

An update on developments regarding civic space in the EU and an overview of the possibilities for human rights defenders to enter EU territory

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1. Civic space developments in 2022

1.1. Young climate activists detained

Area	Safe space & protection
Topic	Other: detention of activists
Impact	Major

On 16 December 2022, four climate activists were convicted for the crime of disobedience and sentenced to pay fines in the amount of 295 euros each. The climate activists occupied the Faculty of Arts of the University of Lisbon in a symbolic protest against climate changes. The protests occurred in the second week of November, when “six high schools and faculties in Lisbon were occupied by groups of students who demanded the resignation of the Minister of Economy and the end of fossil fuels by 2030.”¹

The climate activists demanded the end of fossil fuels by 2030 and the resignation of the Minister of Economy, whom they accused of defending fossil fuels,² following the actions promoted by the international movement “End Fossil: Occupy!”³ The detention of these four climate activists happened following the decision of the director of the Faculty of Arts of the University of Lisbon to call Public Security Police (*PSP – Polícia de Segurança Pública*) to withdraw them from the building. They were identified and presented to the competent court. The Public Prosecutor’s Office proposed the provisional suspension of the process if the defendants committed themselves to refrain from carrying out new occupation actions. As the defendants refused this offer, they were sentenced to pay a fine. “Regardless of the causes each one embraces, it has to be done according to the rules of society,” said the judge in reading the sentence.⁴

This case, that followed the complaint of the Director of the Faculty of Arts, was the only situation that resulted in legal action during the protests and occupations of schools

¹ Observador online (2022), “[Young activists by the climate disappointed with sentence](#)” (Jovens ativistas pelo clima desiludidos com sentença), 16 December.

² Diário de Notícias online (2022), “[PSP director highlights correct behavior of young climate activists](#)” (Diretor da PSP destaca comportamento correto dos jovens ativistas pelo clima), 16 December.

³ [End Fossil: Occupy!](#)

⁴ Diário de Notícias online (2022), “[Young activists for the climate sentenced to a fine of 295 euros for disobedience](#)” (Jovens ativistas pelo clima condenados a multa de 295 euros por desobediência), 16 December.

and faculties promoted by informal and formal climate civil society organisations involved. The Director of PSP praised “the way the police dealt with the demonstrations and occupations of the youth climate activists and highlighted “the globally correct form” as protests have taken place without violence and damage”. The Ministry of Internal Affairs (*Ministro da Administração Interna*) stated that “it is very important that young people fight for their causes”, as this is “a fundamental right showing that new generations are committed to causes.”⁵

1.2. Hate speech by police agents

Area	Safe space & protection
Topic	Verbal attacks / negative narrative / smear campaigns / disinformation campaigns
Impact	Major

On 16 November 2022, an investigation led by a consortium of journalists from several national media (newspapers *Público*, *Expresso* and *Visão* and television channel SIC), released a journalistic publication denouncing posts, by a private group on a social network, from police agents in Portugal. The journalistic piece titled “When hate wears a uniform” (*Quando o ódio veste farda*) denounced the existence of a private group on a social network where, according to the collected data base, more than 3,000 posts, made by 591 police agents, had, in the opinion of several legal experts consulted by the Consortium of Investigative Journalists, “considered that the crimes committed online by these active agents are clear: discrimination and incitement to hatred and violence, threat of committing a crime, incitement to collective disobedience, coercion against institutional bodies, instigation and public apology for a crime, incitement to violent alteration of the rule of law, offence against the honour of the President of the Republic, incitement to collective disobedience, denial of justice and defamation, racial and religious discrimination.”⁶ The existence of police officers who defend these ideas and commit these crimes endangers not only the democratic system itself, but also the

⁵ Diário de Notícias online (2022), “[PSP director highlights correct behavior of young climate activists](#)” (Diretor da PSP destaca comportamento correto dos jovens ativistas pelo clima), 16 December.

⁶ Expresso online (2022), “[Quando o ódio veste farda: 591 polícias praticam crimes nas redes sociais](#)” (When hate wears a uniform: 591 police agents commit crimes on social networks), 16 November 2022. The two television pieces can be seen on the website of the SIC channel [here](#) and [here](#).

guarantee of respect and protection of human rights defenders, including those who fight against hate speech and discrimination, and civil society associations. The high number of police officers involved enhances the analysis that concludes there is a structural problem in police forces, when a large number of police officers act with prejudice and use hate discourse towards some groups of persons, hence, behaving in total disrespect for human rights.

The Ministry of Internal Affairs ordered the General Inspectorate of Internal Affairs (IGAI) "to open an immediate inquiry to determine the veracity of the evidence contained in today's news about the alleged publication, by agents of the security forces, of messages on social networks with discriminatory content, inciters of hate and violence against certain people".⁷ The institutional reactions of GNR and PSP,⁸ the police forces whose agents were investigated, claimed that the legal mechanisms to act were in motion and the evidence collected would be provided to the competent entities. The Public Prosecutor's Office opened a criminal investigation into the existence of possible crimes.⁹

Several professional associations released public statements claiming these opinions were taken out of the context, pointing out, according to the representative of the Police Union Organisation (*Organização Sindical de Polícias*), that "messages of private Telegram chats were investigated, where elements of the security forces vent and release their feelings of injustice in words."¹⁰ The president of the Union Association of Police Professionals (*Associação Sindical dos Profissionais de Polícia*) stated that the "police forces have mechanisms and instruments at their disposal to account for any less than correct conduct on the part of professionals and to act accordingly and punish elements engaged in these behaviours."¹¹ The criminal investigation by the Public Prosecutor's Office is currently on-going.

⁷ Expresso online (2022), "[Ministro da Administração Interna manda abrir inquérito a publicações de militares da GNR e agentes da PSP nas redes sociais](#)" (Minister of Internal Administration orders an inquiry to be opened on publications by GNR soldiers and PSP agents on social networks), 16 November 2022.

⁸ SIC channel (2022) "[PSP participa às autoridades agentes expostos em investigação da SIC](#)" (PSP reports to the authorities agents exposed in an investigation by SIC) and "[GNR reage a reportagem sobre comportamentos xenófobos e racistas das forças de segurança](#)" (GNR reacts to the report on xenophobic and racist behaviour by the security forces"), 16/17 November 2022.

⁹ SIC channel (2022), "[PGR abre inquérito a publicações de ódio de polícias nas redes sociais](#)" (Attorney General's Office opens inquiry into police hate posts on social media), 17 November 2022.

¹⁰ SIC channel (2022), "[Organização Sindical dos Polícias lamenta "forma execrável" como elementos foram expostos](#)" (Police Union Organisation regrets "execrable way" in which officers were exposed), 18 November 2022.

¹¹ SIC channel (2022), "[Quando o ódio veste farda": sindicato da PSP estranha "contexto em que esta peça foi divulgada"](#)" ("When hate wears a uniform": PSP union puzzled by the "context in which this piece was released"), 17 November 2022.

1.3. TAP prohibits a union plenary

Area	Freedom of peaceful assembly and freedom of association
Topic	Organisation of assemblies
Impact	Minor

TAP airlines (Portuguese national carrier) prohibited the holding of a plenary meeting by the Union of Civil Aviation Pilots (*Sindicato dos Pilotos da Aviação Civil - SPAC*) that was initially scheduled to 24 June 2022 (on a Friday morning), which was a decision that rarely occurs in Portugal. In this plenary meeting, SPAC was going to discuss and vote on a proposal to go on strike. The meeting was called to discuss the unilateral decision of the executive board of TAP in making only a reduction of 10% on the cuts of 50% of the wages approved and implemented during the pandemic, while the other workers had a reduction of the cut of 25%. The pilots had a cut of 50% in their wages in 2021 and 45% in 2022. SPAC recalled that the pilots "signed a Temporary Emergency Agreement (ATE), in force since March 2021, to protect jobs when there was no operation, demonstrating their total availability to make the company viable".¹²

The company recognises the right of SPAC to call a plenary meeting, but argues that doing it for a Friday morning would enormously affect its normal functioning with a severe financial impact. "The stoppage of activity of a large group of pilots scheduled to perform duties, even for a limited period of time of three hours, is capable of compromising the entire operation many times over, with a potential impact on around 120 flights already scheduled and affecting around 20,000 passengers", says the president of TAP.¹³

The Ministry of Infrastructures, who has supervision over TAP, called SPAC for a meeting in order to prevent the holding of the plenary meeting and negotiate alternatives to analyse the pilot's claims.¹⁴ SPAC decided to reschedule the plenary meeting for the following Monday, 27 June, where it was decided not to go on strike. The motion under discussion was approved by 92% of the almost 700 pilots present in the plenary, stating

¹² Expresso online (2022), "[Pilotos da TAP, "com total sentido de responsabilidade", decidem não avançar com greve](#)" (TAP pilots, "with a total sense of responsibility", decide not to go on strike), 27 June 2022.

¹³ Expresso online (2022), "[TAP não autoriza plenário de pilotos na sexta-feira, argumentando que poria em causa 120 voos](#)" (TAP does not authorise a plenary meeting of pilots on Friday, arguing that it would jeopardise 120 flights), 22 June 2022.

¹⁴ ECO online (2022), "[Pedro Nuno Santos chama pilotos da TAP após ameaça de greve](#)" (Pedro Nuno Santos calls TAP pilots after strike threat), 22 June 2022.

that the pilots will “not to go on strike, because they do not want to agree with the already demonstrated intention of using them as a scapegoat for failures in the company’s recovery plan”.¹⁵ SPAC stated after the meeting that “pilots don't want to strike. Pilots demand respect and compliance with signed agreements.”¹⁶

TAP has strong financial support from the Portuguese government, due to the impacts of the pandemic, and is struggling to survive financially. Within this context, several public opinion makers called the intention of SPAC to go on strike as “immoral”, fuelling public opinion against the intention to carry out the strike and pressuring the pilots to decide not to go on strike, as was lately approved in the plenary meeting.¹⁷ The Ministry of Infrastructure also stated, a few days before the plenary meeting of SPAC, that a “loss-making company cannot increase labour costs”.¹⁸

¹⁵ Diário de Notícias online (2022), [“Pilotos da TAP decidem não avançar com greve”](#) (TAP pilots decide not to go on strike), 27 June 2022.

¹⁶ Observador online (2022), [“Pilotos da TAP não avançam para greve justificando que não querem ser “bode expiatório” para insucessos”](#) (TAP pilots do not go on strike justifying that they do not want to be a “scapegoat” for failures), 27 June 2022.

¹⁷ Expresso online (2022), [“Marques Mendes: greves de pilotos na TAP “é uma imoralidade”](#) (Marques Mendes: pilot strike at TAP “is immoral”), 26 June 2022.

¹⁸ ECO online (2022), [“Ministro sobre a TAP: “Uma empresa que dá prejuízo não pode aumentar os custos laborais”](#) (Ministry on TAP: “A company that makes a loss cannot increase labour costs”), 24 June 2022.

2. Promising practice in 2022

2.1. Reception Guide for Migrants

The High Commission for Migration (*Alto Comissariado para as Migrações - ACM*) published an updated version of the Reception Guide for Migrants (*Guia de Acolhimento de Migrantes*)¹⁹ in March 2022. This document is a very useful tool for the civil society organisations working in this area, as well as any other professionals or citizens that need detailed information on a wide range of topics necessary for the support and integration of migrants.

Under the coordination of the High Commission for Migration, a total of 15 public administration entities contributed to the preparation of the Guide, with the involvement of civil society organisations, which selected, worked on and simplified all the useful information for migrants within their scope of action and competencies.

This Guide provides detailed information on the diverse legal regimes for migrants, according to their specificities and necessities. It also includes important information on access to the labour market, social security services and benefits, tax services and tax responsibilities, access to health services, recognition of diplomas and qualifications, housing conditions, equality and non-discrimination disclosures, public and civil society organisations' support services or public services contact points. The only issue that needs to be improved is the translation of this Guide into different languages. There are some leaflets already available in several languages, but the quality and scope of this Guide makes it important to be publicly available in other languages.

This Guide complements the institutional efforts to make the necessary information publicly available to foreign citizens, according to each person's profiles and needs. The website comprises diverse information on living, studying, working or investing in Portugal, including the legal environment and relevant legislation to enter the country easily²⁰. In this sense, it is a promising initiative that helps meet the needs of civil society organisations and their professionals involved in supporting better integration of migrants in Portugal.

¹⁹ ACM (2022), [Guia de Acolhimento de Migrantes](#) (Reception Guide for Migrants). 24 March 2022.

²⁰ ACM (2022), [Website](#).

2.2. Training of youth association leaders

The training of young association leaders has gained greater prominence in recent years. This trend aims to develop the training of young people to ensure citizenship and active participation in civil society organisations. This is a fundamental vector, in various areas of social intervention, to guarantee greater capacity and quality in the performance of these entities. In this regard, a growing initiative has been visible from city councils and already established associations in promoting training activities for young people, as potential leaders of associations in the future.

To highlight these activities three training programmes were promoted by the City Councils of Cascais, Porto and Almada (3 large Portuguese municipalities) and two associations of a local (DLBC Lisbon Network) and national (ANIMAR) scope, aimed at the general public, but with a special focus on involving young people interested in participating in associations. As part of the celebrations of the 25th anniversary of membership of the International Association of Educating Cities (*Associação Internacional das Cidades Educadoras*)²¹ and its participation in the Portuguese Territorial Network of Educating Cities (*Rede Territorial Portuguesa das Cidades Educadoras*)²², Almada City Council held a Cycle of Webinars “Almada 25 – Educating City”, with five sessions that took place between September and October 2022, around themes such as Governance and Participation, Inclusion and Social Cohesion or Education and Citizenship. These sessions were attended by leaders of public entities and civil society associations who shared their experiences, expectations and future activities.²³ In the 2021/2022 school year, the City Council of Cascais promoted the Youth Training Programme (*Programa de Capacitação Juvenil*), with the aim of involving, connecting and empowering young people, encouraging them to become active citizens and part of the community. Eleven specific projects were run, covering 4,826 young people, in a total of 322 actions on different themes, carrying out 976 hours of training in public and private schools of Cascais.²⁴ Finally, the City Council of Porto developed the Local Training Plan for Young People and Youth Associative Leaders, in partnership with the Academic Federation of Porto and the Federation of Youth Associations of the District of Porto, promoting useful training activities for the functioning and dynamics of associations (project management, funding sources, associative management, etc.). This programme sought to respond to the needs identified, with the objective of helping

²¹ International Association of Educating Cities. [Website](#).

²² Rede Territorial Portuguesa das Cidades Educadoras. [Website](#).

²³ Câmara Municipal de Almada (2022), [25 anos Associação Internacional das Cidades Educadoras](#) (25 years International Association of Educating Cities).

²⁴ Câmara Municipal de Cascais. [Website](#).

young people and association leaders to acquire and reinforce crucial skills for enhanced personal and associative performance.²⁵

In terms of associative initiatives, the emphasis goes to the Academy of Activism (*Academia de Ativismo*) promoted by ANIMAR, in October 2022, with the aim of bringing together young people from all over the country, between 18 and 30 years old, to reflect on present-day challenges, and to enhance the development of transforming ideals of our society. This activity addressed topics such as equality, citizenship, social cohesion and the fight against poverty.²⁶ The Rede DLBC Lisboa - Association for Local Community-Based Development (*Associação para o Desenvolvimento Local de Base Comunitária de Lisboa*, which includes dozens of associations located in the city), promoted the Cycle of Visits “*Comunicar (n)A Rede In Loco*”, with the aim of promoting an awareness and knowledge of the work carried out by the many associations that belong to the Network, sharing experiences and exchanging innovative ideas that might induce a better capacity building for future challenges.²⁷

2.3. Network of pro bono lawyers

The Portuguese Platform for Women's Rights (*Plataforma Portuguesa para os Direitos das Mulheres*), a non-profit association, and the Bar Association (*Ordem dos Advogados*) signed a cooperation protocol in September 2022, with the aim of promoting access to justice for victims of domestic violence.^{28,29} This protocol establishes the creation of a network of pro bono lawyers that provides all the necessary legal support to victims identified by the Portuguese Platform for Women's Rights, and enables them to benefit from specialised legal counselling. Furthermore, this protocol also establishes the exchange between the two entities in holding complementary training sessions and other support activities on human rights. In October 2022 it was reported³⁰ that 400 lawyers were already registered in the network.

²⁵ Câmara Municipal do Porto. [Website](#).

²⁶ ANIMAR. [Website](#).

²⁷ Rede DLBC Lisboa. [Website](#).

²⁸ Plataforma Portuguesa para os Direitos das Mulheres (2022), “[Protocolo de cooperação entre a Ordem dos Advogados e a PpDM](#)” (Cooperation protocol between the Bar Association and PpDM), 5 September 2022.

²⁹ Ordem dos Advogados (2022), “[Ordem dos Advogados e Plataforma Portuguesa para os Direitos das Mulheres celebram protocolo de cooperação](#)” (Bar Association and Portuguese Platform for Women's Rights sign cooperation protocol), 7 September 2022.

³⁰ RTP Notícias (2022), “[Violência doméstica. Protocolo facilita acesso das vítimas à justiça](#)” (Domestic violence. Protocol facilitates victims' access to justice), 20 October 2022.

It should be noted that, in Portugal, the Constitution³¹ and the Legal Aid Act³² provide the right to be assisted by a lawyer, even if the person does not have the financial means to pay for the services of a lawyer. This provision aims to facilitate the access of victims to law and justice by eliminating the bureaucratic process established by the Legal Aid Act.

³¹ Portugal, [Constituição da República Portuguesa](#) (Constitution of the Portuguese Republic), 10 April 1976.

³² Portugal, [Law 34/2004, that amends the system of access to law and court and transposes into national law Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes](#) (Lei 34/2004, que altera o regime de acesso ao direito e aos tribunais e transpõe para a ordem jurídica nacional a Directiva 2003/8/CE, do Conselho, de 27 de Janeiro, relativa à melhoria do acesso à justiça nos litígios transfronteiriços através do estabelecimento de regras mínimas comuns relativas ao apoio judiciário no âmbito desses litígios), 29 July 2004.

3. Visa for human rights defenders

3.1. Entry and stay for human rights defenders (HRDs) at risk

Dedicated visa scheme for HRDs at risk available in your country	No
Other type of visa or alternative legal entitlement or derogation clause applied to HRDs	No

The Portuguese legal regime applicable to third country nationals' entry and stay in the country does not specifically foresee the situation of human rights defenders (HRDs). Consequently, the general legal regime is applicable to HRDs entering and/or staying in Portugal, either falling under the scope of Portuguese Asylum Law³³ or Portuguese Immigration Law.³⁴

As it is assumed HRDs have most likely been subject to violence that equates to persecution and/or serious violation of their own fundamental rights, when arriving to Portugal, they can apply for international protection that includes refugee and subsidiary protection status. It should be highlighted that, according to the Portuguese Asylum Law,³⁵ the reasons that can substantiate an international protection application in Portugal are not limited to those established by EU law (i.e. Qualification Directive recast)³⁶. Thus, the Portuguese regime includes not only persecution based on race,

³³ Portugal, [Law 27/2008, of 30 June, that establishes the conditions and procedures to grant asylum or subsidiary protection and asylum applicants, refugees and subsidiary protection statuses](#) – latest amendment by Law 18/2002, of 25 August (Lei n.º 27/2008, de 30 de junho, que estabelece as condições e procedimentos de concessão de asilo ou proteção subsidiária e os estatutos de requerente de asilo, de refugiado e de proteção subsidiária - última alteração pela Lei n.º 18/2022, de 25 de agosto).

³⁴ Portugal, [Law 23/2007, of 4 July, that approves the legal regime of entry, stay, exit and removal of third-country nationals from national territory and the long-term resident status](#) – latest amendment by Law 18/2002, of 25 August (Lei n.º 23/2007, de 4 de julho, que aprova o regime jurídico de entrada, permanência, saída e afastamento de estrangeiros do território nacional – última alteração pela Lei n.º 18/2022, de 25 de agosto).

³⁵ Portugal, [Article 3 \(1\) of Law 27/2008, of 30 June](#), that establishes the conditions and procedures to grant asylum or subsidiary protection and asylum applicants, refugees and subsidiary protection statuses.

³⁶ European Union, [Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011](#) on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast).

religion, nationality, political opinions or membership of a social group, but also encompasses persecution and serious threat of persecution grounded on activities undertaken, by the applicant, in favour of democracy, social and national liberation, peace, liberty and human rights.³⁷ Although HRDs are not mentioned specifically, this broad definition of beneficiaries of international protection – i.e. right of asylum holders – can be interpreted to include human rights defenders. In procedural terms, both asylum and subsidiary protection applications run in a single administrative procedure. Therefore, if asylum is refused, it immediately entails the appreciation of subsidiary protection requirements. Upon making an international protection application, the applicant is authorised to stay in Portugal until a decision on the application's admissibility is reached and a declaration is issued, by the Immigration and Borders Service (*Serviço de Estrangeiros e Fronteiras*), attesting that an international protection application is pending. Only when the international protection application is deemed admissible is the applicant entitled to a provisional residence permit, valid for 6 months and renewable until a final decision is reached. When international protection is granted, a refugee status holder in Portugal is entitled to a residence permit valid for 5 years, renewable; and a subsidiary protection status holder is granted a residence permit valid for 3 years, renewable upon verification of the situation in their country of origin.

It should be underlined that the Portuguese legal regime clearly distinguishes third country nationals applying for international protection, who fall under the scope of the national Asylum Law, and those that wish to enter and/or stay in Portugal for other reasons to whom the Portuguese Immigration Law applies. As such, the Portuguese Immigration Law also foresees the possibility of third country nationals entering national territory with a special entry and temporary stay visa issued for humanitarian reasons³⁸, that allows for a 15-day initial stay in Portugal which can be extended to a maximum of 60 days.³⁹ In extraordinary situations, when no other reason to stay in the country can be invoked and the Asylum Law is not applicable, an exceptional temporary residence permit can be granted to third country nationals for humanitarian reasons.⁴⁰ The exceptional nature of this residence permit is confirmed by the fact that a third country national does not apply for it, rather, as it is granted *ex officio* by the Immigration and

³⁷ Portugal, [Article 3 \(1\) Law 27/2008, of 30 June](#), that establishes the conditions and procedures to grant asylum or subsidiary protection and asylum applicants, refugees and subsidiary protection statuses.

³⁸ Portugal, [Article 68 \(1\) Law 23/2007, of 4 July](#), that approves the legal regime of entry, stay, exit and removal of third-country nationals from national territory and the long-term resident status

³⁹ Portugal, [Article 42 \(3\) of Regulatory Decree 84/2007, of 5 November](#), which complements Law 23/2007, of 4 July, and [Article 72\(1\)\(b\) of Law 23/2007, of 4 July](#), that approves the legal regime of entry, stay, exit and removal of third-country nationals from national territory and the long-term resident status

⁴⁰ Portugal, [Article 123 \(1\)\(b\) of Law 23/2007, of 4 July](#), that approves the legal regime of entry, stay, exit and removal of third-country nationals from national territory and the long-term resident status

Borders Service's Director (*Serviço de Estrangeiros e Fronteiras*) or the Ministry of Home Affairs (*Ministro da Administração Interna*).