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## **National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\***

### **Portugal**

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## I. Introduction

1. The UPR has proved to be a useful tool for strengthening and mainstreaming the protection and promotion of Human Rights (HR) at national level. Since its last UPR in 2014, Portugal has made a committed effort to thoroughly implement the 139 recommendations accepted<sup>1</sup>.
2. This report was drafted by the Portuguese National HR Committee<sup>2</sup> on the basis of contributions from its members<sup>3</sup>. Prior to its submission to the UN, a draft version was discussed with civil society representatives in a PNHRC meeting on 25 January 2019.
3. In February 2018, an *interim* report was voluntarily submitted<sup>4</sup>.

## II. Main developments since the previous review

4. Portugal remains determined to respect and promote HR for all, both at the national and international levels.
5. At the national level, mainstreaming HR throughout national administration and strengthening dialogue with civil society has been a paramount priority in order to achieve a better realisation of HR. The PNHCR remains a key instance in this regard and was chosen as a case study of coordination mechanism on HR by OHCHR<sup>5</sup>.
6. As part of a wider effort to mainstream HR, the PNHCR has a Facebook page and a webpage<sup>6</sup>. Furthermore, a new HR website was launched by the Ministry for Foreign Affairs<sup>7</sup> in January 2019<sup>8</sup>.
7. National HR indicators on the right to education, right to liberty and security of persons, the enjoyment of the highest attainable standard of physical and mental health, and the prevention and combating of violence against women were developed as recommended by OHCHR. These proved useful to effectively measure and assess the implementation of Portugal's reporting obligations in these areas<sup>9</sup>.
8. Since its last UPR, Portugal adopted several comprehensive HR policy instruments such as the 3<sup>rd</sup> and 4<sup>th</sup> National Plans against Trafficking in Human Beings (2014–2017 and 2018–2021), the Strategic Plan for Migration (2015–2020); the 2<sup>nd</sup> and 3<sup>rd</sup> National Action Plan on the Implementation of Security Council Resolution 1325 (2014–2018 and 2019–2022)<sup>10</sup>, the revised National Strategy for the Integration of Roma<sup>11</sup> Communities (2013–2022) and the National Strategy for Equality and Non-Discrimination “Portugal + Equal” (2018–2030).
9. In 2018, Portugal signed the Global Compact for Safe, Orderly and Regular Migration, for which a National Implementation Plan is now being conceived by the Government, and the Global Compact on Refugees.
10. In the period under review, a number of public initiatives were carried out to enhance the visibility of HR and promote its understanding and appropriation by all. In June 2017 a conference to celebrate the 30<sup>th</sup> anniversary of the adoption of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was held. Throughout 2017 a series of events to mark the 150 years of the abolition of the death penalty in Portugal took place<sup>12</sup>.
11. In February 2018, a well-attended conference entitled “Portugal and HR: assessment, perspectives and challenges” was organised by the MFA to take stock of Portugal's first HRC mandate (2015–2017). The main panel included representatives from civil society and the Parliament<sup>13</sup>. A book entitled “Portugal and HR at the UN” was launched on that occasion.
12. In the second semester of 2018, Portugal organised several events to mark the 70<sup>th</sup> anniversary of the Universal Declaration of HR<sup>14</sup> and the 40<sup>th</sup> anniversary of Portugal's accession to the European Convention on HR<sup>15</sup>. The overall motto of these celebrations was “Free and Equal”, inspired by Article 1 of the UDHR. These included public sessions, conferences and seminars, exhibits, cultural events, academic and training courses. Several

books were published, from academic studies to works of literary fiction for children, alongside the creation of digital resources and applications. These initiatives reached a wide audience and involved both public institutions and civil society, with a particular emphasis on schools and academia, public officials, security forces and law enforcement with the objective of increasing awareness and knowledge about HR. This project gained momentum and therefore continues into 2019.

13. As of January 2019, and following a Council of Ministers decision<sup>16</sup>, all official documents from the Administration must use the expression “Human Rights” (*Direitos Humanos/ Droits Humains*) rather than “Rights of Man” (*Direitos do Homem/ Droits de l’Homme*). This is a further step towards equality and inclusiveness.

14. In its external action, Portugal remains a staunch supporter of a strong, independent and effective multilateral HR system. Therefore, Portugal strives to maintain an open dialogue and constructive cooperation with all States, in the spirit of building bridges and achieving consensus without abandoning fundamental values and principles. This commitment underpinned Portugal’s first HRC membership. As an HRC member, Portugal tabled for the first time in 2016, and again in 2017, an innovative resolution on mental health and HR, alongside its traditional resolutions on the realisation of economic, social and cultural rights and on the right to education. Since then, Portugal continues to table annually these resolutions in the HRC and, biannually, a resolution on “Policies and programmes involving youth” in the UN General Assembly<sup>17</sup>’s Third Committee and the Commission for Social Development.

15. Portugal is strongly committed to the UN Treaty Body System. The fact that Portugal has no reports overdue is but one example. Portugal is party, without reservations, to eight UN core HR treaties and all their optional protocols, recognising the full range of competences of the respective committees. It has a permanent standing invitation to all HRC special procedures and it has received numerous visits<sup>18</sup>. Portugal is also part of the Council of Europe<sup>19</sup> HR system and is under the scrutiny of, *inter alia*, the European Court of Human Rights and the European Committee of Social Rights.

16. Portugal was at the forefront of negotiating the Sustainable Development Goals<sup>20</sup> and is working towards implementing them. The underlying aims of the SDGs are reflected in the national strategies and policies. In 2017, Portugal was one of the first countries to present its National Voluntary Review on the implementation of the 2030 Agenda<sup>21</sup>.

### III. Follow up to previous review

#### A. International instruments<sup>22</sup>

17. During the period under consideration, the following conventions were ratified:

- The International Convention for the Protection of All Persons from Enforced Disappearance on 27 January 2014, which entered into force on 26 February 2014. The first report submitted by Portugal was considered by the Committee on Enforced Disappearances in November 2018;
- The ILO Domestic Workers Convention (No. 189), on 17 July 2015, which entered into force on 17 July 2016;
- The amendments to Article 8, paragraph 6, of the International Convention on the Elimination of All Forms of Racial Discrimination<sup>23</sup> on 15 May 2015;
- The Kampala Amendments to the Rome Statute of the International Criminal Court;
- Protocols No. 12 and No. 15 to the European Convention on HR on 16 January 2017;
- CoE Convention against Trafficking in Human Organs, on 8 November 2018, which will enter into force on 1 March 2019.

## B. Racism and racial discrimination<sup>24</sup>

18. In this domain, the following measures are to be highlighted:

(a) Law 93/2017 revised the legal framework on prevention, prohibition and combat of discrimination based on racial and ethnic origin, colour, nationality descent and place of origin. Inter alia, it centralizes the administrative offences' procedure in one single entity, providing for a timely and effective application, and includes new discrimination factors and forms: discrimination based on descent and place of origin, multiple discrimination, and discrimination by association;

(b) Adoption of a National Equality and Non-Discrimination Strategy<sup>25</sup> "Portugal + Equal" –<sup>26</sup>. Aligned with the 2030 Agenda, it emphasises the multidimensional nature of disadvantage stemming from the intersection of various discrimination factors, such as sex with race and national or ethnic origin. It comprises three Action Plans on: (i) equality between women and men; (ii) preventing and combating violence against women and domestic violence<sup>27</sup>, including female genital mutilation<sup>28</sup>; (iii) combating discrimination on grounds of sexual orientation, gender identity and expression and sexual characteristics;

(c) Approval of the Strategic Plan for Migration 2015-2020 with the involvement of 13 government departments under the coordination of the High Commission for Migration<sup>29,30</sup>;

(d) Launch of the 6<sup>th</sup> and 7<sup>th</sup> generations (2016–2018 and 2019–2020) of the "Choices Programme" to promote social inclusion of vulnerable children, youth equality and social cohesion<sup>31</sup>;

(e) Approval of the revised Roma Communities Integration Strategy<sup>32</sup>, with a focus on combating stereotypes and discrimination against Roma;

(f) Law 130/2015 transposing Directive 2012/29/EU, which amended the Code of Criminal Procedure<sup>33</sup> and approved the new Victim's Statute, laying down a package of applicable rights and duties, thus improving the legal framework for victim protection;

(g) Implementation of several programmes by security forces of the Ministry of Home Affairs<sup>34</sup> aimed at promoting the HR protection of vulnerable groups and preventing conflict in vulnerable neighbourhoods. E.g., the "Together for All" Programme, created in 2016<sup>35</sup>, aims at training and improving the knowledge and skills of Public Security Police (PSP) officers involved in proximity policing activities;

(h) Laws 72/2015 and 96/2017<sup>36</sup> established that crimes committed against children, young people and other vulnerable groups, such as ethnic minorities, are priority prevention crimes. Law 96/2017 also considers crimes motivated by racial, religious or sexual discrimination, as priority prevention crimes;

(i) Under ENIND-VAWDV Action Plan, the Government launched in 2018 an innovative project against FGM, carried out by public health units in higher prevalence areas, together with local services, municipalities and NGOs. This includes training for professionals (e.g. health, education, justice, security forces, and social security professionals), community actions and an annual government campaign at the Lisbon Airport during school holidays, when more people travel back to their countries of origin.

19. Article 240 of the Criminal Code<sup>37</sup>, regarding the crime of discrimination and incitement to hatred and violence, was amended by Law 94/2017, which added ancestry and physical or psychological disabilities to the list of discrimination factors<sup>38</sup>.

20. Concerning investigation and prosecution, the Criminal Police<sup>39</sup> has a specialised Unit for the Prevention and Investigation of Hate Crimes with a designated contact point. The Public Prosecution Service has specialised sections in regional departments for criminal investigation and prosecution and in all the judicial districts in charge of investigating crimes such as hate crimes.

21. Following the Committee on the Elimination of Racial Discrimination's<sup>40</sup> report, the Government created, in 2018, a multidisciplinary working group<sup>41</sup> to assess the possibility of including questions on racial and ethnic issues in the 2021 census.

22. Portugal participated in the international “Hate no More” project (2016–2018) aimed at training professionals and raising awareness to combat hate crime and hate speech<sup>42</sup>.

### **Prevention of racism, xenophobia and intolerance**

23. Numerous awareness raising initiatives took place: e.g. “Discover your colour!”<sup>43</sup>, and “The colours of the grey city” campaigns<sup>44</sup>; activities at public schools such as theatre plays, debates, and a national contest challenging children and young people to write papers on racial discrimination; training sessions and workshops for media professionals on how to address migration and ethnic minority issues and actions aimed at combating racial stereotypes in the media. The Portuguese Diversity Charter was signed by several public administration entities in 2016.

24. In 2015, ACM launched a new website with a section dedicated to migrants and an online complaint form, in Portuguese and English.

### **Hate speech<sup>45</sup>**

25. A Code of Conduct against hate speech and online terrorist propaganda was adopted in 2016 in the framework of the High-Level Group against Racism and Xenophobia of the EU, where Portugal is represented. The national implementation of this Code of Conduct is coordinated by the PJ.

26. The fight against online hate speech is a priority. Portugal is committed to the prevention of racist and xenophobic comments and material on the Internet and to the prosecution of perpetrators of such acts. To that effect, the PJ’s National Unit against Cybercrime is competent to block websites that disseminate illegal content, including racist or xenophobic content.

27. The Safe Internet Project (*Internet Segura*) aims to prevent and fight illegal content online, minimizing its effects on citizens, promoting the safe use of the Internet and raising awareness on its possible risks<sup>46</sup>.

28. Hate speech made by political leaders is criminalized and Portugal remains highly committed to prosecuting these crimes<sup>47</sup>.

### **Commission for Equality and Against Racial Discrimination - CICDR<sup>48</sup>**

29. Law 93/2017 broadened the composition<sup>49</sup> and expanded the scope of intervention of the CICDR, allowing it to collect evidence in cases of racial discrimination and to handle the entire procedure from beginning to end. Between January and August 2018, CICDR received 211 complaints, which corresponds to an average of 26 complaints a month and an increase of 75.8% compared to the same period in 2017. This increase is attributed to awareness raising campaigns and training.

30. The Government, together with civil society organisations, provides support services for victims of hate crimes and discrimination<sup>50</sup>.

## **C. Roma<sup>51</sup>**

31. Roma communities in Portugal have Portuguese nationality. They have full access to public services and benefit from social measures in equal standing with other Portuguese citizens.

32. ENICC was revised in 2018, with more action-based measures, clearer indicators and yearly targets, and its duration was extended from 2020 to 2022<sup>52</sup>.

33. In 2015, ACM launched the Fund to Support ENICC’s activities<sup>53</sup>, now in its third edition<sup>54</sup>. The main goal of FAPE is to develop projects in partnership with different stakeholders, with a special focus on activities that fight discrimination targeting Roma and raise public awareness. The involvement of Roma associations and civil society are FAPE’s biggest asset.

34. In 2017 and 2018, ACM launched the Roma Associations Support Programme to encourage the active participation of Roma Associations in ENICC's implementation.

35. Since 2009, the Municipal Mediators Project promotes Roma people's access to public infrastructure and services through training and placement of Roma mediators in municipal services.

36. In 2018, ACM launched a pilot project for the development of 12 Roma integration local plans, using EU funds.

37. As from 2019, the mediation programme ROMED, with Roma mediators, will be financed by the Portuguese Government<sup>55</sup>.

38. Law 93/2017 reinforced the legal regime on the prohibition of discrimination in the access to and supply of goods and services, based on racial and ethnic origin, colour, nationality, descent and place of origin.

### **Education<sup>56</sup>**

39. The Portuguese education system does not allow the establishment of separate school classes on grounds of origin, race, ethnicity or culture.

40. The integration of Roma children is a two-way process, involving both the Roma community and the educational system. Ensuring equal access and the right to education, whilst respecting the values and traditions of Roma citizens, is of primary importance.

41. Early school dropout among Roma children is a major challenge. ENICC foresees measures to guarantee Roma's effective access to education, their educational success and lifelong learning. These include dissemination of Roma history and culture; follow-up mechanisms by the educational inspectorate on the integration of Roma children; activities in the framework of the "Choices Programme" with young Roma school dropouts and their families; scholarships for Roma to attend secondary and higher education; training teaching and non-teaching staff.

42. Several other initiatives to promote educational success and protect the rights of all pupils, especially those most vulnerable to school failure and/or from poor backgrounds include:

(a) The "National Programme for School Success", launched in 2016, to promote quality education for all and fight school failure;

(b) Improved collection and analysis of data. In 2017, the General-Directorate for Education conducted a school survey on the situation of Roma students and a report was released in 2018<sup>57</sup>. A second edition will be issued by the end of 2019, pertaining to the academic year 2018/2019;

(c) In the framework of the "No Hate Campaign", the Portuguese Institute of Sports and Youth<sup>58</sup> supports youth organisations and other NGOs in the development of non-formal education activities that promote the rights of young Roma and their access to education and professional integration;

(d) In 2016, the Operational Programme for the Promotion of Education was launched to encourage and promote the access of young Roma to higher education. A second edition was launched in 2017.

### **Employment<sup>59</sup>**

43. Several measures were taken to foster the employability of Roma under ENICC. From January 2014 to July 2018, the Institute for Employment and Vocational Training<sup>60</sup> identified a total of 13.991 persons as Roma and applied specific measures. A total of 30.643 technical interventions were carried out by the IEFP, in accordance with what had previously been established in the Roma jobseekers' Personalised Employment Plans<sup>61</sup>. Moreover, 8.883 referrals to Employment and Vocational Training Programmes were recorded, leading to the integration of 4.008 Roma in Vocational Training Measures and 208 in Employment Measures.

44. ACM launched a programme to foster Roma labour market integration through vocational and on the job training, and awareness raising of employers.

#### **Housing<sup>62</sup>**

45. In 2015, the Institute of Housing and Urban Rehabilitation<sup>63</sup> undertook a survey on the housing conditions of Roma Communities<sup>64</sup>. As a result, IHRU implemented rehousing programmes in several municipalities and promoted the requalification of neighbourhoods, improving housing conditions of Roma families in public housing buildings<sup>65</sup>.

46. Following Parliament's Resolution 48/2017, IHRU carried out a nationwide survey to identify rehousing needs in each municipality. This survey was completed at the end of 2017 the main results published in February 2018<sup>66</sup>. The compiled data set the basis for the "New Generation of Housing Policies" and led to the adoption of the rehousing programme "First Right"<sup>67</sup> and the programme "From Housing to Habitat"<sup>68</sup>. A significant number of Roma families benefit from these programmes.

### **D. Integration of migrants and marginalized groups<sup>69</sup>**

47. Law 2/2018 amended the Nationality Law (Law 37/81) extending access to nationality and naturalisation to individuals born in Portuguese territory, facilitating the requirement of prior lawful residence in the country.

48. In mid-2016, the National Support Network for the Integration of Migrants<sup>70</sup> was revised in order to address recent migration challenges. It is currently composed of the National Support Centres for the Integration of Migrants<sup>71</sup> and the Local Support Centres for the Integration of Migrants<sup>72</sup>. In close cooperation with ACM, these centres provide integrated support at national and local levels to facilitate the integration of Portugal's immigrant population, including refugees. Intercultural mediators from the different immigrant communities play a key role in all CNAIM services.

49. These support centres encompass different services and provide, free of charge, information and support to immigrants in several languages and in an integrated way<sup>73</sup>. Since the launch of the CNAIMs in 2004, over 4.5 million personalised services were provided. Between 2003 and 2017, CLAIMS provided over 709.000 services.

50. Additionally, since 2015 ACM concluded 37 Municipal Plans for Migrant Integration.

51. In June 2018, the mobile application "MyCNAIM" was launched. An online "migrant forum" is available on the ACM website<sup>74</sup>.

#### **Housing<sup>75</sup>**

52. In order to address the negative impact of the economic crisis, a rental social market was created to ensure access to affordable housing for the most vulnerable. In 2015, the "rehabilitate to rent programme – affordable housing programme" was launched for financing the full rehabilitation of degraded buildings, mainly for rent.

53. Other programmes were established to grant access to adequate housing such as "First Right" and "Doorway" (see chapter C).

#### **Education<sup>76</sup>**

54. The access of immigrant children and descendants (regardless of their legal status) to compulsory education is actively promoted.

55. Compulsory education is free. Families with insufficient economic resources may receive subsidies for school transportation, food, textbooks and study materials.

56. Teaching Portuguese to students whose mother tongue is not Portuguese is foreseen in the educational system. Portuguese as a second language is available in basic and secondary education. An online platform to learn Portuguese is available on the ACM website<sup>77</sup>.

57. Most of the schools included in the “Priority Intervention Educational Territories Programme” are located in areas where a significant number of immigrants and students with a migrant background live. These schools have specific teaching programmes aimed at supporting the full inclusion of the newly arrived students through introductory courses to Portuguese language, history, geography and culture.

58. Since 2008, ACM runs the “Portuguese for All Programme” for migrants and refugees. The Programme focuses on teaching Portuguese for those who work or seek employment in the retail, hospitality, beauty care, building construction and civil engineering sectors. In 2017, 425 training sessions attended by 11.390 participants were held and 5.334 of them received certificates.

59. Integration is encouraged through culture. The “Exhibition of Unknown Authors”, organised under the aegis of the General Inspection of Cultural Activities is but one example. It allowed people living in vulnerable environments to exhibit their art pieces, thereby highlighting the richness and the cultural diversity of their different backgrounds.

#### **Access to adequate public services<sup>78</sup>**

60. Health is a priority area in the integration of migrants. Both regular and irregular migrants have access to the National Health Service<sup>79</sup> under the same conditions as Portuguese citizens. Minors and pregnant women are exempted from fees, regardless of their legal status, as are asylum seekers, refugees and their families.

61. Special attention is given to the training of health professionals in order to promote equity of access to the NHS by vulnerable populations<sup>80</sup>.

62. The “Support Programme for Foreign Patients” provides special healthcare support to citizens from the Portuguese African Speaking Countries<sup>81</sup> on the basis of Bilateral Cooperation Agreements in the Health Sector. Portugal provides healthcare to military personnel from PALOP and East-Timor in the Armed Forces Hospital.

63. The national register of foreign minors with irregular status, managed by ACM since 2004, is uniquely designed to ensure children’s access to health care, pre-school and school education.

64. The Strategic Plan for Migration (2015-2020) includes several measures on health and migration and the Lisbon CNAIM has a Health Office that provides personalised services.

65. The right of foreign defendants to be assisted, without additional costs, by a suitable interpreter in any act of the procedure, as established in the CCP, is ensured in both courts and police facilities<sup>82</sup>.

#### **Employment<sup>83</sup>**

66. IEFP seeks to address the needs and characteristics of some vulnerable groups, including victims of domestic violence<sup>84</sup> and refugees, by defining specific methodologies and procedures to help their professional integration. ACM provides support to migrants through the National Support Centre for the Integration of Migrants, the Immigrant Vocational Training Office Network, and the Employment Support Office.

67. The Directorate-General for Economic Activities developed a brochure with information on how to open a business in Portugal that was disseminated to the migrant population. In 2009, a pilot project was created to promote immigrant entrepreneurship. This project expanded in the last years and provides training on starting up businesses and financial support<sup>85</sup>. From 2009 to 2018, 2.068 participants attended 123 training courses and 168 businesses were set up.

68. In May 2018, the pilot project “Refujobs” was launched to facilitate and guarantee access to training offers, job and self-employment opportunities to refugees<sup>86</sup>.



**Women immigrants<sup>87</sup>**

69. The Strategic Plan for Migration and ENIND-Action Plans foresee concrete measures to promote equality and reinforce personal, professional, and civic integration of migrant women. For the first time, ENIND expressly mainstreams an intersectional perspective to equality policies.

70. With regards VAWDV, including FGM, ENIND defines targeted measures to intervene with migrant women, including training of relevant professionals.

**Measures to remedy disparities in the enjoyment of human rights affecting vulnerable groups<sup>88</sup>**

71. Portugal is actively contributing to the management of the migratory and refugee situation in the European context by participating in international operations<sup>89</sup> rescuing and receiving refugees. Through the EU Relocation Programme, Portugal received 1.552 refugees. It pledged to admit 1.010 refugees from Turkey and Egypt by October 2019 under the EU Resettlement Framework.

72. In order to remedy disparities in the enjoyment of HR affecting migrants and refugees entering the country, several measures have been adopted:

- The CNAIM and CLAIM have reception and welcome services, including translation and language learning in order to meet the special needs of asylum seekers, refugees and other beneficiaries of international protection;
- ACM widened the volunteering awareness-raising system, through the “Mentors for Migrants Platform”<sup>90</sup>;
- A Support Unit to the Integration of Refugees was created within ACM, and a Refugee “Welcome Kit” with information on Portugal was developed and translated into five languages<sup>91</sup>;
- Training on refugees and the asylum law was provided by ACM and the Portuguese Council for Refugees<sup>92</sup> to 112 Municipalities; two protocols concerning refugees were established between the Portuguese Olympic Committee and the Portuguese Psychologists’ Association; ACM organised a course with the Refugees Support Platform<sup>93</sup> on “Hosting and Integration of Refugees” in 2017;
- The “Safe School Programme”, run by the National Republican Guard<sup>94</sup>, contributes to the social inclusion of children and youngsters from vulnerable socioeconomic contexts, especially the descendants of immigrants and ethnic minorities<sup>95</sup>;
- A cooperation protocol to promote the integration of refugees in the labour market was signed in 2017 between IEFP, PAR and the Group of Reflection and Support for Corporate Citizenship – GRACE;
- IEFP collaborated with the International Organisation for Migration in awareness sessions on the national labour market and the services offered by the public employment service to refugees.

**E. Gender equality<sup>96</sup> and women’s rights****Efforts to promote women’s rights and eliminate discrimination<sup>97</sup>**

73. ENIND started a new cycle based on a comprehensive approach (see chapter B). It enhances collaboration between public administration, private sector and civil society. ENIND’s approach is more action-based with indicators and yearly targets<sup>98</sup>.

74. Law 83/2015 amended the CC, introducing the crime of FGM and the crime of forced marriage and its preparatory acts, in compliance with the Istanbul Convention.

75. In February 2019, Parliament approved a Government bill that amends the “Parity Law”<sup>99</sup> to increase to 40% the threshold of the under-represented sex in the lists of

candidates to the National Parliament, European Parliament, elective bodies of municipalities, and members of the Parish Councils.

76. An innovative work-life balance<sup>100</sup> programme was launched in December 2018 to foster conditions for women and men to be able to balance professional, personal and family life<sup>101</sup>. Portugal negotiated new funding from EEA Grants<sup>102</sup> that secured 7M€ for projects to promote WLB and prevent and fight VAWDV until 2024.

77. Government has been gradually implementing gender budgeting. The 2019 State Budget establishes that all public administration services and bodies' budgets integrate a gender perspective, and should identify which programmes, activities or measures will be subject to gender impact analysis in 2019.

78. The 2019 State Budget states that Government should develop support measures for informal caregivers, namely by reinforcing their social protection and providing training<sup>103</sup>.

#### **Fighting discrimination of women in the labour market<sup>104</sup>**

79. The following measures illustrate Portugal's commitment to fight women's discrimination in the workplace:

- Law 60/2018 approved measures to promote equal pay for men and women for equal work and work of equal value;
- Law 62/2017 defines minimum thresholds of both sexes in boards and supervisory bodies of public (33%) and listed companies (20% as from 2018 and 33% as from 2020). These companies must draw up and publish annual equality plans;
- In February 2019, Parliament approved a Government bill that sets a minimum of 40% of both sexes in public administration senior officials, managing bodies of public higher education institutions; professional and public associations;
- Decree-Law 84/2015 provides for financial support to employers that hire unemployed jobseekers of the under-represented sex in a particular occupation;
- Two new web tools (a self-assessment survey and a gender pay gap calculator) by the Commission for Equality in Labour and Employment that enable companies to analyse their personnel pay structure and understand whether the pay differences are gender-based;
- A Time Use Survey project that collected data on the time used on paid and unpaid work by men and women;
- In 2014, the project "Sexual and Moral Harassment in the Workplace" collected data and raised awareness on moral and sexual harassment in the labour market;
- Law 73/2017 reinforces the regime on the prevention of harassment at work.

80. The Portuguese Authority for Labour Conditions<sup>105</sup> carries out inspections (in 2017: to 86 entities, covering a total of 2.532 workers); organises awareness-raising initiatives on equality and non-discrimination directed to students, workers, employers and civil society; has a hotline phone number and its website contains specific information on these topics<sup>106</sup>.

#### **F. Combating violence against women<sup>107</sup>**

81. ENIND/ VAWDV action plan, together with the National Support Network for DV Victims<sup>108</sup> are core instruments in preventing and combating VAWDV. The new action plan focuses on six strategic goals: 1) eradicate social tolerance towards VAWDV, raise awareness and promote a culture of non-violence, HR, equality and non-discrimination; 2) support and protect by expanding and consolidating intervention; 3) intervention with perpetrators, promoting a culture of accountability; 4) train professionals and services; 5) investigate, monitor and evaluate public policies; 6) prevent and combat harmful traditional practices, in particular FGM and early, forced and child marriages.

82. Portuguese law provides a complete and comprehensive legal framework on the investigation and prosecution of the crime of DV. Article 152 of CC, which defines the crime of DV, was recently amended by Law 44/2018, adding a new aggravating circumstance: the dissemination, on the Internet or by any other means of public dissemination, 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<sup>109</sup>.

83. All governmental areas must make specific yearly budget allocations for VAWDV prevention and fight, which increased 67% between 2017 and 2019.

84. Following the CoE's Group of Experts on Action against VAWDV<sup>110</sup> evaluation in January 2019, Portugal is preparing legislative measures to implement GREVIO's recommendations.

#### **Data collection<sup>111</sup>**

85. Collection of DV data is foreseen by Law 129/2015, which created a DV Database under the responsibility of the Secretariat General of MAI.

86. Each year, MAI produces a report on DV cases, based on information from the Police, with sex disaggregated data. A standard notification and a risk assessment tool are applied all over the country since November 2014, which allows for the collection of more accurate and detailed statistics. Data is available on MAI's website. Official justice statistics are collected by the Ministry of Justice (MJ) and are available online<sup>112</sup>.

87. Situations of homicide in the context of DV are subject to a retrospective analysis directed at implementing new preventive methodologies and due procedures.

88. The new VAWDV action plan aims to improve statistics and knowledge on the issue through the creation of sectorial statistical indicators, a survey on gender-based violence and promotion of evaluation studies.

#### **Complaint mechanisms<sup>113</sup>**

89. Effective access to complaint mechanisms is reinforced by Law 112/2009<sup>114</sup>, which establishes the RNAVVD, composed by the Commission for Citizenship and Gender Equality<sup>115</sup>, the Social Security Institute, shelters, victim's support services, other public administration bodies and a national helpline.

90. Law 104/2009<sup>116</sup> foresees the right of victims of DV to have effective access to compensation mechanisms and allows for the advanced payment of the total compensation amount when the victim of DV is in a situation of financial hardship.

91. Victims' rights have been enhanced, with the new Victim's Statute (see chapter B) and the elimination of legal costs for victims of DV and of FGM.

92. Article 67-A of the CCP enshrines a broader concept of "victim" which includes not only the person directly affected by the crime but also family members who suffered as a result of that crime.

93. Reporting cases is encouraged in various ways. DV is a public crime; therefore, a number of public entities are competent for receiving complaints<sup>117</sup>, in person or online. GNR and PSP have special rooms for victims support services (SAV; 447 in total). New police stations and the ones that will be subject to structural intervention will have SAV.

94. Several campaigns to disseminate CIG helpline and RNAVVD services are carried out every year and a mobile application was launched (see below).

#### **Access to protection<sup>118</sup>**

95. After placing a formal complaint, victims are granted a status of special vulnerability and DV victim and are entitled to support measures.

96. The RNAVVD foresees support centres and short and long-term shelters, according to the different levels of risk assessment, and present various types of interventions to victims and their children.

97. Portugal has 40 shelters for women and minors, including one for men with 6 vacancies, shelters for disabled women and women with mental illnesses (totalling 17 vacancies). There are 26 emergency centres for women including 1 for men and 1 for LGBTI people.

98. There are 122 support centres, including for women victims of sexual violence, for men victims of DV and sexual abuse, and LGBTI people.

99. Since 2016, the Government is reinforcing the RNAVVD namely through partnerships with municipalities, local authorities and NGOs, to ensure nationwide coverage and suitability of the network according to territorial specificities. New regulations were adopted in 2018 concerning RNAVVD's organisation and functioning in terms of counselling, emergency housing and shelters for DV victims<sup>119</sup>.

100. CIG developed a "Resource Guide"<sup>120</sup> and launched, in 2017, the AppVD mobile application<sup>121</sup>, which provides information on all the support services available, ways to file a complaint or to request information.

101. Regarding NHS, Order 5655/2017 reinforced the integrated intervention model of interpersonal violence throughout the lifecycle and teams for adult violence prevention mechanisms and clarified some of their functioning issues.

102. To reinforce training of relevant professionals, namely in the justice (prosecutors, judges, lawyers, court clerks), security forces and health areas (medical doctors, nurses, administrative staff), CIG established protocols<sup>122</sup> to provide more adequate training opportunities.

#### **Investigation and prosecution of perpetrators<sup>123</sup>**

103. Law 72/2015 and Law 96/2017 (see chapter B) consider DV as a crime of priority prevention and investigation.

104. In 2018, the Prosecutor General established a WG on DV to outline its DV strategy, including the adoption of best practices and the standardisation of procedures in criminal courts, and in family and children's courts<sup>124</sup>.

105. Investigation and prosecution of DV victims has been increasing, as well as the number of persons convicted for this crime in first instance criminal courts: from 1.661 in 2014 to 1.909 in 2017<sup>125</sup>.

106. Under the EEA Grants, a study will be initiated in 2019 to assess the efficacy of measures applied to perpetrators and identify needs for improvement.

#### **Domestic violence and impact of the economic difficulties on families<sup>126</sup>**

107. The economic rights of DV victims are given special consideration under Law 112/2009, which includes measures aimed at ensuring their financial subsistence and autonomy.

108. Victims in economic hardship can benefit from the Social Integration Income<sup>127</sup>; DV victims' requests are subject to priority analysis.

109. A Best Practices Guide for Business on the Prevention and Combat of Domestic Gender Violence was launched in 2016. Several workshops and conferences on prevention and combat to DV and its costs in the private sector targeted at companies, business associations, trade unions and other private sector actors have been organised.

## **G. Children**

#### **Addressing child poverty<sup>128</sup>**

110. Portuguese authorities are aware of the impact of the financial crisis on child poverty. In the aftermath of the financial crisis, and with a view to mitigate its effects, a number of measures were put in place in order to improve the situation of vulnerable households with dependent children. These include:

- Revision of the equivalence scale applied to the RSI levels raising the percentage of the amount given to each adult, from 50% to 70% of the benefit's reference value and from 30% to 50% in the case of children;
- Update of Child Benefit amounts for the first three households' income levels and an increase of the mark-up from 20% to 35% of Child Benefit for single parent families;
- Rollover of 10% growth to the unemployment benefit for unemployed parents.

111. The government is committed to reassessing the national framework of social benefits in order to continue to fight child and youth poverty.

### **Best protection of children's rights<sup>129</sup>**

112. During the period under consideration, the national system of promotion and protection of children was reinforced. In 2017, the law on promotion and protection of children and youth at risk was amended and a new body created – the National Commission for the Promotion of the Rights and Protection of Children and Young People<sup>130</sup>. The CNPDPCJ has a broad scope of competencies that enhance prevention and protection of children's and young people's rights. Given the recent and growing migratory crisis, this Commission is focusing on the reception and integration of migrant and refugee children, in particular unaccompanied ones.

113. Several national laws regarding children's rights have been revised, including on adoption, protection of children and young people, educational guardianship and exercise of parental responsibilities, in line with the child friendly justice guidelines and recommendations presented by the Committee on the Rights of the Child to Portugal<sup>131</sup>.

114. It is worth highlighting some of the relevant modifications:

- the mandatory appointment of a lawyer to the child in the context of civil guardianship procedures and criminal procedures when the child's interests are conflicting with those of the parents or when the child so requests at the court;
- the prohibition of disclosing information regarding a criminal procedure which may enable the identification of a child victim (conduct which is punishable as a crime of disobedience);
- the child's right to trigger civil guardianship procedures;
- the mandatory issuance of new identification numbers for the adopted child;
- the creation of a criminal identification register for persons convicted of crimes against sexual self-determination and sexual freedom of children;
- the urgent regulation of parental responsibilities in situations of DV and other forms of violence in a family context;
- the application of special conditions to grant residence permits and naturalisation of children and young people of foreign nationality placed in a State institution or equivalent;
- the general prohibition of any treatment or medical intervention which implies a change on the body or sexual characteristics of an intersex child until the gender identity is manifested;
- the strengthening of criminal legal protection of privacy on the internet;
- the introduction of the crime of FGM, the crime of forced marriage and its preparatory acts, and the crime of child grooming.

115. An Office on Family, Children and Youngsters was created in 2017 within the Prosecutor General's Office, to, *inter alia*, study and promote best practices improving the work of public prosecutors as advocates for the rights of children, foster coordination and cooperation between the different judicial and other authorities working in the area, and improve procedures and data collection in this regard.

116. Portugal is committed to the protection of the best interests of the child by encouraging mediation procedures through the System on Family Mediation: 434 were provided in 2016 and 300 in 2017<sup>132</sup>.

117. A new National Strategy for the Rights of the Child, aiming to improve the implementation of the principles and provisions of the UN Convention on the Rights of the Child, is under preparation.

#### **Primary and secondary education for all children<sup>133</sup>**

118. In Portugal there is a universal right to primary and secondary education for all children irrespective of their legal status. Educational policy measures defined at central level are applied in a non-discriminatory way.

119. A new compulsory education law on the implementation of free universal pre-school education for 4-year-olds and the mechanisms for measuring the possibility of extending universality to 3-year-old children came into force in the school year 2016/2017.

120. In an effort to respond to UN recommendations related to social inclusion, as well as to continue to uphold the commitments under the Convention on the Rights of Persons with Disabilities, Portugal approved a new legal regime on inclusive education<sup>134</sup>. Changes were introduced in the way schools and support structures are organised to identify measures to support learning and inclusion throughout compulsory schooling.

121. Migrant children benefit from school social support. In order to facilitate the reception and integration of these students, schools set up multidisciplinary teams. School psychologists strive to cooperate with the Centres for Vocational Training (*Centros Qualifica* – see chapter L) to foster the integration of students (ages 15–18).

122. These measures were extended to children and young people who are applicants or beneficiaries of international protection following a ministerial dispatch of 13 September 2016.

123. The General Inspectorate of Education and Science's Ombudsman Service provide assistance and process complaints regarding discrimination and exclusion of young people in schools.

124. The protection of the rights of unaccompanied and separated children is safeguarded by SEF in direct cooperation with the CNPDPCJ and the Public Prosecutor. Other entities such as CPR (which has a shelter specially dedicated to refugee children) and the Institute for Social Security are at the frontline at the reception level, along with ACM in the area of integration. These children are admitted to the Portuguese Centre for Refugees until they are 18.

## **H. Families/older persons<sup>135</sup>**

125. Law 49/2018 approved the regime of the “Accompanied Adult” (*maior acompanhado*), eliminating the former adult incapacity regimes (*interdição* and *inabilitação*). This new regime intends to provide an adequate response to the needs of adults who, due to illness, disability or behaviour, are unable to fully and personally exercise their rights and perform their duties. The application of this regime may be required one year before the person concerned reaches majority, becoming effective on that moment.

#### **Community awareness on domestic violence and needs of older persons and children**

126. Under the 5<sup>th</sup> National Plan against DV, security forces organised awareness raising and counselling programs for older persons as potential victims of crime, namely on preventing fraud and other types of crimes, with a special focus on women that are particularly vulnerable, such as those living in rural areas. ENIND foresees a specific goal on promoting the empowerment of women and men in situations of social and economic vulnerability, including the elderly, and projects to improve DV intervention with older women.

127. A study on “Aging and Violence” was carried out with the aim to identify and assess violence faced by older persons within the family context<sup>136</sup>.

128. In recent years, measures aimed at older persons and/or dependent populations have encouraged autonomy and deinstitutionalisation. Some examples are the creation of Night Centres, the extension and qualification of Home Support Services, allowing for the elderly to remain in their homes and have an autonomous day-to-day life, while guaranteeing and supporting their safety during the night. The implementation of the National Network of Continued Integrated Care, created in 2006, was initiated.

129. Cooperation between social security and health services has intensified in order to guarantee the safety of older persons and of persons with disabilities, especially subsequent to hospital stays. In 2015, a “Handbook for the Articulation of Health and Social Security in the Planning of Hospital Discharges” was published and disseminated<sup>137</sup>.

130. Continuous investment in childcare services is a priority: the coverage rate for early childhood (0–3 years) went from 20.3% in 2000 to 49.2% in 2014 and 51.1% in 2015<sup>138</sup>; family allowances for children in single parent families, family benefits and child benefits have been increased and parental rights have been reinforced by allowing the initial parental leave, between 120 and 150 days, to be enjoyed simultaneously by the two parents. The father's initial parental allowance was extended from 10 to 15 days.

#### **Assistance to families in the aftermath of the economic and financial crisis**

131. Measures to reinforce available household income, especially of those who are most vulnerable and at risk of poverty and exclusion like the low-wage workers, the elderly living on low pensions and children<sup>139</sup>, these include, *inter alia*:

- gradual increase of the minimum wage (from €505 in October 2014 to €530 in 2016, €580 in 2018 and €600 in 2019);
- unfreezing of pensions indexation from the beginning of 2016, with immediate impact on medium-low pensions;
- reinstatement of reference amount of the social supplement for the elderly and subsequent raise (to €5.059 per year in 2016, €5.084,30 in 2017, €5.175,82 in 2018 and €5.258,63 in 2019);
- update of child benefit amounts and of the supplement to child benefit for children with disabilities;
- revision of the legal framework of social responses such as the Day Care Centres and Home Support Service with a view to better support families;
- progressive reinstatement of previous, higher, RSI levels from the first quarter of 2016 on, with a view to restore the levels of protection to the families in poverty.

## **I. Trafficking in persons**

### **Combating trafficking<sup>140</sup>**

132. The 3<sup>rd</sup> National Plan to Prevent and Combat Trafficking in Human Beings<sup>141</sup> 2014-2017<sup>142</sup> had a level of implementation of 92.4%.

133. The 4<sup>th</sup> PNPCTSH (2018-2021) includes measures aiming at raising awareness on THB, ensuring that victims have access to their rights and promoting the fight against organised crime networks, and strengthening intervention through the implementation of guidelines and protocols.

134. SEF created an Anti-THB Unit within its Central Directorate for Investigation that includes prevention and investigation. Strengthening border control, cross-border and international cooperation, and the creation of three SEF specialised teams endowed with criminal investigation skills will allow an integrated approach to fight THB at all international border posts. SEF has set up continuous awareness and training programmes on THB.

135. PJ collaborates actively with other criminal police organisations in preventing and investigating THB and cooperates with multidisciplinary teams to identify possible victims.

136. Prevention within the private sector is a concern. The Ministry of Economy promotes raising awareness on THB and disseminates good practices. In cooperation with MAI, it organised an awareness raising workshop for companies and recruitment agencies.

#### **Trafficking for labour exploitation and trafficking in children<sup>143</sup>**

137. Article 160 of CC foresees an aggravated penalty when the victim is a child and criminalizes THB for the purposes of adoption and labour exploitation. Article 185-A (3) of Law 23/2007, amended by Law 29/2012, punishes with a sentence of imprisonment of up to two years or a fine up to 480 days anyone who uses the work of a minor foreign citizen, in an irregular situation.

138. The 4<sup>th</sup> PNCTSH includes measures that aim at eradicating forced labour, modern slavery and trafficking in persons and to ensure the prohibition and the elimination of the recruitment and use of child work. The Office of the Prosecutor General is particularly attentive to cases of THB involving child victims connected with the new phenomena of international migration or associated with organ extraction and use<sup>144</sup>.

139. In 2018 Portugal opened a shelter for children victims of THB, funded by the Government and managed by an NGO. It will be part of the National Referral Mechanism together with the three existing THB shelters.

140. Special attention is given to children victims, identified as a vulnerable group. Guidelines for professionals on how to proceed and contacts of specialised organisations for child support, namely the European phone line for missing children, are provided.

141. Concerning data collection/statistical reports, the Observatory on THB<sup>145</sup> quarterly and annual reports include separate chapters on children's THB.

142. A number of projects and awareness raising actions were developed since 2014 and a Booklet and Leaflet on Forced Begging<sup>146</sup> were developed by OTSH and CIG<sup>147</sup>.

143. Awareness raising campaigns on THB for labour exploitation and trafficking in children were conducted, focusing on sexual exploitation, labour exploitation and forced begging, labour exploitation linked to agriculture<sup>148</sup> and trafficking in children<sup>149</sup>.

144. ACT set up a training programme on labour exploitation with the collaboration of CIG<sup>150</sup>. Currently, ACT has 314 inspectors and is part of the Network for Support and Protection of Victims of Trafficking.

145. Law enforcement agencies and ACT regularly conduct both joint and autonomous inspections to places associated with THB (construction and agricultural sites, catering and night entertainment establishments).

#### **Prosecution and assistance to victims<sup>151</sup>**

146. Laws 72/2015 and 96/2017 (see chapter B) consider THB a crime of priority prevention and investigation<sup>152</sup>. Portuguese authorities sought to adapt to new forms of trafficking and recruitment by adopting new legislation<sup>153</sup>.

147. Portugal continues to take measures to strengthen victims' referral and protection mechanisms, as well as cooperation mechanisms under the National Plans for the Prevention and Combat to THB.

148. Multidisciplinary specialised regional teams, in close collaboration with professionals from the government and NGOs, namely Law Enforcement Agencies and the three THB Shelters and Protecting Centres, work with THB victims. The aim is to facilitate the victim's emotional stabilisation and social reintegration.

149. Under the CCP, as amended by Law 130/2015 (see chapter B), victims of violent crimes or especially violent crimes (which includes THB) are considered "especially vulnerable victims". Victims of slavery and of THB are exempted of court fees during the criminal proceedings.



150. Data collection and analysis have been improved, with the inclusion of a dedicated chapter on THB in the Homeland Security Annual Report produced by OTSH and SEF. The Pan-European Monitoring System of Trafficking in Human Beings MOSY will replace the national database GUR, allowing for data disaggregation by sex and age of the victims and suspects.

## **J. Police violence, law enforcement, prisons, justice system<sup>154</sup>**

151. Training on HR is a priority for security forces and services, including SEF. HR training, both initial and in-service, is provided<sup>155</sup>. Prison guards training include HR, multiculturalism, interpersonal and intercommunication techniques, as well as control and restraint techniques.

152. Any report of excessive use of force and ill-treatment by law enforcement officials or prison guards is duly investigated. PJ ensures the necessary measures to promptly and thoroughly investigate all allegations of excessive use of force and ill-treatment by police officers and guards against detainees or any other citizens. As for their own inspectors, PJ opened several disciplinary proceedings in the period 2015-2018, 9 of which are pending.

153. Pursuant to Order of Home Affairs and Justice Ministers 11838/2016, if persons who were previously detained by PSP, GNR or PJ show any signs of torture or ill-treatment when they are admitted to penitentiary establishments, the Directorate General for Rehabilitation and Prison Services<sup>156</sup> must immediately inform the Inspectorate General of Home Affairs<sup>157</sup> and the General Inspectorate for Justice Services<sup>158</sup>. Circular 1/2017 improved the mechanisms for detection of torture or cruel treatment inflicted on inmates<sup>159</sup>. DGRSP signed a protocol with the National Institute of Legal Medicine and Forensic Sciences under which the latter provides training to medical staff working in prison facilities with a focus on the procedures to follow in case of allegations of ill-treatment and abuse.

154. Recently, the DGRSP and the President of the Portuguese Lawyers' Bar reached an agreement for setting up legal counselling offices in prison facilities where lawyers provide free information and legal advice to inmates.

155. IGAI regularly carries out inspections without prior notice to PSP and GNR units, with the purpose of verifying the legality of police actions.

156. Prison establishments are regularly inspected by sovereign bodies – mainly by Prosecutors, members of Government and Parliament – the Ombudsman (either in that capacity or as a National Prevention Mechanism under OPCAT), and by representatives of international organisations<sup>160</sup>.

### **Prisons<sup>161</sup>**

157. The improvement of the living conditions in prison establishments, including areas for inmates' training and occupational activities, is an absolute priority.

158. In 2017, MJ produced a Report on the Penitentiary and Juvenile System which defines a 10-year (2017–2027) strategy for the restructuring and rehabilitation of the network of penitentiary establishments and educational centres. The report identifies the needs for new prison establishments in accordance with the prison population and geographical incidence, the infrastructures in need of rehabilitation and the shortcomings in human and material resources. The proposed solutions are directed at solving concrete problems such as the detachment of inmates, in particular women, from their communities, and the operation of mega-establishments, with capacity for more than 600 inmates.

159. Law 94/2017 introduced significant changes to the execution of sentences regime: (i) the elimination of weekend- and semi-detention prison sentences; (ii) the extension of the maximum period of effective prison sentence (from one year to two years) allowing for the serving of sentence in house arrest, as an alternative to imprisonment. These amendments have greatly contributed to reduce imprisonment rates and, consequently, to

resolve the overcrowding situation in prisons. Since 31 December 2015, there has been a reduction of 10.4% in the prison population<sup>162</sup>.

160. Regarding health conditions in prisons, inmates benefit from the NHS. In 2017, a WG was established to improve NHS access for inmates. This WG has led to the adoption of new procedures such as a referral network for the provision of healthcare services in the NHS to ensure access to HIV and viral hepatitis consultations for all inmates. A telemedicine project is under way in some prison facilities.

161. Access to mental healthcare in prisons and educational centres is a priority. In 2018, there was a considerable increase in the capacity of mental health units and a reinforcement of psychiatrists and psychologists in prisons, both resident and in a provision of services regime.

162. People who commit a typical unlawful act but, due to mental disorder, cannot be criminally liable, are interned in treatment or security facilities, preferably mental health units outside prison facilities. A new legal instrument on the conditions for the institutionalisation of these persons in units of forensic psychiatry of the NHS is undergoing legislative procedure. The number of available places in the NHS has increased and a commission was created to assess the possibility to increase the offer from the social sector.

163. All competent authorities are aware of and ensure the right of access to a lawyer for all detained persons.

#### **Justice system<sup>163</sup>**

164. In 2016, the Government presented an Action Plan for the modernization of the justice system (*Justiça + Próxima*) containing 120 measures under four strategic pillars: efficiency, innovation, proximity, and humanization of justice. It aims to contribute to the delivering of a more agile, transparent, and friendly justice, by simplifying procedures, adopting new tools and technologies, and providing clearer information to citizens<sup>164</sup>.

165. Portugal's efforts to tackle judicial backlog have produced significant results in the past years<sup>165</sup>.

## **K. Human rights education, information and training**

#### **Engagement with regional and international partners<sup>166</sup>**

166. Portugal engages with partners to strengthen the protection and promotion of HR<sup>167</sup>. It tables resolutions both at the HRC and at the UNGA's Third Committee<sup>168</sup>.

#### **Education and training<sup>169</sup>**

167. The Ministry of Education, in collaboration with various public and civil society partners, carries out awareness-raising and education activities on HR issues, including in-service training activities for teachers and school leaders.

168. In 2016, a WG on Education for Citizenship, composed by experts, teachers and administration staff, was set up to design an Education for Citizenship Strategy. Based on this WG's report, a new National Strategy for Citizenship Education was launched in 2017. This strategy reinforces the cross-cutting nature of Citizenship Education at all education levels and a compulsory subject named "Citizenship and Development" was established for the students of the 2<sup>nd</sup> and 3<sup>rd</sup> cycles. There is a table of compulsory topics for all education levels, including HR, gender equality, intercultural relations, sustainable development, environment and health. All school clusters must have a HR coordinator and develop a plan in collaboration with NGOs and community organisations. In order to implement the Strategy in each school, the Ministry of Education launched an in-service "teachers' training programme" on "citizenship and development". In the 2017/2018 school year, the Ministry of Education provided an Open Online Course taken by 845 teachers.

169. The Centre for Judicial Studies provides training on HR to judges and public prosecutors on, *inter alia*, the jurisprudence of the European Court of HR, THB, DV, FGM, rights of persons with disabilities, the best interests of the child, the implementation of fundamental rights, the situation of vulnerable young adults and children. HR educational programmes have been increasing in Portuguese universities, in particular law faculties, at undergraduate and graduate level.

170. The Ministry of Economy organised awareness raising activities for business representatives, NGOs, trade unions, academia and general public on business and HR related topics.

171. HR education and training is provided both by the Ministry of Defence and the Armed Forces, not only in the context of their missions in Portugal but also in the framework of humanitarian and peacekeeping missions, and technical military cooperation.

172. In 2018, the Prosecutor General's Office launched a new website that includes a specific page on HR with a wide range of HR information and documentation.<sup>170</sup> In 2019, the MFA followed suit<sup>171</sup>.

## L. Economic, social and cultural rights

### Promotion and protection of economic, social and cultural rights<sup>172</sup>

173. Culture is an essential pillar of democracy, national identity, innovation and sustainable development. Access to cultural creation and enjoyment is a priority and a number of measures exist with a view to guarantee participatory and accessible culture for all, including people with disabilities.

174. National monuments, museums and theatres have reduced admission fees for students, young people, unemployed and adults over 65. Free access is granted, in some cases, to children. These entities work closely with schools in order to promote access to culture and stimulate creativity. National Reading and Cinema Plans were launched to develop early cultural literacy.

### Employment<sup>173</sup>

175. As outlined in the interim report, IEFP implements measures to promote employment, including financial support<sup>174</sup>, professional traineeships for long-term/very long-term unemployed jobseekers over 31, and a programme that encourages unemployed people to work in the arts and crafts sectors.

176. Recently, IEFP approved the following initiatives:

- “Hiring Support”: financial support given to employers that celebrate permanent labour contracts or fixed-term labour contracts (12 months minimum) with an unemployed registered in a job centre. It also supports contract conversions: if the employer converts a fixed-term contract to a permanent one, it receives a bonus;
- “Professional Traineeships”: on-the-job experience in a private entity to promote the integration of young people into the labour market or retaining unemployed jobseekers<sup>175</sup>;
- “Employment-Integration Contract” and “Employment-Integration+” aiming at promoting the employability of unemployed jobseekers and preparing and improving their skills by maintaining contact with the labour market.

177. IEFP introduced a new methodology named “Personalised Support Model for Employment” to strengthen support for those who receive unemployment benefits. It also has vocational rehabilitation measures for disabled people.

### Minimization of the impact of the financial crisis<sup>176</sup>

178. In 2010, Portugal accepted the European challenge to remove 200.000 people from poverty until 2020 (Europe 2020 Strategy).

179. Portugal is committed to fighting child poverty, to improving the living conditions of the population, especially disadvantaged families, to ensuring adequate and sustainable social protection while fostering an inclusive labour market in order to tackle long-term/very long-term unemployment, youth unemployment and in-work poverty.

180. In the field of education, support continues to be provided, especially to the most vulnerable children, with the aim to ensure their access to education. As an example, around 45% of 6-to-18-year-olds enjoy free school meals as well as school transports, textbooks and school consumables.

181. See chapters G and H.

#### **Social Security System and social protection of vulnerable groups<sup>177</sup>**

182. Changes to improve the Social Security System include: long-term care was updated in 2014 and in 2016; a 10% increase was introduced in the unemployment benefit for couples with dependent children, and for the single parent families where the parent does not receive alimony; a new social benefit was introduced in 2016 for the long-term unemployed; the annual update of pensions and disablement pensions was restored.

183. See chapters G and H.

#### **Combating illiteracy - Education / Training for Adults<sup>178</sup>**

184. A new programme on adult education and training *Qualifica* was created in 2017. It foresees a significant increase in investment in the consolidation and extension of specialised centres (*Qualifica* Centres) as well as in new tools, such as the *Qualifica* Passport and a dedicated website. A public information campaign was carried out.

185. A “National Plan for Adult Literacy” was launched in 2018, targeted to low skilled adult population who has difficulty in accessing the opportunities created by the *Qualifica* Centres.

186. To fight illiteracy, the Secondary School Network within Recurrent Education was extended and a pilot distance learning experience was launched for students who do not have access to public Secondary Education schools with the Recurrent Education modality.

187. The “Reading without Frontiers’ Programme”, a partnership between the Directorate General for Books, Archives and Libraries and DGRSP aims to extend reading to new places, such as prisons.

#### **Right to water and sanitation<sup>179</sup>**

188. Portugal continued to implement the National Strategic Plan for Water Services 2014-2020 (PENSAAR 2020). This plan recognises that water and sanitation are HR<sup>180</sup>.

#### **Rights of peasants and other people working in rural areas<sup>181</sup>**

189. The realisation of the rights of agricultural and rural people is not overlooked. Special consideration is given to their specific needs and the crucial role they fulfil in society<sup>182</sup>.

190. The Family Farming Statute (Decree-Law 64/2018), adopted in 2018, aims at strengthening this means of production, while recognising its economic, territorial, social and environmental specificity. Family Farming contributes to preserving rural areas, to social and territorial cohesion and to protecting the environment and achieving sustainable development.

### **M. Civil society<sup>183</sup>**

191. Portugal encourages the participation of civil society organisations in the elaboration of all HR’ reports submitted to the UN Treaty Bodies. The UPR is no exception. In January 2019, civil society was consulted when preparing the present report<sup>184</sup>. NGO participation in the UPR is also encouraged<sup>185</sup>.

## N. Other measures

### Intercultural dialogue<sup>186</sup>

192. ACM is committed to promoting intercultural dialogue, namely by its Intercultural Dialogue Unit which integrates a network of around 20 trainers<sup>187</sup>.

193. The Intercultural School Label initiative was launched in 2012 by the Directorate-General of Education and ACM with the collaboration of the Aga Khan Foundation Portugal. It is awarded to schools that stand out in the fight against discrimination, promote intercultural dialogue and foster the inclusion of students from minority communities, thereby preventing early school dropout and educational success. 28 intercultural labels were awarded in 2017.

194. The Network of Schools for Intercultural Education, launched in 2016 by ACM, the Directorate-General of Education and the Aga Khan Foundation Portugal, currently integrates 23 schools. It promotes respect for differences, recognises the richness of diversity and therefore embraces the central tenets of Intercultural Education.

195. In 2015, ACM established a WG on Interreligious Dialogue, which aims, *inter alia*, at developing the interreligious dialogue among the various religious communities in Portugal<sup>188</sup>. ACM organises an annual interreligious youth meeting to discuss religious diversity. In 2017, 19 youngsters participated in this event and elaborated a Charter for Interreligious Dialogue.

### Overseas development assistance<sup>189</sup>

196. After a rise in 2010 and 2011, Portuguese ODA started to decrease sharply in 2012. The decrease reflected the effects of the economic and financial adjustment programme which Portugal was subject to until June 2014, as well as fewer use of concessional lines of credit/loans available to partner countries. Recovery occurred in 2016. In 2017, the growing trend was confirmed with ODA reaching 338 M€. The percentage of Portuguese ODA in relation to Gross National Income (ODA/GNI ratio) stood at 0.18% in 2017, representing a slight growth compared with 2016<sup>190</sup>.

## O. Looking ahead

197. The realisation of HR is an unwavering priority. Portugal continuously strives to do more and better. Looking ahead, the major challenges are preserving the UN HR system, safeguarding the universal and indivisible nature of HR and upholding democratic values. Close cooperation with civil society and international organisations is of paramount importance to promote dialogue, identify emerging challenges and seek effective solutions.

198. Portugal is strongly committed to the delivery of the SDGs. In line with the promise of the 2030 Agenda to “leave no one behind”, they have the potential to contribute substantially to the realisation of HR for all.

199. Portugal will seek to ensure that national strategies and policies to implement the 2030 Agenda are human rights-based. UPR recommendations can contribute to effectively implement the SDGs.

### Notes

<sup>1</sup> In 2014, Portugal accepted 139 out of 151 recommendations made during its second UPR.

<sup>2</sup> The PNHRC, created by Resolution of the Council of Ministers No. 27/2010, of 8 April, is responsible for intergovernmental coordination with the aim of promoting an integrated approach to HR policies. It was established following a commitment expressed by Portugal during its first UPR, in December 2009.

<sup>3</sup> Namely the departments responsible for Foreign Affairs; Finance; National Defence; Internal Administration; Justice; Culture; Science, Technology and Higher Education; Education; Labour, Solidarity, Solidarity and Social Security; Health; Economy; Environment and Energy Transition;

- Agriculture, Forestry and Rural Development; Migration; Citizenship and Gender Equality; as well as the Prosecutor General's Office.
- <sup>4</sup> [https://lib.ohchr.org/HRBodies/UPR/Documents/session19/PT/InterimReport-2nd\\_cycle\\_Portugal.pdf](https://lib.ohchr.org/HRBodies/UPR/Documents/session19/PT/InterimReport-2nd_cycle_Portugal.pdf)
- <sup>5</sup> [https://www.ohchr.org/Documents/Publications/HR\\_PUB\\_16\\_1\\_NMRF\\_PracticalGuide.pdf](https://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf)
- <sup>6</sup> <https://www.direitoshumanos.mne.pt/en/the-pnhrc/background>
- <sup>7</sup> MFA.
- <sup>8</sup> <https://www.direitoshumanos.mne.pt>
- <sup>9</sup> <https://www.direitoshumanos.mne.pt/en/documentation/human-rights-indicators>
- <sup>10</sup> In 2018 by order of the Portuguese Chief of the Army Staff several Plans for gender equality and for the implementation of the United Nations Security Council (UNSC) Resolution 1325 on women, peace, and security were approved.
- <sup>11</sup> "Roma" is the generic term used internationally since the first World Romani Congress in London in 1971. The term "Roma" used in the Council of Europe refers to Roma, Sinti, Kale and related groups in Europe, including Travelers and the Eastern groups (Dom and Lom), and covers the wide diversity of the groups concerned, including persons who identify themselves as "Gypsies". While the Portuguese Roma Communities recognise the negative connotation that the term "Ciganos" is often associated with, these Communities prefer this expression as they feel it best represents their values and customs.
- <sup>12</sup> In 1867, Portugal was one of the first countries to adopt a law to abolish the death penalty for civil crimes: <http://150anosdaabolicaoadapenademorteempportugal.dglab.gov.pt/en/1304-2>
- <sup>13</sup> Speakers included Catarina Albuquerque, former UN Special Rapporteur on the HR to safe drinking water and sanitation and Executive Chair of the NGO Sanitation and Water for All, Pedro Neto, Executive Director of Amnesty International Portugal and José Manuel Pureza, member of the Portuguese Parliament.
- <sup>14</sup> UDHR.
- <sup>15</sup> <https://www.comemoracoedireitoshumanos.gov.pt>
- <sup>16</sup> <https://dre.pt/web/guest/home/-/dre/118717737/details/maximized>
- <sup>17</sup> UNGA.
- <sup>18</sup> E.g. the Special Rapporteur on the independence of judges and lawyers (27 January-3 February 2015); the Special Rapporteur on the right to adequate housing and the Special Rapporteur on the human rights to water and sanitation (5-13 December 2016). The latter conducted a new visit to Portugal in January 2018. The United Nations Subcommittee on Prevention of Torture made its first visit to Portugal from 1 to 10 May 2018.
- <sup>19</sup> CoE.
- <sup>20</sup> SDG.
- <sup>21</sup> <https://sustainabledevelopment.un.org/memberstates/portugal>
- <sup>22</sup> Recommendations 125.2; 126.1; 126.2; 127.1; 127.2; 127.3; 127.4; 127.5.
- <sup>23</sup> ICERD.
- <sup>24</sup> Recommendations 126.6; 126.13; 126.14; 126.15; 126.16; 126.18; 126.19; 126.20; 126.21; 126.22; 126.23; 126.24; 126.25; 126.26; 126.27; 126.28; 126.45; 127.9; 127.10; 127.12; 127.13; 127.14; 127.15; 127.16; 127.72.
- <sup>25</sup> ENID.
- <sup>26</sup> Resolution of the Council of Ministers No. 61/2018: <https://www.cig.gov.pt/documentacao-de-referencia/doc/portugal-mais-igual/>
- <sup>27</sup> VAWDV.
- <sup>28</sup> FGM.
- <sup>29</sup> ACM.
- <sup>30</sup> The interim evaluation of the Strategic Plan was published in 2017 and is available at: <https://www.acm.gov.pt/documents/10181/222357/Relat%C3%B3rio+de+Execu%C3%A7%C3%A3o+PEM+2015-2016.pdf/372fda14-1fc5-4450-a832-0bf4d8cf4c25>
- <sup>31</sup> The participants of the 6<sup>th</sup> generation of the "Choices Programme" were children and young people between the ages of 6 and 30 years old but family members and the wider community were also involved. The Programme supported 112 projects in Portugal but also in London and Luxembourg where two pilot projects were carried out (ended in December 2017).
- <sup>32</sup> ENICC.
- <sup>33</sup> CCP.
- <sup>34</sup> MAI.
- <sup>35</sup> <https://www.acm.gov.pt/-/acm-e-pp-juntos-por-todos->. The training activities (that include training on intercultural dialogue and on how to avoid ethnic stereotypes) provide for the participation of 1.000 police officers.
- <sup>36</sup> Main objectives and priorities regarding criminal investigation for 2015–2017 and 2017–2019.
- <sup>37</sup> CC.

- 38 Please refer to the annex for the full transcription of Article 240 of the CC.  
Under the CC, racial hatred, religious hatred, and hatred based on colour, ethnic or national origin, as motivation for the commission of a crime are already considered aggravating circumstances for several crimes, including murder or assault, threat, coercion, harassment, forced marriage or preparatory acts of forced marriage. In these cases, increased penalties apply.
- 39 PJ.
- 40 CERD.
- 41 WG.
- 42 <https://apav.pt/publiproj/index.php/71-projeto-odio-nunca-mais-formacao-e-sensibilizacao-no-combate-aos-crimes-de-odio-e-discurso-de-odio>
- 43 <http://www.descobreatuacor.pt>
- 44 [http://www.acm.gov.pt/documents/10181/167771/As+Cores+Da+Cidade+Cinzenta\\_BR.pdf/c740288d-4832-49ff-8cfc-75d14d9b5f9f](http://www.acm.gov.pt/documents/10181/167771/As+Cores+Da+Cidade+Cinzenta_BR.pdf/c740288d-4832-49ff-8cfc-75d14d9b5f9f)
- 45 Recommendations 126.20; 126.23; 126.25; 126.26.
- 46 <http://www.internetsegura.pt>
- 47 The PJ's specialised Unit for Prevention and Investigation of Hate Crimes monitors activities of right-wing groups, such as the Portuguese Hammerskins, and other racist and xenophobic contents, collects evidence and conducts criminal investigation on these crimes.
- 48 Recommendation 127.15.
- 49 CICDR ([www.cicdr.pt](http://www.cicdr.pt)) is now composed of 31 advisers, including a representative from the Roma communities and a representative from each parliamentary group.
- 50 For example, the Portuguese Association for Victim Support (APAV), together with ACM, developed a Support Unit and a Network for Migrant Victims and Victims of Racial and Ethnic Discrimination present in Lisbon, Oporto, Portimão and the Azores. ILGA Portugal, together with CIG, also have in place a set of protective measures for the LGBT community.
- 51 Recommendations 126.14; 126.44; 126.46; 126.47; 126.50; 126.51; 126.52; 126.53; 126.54; 126.55; 126.56; 126.57; 126.58; 127.73; 127.74.
- 52 In ENICC's review process, 15 local discussion groups (municipalities, local public services, grassroots organisations namely Roma associations, Roma mediators and other Roma professionals) were organised nationwide. Additionally, two consultation workshops were held in Lisbon in November 2016 and February 2017 with representatives from the Roma communities; an online survey was also launched in April 2018.
- 53 FAPE.
- 54 In the first edition (2015), the Fund was of 50.000€ and supported 11 projects. In the second edition (2016), the fund doubled to 100.000€ and supported 21 projects. The third edition, launched in November 2017, the amount was of 250.000€ and supported 18 projects.
- 55 Launched by the CoE, this programme has been implemented in Portugal since 2011.
- 56 Recommendations 126.44; 126.51; 126.52; 126.54; 126.56; 126.57; 126.58.
- 57 The report in Portuguese is available online (<http://www.dgeec.mec.pt/np4/906.html>) and contains information on enrolments, school support and on the results achieved by Roma students.
- 58 IPDJ.
- 59 Recommendation 126.54.
- 60 IIEFP.
- 61 The "Personal Employment Plan" is a written document listing the services/ response to be provided by the IIEFP, in accordance with the jobseeker's profile. A total of 3.616 Personal Employment Plans have been established during the above-mentioned period.
- 62 Recommendation 126.54.
- 63 IHRU.
- 64 [http://www.portaldahabitacao.pt/opencms/export/sites/portal/pt/portal/publicacoes/documentos/caraterizacao\\_condicoes\\_habitacao.pdf](http://www.portaldahabitacao.pt/opencms/export/sites/portal/pt/portal/publicacoes/documentos/caraterizacao_condicoes_habitacao.pdf)
- 65 The municipalities involved were Campo Maior (52 families) and Peso da Régua (12 families). The requalification of two other neighbourhoods in the municipalities of Contumil (14 families) and Cabo Mor (12 families) were also carried out. In 2016, the requalification of the Paranhos Neighbourhood, in the municipality of Porto, took place.
- 66 [https://www.portaldahabitacao.pt/opencms/export/sites/portal/pt/portal/habitacao/levantamento\\_necessidades\\_habitacionais/Relatorio\\_Final\\_Necessidades\\_Realojamento.pdf](https://www.portaldahabitacao.pt/opencms/export/sites/portal/pt/portal/habitacao/levantamento_necessidades_habitacionais/Relatorio_Final_Necessidades_Realojamento.pdf). The survey concluded that 25.762 families were living in an inadequate housing situation and that 14.748 buildings were lacking the minimum conditions for habitability.
- 67 Decree-Law 37/2018.

- 68 <https://www.portaldahabitacao.pt/pt/portal/habitacao/npgh.html>
- 69 Recommendations 126.4; 126.5; 126.16; 126.17; 126.45; 126.46; 126.48; 126.49; 126.55; 126.58.
- 70 RNAIM.
- 71 CNAIM.
- 72 CLAIM.
- 73 Services include the provision of information and direct assistance regarding legalisation and visa issues, family reunification, the educational system, access to healthcare, professional and educational skill recognition, social security and welfare issues, employment concerns, legal aid and support for immigrant associations. They are provided in Arabic, Portuguese, Cape Verdean and Guinean Creole, Romanian, Mandarin, Russian and English.
- 74 This forum is available in Portuguese, English and Arabic: <https://forummigrante.acm.gov.pt/>
- 75 Recommendation 126.16.
- 76 Recommendations 126.16; 126.58.
- 77 <https://pptonline.acm.gov.pt/>. This platform is available in Portuguese, English, Spanish and Arabic. At the end of September 2018, a total of 8.108 users from 162 nationalities were registered.
- 78 Recommendation 126.16.
- 79 NHS.
- 80 Since January 2014, the Directorate-General of Health provides an online “welcome guide” that is also disseminated to every primary care unit in Portugal. Several other guides and informative circulars are available to improve the access to health services by immigrants, asylum seekers and refugees.
- 81 PALOP.
- 82 The MJ has been working on the creation of the professional status for sworn interpreters and translators and on the creation of a centralized pool of interpreters and translators.
- 83 Recommendation 126.16.
- 84 DV.
- 85 In October 2018, this initiative was recognised as a good practice by the “Policy Guide on Entrepreneurship for Migrants and Refugees”:  
[https://unctad.org/en/PublicationsLibrary/diae2018d2\\_en.pdf](https://unctad.org/en/PublicationsLibrary/diae2018d2_en.pdf)
- 86 <https://www.refujobs.acm.gov.pt/pt/>
- 87 Recommendation 126.5.
- 88 Recommendations 126.4; 126.55.
- 89 In 2018, three ships and 358 embedded military rescued 801 people during 202 days of mission. Several Portuguese militaries were also in command and control centres of the Frontex Agency in Italy and Poland.
- 90 <https://mentores.acm.gov.pt>. In 2018, there were 980 registered mentors (74% women).
- 91 <http://www.acm.gov.pt/kitrefugiados>. The “welcome kit” is available in Portuguese, English, French, Arabic and Tigrinya.
- 92 CPR.
- 93 PAR.
- 94 GNR.
- 95 A total of 272 actions were provided by GNR, reaching 10.116 children.
- 96 Major advancements regarding LGBTI people’s rights are inclusion of their specific needs in asylum legislation, protection against gender identity discrimination in the labour code, end of discrimination in access to marriage, child adoption and medically assisted procreation), and a law on the right to self-determination of gender identity and expression and the protection of sex characteristics. Public funds have been growingly granted to civil society organisations for research, victim support services and awareness-raising projects.
- 97 Recommendations 125.6; 126.7; 126.8.
- 98 In 2015, the Government discussed with the social partners an “Equality Agenda in the labour market”, with proposals in the areas of decision-making, pay gap, sexual segregation of professions, parenthood and work-life balance. It is now integrated in ENIND.
- 99 Organic Law 3/2006, as amended by Organic Law 1/2017.
- 100 WLB.
- 101 This programme is composed of 4 pillars (33 actions) that range from promoting organisational changes (including in the private sector and public administration) to dialogue with social partners, improvement of infrastructures, services and incentives in the care, education, transport and health sectors, and producing knowledge.
- 102 The EEA Grants are jointly financed by Iceland, Liechtenstein and Norway. The EEA Grants are available to the 13 EU member countries that joined the EU and the European Economic Area (EEA) in 2004, 2007 and 2013 as well as Greece and Portugal.
- 103 A pilot project is being prepared to study and implement a public support network for informal



- caregivers and cared for persons, namely in terms of house support, counselling, support and training, psychosocial support, support networks, and caregivers' right to rest.
- 104 Recommendations 126.9; 126.10; 126.11; 126.12.
- 105 ACT.
- 106 [http://www.act.gov.pt/\(pt-PT\)/CentroInformacao/Igualdade%20laboral%20entre%20homens%20e%20mulheres/Paginas/A%C3%A7%C3%A3o%20nacionaldepromo%C3%A7%C3%A3odaigualdadeg%C3%A9neronotrabalho.aspx](http://www.act.gov.pt/(pt-PT)/CentroInformacao/Igualdade%20laboral%20entre%20homens%20e%20mulheres/Paginas/A%C3%A7%C3%A3o%20nacionaldepromo%C3%A7%C3%A3odaigualdadeg%C3%A9neronotrabalho.aspx)
- 107 Recommendations 126.31; 126.32; 126.33; 126.34; 126.35; 126.38; 126.39; 126.40; 126.41; 126.42; 126.43.
- 108 RNAVVD.
- 109 Please refer to the annex for the full transcription of Article 152 of the CC.
- 110 GREVIO.
- 111 Recommendation 126.30.
- 112 See [www.siej.dgpj.mj.pt](http://www.siej.dgpj.mj.pt). The information collected by the MJ includes: completed criminal cases; number of persons accused and convicted in criminal cases at the trial stage and their characterization by sex, age, nationality and crime, as well as by territorial judicial division; penalties apply to convicted persons at the trial stage. For homicide cases, specific data are collected on the convicted persons and on the relationship between the victim and the accused.
- 113 Recommendations 126.39; 126.41; 126.42; 126.43.
- 114 Regime for the prevention of DV and protection and assistance to victims.
- 115 CIG.
- 116 Regime for the compensation of victims of violent crimes and DV, as amended by Law 121/2015.
- 117 Police, public prosecution services and other entities such as the Ombudsman who must forward the complaint to the prosecution services.
- 118 Recommendations 126.35; 126.36; 126.37; 126.40.
- 119 Regulatory Decree 2/2018 of 24 January and Ordinance 197/2018 of 6 July.
- 120 <http://www.guiaderecursosvd.cig.gov.pt>
- 121 <https://www.cig.gov.pt/acoes-no-terreno/campanhas/app-vd-appeio-violencia-domestica-2018>
- 122 e.g., with Bar Association, Centre for Judicial Studies, Directorate General for Justice Administration, security forces, Public Prosecutor's Office.
- 123 Recommendations 126.35; 126.37; 126.38; 126.40.
- 124 The Prosecutor General adopted Directive 1/2017 that contains the General Directives and Instructions for the biennium 2017-2019, directed at Public Prosecutors in the exercise of their competences in the context of criminal proceedings. The General Directives and Instructions require that inquiries into DV or sexual violence be conducted by specialised sections or magistrates (pursuant to an instruction in place since 2014), and provide for the promotion of specific coordination between civil and criminal authorities, welfare, education and health institutions, regarding the detection, reporting and prosecution of such crimes. The adoption of precautionary and risk assessment measures is also envisaged, including the use of a specific risk assessment form by security forces.
- 125 For more details, please see table 1 in the annex.
- 126 Recommendation 127.39.
- 127 RSI.
- 128 Recommendation 127.55.
- 129 Recommendations 127.65; 127.78.
- 130 CNPDPCJ - the former National Commission for the Protection of Children and Young People at Risk created by Decree-Law 159/2015 was reinforced by Decree-Law n° 139/2017.
- 131 Please refer to the annex for the full identification of the relevant legal amendments.
- 132 The System on Family Mediation (SMF) operates throughout the country and aims to provide citizens mediation procedures to resolve their family disputes. The SMF is competent to mediate disputes arising, for example, in cases of separation, divorce and parental responsibilities. The use of SMF has a cost of €50, without prejudice to the possibility to receive legal aid for judicial mediation procedures.
- 133 Recommendations 126.56; 127.66; 127.67; 127.67; 127.68; 127.71; 127.75.
- 134 [http://www.dge.mec.pt/sites/default/files/EEspecial/dl\\_54\\_2018\\_en\\_version\\_0.pdf](http://www.dge.mec.pt/sites/default/files/EEspecial/dl_54_2018_en_version_0.pdf) (English version). The new Decree-law (Decree-Law 54/2018) establishes the principles and norms that guarantee inclusion, as a process that aims to respond to the diversity of the needs and potential of each and every one of the pupils, by increasing participation in the processes of learning and educational community life. It also identifies the measures to support learning and inclusion, the specific curricular areas, as well as specific resources to be mobilized to meet the educational needs of each and every child and young person along the school path, in all different education and training offerings. The work to be carried out with the students should be ensured and followed by a

- multidisciplinary team.
- 135 Recommendations 126.60; 127.38; 127.47; 127.49; 127.50; 127.53; 127.79.
- 136
- <http://repositorio.insa.pt/bitstream/10400.18/1955/3/Envelhecimento%20e%20Viol%C3%AAncia%202011-2014%20.pdf>
- 137 The document is available at: <http://www.acss.min-saude.pt/Informa%C3%A7%C3%A3o/Circulares/tabid/100/language/pt-PT/Default.aspx?PageContentID=100>
- 138 In 2017, the covering rate for early childhood was 49.1%, which partly reflects the population increase (+1,7%) for this age group.
- 139 Please refer to the Interim Report.
- 140 Recommendations 126.29; 127.37.
- 141 THB.
- 142 PNPCTSH.
- 143 Recommendation 127.34.
- 144 See the Prosecutor General’s Directive no. 1/2017 (already presented above).
- 145 OTSH.
- 146 A form of trafficking that commonly involves children.
- 147 The documents are available at: <http://www.otsh.mai.gov.pt/Recursos/Pages/default.aspx>
- 148 Available at: <https://www.youtube.com/watch?v=QLqtg2lzQgk>
- 149 Available at: <https://www.youtube.com/watch?v=8S1OamVVyEU> (English version)
- 150 ILO’s “Forced labour and human trafficking: a handbook for labour inspectors” sets guidelines and seeks to assist labour inspectors in understanding modern forms of forced labour and human trafficking. The Portuguese version of this handbook has a checklist with indicators of forced labour/trafficking in human beings for labour exploitation situations intended to be used when caring out the initial inspection visits.
- 151 Recommendations 126.29; 127.35; 127.36.
- 152 The Prosecutor General’s Directive 1/2017 (already presented above) establishes, *inter alia*, that cases of illegal immigration should be specifically analysed in order to assess whether there is evidence suggesting the practice of THB and determine that Public Prosecution authorities shall coordinate with welfare institutions and NGOs, at the local level, in order to detect and report crimes of THB.
- 153 Law 71/2015, transposing Directive 2011/99/EU of the European Parliament and the Council of 13 December 2011 on the European protection order.
- 154 Recommendations 127.18; 127.19; 127.20; 127.21; 127.22; 127.23; 127.24; 127.25; 127.26; 127.27; 127.28; 127.29; 127.30; 127.31; 127.32; 127.33; 127.40; 127.41; 127.42; 127.43; 127.44; 127.45; 127.46.
- 155 For instance, in 2018, GNR provided 71 hours of training on HR and 24 hours of training on DV that were attended by 990 officers. Altogether, 2.138 individuals received training on these two areas.
- 156 DGRSP.
- 157 IGAI.
- 158 IGSJ.
- 159 This circular establishes the procedures to be observed in possible cases of ill-treatment, in particular, compulsory clinical evaluation to be conducted, namely, upon admission of prisoners, when inmates show physical injuries, when control and restraint means are used or when inmates complain about alleged physical abuse. These procedures shall ensure the collection of relevant evidence. The Audit and Inspection Service and the DGRSP have paid particular attention to the compliance with the procedures.
- 160 A delegation of the CoE’s Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment carried out a visit to Portugal in September 2016 and the United Nations Subcommittee on Prevention of Torture made its first visit to Portugal in May 2018.
- 161 Recommendations 127.25; 127.26; 127.27; 127.28; 127.29; 127.30; 127.31; 127.32; 127.33; 127.42; 127.44; 127.46.
- 162 As a consequence of the application of the changes introduced by this amendment and the adjustments introduced in the Electronic Monitoring System, a very significant increase in the application of the regime of house arrest with electronic monitoring had already been registered by the end of 2017, as well as a steady and very significant decrease in the prison population. As of 1 September 2018, the occupancy rate at national level was of 99.8% – or of 97.5% if the individuals who are serving a semi-detention sentence (regime which was eliminated from the CC) are not considered.
- 163 Recommendations 127.40; 127.41; 127.43.
- 164 For example, the plan includes the creation of an automatic alert system for attorneys for notifications served on their cases; pilot projects for the simplification of the work in court’s registries; a system for the automatic transcription of audio or video records; the setting up of technology to facilitate

video-conferences in courts; the setting up of a system allowing citizens to access and consult their cases online; and the dematerialization of proceedings in higher instance courts.

By the end of 2018, 80 measures had already been implemented (see:

<https://justicamaisproxima.mj.pt>).

<sup>165</sup> Please see table 2 in the annex.

<sup>166</sup> Recommendations 125.4; 125.5.

<sup>167</sup> Following a Portuguese proposal, the Defense Policy Directors of the Community of Portuguese Speaking Countries (CPLP) decided in October 2018 to establish a working group, composed of specialists on gender issues, to develop an Action Plan for the implementation of the UNSC Resolution 1325 and the fulfillment of the Gender Action Plan of the CPLP 2017-2020.

<sup>168</sup> Please refer to the “main developments” chapter.

<sup>169</sup> Recommendations 126.3; 127.6. Please refer to chapter J for information on training provided for security forces and services.

<sup>170</sup> This page provides information and documentation on the UN and regional human rights system at the European, African and Intra-American level, such as the reports submitted by Portugal to the UN treaty bodies, concluding observations and other documents thereon, general comments and recommendations issued by human rights organs and jurisprudence relating to Portugal emanated from international adjudicating bodies, including the European Court of Human Rights, as well as detailed information and relevant forms for the purpose of submitting a complaint to such bodies.

<sup>171</sup> Please refer to “the main developments” chapter.

<sup>172</sup> Recommendation 125.3; 125.4.

<sup>173</sup> Recommendation 127.54.

<sup>174</sup> For geographic mobility or for the acceptance of job vacancies with a lower pay than the value of the unemployment benefit.

<sup>175</sup> If the entity hires the trainee 20 days after the end of his/her traineeship, it will get an “employment bonus” (*prémio ao emprego*).

<sup>176</sup> Recommendations 127.64; 127.57; 127.58; 127.59.

<sup>177</sup> Recommendation 127.61; 127.62; 127.63; 127.64.

<sup>178</sup> Recommendations 127.68 and 127.69.

<sup>179</sup> Recommendation 127.76.

<sup>180</sup> This Plan encompasses several objectives and instruments to ensure the improvement of five axes: (i) environment and water bodies’ protection; (ii) quality of the services provided; (iii) efficient resources management; (iv) social and economic sustainability of services; (v) cross-cutting issues and creation of basic conditions for appropriate services.

<sup>181</sup> Recommendation 127.77.

<sup>182</sup> Portugal voted in favour of the Resolution on the UN Declaration on the Rights of Peasants and other People Working in Rural Areas at the UNGA’s Third Committee in November 2018.

<sup>183</sup> Recommendation 125.1.

<sup>184</sup> Recommendation 125.1.

<sup>185</sup> Information on the *UPR Info* Pre-session meeting that will discuss the HR situation in Portugal (4 April 2019) was shared with NGOs and civil society representatives.

<sup>186</sup> Recommendation 126.59.

<sup>187</sup> In 2017, 101 awareness-raising sessions were conducted by this Unit in the areas of interculturalism and migration. The sessions counted with the participation of around 2.000 participants, through schools, municipalities, social security services and migrant associations.

<sup>188</sup> The working group meets on a regular basis and is composed of representatives from 14 different religious communities: one Bahá’í, two Buddhists, seven Christians (Adventist, Anglican, Roman Catholic, Evangelical, Presbyterian, Orthodox and Mormon), one Jewish, two Muslims (Sunni and Ismaili) and one Hindu.

<sup>189</sup> Recommendation 125.7.

<sup>190</sup> Please refer to figure 1 in the annex to see ODA trend from 2013 to 2017.