the Portuguese Republic); a mobile telephone card; a t-shirt with icons indicating daily needs; a drawing welcoming the refugee, by Portuguese children; a paper map of Portugal; a leaflet about the CRP help application designed by the Portuguese Refugee Council. All materials that make up the kit are provided in Portuguese, English, French, Arabic and Tigrinya; Additionally, Welcome Kits destined to unaccompanied minors also contain a Welcome Guide adapted to their needs, available in Portuguese, English and Arabic.

485. In 2019, Portugal approved the National Implementation Plan of the Global Compact for Migration, becoming one of the first countries in the world to approve its National Plan to implement the Global Compact on Migration. Conceived as an operational document, it is oriented to practical and accurate results. Following the 23 objectives of the Compact, the

National Plan has 97 measures and is structured around 5 fundamental axes: Promotion of safe, orderly and regular migration; Improvement of migration flow organization and integrated border management processes; Promotion and qualification of immigrant reception and integration mechanisms; Supporting the connection of migrants to their country of origin and their return projects; Increasing development partnerships with countries of origin and transit, addressing the root causes of irregular migration.

486. Following the war in Ukraine, SEF was responsible for the development, implementation and operationalisation of the special mechanism established in the context of granting temporary protection to displaced citizens of Ukraine. In the specific case of children, who have a higher risk of becoming victims of human trafficking, SEF has drawn up procedures to be adopted for all minors from this flow, accompanied and unaccompanied, with a view to ensuring their protection and the full safeguarding of their rights. SEF is also a permanent presence in the CriJovUKR, a Interministerial Task Force, with a view to speeding up procedures between state bodies in response to the protection of displaced minors.

(e) Discrimination against persons with disabilities

487. The 2021 Census data showed that 10,9% of the residents in Portugal aged 5 and over had difficulties in performing at least one daily life activity due to health problems. For persons aged 65 and over this percentage was close to 30%. There is a greater prevalence for women than for men.

488. Most persons who experienced such functional difficulties has only attained basic education or has no formal education (64.7%).

489. The majority of people in this group was inactive (84.4%) in 2021, and only 13.9% were employed. For 71.9%, the main income source was a pension, either old-age or disability pensions. Only 1.8% of persons with disabilities were unemployed.

490. In 2017 active labour-market policies were adopted to improve the integration in work of persons with disabilities, which encompass other specific vulnerable groups such as domestic violence victims and refugees.

491. The situation of persons with disabilities is monitored, inter alia, by the National Institute for Rehabilitation in charge of promoting integrated policies aimed at ensuring equal opportunities for all citizens and to fight discrimination against persons with disabilities, in partnership with other public entities and NGOs. Its mission is to plan, execute and coordinate national policies for the promotion of the rights of persons with disabilities.

492. In 2013 the Disability Commission was created, with the mission of promoting the participation and intervention of disability NGOs in all matters of interest for persons with disabilities. This Commission is composed by the Government member who oversees the area of rehabilitation and disability, by the chairman of National Institute for Rehabilitation and by one representative of NGOs of the sensorial, intellectual, and motor disability areas.

493. The Parliament approved Act No. 38/2004, of 18 August, which set the general framework for the prevention, qualification, rehabilitation and participation of persons with disabilities, leading to the 1st Plan of Action for the Integration of Persons with Disabilities or Impairments (PAIPDI 2006–2009).

494. Following the National Strategy for Persons with Disabilities (2011–2013), in August 2021, a new strategy was approved “The National Strategy for the Inclusion of Persons with Disabilities 2021–2025” structured in 8 Strategic Axes, two of which are related to Education, Vocational Training and Employment, which is guided by the fundamental principles of respect for and guarantee of the human dignity of persons with disabilities, their autonomy, independence and self-determination, participation in all areas of life, the promotion of equality, equity and non-discrimination in their various dimensions, including multiple discrimination, and respect for difference and diversity.

495. In 2016, the Inclusion Desk was created as a specialized assistance service addressed to persons with disabilities and their families. The Inclusion Desk is available at the 18 Social Security services districts, some municipalities and at the National Institute for Rehabilitation.

This specialized assistance service provides information and resolution of issues and simultaneously promotes inclusion in society.

496. The Independent Living Support Model and the provision of a Personal Assistance in activities of daily living is a model of support for independent living, based on universality, self-determination, individualization, support functionality, inclusion, citizenship, participation, and equal opportunities. Recognition of the self-determination and self-representation of persons with disabilities, the dignification of the personal assistance activity and the community-based perspective are the fundamental pillars of the proposed model. The first phase of the Model was translated into pilot projects for the period 2017–2020. Following the good experience, the model is included in the Strategy 2021–2025 as one of the measures to be gradually expanded.

497. The Social Benefit for Inclusion (SBI) intends to provide a benefit to persons with disabilities to strengthen their social protection. The purpose of this social benefit is to reach out to persons with disabilities and to guarantee that nobody has an income below the poverty line. It entered into force in three stages according to its three components (a basic amount, a supplement, and a top-up element). The third and final stage began in 2019, defining access to SBI by children and young persons with a disability equal to or higher than 60%. Both the basic amount and supplement were updated in January 2023. It is also possible for a person with disability who cares for others to accumulate the social benefit for inclusion and the support allowance as an informal carer.

(f) Discrimination on the grounds of Sexual Orientation and Gender Identity

498. The previous Labour Code, approved by Act No. 99/2003, of 27 August, instituted a single regime on equality and non-discrimination, which was not only limited to the traditional prohibition of gender discrimination, but also of discrimination based on sexual orientation.

499. The current Labour Code is based on the same principle (Arts. 24 and 25). The principles of equality and non-discrimination are also applicable to public employment. Act No. 3/2011, of 22 February, forbids any discrimination on the access and exercise of independent work. Rules on personality rights and equality and non-discrimination laid down in the Labour Code apply, with the necessary adaptations, to civil servants.

500. Breaching the Labour Code articles on equality in treatment, and on prohibiting discrimination namely on grounds of sexual orientation, are very serious offences punishable with an administrative fine of 20 to 600 UC (unit of account), where it may also lead to ancillary punishment.

501. Breaching the Law that ensures equality of treatment and forbids any discrimination namely on grounds of sexual orientation in gaining access to and exercising independent work, means committing an administrative offence that is punishable with fines ranging from 1 to 5, or 2–10 times the value of the minimum wage depending upon whether an individual person or a collective is involved; ancillary penalties may be applied. In both cases, the worker has the right to receive compensation for material and moral damages. The Authority on Working Conditions is responsible for investigating violations of the law and set penalties.

502. Freedom of movement is guaranteed to the spouse of a citizen of the Union and to the partner living in a *de facto* union with a citizen of the Union, or with whom he/she maintains a permanent relationship, duly certified by the competent body of the Member State where he/she lives. Act No. 7/2001, of 11 May, recognizes the rights of persons living in a *de facto* union. This law makes no distinction between opposite and same-sex unions and is applicable to unions lasting more than two years. Same-sex marriages were recognised under Act No. 9/2010, of 31 May.

503. These laws apply to the freedom of movement, therefore being an opposite or same-sex couple is no longer relevant. The same situation occurs in relation to Portuguese citizens married abroad to a person of the same sex. He/she may proceed with the transcription of the marriage at the consulate or at any civil registry office in Portugal upon presentation of the foreign marriage certificate.

504. Act No. 27/2008, amended and republished by Act No. 26/2014, of 5 May, lays down the conditions and procedures for the admissibility of an asylum request or a subsidiary protection regardless a person's race, religion, sex, nationality, language, political or ideological beliefs, or his/her belonging to a given social group, which includes sexual orientation or gender identity.

505. The Law on the Entry, Stay, Departure and Expulsion of Foreigners (Act No. 29/2012, of 9 August) recognizes the right of family reunification to the spouse of a European Union citizen and to the partner living in a de facto union with a European Union citizen, or with whom he/she maintains a permanent relationship, duly certified by the competent body of the Member State where he/she lives.

506. The beneficiaries of the status of refugee or of subsidiary protection are entitled to family reunification with the members of their family, according to the terms defined in the legal framework governing the entry, stay, departure and expulsion of foreigners to, in and from Portugal, therefore according to the terms mentioned in the previous paragraph.

507. The rights to freedom of peaceful assembly and of association are laid down in the Portuguese Constitution in the section dealing with Fundamental Rights and Duties and is directly applicable to private and public entities. Although the Portuguese law governing freedom of assembly dates to 1974, it does not forbid LGBT parades or demonstrations. The law only requires that persons or organisations wishing to organise meetings, rallies, demonstrations, or parades in public spaces or open to the public give previous notice in written to the competent body at the latest two working days in advance.

508. Homosexuality was decriminalised in 1982 and Act No. 59/2007 repealed any references to same-sex acts.

509. Following the 2007 amendment, hate crimes, namely based on the victim's sexual orientation, were aggravated, e.g., in the case of murder or serious bodily harm. On the other hand, it was determined that the crime of domestic violence also covers victims in dating relationships or relationships similar to marriage, even without a de facto union. The crime of discrimination was considered following the setting-up of organisations or the development of organised propaganda inciting to discrimination, hate or violence against persons or group of persons because of their race, colour, ethnic or national origin, religion, sex, sexual orientation, as well as defamation or threats to a person or group of persons namely because of their sexual orientation.

510. Following the 2013 amendment, gender identity was included among the aggravating factors and in the crime of discrimination above-mentioned.

511. The Parliament approved on 11 February 2010 a law presented by the Government, Act No. 9/2010, allowing same-sex marriages but denying the right to adopt children. Act No. 2/2016, of 9 February, removed any discrimination in access to adoption, custody, and further legal relations in family matters, extending it to same-sex couples.

512. Act No. 17/2016, of 20 June, extends access to Medically Assisted Procreation techniques to all women regardless the diagnosis of infertility, marital status, and sexual orientation.

(g) Self-determination of gender identity and expression, and protection of sex characteristics

513. Act No. 3/2018, of 7 August, defines the legal framework establishing the right to self-determination of gender identity and gender expression and the protection of sex characteristics. This law establishes that the change of the gender marker in legal documents is possible from the age of 16. For those aged 18 or older, the procedure is requested by the individual at the civil registry. For minors (aged 16 or 17), the procedure is requested at the civil registry through their legal guardians, together with a medical or psychological report confirming that the minor is fully informed and capable of making decisions. The law also recognizes the right of trans persons to be officially identified by the adopted name regardless of any change in legal documents, which is particularly important, for instance, for those under 16 at school.

514. Moreover, concerning intersex persons, treatments, and interventions at any age without the person's consent are forbidden except in cases of proven risk for the person's health.

515. Following this law, in 2019, Portugal published its first Health Strategy for LGBTI persons, prepared by the Directorate General of Health in collaboration with seven associations that represent and support LGBTI persons. The 1st volume of this strategy addresses the promotion of health of trans and intersex persons and includes, among others: flowcharts for health services regarding trans and intersex persons (according to whether the intersex variation is detected at birth or during puberty; definition and calendar for the approval of organizational and clinical norms; training of professionals). In this context, this volume expressly states that "regarding intersex persons, and considering the various clinical situations, the intervention must be adequate on a case-by-case basis, based on the express informed consent, and according to strict clinical criteria established by accepted international standards".

516. Portugal has support structures for LGBTI persons who are victims of violence including three support services and one emergency shelter, ran by civil society organizations under CIG's supervision and through public support. Finally, Government secures financial support to civil society organizations that intervene and develop projects for the protection of rights of LGBTI persons.

517. Act No. 51/2012, of 5 September, on the Student Statute, establishes that students should be treated with respect and correction by any member of the educational community, and may not, under any circumstances, be discriminated against on grounds of ethnic origin, health, sex, sexual orientation, age, gender identity, economic, cultural or social status or political convictions, ideological, philosophical or religious.

518. Act No. 60/2009, of 6 August, on the provision of sexual education in schools, forbids any discriminatory behaviour or any violence on grounds of gender or sexual orientation. This raises awareness among young persons towards non-discrimination based on sexual orientation. This Law was regulated by Ordinance 196-A/2010, which introduced sexual education in primary and secondary schools and defines the curricula for different educational levels.

519. The Referential on Health Education and the National Strategy on Citizenship Education, both launched in 2017, also enshrines important guidelines to improve education on sexuality and the fight against prejudices, in all schools and education levels.

520. Act No. 5/2007, of 16 January (Law on Physical Activity and Sports), states that everyone regardless of their sexual orientation has the right to physical activity and sport.

521. The Authority for the Prevention and Combat of Violence in Sport was created in 2019 with the mission to prevent and monitor compliance with the legal regime of security and to combat racism, xenophobia, and intolerance in sports. "Zero Violence" is the name of the national campaign to combat violence in sports, which aims to raise awareness among the population about the phenomenon of violence, promoting the ethical values of sport, such as cooperation, respect, solidarity, and tolerance.

522. The Inspectorate General of Home Affairs (IGAI) is part of a Cooperation Protocol between the Commission for Citizenship and Gender Equality (CIG), GNR, PSP, SEF and the General Secretariat of the Ministry of Home Affairs. The Protocol aims to establish and define the terms and conditions of collaboration between the six parties for the implementation of training sessions on the themes of sexual orientation, gender identity and expression and sexual characteristics (OIEC). The Protocol was signed by the parties in November 2021 and is under development. 2022 was the year the foundations and meetings began. Also, within the scope of this Protocol, an online workshop on "Policing hate crimes against LGBTI persons" was held on July 18, 2022, with the participation of four (4) IGAI inspectors. During the meetings, the process of surveying the training needs of the parties involved was initiated and a calendar of activities was drawn up to define the development of the Protocol for the coming months, namely planning possible actions and laying the foundations for an action plan for 2023.

523. Art. 20 CRP states that everyone can “access to the law and the courts in order to defend those of his rights and interests that are protected by law”. The legal framework on legal aid is available for those who experience financial hardship and who fall in one of the three categories of eligible citizens already referred.
