



PROVEDOR DE JUSTIÇA

Universal Periodic Review Portugal (Fourth Cycle)

Written submission by the Provedor de Justiça
(Ombudsman)

April 2024

Provedor de Justiça
Palácio Vilalva
Rua Marquês de Fronteira
1069-452 Lisboa
Portugal

Tel.: (+351) 21 392 66 00 | Fax.: (+351) 21 392 67 61
provedor@provedor-jus.pt



Table of Contents

I.	Introduction.....	1
II.	Implementation of international human rights obligations.....	1
A.	Cross-cutting issues.....	1
	Poverty and social exclusion.....	1
	Climate Change.....	2
B.	Civil and political rights.....	3
	Right to life, liberty and security of person.....	3
	Administration of justice.....	4
	Prohibition of all forms of slavery.....	5
C.	Economic and social rights.....	5
	Right to adequate housing.....	5
	Right to health.....	6
	Right to education.....	7
	Right to social security.....	7
D.	Rights of specific persons or groups.....	8
	Persons with disabilities.....	8
	Minorities.....	9
	Migrants and asylum seekers.....	9



I. Introduction

The Ombudsman was established in Portugal in 1975 and is an independent and impartial constitutional body, elected by Parliament, which aims to protect and promote the rights, freedoms, guarantees and legitimates interests of citizens, ensuring, by informal means, the justice and legality of the exercise of public powers.

In addition to its mandate in handling individual complaints, the Ombudsman is accredited with A status, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and was appointed as the National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The Ombudsman would like to stress the importance of collaboration with the Human Rights Council in the Universal Periodic Review of Portugal (fourth cycle).

The present submission contains information on the human rights situation in Portugal, referring to previous recommendations by the Working Group on the Universal Periodic Review and highlighting issues of concern that arise from the activity of this Institution and emerging trends.

1

II. Implementation of international human rights obligations

A. Cross-cutting issues

Poverty and social exclusion¹

1. The findings from a 2023 survey² revealed that 17.0% of Portugal's residents were living at risk of poverty in the preceding year. The at-risk-of-poverty rate for the unemployed population amounted to 46.4% in 2022, which is significantly higher than that

137.151 (Maldives),

² Statistics Portugal, [Survey on Income and Living Conditions](#), November 2023.



of the employed population, which was 10.0%. For the retired population, the at-risk-of-poverty rate stood at 15.4% and for the remaining inactive persons it was 31.2%. Considering only income from work, capital, and private transfers, 41.8% of the population residing in Portugal would be at-risk-of-poverty in 2022. Income from retirement and survival pensions contributed in 2022 to a decrease of 20.6 pp in the risk of poverty, thus resulting in a at-risk-of-poverty rate after pensions and before social transfers of 21.2%. Social transfers, related to illness and disability, family, unemployment, and social inclusion, contributed to an additional reduction in the risk of poverty of 4.2 pp (from 21.2% to 17.0%), although this contribution was lower than in previous years. In 2023 (2022 incomes), 2,104 thousand people in Portugal were at-risk-of-poverty or social exclusion³. As a result, the poverty or social exclusion rate was 20.1%.

2. According to the findings of another survey, economic situation/social condition emerges as the most prevalent factor in the reported experiences of discrimination (36.6%), coming before territory of origin (28.2%), sex (27%), age (20,1%) and level of education (17.7%)⁴.

Climate Change⁵

3. Within the European Union, Portugal is among the European countries most vulnerable to climate change⁶. The population, along with its diverse ecosystems, is affected by heatwaves, droughts and wildfires. Among those most vulnerable to the adverse health effects of extreme heat are children, the older, and individuals with disabilities⁷. Official data⁸ reported over 2,400 deaths attributed to heatwaves in July and August 2022. By August 2023, 19,2% of Portugal was experiencing severe drought, with 27,1% facing extreme drought conditions⁹. The risk of desertification is most serious in southern

³ People at-risk-of-poverty or living in households with very low work intensity per capita or in situations of severe material and social deprivation.

⁴ Statistics Portugal, [Survey on Living Conditions, Origins and Trajectories of the Resident Population](#), December 2023, pages 27-28.

⁶ See [Combating desertification in the EU: a growing threat in need of more action, Special Report](#), 2018, page 43.

⁷ See [European Climate Risk Assessment](#), page 270.

⁸ Data from the Epidemiology Department of the National Health Institute Dr. Ricardo Jorge, available at https://repositorio.insa.pt/bitstream/10400.18/8609/3/Relato%cc%81rio%20Mortalidade_2022_070220_23.pdf, pages 8 and 9.

⁹ See <https://www.ipma.pt/en/oclima/observatorio.secas/>



Portugal.

4. With respect to the implementation of Sustainable Development Goal 14, Portugal adopted its third National Ocean Strategy 2021-2030. One of the 30 Flagship Actions for the Ocean 2030 Strategy is to classify 30% of national maritime area as protected by 2030, approving the respective management and conservation plans, and to ensure that one third is strictly protected¹⁰. However, the percentage of marine protected areas in Portugal remains low.

B. Civil and political rights

Right to life, liberty and security of person

5. **Gender-based violence.**¹¹ Despite ongoing efforts made to address violence against women, including legislative measures, the cases of domestic violence remain persistently high in Portuguese society. Domestic violence disproportionately affects women, falling within the scope of gender-based violence, as evidenced by the statistics showing that the majority of victims are women (72,4%). Additionally, the overwhelming majority of perpetrators being men (80%) further emphasizes the gendered nature of this crime¹².

6. The data on homicides related to domestic violence is alarming. According to a report released by the Public Prosecutor's Office on homicides in the context of domestic violence¹³, in 2023, 22 people were murdered, of whom 17 were women. The perpetrators were predominantly male (73%). Homicides mainly occurred in situations of spousal relationships or similar (72%), current or past, with cohabitation between victim and perpetrator in 18 cases.

¹⁰ [National Ocean Strategy 2021-2030](#), Strategic Goal 1 (Fight Climate Change and Pollution and Protect and Restore Ecosystems), Action Number 4.

¹¹ Rec. 137.82 (Chile), 137.174 (Tunisia).

¹² In 2023, there were 30,279 incidents reported, according to the [data of the Commission for Gender Equality](#).

¹³ Procuradoria-Geral da República, [Homicídios em contexto de violência doméstica 2023 — análise dos indicadores](#), February 2024.



Administration of justice

7. Conditions of detention in prison establishments.¹⁴ The Portuguese penitentiary systems consist of 49 prisons with very diverse characteristics in terms of their size, structure, state of preservation and capacity, ranging from 38 to 887 inmates. The low level of public investment in prison buildings and facilities has contributed to the deterioration of the material conditions, (i) affecting the adequate climatic, heating and ventilation requirements of accommodations or (ii) leading to the deactivation of cells and dormitories. Furthermore, and considering the high occupancy rate of the prison system — 98% in December 2022, according to official data¹⁵ — the closing of cells and dormitories has led to overcrowding: in 2022, 25 of the existing 49 prisons were overcrowded. In this context, Portugal has been condemned by the European Court of Human Rights for violating Article 3 of the European Convention on Human Rights concerning the inadequate conditions of detention.

8. Video surveillance.¹⁶ Since 2020, the NPM verified that out of the 43 prisons visited, 12 did not have a video surveillance system, 13 had an incomplete system and 2 were not fulfilling their obligation to preserve the video surveillance images. Also, 3 out of the 6 existing Juvenile Detention Centres did not have video surveillance. With respect to law enforcement, the Public Security Police video surveillance system is virtually non-existent.

9. The Ombudsman recommends: (i) promoting the installation of comprehensive video surveillance systems in all places of deprivation of liberty's common areas and (ii) assuring full compliance with the duty to preserve video surveillance images.

10. Duty to report allegations of violence. State employees and civil servants have the legal duty to communicate to the Public Prosecutor's Office all allegations of crimes they become aware of in the exercise of their duties and/or as a result thereof. In prisons, the NPM identified concrete cases of evident assaults by prison guards on inmates, documented by surveillance camera footage, as well as cases of alleged assaults, which prison staff did not report to the Public Prosecutor's Office.

¹⁴ Rec. 137.105 (Spain), 137.106 (Sweden), 137.109 (France), 137.110 (Germany).

¹⁵ [Statistics of General Directorate of Social Reintegration and Prison Services](#)

¹⁶ Rec. 137.76 (Australia), 137.94 (Norway), 137.107 (USA), 137.110 (Germany).



11. The Ombudsman recommends raising awareness of prison staff and law enforcement officials of their duty to report to the Public Prosecutor's Office all allegations of violence or ill-treatment they become aware of in the exercise of their duties and/or as a result thereof.

Prohibition of all forms of slavery

12. **Human trafficking.**¹⁷ Between 2008 and 2022, there has been a rise of 107% in registered human trafficking crimes¹⁸.

13. The IV National Action Plan for the Prevention and Combating of Human Trafficking (2018-2021) has expired.

14. Data from official reports¹⁹ stresses the need to strengthen the monitoring and regulation of temporary employment, especially in agriculture, where workers are often subjected to degrading working conditions.

C. Economic and social rights

Right to adequate housing²⁰

15. **Homeless people.** According to a study released in 2022, in December 2021 there were 10,773 individuals experiencing homelessness²¹. Organizations working in the field report an increase in young adults and migrants. The new National Strategy for the Integration of Homeless People 2025-2030, with a focus on preventive measures and on strengthening the local support networks, was approved in March 2024.

¹⁷ Rec. 137.117 (Togo), 137.1 (Belarus), 137.127 (Nepal), 137.223 (Nigeria), 137.118 (Tunisia), 137.124 (Georgia).

¹⁸ In 2022, 89 crimes. See [OTSH-Boletim-Estatistico_Estatisticas-da-Justica_2008_2022_NOV2023.pdf \(cig.gov.pt\)](#), pages 5 and 6.

¹⁹ [Trafficking in Human Beings — 2022 Report](#), page 11.

²¹ [Characterization Survey of People Experiencing Homelessness, 2022](#).



16. Severe housing deprivation. The results of a recent Survey by Statistics Portugal²² reveal that, in 2023, the proportion of residents in severe housing deprivation increased to 6.0% (in 2020 it was 3.9%). Also, the proportion of people living in accommodations where the number of habitable rooms was insufficient for the household increased to 12.9% (from 9.4% in the previous year).

17. Social housing. The number of available houses for social housing is insufficient for the demand and most of the time applicants are simply advised to wait without any expected deadline being provided for the allocation of houses.

18. The public housing stock allocated to situations of need is currently insufficient to satisfy all requests due, namely, to its deterioration which prevents the immediate allocation of vacant dwellings.

19. Furthermore, some of the stock available presents shortcomings that have a direct impact on accessibility and mobility, especially for older persons and persons with disabilities, such as elevator breakdowns or inability to access suitable sanitary facilities.

Right to health

20. Ageing. Challenges. The resident population has been ageing²³. In 2021, 23.4% of the population was 65 years old or older²⁴. In 2022, compared to 2017, there was a decrease of 74,809 in the number of young people (aged 0 to 14) and 49,455 in the number of people within the working age bracket (aged 15 to 64). In contrast, the number of old people (aged 65 and over) increased by 255,860. This demographic trend presents challenges in terms of providing comprehensive healthcare services tailored to the needs of older adults.

21. Palliative care. In most regions of the national territory, the number of available beds in palliative care units falls significantly short of diagnosed needs. For instance, in the Northern region of the country, it was noted, in 2021, that only 85 out of the 161 identified beds deemed necessary were available²⁵. Furthermore, the insufficiency of human resources

²² Statistics Portugal, [Survey on Income and Living Conditions](#), March 2024.

²³ Statistics Portugal, [Demographic Statistics — 2022](#), 2023, page 27.

²⁴ Statistics Portugal, [Census 2021 — XVI Population Census. VI Housing Census](#), 2022.

²⁵ See [Plano Estratégico para o Desenvolvimento dos Cuidados Paliativos 2021-2022](#), pages 22 and 23.



has been identified, often falling below the required minimum standards. For example, the current number of Community Palliative Care Support Teams (ECSCPs²⁶) in place is insufficient, representing just half of what would be necessary (27 teams established out of 54 teams planned)²⁷. All this is particularly worrying considering the growing population in need of palliative care and the prevalence of chronic diseases resulting from ageing.

Right to education

22. School Dropout.²⁸ The early school dropout rate in Portugal increased by 1.5 percentage points, rising from 6.5% to 8% in 2023, breaking the gradual decreasing trend that had been observed since 2017²⁹.

Right to social security

23. Delays in pension processing.³⁰ The substantial delays in pension processing are one of the main obstacles to achieving social protection for older people and other persons permanently unable to work due to illness. One of the reasons for processing delays is that it requires the communication between the *Centro Nacional de Pensões* and foreign social security agencies whenever the applicant has worked abroad, which is often the case. Also, submissions often require the collaboration between two different national social protection agencies³¹ in order to get complete data, and the communication takes too long. Processing delays and backlog are also partially explained by the shortage of experienced claims examiners which results from a high generational turnover. Lastly, pension calculation is overly complex and needs to be more transparent.

²⁶ The Community Palliative Care Support Teams provide specialized palliative care to patients in need and support to their families or caregivers in their homes upon request. See [Cuidados Paliativos – SNS](#)

²⁷ See [Plano Estratégico para o Desenvolvimento dos Cuidados Paliativos 2021-2022](#), pages 20.

²⁸ Rec. 137.159 (Algeria).

²⁹ [Statistics Portugal](#).

³⁰ Rec. 137.144 (Togo) and 137.51 (Maldives).

³¹ The *Centro Nacional de Pensões* and the *Caixa Geral de Aposentações*.



D. Rights of specific persons or groups

Persons with disabilities

24. Accessibility and inclusive mobility.³² There are systemic deficiencies seriously affecting the inclusion of persons with disabilities. According to the law, buildings and establishments open to the public, public spaces, and residential buildings must comply with accessibility requirements. However, inaccessibility persists as many buildings, governmental facilities and other institutions fail to meet those requirements. Also, barriers to living independently and participating fully in all aspects of life, namely when accessing pedestrian and transport infrastructures, are a major problem. The National Strategy for the Inclusion of Persons with Disabilities (2021-2025) has not been implemented to a satisfactory degree and there seems to be a lack of sense of urgency on the matter.

25. Accessibility to equipment³³ **for people with disability and/or incapacity.** There have been delays in obtaining equipment (such as wheelchairs, and elevating platforms). Excessive bureaucracy, involvement of several public entities and insufficient funds to finance all approved requests are among the reasons for the delays³⁴.

26. Delays in the issuance of certificates of disability. The law provides for the issuance of disability certificates to persons with disabilities or with a serious medical condition which enable the granting of multiple social, tax and economic benefits to its holders. Yet there is a long waiting time for granting these certificates (by a medical board of three doctors at the health centre within the NHS).

27. The Ombudsman recommends strengthening efforts to ensure timely response to the requests for certificates of disability³⁵.

³² Rec. 137.218 (Peru), 137.219 (Bahrain).

³³ Any product, instrument, equipment, or technical system that prevents, compensates, mitigates, or neutralizes functional or participation limitations. See Decree-Law No. 93/2009, 16 April.

³⁴ Rec.137.217 (Malaysia).

³⁵ Provedor de Justiça, [Multipurpose Disability Medical Certificate — Balance, and Recommendations](#), March 2024.



Minorities

28. Roma Education.³⁶ Statistical data regarding the schooling rate of Roma indicate improvement across all levels of education and better school performance rates. However, the low level of education within the Roma population persists. In fact, according to the latest [available data](#), the overall enrolment rate of Roma pupils in the 3rd cycle and secondary education level (twelve years of compulsory education) remains low at 17.5% and 2.8%, respectively. It should also be noted that the percentage of school drop-outs is higher among girls, except for the low level of education.

29. Roma Housing deprivation.³⁷ Although the authorities further developed and adjusted their policies to improve the living conditions of Roma communities, according to a survey conducted by the European Union Agency for Fundamental Rights, 66% of Roma households experienced housing deprivation in Portugal in 2021, whereas housing deprivation in the general population was 29%³⁸.

Migrants and asylum seekers

30. Delays in the administrative proceedings for obtaining a residence permit. Obtaining a residence permit can take up to two years. In 2023, the Agency for Integration, Migration and Asylum (AIMA) was established to address this problem, but the number of applications with pending requests (hundreds of thousands) did not drop significantly. Also, applicants are left with no information about the status of their application.

31. Detention of foreign children.³⁹ There is no general rule prohibiting the immigration-related detention of children. In 2018, an Order was issued by the Minister of Home Affairs, according to which “the maximum stay in Detention facilities at the border (Lisbon Airport) of minors under the age of 16, when accompanied, is identical to that of unaccompanied minors, that is, 7 days”. However, detention should never occur.

³⁶ Rec. 137.160 (Bahamas), 137.192 (Montenegro), 137.199 (Mauritius), 137.204 (Peru), 137.206 (Sweden).

³⁷ Rec. 137.143 (Spain), 137.147 (Bahamas), 137.148 (Canada), 137.206 (Sweden).

³⁸ European Union Agency for Fundamental Rights, [Roma in 10 European Countries. Main results — Roma Survey 2021](#), 2023.

³⁹ Rec. 137.99 (Afghanistan), 137.186 (Pakistan), 137.189 (Thailand), 137.200 (Ecuador).



32. The Ombudsman recommends: (i) identifying situations of unaccompanied minors, from the first contact at the border zone and providing appropriate care arrangements and community-based programs to support them and their families; (ii) considering abolishing the possibility of detaining children.

33. **Detention of migrants and asylum seekers.**⁴⁰ The Ombudsman and the NPM have been, for years, expressing their concern over the delay in creating alternatives to the current places of detention, especially in the Lisbon area. The only Detention Center for Migrants is located in Oporto⁴¹ and the facilities at the Lisbon, Faro and Oporto airports are considered “spaces equivalent to a temporary detention facility”, conceived for the administrative detention of foreign citizens up to 48 hours. The existing detention facilities are often at the limit of their capacity.

34. The resource to migrants and asylum seekers’ detention/reception in undignified conditions in the Lisbon airport was recently witnessed and reported by the NPM.

35. The Ombudsman recommends guaranteeing adequate conditions at support centers for migrants’ integration and preventing overcrowding in detention centers, whenever detention is inevitable.

⁴⁰ Rec. 137.99 (Afghanistan), 137.186 (Pakistan), 137.223 (Nigeria).

⁴¹ Unidade Habitacional de Santo António (UHSA).