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Creating the conditions for people-centred services in Portugal

This chapter assesses the conditions for creating people-centred services in Portugal. It begins with a review of the core civic freedoms that underpin a healthy civic space, assesses challenges related to equality and non-discrimination with a focus on migrants and refugees, the Roma community and people of African descent, and finally addresses Portugal's information ecosystem and the digital transformation of public services. For each area, it discusses key implementation challenges related to public services and provides concrete and actionable recommendations for the Government of Portugal.

3.1. Introduction

The enabling environment for people-centred services is relatively strong in Portugal. Core civic freedoms are well established and are protected by the Portuguese Constitution, as well as in relevant national legislation. The country benefits from a comprehensive legal framework governing civic freedoms, access to information, press freedom and digital rights, all of which are addressed in this chapter.

Like the majority of OECD Members, Portugal has ratified almost all of the key relevant international and regional treaties and conventions governing civic freedoms.¹ At the regional level, in June 1978, the Portuguese National Assembly approved the ratification of the European Convention on Human Rights, which was promulgated in September 1978 through Law No. 65/78, (Assembly of the Republic of Portugal, 1978^[1]). As a member of the European Union (EU), Portugal is also bound by the fundamental rights and freedoms guaranteed in the Charter of Fundamental Rights of the EU, which includes several rights also granted by the Constitution (Law Library of Congress, 2021^[2]).

Nevertheless, the practical implementation of these frameworks faces a series of challenges related to the equal access and inclusive delivery of public services. This chapter explores these issues in depth and provides tailored recommendations for the government of Portugal to strengthen institutional and legal frameworks protecting core civic freedoms, with a focus on:

- addressing discrimination, racism and exclusion;
- fostering a sound media and information ecosystem;
- safeguarding online civic space and digital inclusion; and
- institutions safeguarding fundamental rights.

3.2. Protected civic freedoms

Freedoms of expression, association, and peaceful assembly are fundamental civic freedoms that enable effective civic participation. These basic rights are an essential precondition for good governance and the development of any democratic society while contributing to the empowerment and well-being of non-governmental actors. The protection of civic space requires that all people are able to freely express themselves in public and come together to advance their common interests, including to contribute to public service design and delivery, to critique government decisions, actions, laws and policies, and to hold government actors to account without fear of repercussions. Legal and regulatory frameworks play a critical role in determining the extent to which all members of society, both as individuals and as part of informal or organised groups, are able to freely and effectively exercise their basic civic freedoms, participate in policy and political processes, and contribute to decisions that affect their lives without discrimination or fear.

3.2.1. Freedom of expression

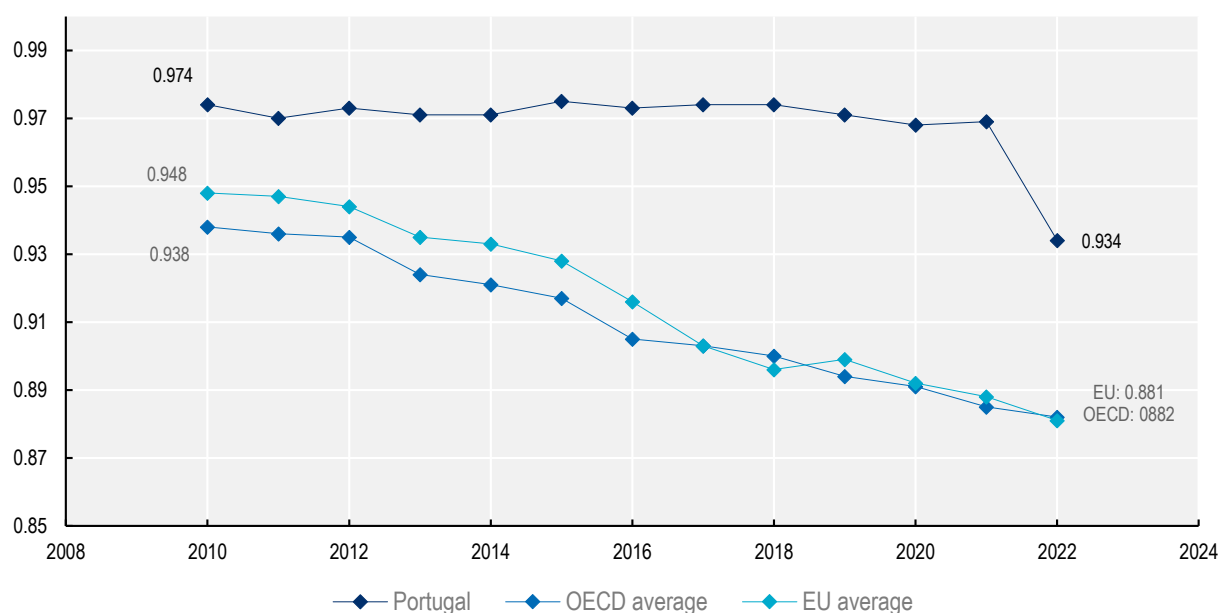
Freedom of expression is protected by the Portuguese Constitution (Article 37), which provides that all people have the right to express and publish their thoughts freely, through words, images or other means, and to receive information without impediments or discrimination. The exercise of these rights cannot be impeded or restricted by any kind or form of censorship; however, offences are punishable under the general principles of criminal law or the law relating to regulatory offences (Law Library of Congress, 2021^[2]). Law No. 58/2019 (Assembly of the Republic of Portugal, 2019^[3]) does not prejudice the exercise of freedom of expression, information or the press, including the processing of data for journalistic, academic, artistic or literary purposes to protect personal data, under the terms of the General Data Protection Regulation (GDPR). In terms of limitations, the Penal Code criminalises defamation and insults with up to three months' imprisonment or a fine (Articles 180, 181 and 182 respectively) (Law Library of

Congress, 2021^[2]). The overall legal framework for freedom of expression is in line with international human rights standards.

This is reflected in Article 19's *Global Expression Report 2022* wherein Portugal is classified as "open", ranking eighth out of 161 countries in terms of freedom of expression. The country has been considered "open" since 2010, and ranks higher than other OECD Members in the EU such as France, the Netherlands and Spain, but lower than Finland, Ireland and Estonia (Article 19, 2022^[4]). The Varieties of Democracy Institute (hereafter "V-Dem") has consistently scored Portugal highly in its Freedom of Expression Index (Figure 3.1) despite the country's drop in score in 2022. It has also consistently scored higher than the OECD and EU averages over the past decade, both of which have seen a steady decline.

Challenges related to freedom of expression, media and access to information are discussed in Section 3.6.1.

Figure 3.1. Freedom of expression in Portugal compared to OECD and EU, 2010-22



Note: On a scale of 0 (lowest) to 1 (highest).

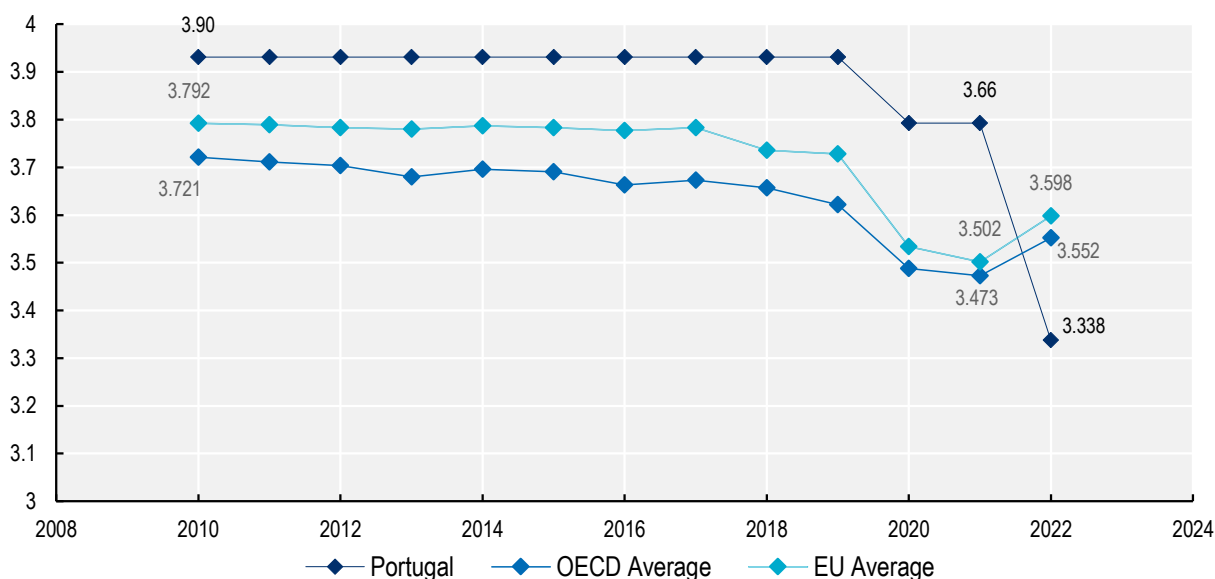
Source: V-Dem (2022^[5]), Freedom of Expression and Alternative Sources of Information Index, https://www.v-dem.net/data_analysis/VariableGraph/.

3.2.2. Freedom of peaceful assembly

Under Article 45 of the Constitution, citizens have the right to assemble peacefully and unarmed, even in public places, without prior authorisation. All citizens have the right to demonstrate. This is in line with legislation found in other OECD Members and with international human standards, including from the United Nations Human Rights Committee and the European Court of Human Rights. Freedom of peaceful assembly is also guaranteed and regulated by Decree-Law No. 406/74 (Government of Portugal, 1974^[6]), which according to a legal opinion of the Consultative Council of the Attorney General's Office, is still in force in Portugal and does not violate the 1976 Constitution. Therein, Article 1(1) states that all citizens are guaranteed the free exercise of the right to assemble peacefully in public places, open to the public and private, regardless of authorisations, for purposes that are not contrary to the law, morals, rights of natural or legal persons and public order and tranquillity (Law Library of Congress, 2021^[2]).

Portugal benefits from a relatively well-established environment where freedom of peaceful assembly is respected and protected. Over the last decade, the country has consistently ranked among the top performers of the V-Dem index measuring the degree of protection of this right, mostly ranking higher than the OECD and EU averages. As in many OECD Members, however, a recent decline reflected by the data underscores the difficulties experienced by citizens and civil society during the COVID-19 pandemic, with the introduction of confinement measures and other restrictions limiting spaces for peaceful protest. Despite the end of restrictions due to the pandemic, Portugal's score continued to decline in 2022, while the OECD and EU averages bounced back somewhat, resulting in rankings above the Portuguese score for the first time in the past decade (Figure 3.2).

Figure 3.2. Freedom of peaceful assembly in Portugal compared to OECD and EU, 2010-22



Note: On a scale of 0 (low) to 4 (high). The V-Dem Institute's indicator on freedom of peaceful assembly is based on the evaluation of multiple ratings provided by country experts, of whom about 85% are academics or professionals working in media or public affairs (e.g. senior analysts, editors, judges); about two-thirds are also nationals of and/or residents in a country and have documented knowledge of both that country and a specific substantive area.

Source: V-Dem (2022^[7]), Freedom of Peaceful Assembly Indicator, https://www.v-dem.net/data_analysis/VariableGraph/.

3.2.3. Freedom of association

In Portugal, freedom of association is well established and protected by a robust legal framework (Law Library of Congress, 2021^[21]). Notably, Article 46 of the Constitution states that citizens have the right to form associations freely and without prior authorisation, except for those aiming to promote violence. Associations may pursue their objectives freely and without interference from any public authority, and they may not be dissolved by the state, nor can their activities be suspended, except by judicial decision (Law Library of Congress, 2021^[21]). According to Article 51, freedom of association also includes the right to form or take part in political associations and parties. These guarantees on the right of association are moreover recognised and regulated by Decree-Law No. 594/74 (Government of Portugal, 1974^[8]). This is in line with law and practice in many OECD Members and is essential to creating an enabling environment for civic space. A detailed discussion of the implementation challenges regarding freedom of association is provided in Chapter 4.

3.3. Equality and non-discrimination

3.3.1. Equality and non-discrimination as preconditions for people-centred services

Equality and non-discrimination are cross-cutting themes in the OECD’s work on civic space, as both are essential preconditions for inclusive, responsive and effective democratic participation on an equal basis with others. For the purposes of this Review, discrimination is defined as “the unjust or prejudicial treatment of different categories of people”. Discrimination can affect citizens’ trust, in addition to their ability and willingness to engage with state institutions, whether to access services or provide an opinion, if they feel undervalued, excluded, unprotected or threatened. As such, all forms of discrimination can affect individuals’ ability or willingness to freely express themselves or to assemble and influence decision making, including in relation to public services.

Portugal has taken substantial steps to protect civic space and to promote equal access to public services for all population groups, in particular vulnerable and marginalised persons. Building on a robust set of legal and institutional frameworks, the country has made notable progress in creating policies, such as thematic strategies, for different vulnerable populations, and in championing targeted initiatives to facilitate their integration in society and their equal access to services. For instance, the creation of national and local support centres for the integration of migrants and the municipal mediators for Roma communities described below are relevant measures to increase access to services for these groups. These efforts have particularly focused on supporting communities that have traditionally been under-represented in policymaking and have unequal access to services.

One of the fundamental responsibilities of the state defined in the Constitution is to promote the welfare and equality of the Portuguese people, and equality among them in their enjoyment of economic, social, cultural and environmental rights through the transformation and modernisation of economic and social structures. All citizens are equal before the law and should enjoy these rights (Article 13(1)). No one may be privileged, favoured, prejudiced, deprived of any right or exempted from any duty for reasons of ancestry, sex, race, language, territory of origin, religion, political or ideological beliefs, education, economic situation, social circumstances or sexual orientation, according to the Constitution (Law Library of Congress, 2021^[2]).

The Penal Code criminalises, among other things, the development of organised propaganda that incites discrimination, hatred or violence against a person or group of people because of their race, colour, ethnic or national origin, ancestry, religion, sex, sexual orientation, gender identity, or physical or mental disability, or that encourage it. Moreover, Law No. 3/2011 (Assembly of the Republic of Portugal, 2011^[9]) prohibits discrimination in accessing and exercising independent employment and transposes the following directives to Portuguese law regarding the independent work and procedural legitimacy of organisations whose purpose is to defend or promote the rights and interests of people against discrimination. Importantly, Article 4 defines equal conditions for the provision of services. Article 5 prohibits discrimination and provides a legal definition for it and for harassment, including sexual harassment, while Articles 9 and 10 establish fines and sanctions for violations. Similarly, Law No. 7/2009 (Assembly of the Republic of Portugal, 2009^[10]) established the Labour Code, defining direct and indirect discrimination, equal work and work of equal value (Law Library of Congress, 2021^[2]).

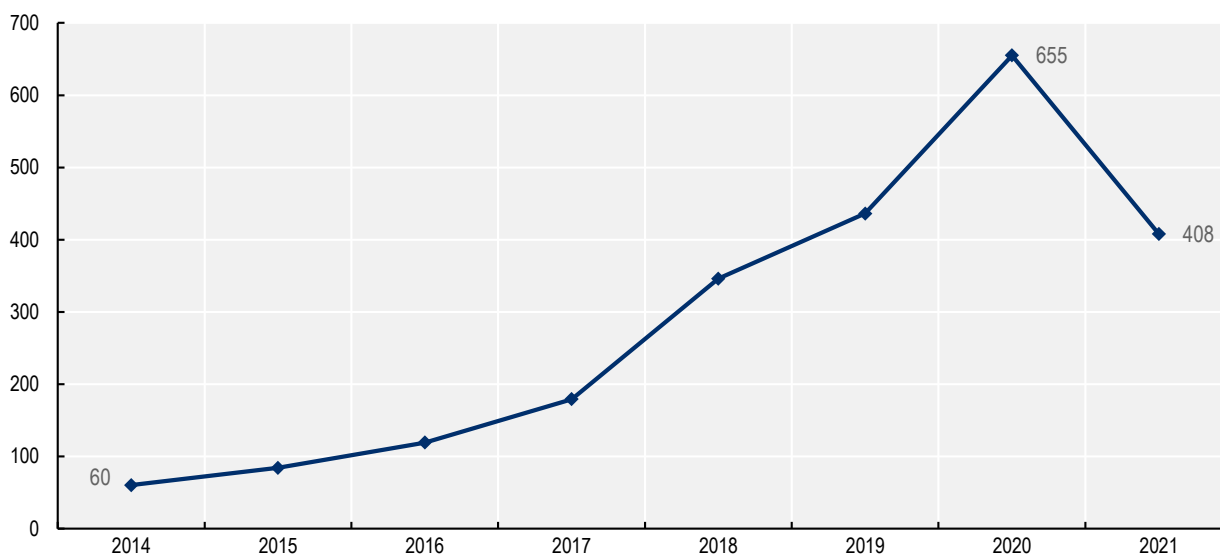
More recently, Law No. 93/2017 established the legal regime for preventing, prohibiting and combating discrimination based on racial and ethnic origin, colour, nationality, ancestry and territory of origin (Assembly of the Republic of Portugal, 2017^[11]). Law No. 94/2017 (Assembly of the Republic of Portugal, 2017^[12]), amended Article 240 of the Criminal Code (Government of Portugal, 1995^[13]) to punish anyone who provokes, defames, threatens or incites a person or group because of their race, colour, ethnic or national origin, ancestry, religion, sex, sexual orientation, gender identity, or physical or mental disability.

These legal efforts are reflected in Portugal's rankings on OECD indicators showing gender and LGBTI (lesbian, gay, bisexual, transgender, and intersexual) representation. Notably, Portugal has higher than the OECD average representation of women in politics (40% compared to the OECD average of 34%) (OECD, n.d.^[14]). Moreover, according to the OECD report: *Over the Rainbow? The Road to LGBTI Inclusion (2020^[15])*, Portugal is one of the three highest performing OECD Members. It was the country with the strongest growth (63 percentage points, from 13% to 76%), measured by performance regarding levels of legal LGBTI inclusivity as of 2019 and progress in legal LGBTI inclusivity since 1999. It is the second-highest performing country in terms of legal LGBTI inclusivity (OECD, 2020^[15]).

Yet, despite these efforts, problems persist with respect to discrimination, racism and exclusion. Regarding the legal frameworks, recent reports from the European Commission against Racism and Intolerance and the Commissioner for Human Rights of the Council of Europe have noted that racist motives are not considered an aggravated circumstance for all crimes, for example (ECRI, 2018^[16]; CommHRCoE, 2021^[17]).

Multiple stakeholders during the fact-finding mission and independent reports indicate that there is a rise in xenophobic and anti-immigrant, anti-Roma and racist sentiments (CommHRCoE, 2021^[17]; Freedom House, 2021^[18]; FRA, 2021^[19]; ECRI, 2018^[16]). There is an overall trend of rising numbers of related complaints, denunciations and manifestations of racial hatred, xenophobia and intolerance in Portuguese society, according to the Commission for Equality and against Racial Discrimination (CICDR) (Commission for Equality and against Racial Discrimination, 2021^[20]). As seen in Figure 3.3, this is reflected in the rise of complaints received by the commission, which saw a 44% increase between 2017 and 2021. However, it is important to note that the steady increase since 2014 also demonstrates a greater awareness of issues of racial and ethnic discrimination in society, coupled with a growing familiarity and confidence in the CICDR. The unprecedented spike in cases in 2020 was not necessarily related to an increase in perceived discrimination, for example, but more likely related to media coverage of certain issues, resulting in the same cases being reported by several people, thereby inflating the total number of complaints. The CICDR notes that the majority of complaints concern individuals (64%), compared to 25% where alleged discriminatory practices are directed at communities or social groups with common protected characteristics.

Figure 3.3. Complaints received by the Commission for Equality and against Racial Discrimination, 2014-21



Source: Commission for Equality and against Racial Discrimination (2021^[20]), Annual Report 2021: Equality and Non-discrimination on Grounds of Racial and Ethnic Origin, Color, Nationality, Ancestry and Theory of Origin, <https://www.cicdr.pt/-/relatorio-anual-sobre-a-situacao-da-igualdade-e-nao-discriminacao-racial-e-etnica>.

Out of the total of 408 complaints received, only about half (48%) fall within the sphere of competence of the CICDR. 18% of the total number of complaints resulted in an administrative offence process (73 complaints out of a total of 408). Of the 18%, only two ended in a condemnatory decision by the CICDR's Permanent Commission, leading to a fine and a warning respectively. The number of complaints redirected to other bodies points to the lack of clarity across complaints bodies raised in Section 3.6. Moreover, the commission also recognises that the number of complaints does not represent the real scope of the racial and ethnic discrimination problem in Portugal. Therefore, “the prevention, deterrence and punishment of discriminatory practices are still a permanent challenge” (Commission for Equality and against Racial Discrimination, 2021^[20]).

In addition, there has been an increase in hate speech in the public and online space against minorities and vulnerable groups (CommHRCoE, 2021^[17]; FRA, 2021^[19]; ECRI, 2018^[16]). The Judiciary Police has made efforts to co-ordinate the implementation of the code of conduct against hate speech and online terrorist propaganda adopted by the High-Level Group against Racism and Xenophobia of the EU (Human Rights Council, 2019^[21]). Similarly, police have been provided with training on discrimination against specific groups, and an increasing number of prosecutors specialised in hate crimes have been appointed in urban centres (ECRI, 2018^[16]). However, as Figure 3.4 shows, official figures point to a sharp increase in reported crimes based on racial or religious discrimination (DGPJ, n.d.^[22]).

There is also a rise in the number of hate crimes reported, reaching 150 in 2021, an increase of 14% compared to 2020. Portugal has made efforts to improve its data collection in this area and 2021 was the first year that related data on prosecutions and sentencing were available, indicating five prosecutions and three convictions. (OSCE ODIHR, 2021^[23]). Another challenge is that the definition of legal hate speech and hate crimes is considered narrow (ECRI, 2018^[16]) and thus, the understanding of police officers, prosecutors and judges of what constitutes such a violation remains limited (CommHRCoE, 2021^[17]). Consequently, while Portugal remains committed to prosecuting these crimes, the aforementioned challenges have resulted in few convictions, and victims tend not to report crimes of harassment, discrimination and hate due to a lack of trust in authorities.

Reports also show an increase in xenophobic movements, both in terms of their visibility and political support for the *Chega* political party (meaning “enough” in Portuguese), which uses rhetoric against immigrants, people of African descent and Roma (CommHRCoE, 2021^[17]). The party was created in 2019 and, following the 2022 general elections, became the third-largest political force with 12 seats (out of 230) (BBC, 2022^[24]). Its political representatives have increasingly used racist rhetoric in the political arena, thereby polarising public discourse and influencing online discussions, according to the Council of Europe (CommHRCoE, 2021^[17]). The latest Internal Security Report from the Homeland Security System (SSI) documented that a trend of radicalisation among Portuguese youth, exacerbated by the pandemic, continued in 2022, particularly through the use of online forums and social media to disseminate disinformation and what are described as far-right messages (SSI, 2022^[25]).

Overall, these challenges related to discrimination, racism and exclusion are widely recognised as hindering the ability of vulnerable and marginalised groups to access public services on an equal basis. Notably, the Guiding Principles highlight the need to fight discrimination and promote equality to ensure that public services are accessible to all people (AMA, 2021^[26]). In particular, Principle 1 aims to promote citizens' participation at all stages of the process, particularly from excluded or disadvantaged groups. Principle 2 calls for the design of public services, first and foremost, for communities in vulnerable situations. Against this backdrop, the following subsections examine how these challenges impact equal access to services – most notably in education, housing and employment – for a variety of different groups, namely migrants and refugees, Portuguese Roma, people of African descent and LGBTI persons. Discrimination and social exclusion reflect a cross-cutting challenge in Portugal that is of acute relevance for initiatives to foster more people-centred service design and delivery.

Other groups experiencing unequal access to services (but not necessarily discrimination), such as the elderly and youth, are addressed in Section 3.5.3.

Migrants and refugees

According to OECD data, the foreign-born population in Portugal was 0.7 million in 2021, representing 6.5% of the population (OECD, 2022^[27]). The *Immigration, Borders and Asylum Report* indicates that in 2021, Portugal had approximately 698 900 foreign residents, of which 111 311 were new residents and 1 537 asylum seekers. For resident migrants, the figure had increased by 5.6% compared to 2020, decreased by 5.8% for new arrivals and increased by 53.4% for asylum seekers (SEF, 2022^[28]). According to Eurostat, the share of non-nationals in the resident population represented 5% of citizens from non-EU countries, which equals the EU average, and 2% from other EU member states, which is below the EU average of 4% (Eurostat, 2022^[29]). Importantly, the same report also shows that the share of resident migrants has consistently increased over time since the country started collecting these data in 1976, resulting in a significant demographic shift. In 2021, the biggest group of migrants came from Brazil (29%), the United Kingdom (6%) and Cabo Verde (5%). In terms of asylum seekers, 56% come from Asian countries, mainly from Afghanistan as well as India to a lesser extent; 37% from Africa, mostly Morocco, Gambia, Guinea, Guinea-Bissau and Angola; and the remainder from Europe (3.5%), the Americas (3%) and other (0.2%) (SEF, 2022^[28]). This shift is also reflected in the education system, where data from the OECD's Programme for International Student Assessment (PISA) show that around 7% of students² in Portugal had an immigrant background in 2018, up from 5% in 2009 (OECD, 2019^[30]).

In broad terms, the country has an open policy of welcoming migrants and a firm commitment to integrate refugees once they are granted asylum (FRA, 2021^[19]). As highlighted by the 2020 Migrant Integration Policy Index, Portugal's integration policies towards immigrants have improved in the areas of equal rights, opportunities and security. Portugal's overall score in all measured indicators (81) is significantly higher than the EU average (49) and the OECD average (56). Importantly, the indicator measuring access to nationality is the second highest in the EU (86), compared to the EU and OECD averages (40 and 50, respectively) (MIPEX, n.d.^[31]). As a response to the COVID-19 pandemic, the government took the extraordinary measure of regularising migrants and asylum seekers with pending requests to guarantee them the same rights and support (ACM, 2020^[32]).

Another relevant institutional actor is the High Commission for Migration (ACM), under the Ministry of Internal Affairs, which is charged with the acceptance of refugees. These policies notably include the National Implementation Plan of the Global Compact for Migration (adopted in 2019) and the Strategic Plan for Migration implemented by the ACM. The most recent Strategic Plan for Migration, approved by Resolution No. 12-B/2015 of the Council of Ministers for the period 2015-20 (Presidency of the Council of Ministers, 2015^[33]), included five strategic axes: 1) immigrant integration policies; 2) inclusion of new nationals; 3) co-ordination of migration flows; 4) quality of migratory services; and 5) policies for the return of national emigrants (ACM, 2015^[34]). The last available monitoring implementation report highlighted that implementation of all actions was 90% in 2018 (ACM, 2019^[35]).

Under the purview of the ACM, one of the most relevant measures implemented with regards to public services includes the creation of the National Support Centre for the Integration of Migrants (CNAI). The overarching aim of the CNAI is to provide one-stop shop assistance to migrants by grouping all relevant services, institutions and support offices in one place (ACM, n.d.^[36]). Initially created in 2004, it now has three offices, one in Lisbon, one in the North region and one in the Algarve. The CNAI offices provide assistance in 14 different languages and dialects with the representation of a variety of key services providers, such as the Central Registry Office, Social Security and the Ministry of Education, among others. In addition, Portugal has a Network of Local Support Centres for the Integration of Migrants (known as CLAIM). Created in 2003, the CLAIM also aims to support the reception and integration process of migrants by articulating with various local structures. As they focus on the local level, they also provide support on

a “roaming basis”, reaching migrants who otherwise would not have access to services. There are currently 144 CLAIM offices distributed from north to south and the islands (ACM, n.d.^[37]). More recently, a Support Centre for the Integration of Refugees was also created to provide relevant services (ACM, n.d.^[38]).

The ACM supported the provision of three additional digital support channels to reach an even wider spectrum of migrants. The first is a telephone translation service, which is available free of charge in almost 70 languages and dialects to connect the relevant service provider, translator and migrant in a conference call (ACM, n.d.^[39]). The second is the My CNAIM app, which is an application that facilitates access to key service information and georeferencing of services with the CNAIM and CLAIM, as well as of immigration associations, professional insertion offices and refugee associations, among others (ACM, n.d.^[40]). The third is the migrantforum.gov, an online platform that allows interaction with ACM services and provides the opportunity to ask questions and request clarifications (ACM, n.d.^[41]).

Recognising the importance of municipalities for providing services and integrating migrant and refugee policies, the ACM facilitates a series of measures at the local level. Municipal plans for the integration of migrants outline the efforts needed by various stakeholders to achieve this objective in a single strategic document. As these plans are voluntary, the ACM provides a toolkit to support and encourage municipalities to develop them (ACM, n.d.^[42]). As of May 2022, there were 52 active municipal plans for the integration of migrants. Other measures for municipalities include an Index and a Network of Cities friendly to immigrants and diversity, a website with local inspiring practices and other practical tools for the suitability of local migrant integration policies (ACM, n.d.^[43]).

The Portuguese government has also implemented several initiatives in sectoral services, in particular in health and education. Concerning health, as highlighted by the Universal Periodic Review, “regular and irregular migrants have access to the National Health Service under the same conditions as Portuguese citizens” (Human Rights Council, 2019^[21]). Asylum seekers, refugees and their families, as well as minors and pregnant women are exempted from fees. Immigrant children also have access to compulsory education free of charge, and their families may receive subsidies to support the provision of school and other study materials (Human Rights Council, 2019^[21]). These measures have notably improved the learning results of migrant children and significantly decreased the rate of early school drop-outs (ECRI, 2018^[16]). In addition, the National Program for the Promotion of School Success (PIICIE), initiated in 2016, makes educational communities responsible for establishing an Integrated and Innovative Plan to Combat School Failure. These decentralised and tailored plans are used as instruments for policy collaboration between schools and surrounding communities and have been successful in improving educational practices and reducing school drop-out rates among minorities (Government of Portugal, n.d.^[44]).

Other relevant work led by different line ministries includes efforts in training and awareness raising of public officials and stakeholders. One example is the “What if it were me? Pack your bag and go” initiative. The project was led by the Ministry of Education with the support of the ACM to raise awareness among children and youth of the difficulties faced by refugees fleeing war and seeking humanitarian protection. While it was a voluntary exercise, more than 700 groups of schools and non-group schools participated (Directorate-General for Education, 2016^[45]). Another example is the Mentoring for Migrants Programme, where volunteers can exchange experiences and provide assistance and support (ACM, n.d.^[46]). Other important initiatives in this regard are language courses, such as the Choices Programme, which seeks to promote the social inclusion of children and youth from vulnerable socio-economic contexts (Box 3.1).

Box 3.1. The Choices Programme in Portugal

Targeted educational policies and programmes are required to promote equity and inclusion to support students from disadvantaged backgrounds as well as school success and respond to Portugal's current educational challenges, including grade repetition and early school leaving. First implemented in 2001, the Schools Programme (Programa Escolhas) is a government programme promoted by the Council of Ministers under the leadership of the Portuguese High Commissioner for Migration (Alto Comissariado para as Migrações). The Schools Programme targets 6–30-year-olds in vulnerable social and economic situations. These include children and young people with an immigrant background and from Roma communities.

The Schools Programme, currently in its seventh iteration, funds 101 projects, including three in the Autonomous Regions of Madeira and the Azores. It is financed from the overall state budget and is co-funded by the European Social Fund and regional programmes in Lisbon and the Algarve. The programme's main objectives are to promote the social inclusion of children and young people from the most vulnerable socio-economic contexts. Various areas are included in the programme, notably education and training, both considered essential to foster equal opportunities and inclusion. There are plans to intensify projects funded by the Schools Programme in 68 municipalities, mobilising numerous partnerships among municipalities, parishes, school clusters, migrant associations and other relevant stakeholders.

Sources: OECD (2022^[47]), *Review of Inclusive Education in Portugal*, <https://doi.org/10.1787/a9c95902-en>; High Commissioner for Migration (ACM) (n.d.^[48]), Presentation of the Choices Program, <http://www.programaescolhas.pt/apresentacao>.

Additional measures consist of training for public officials, such as security forces, justice officials and public service providers that work directly with migrants and refugees. For these activities, the Ministry of Education has put in place online tools for schools explaining key aspects related to refugees, such as regulations, reception measures, learning Portuguese, resources, and other useful links for educators and school managers (Directorate-General for Education, n.d.^[49]). In delivering these initiatives, CSOs are relevant partners of the government to provide ad hoc training, for instance on biases and prejudices. Importantly, CSOs that specialise in helping migrants and refugees also act as a bridge between the government and the services they need, as they often have a wider reach through local networks and greater trust from these groups. A notable example is the work of the Council for Refugees, which provides key legal support and services to refugees (Box 3.2).

Box 3.2. The Portuguese Council for Refugees

Created in 1991, the Portuguese Council for Refugees (CPR) is a non-profit organisation whose main objective is to defend and promote the right to asylum in Portugal. In line with international, European and national law on human rights and refugees, the CPR provides direct, free, independent and impartial support, carried out by the various departments specifically aimed at applicants for and beneficiaries of international protection to guarantee access to international protection and enabling this population to integrate.

To that end, the CPR conducts the initial and transitional reception of applicants for international protection and refugees resettled in the reception centres for refugees, located in Bobadela and São João da Talha and in the Reception Centre for Refugee Children. Since its creation, it has provided social and juridical support to over 14 000 claimants and refugees as well as integration services for unemployed youth and adults. The CPR, moreover, conducts advocacy with government entities as well as information, awareness and training actions, contributing to a more informed and receptive society towards refugees.

Source: Portuguese Council for Refugees (CPR) (n.d.^[50]), Mission, vision and values, <https://cpr.pt/missao-visao-e-valores/>.

Despite these notable efforts and measurable improvements, migrants and refugees continue to encounter challenges in accessing public services, according to the Commissioner for Human Rights (2021^[17]), the Human Rights Council (2019^[21]) and interviews from the fact-finding mission.³ The main challenges related to access are language and communication, the need for more attention on particularly at-risk groups and the regional divide.⁴ In terms of language, migrant fluxes change constantly, and while the demand for language availability at these centres also changes, their supply does not. Although the telephone translation service is available, the telephone line is often crowded with long waiting periods. Vulnerable groups often struggle to understand how public institutions work and the path needed to access each service. In practice, this means that migrants and refugees struggle to find the services that they have a right to. Finally, there is also a challenge in terms of trust, as migrants and refugees tend to rely primarily on local networks and CSOs rather than public authorities.

Although the centralised one-stop shop solutions – the CNAI, CLAIM and the Support Centre for the Integration of Refugees – are important milestones for improving access for these population groups, there is a limited number of centres, and thus of access. This means that payments are necessary for transportation to reach the closest centre as well as to transfer to specific service providers. This is particularly challenging for refugees, as the Support Centre for the Integration of Refugees and most CSOs are present in Lisbon but less so at the local level. Another relevant challenge is the institutions' limited capacity to deliver on their mandate for integrating migrants and receiving refugees. In addition to the ACM's co-ordination and implementation challenges, public officials do not have the necessary skills or knowledge of the public administration to guide migrants and refugees based on their specific needs. While some public officials do receive training, it is often short and provided on an ad hoc basis, which limits the impact on the overall service provision of these centres.

Sectoral services also struggle to keep pace on related obligations concerning migrants and refugees. In education, schools often do not have the necessary human or financial resources to provide the targeted attention needed for migrant and refugee children. As health services are often provided in Portuguese or English, migrants and refugees may not understand what steps they need to follow to access healthcare or are not aware of their right to request translation. Access to housing is also an issue for migrants and refugees, who are often refused rental contracts from property owners, according to the Commissioner for Human Rights (2021^[17]) and interviews from the fact-finding mission. However, this type of discrimination is difficult to prove, and existing complaints mechanisms are complex to find and dependent on the type of discrimination (Section 3.6), as well as requiring filing complaints in English or Portuguese.

Roma communities

Despite Roma communities being present in Portugal for more than 500 years (ACM, 2018^[51]), they are one of the most vulnerable groups facing discrimination and exclusion in the country (Mendes, Magano and Candeias, 2014^[52]). According to the European Commission, the Roma population represents around 40 000-70 000, or 0.52% of the population (European Commission, n.d.^[53]). The exact number is unknown since, as in many European countries, Portuguese legislation prohibits data collection on personal characteristics (Rutigliano, 2020^[54]).

In terms of institutional and policy frameworks, the Consultative Council for the Integration of Roma Communities (CONCIG) elaborates and coordinates the implementation, monitoring and evaluation of the National Strategy for the Integration of Roma Communities (ENICC) under the purview of the ACM (ACM, n.d.^[55]). In addition, the Roma Communities Observatory plays a key role in analysing trends and publishing reports related to this population group (ObCig, n.d.^[56]). The ENICC has eight strategic objectives and almost 40 measures planned for 2013-2022 (updated in 2018), each with measurable indicators. Importantly, some of the measures focus explicitly on anti-discrimination, integration and access to services, including education, housing and health (ACM, 2018^[51]).

Mediators are considered to be one of the most effective practices at the European level to reduce the gap between Roma and public institutions and services (Rutigliano, 2020^[54]). Established in 2009 by ACM, the Municipal and Intercultural Mediators in Portugal project aim to promote access to public services and facilitate the integration of Roma through mediators that are trained and placed in municipalities (ACM, n.d.^[57]). Funded by ROMED since 2011, a joint programme by the Council of Europe and the European Commission (Council of Europe, n.d.^[58]), this initiative has been led and championed by the Portuguese government as part of the ENICC since 2019 (ACM, 2018^[51]). By providing support to local communities, the mediators' approach has helped to strengthen social inclusion, as in the case of Braga (Box 3.3). Another initiative coordinated by ACM is the local integration plans for Roma communities, which are a voluntary measure by municipalities made in collaboration with the target population and local CSOs, also funded by the EU.⁵ As part of the ENICC, the Portuguese government has provided a guide on how to develop these plans, to facilitate their adoption by more municipalities. So far, 15 plans are in place and a further six are currently in preparation. Further to this end, a voluntary Network of Municipalities for the Participation and Inclusion of Roma Communities was created in 2020 involving 36 municipalities, which have autonomy to decide whether or not to incorporate the mission for the inclusion of Roma.⁶

Box 3.3. Municipal and intercultural mediators in Braga, Portugal

In 2019, the municipality of Braga in the north of Portugal started implementing a project with municipal and intercultural mediators for third-country nationals and Roma communities. With the support of the European Commission, the municipality implemented a series of initiatives, including mediation workshops and experience-sharing events such as an intercultural café, diversity-themed meetings and training sessions on accessing the most requested public services.

After two years of implementation, the project had involved more than 1 000 residents of Braga in different activities. Moreover, 16 community conflicts were solved through municipal and intercultural mediators. Importantly, one of the initiatives gathered relevant public officials for “get to know each other” activities with public and private entities relevant to the target population, with public officials from Social Security; the municipality of Braga; and local public companies providing services in housing, water supply and school groups, among others. An evaluation of the project showed that the Roma population recognised and valued the role of the mediators.

Source: European Commission (n.d.^[59]), Municipal and Intercultural Mediators in Portugal, https://ec.europa.eu/migrant-integration/integration-practice/municipal-and-intercultural-mediators-portugal_en.

To combat discrimination and prejudices against Roma, both the government and CSOs have conducted awareness-raising campaigns. For instance, the European Anti-Poverty Network launched a national campaign called “SOS Roma Communities” to raise funds and awareness to provide safety and hygiene kits to Roma during the COVID-19 pandemic (EAPN-PT, 2020^[60]).

Although efforts have been made in key sectoral services where Roma communities are particularly affected by exclusion, such as education, health and housing, important challenges persist. Regarding education, strong measures have been taken to tackle early school dropout rates of Roma children, including teacher trainings and scholarships for secondary and higher education (Human Rights Council, 2019^[21]). Scholarships for secondary education are a part of the ROMA EDUCA programme which is now in its fourth edition. During the previous three editions, the programme granted scholarships to 296 students, in addition to 120 scholarships during the 2021-2022 school year. Between 2017 and 2019, the number of Roma students attending upper secondary school increased from 256 to 651.⁷

The Operational Programme for the Promotion of Education also provides scholarships to students in higher education. This programme, now in its seventh edition, has administered 202 scholarships to Roma students in previous editions, and 39 in the 2021-2022 school year. Both programmes benefit from cooperation with Roma associations for the promotion, management and follow-up of scholarships and their recipients.⁸ Although Roma mediators have helped to improve school attendance rates, a survey in public schools revealed that while a large majority of Roma students are enrolled in basic education (87.2%), only a small share are in secondary education (2.6%) (DGEEC, 2019_[61]). The overall dropout rate reaches 25% among Roma students, compared to 8.2% among the general population. Most Roma drop out during the second cycle⁹ of basic education and secondary education, while most repeat grades in the second and third cycles (OECD, 2022_[47]). However, a survey by the EU Fundamental Rights Agency noted significant progress related to school segregation, where in 2021 only 2% of Roma children attended classes in which most students are Roma, down from 14% in 2016 (FRA, 2023_[62]). Between 2016-2017 and 2018-2019, the number of Roma high school students more than doubled, increasing from 256 to 651.¹⁰

To ensure their integration into the labour market, several employment and vocational training programmes are provided as well as awareness-raising for employers. Portuguese Roma have a self-declared employment rate of 31%, down from 38% in 2016 and the biggest gap compared to the general population (75%) in the EU. The country has a gender gap of 27 percentage points, with only 18% of Roma women participating in the labour market, compared to 44% for men, placing them below the EU average of 31 percentage points (FRA, 2023_[62]). As Portuguese citizens, Roma communities have full access to health services but due to often precarious living conditions, have limited access to running water (17% of Roma) and toilets, showers or bathrooms (25%) (ECRI, 2018_[16]). According to the FRA Roma Survey 2021, 62% of Roma respondents reported having felt discriminated against based on their ethnic origin in the past 12 months, an increase from 47% in 2016. In addition, 28% of Roma respondents reported having been subjected to hate-motivated harassment in the past 12 months, also an increase compared to 2016 (FRA, 2023_[62]). These figures indicate a rise in anti-Roma sentiment, discrimination and harassment in Portugal in recent years.

Roma do not have a dedicated complaints mechanism to counter discrimination, as the Consultative Council for the Integration of Roma Communities is only a consultative body. Similar to other Portuguese, they have to file a complaint either with the CICDR or the Portuguese ombudsman. However, one study revealed that while 48% of Roma were aware of these bodies, only 2% of Roma victims reported the most recent incident of discrimination to authorities (FRA, 2023_[62]). As several stakeholders reported during the fact-finding mission, another challenge has been the lack of official, up-to-date data concerning this population group, mostly due to the complexity of collecting the data from municipalities as well as a certain fear among public officials regarding how such data might be misused by far-right groups.¹¹ To remedy this, Statistics Portugal has developed a new tool, the Survey on Living Conditions, Origins and Trajectories of the Resident Population in Portugal, with results expected to be published in 2023 (FRA, n.d._[63]). Further, an Observatory for Roma Communities has been established within the ACM, with a mission to promote studies on Roma communities, supporting the implementation of the ENICC, and evaluating public policy on this topic.¹² As part of the National Plan to Combat Racism and Discrimination, the government has also implemented multiple training initiatives during the past two years, and several are planned in 2023, to increase the awareness and knowledge of public officials at national and local levels on the situation of Roma people in different sectors of society. However, as most initiatives promoted by the government at the local level are voluntary and are subject to political changes in municipalities, they often do not have the long-term continuity needed to make lasting change.

People of African descent

Despite different individual circumstances, Portuguese people of African descent face increasing levels of racism in public discourse, in private life and in public services in Portugal (CommHRCoE, 2021^[17]; Freedom House, 2021^[18]; ENAR, 2020^[64]; ECRI, 2018^[16]). As in many countries around the world, Portuguese civil society organised a series of demonstrations to fight racism in 2020 following the death of George Floyd and the Black Lives Matter movements (FRA, 2021^[19]; Gaudêncio and Costa, 2020^[65]) and there is an emerging narrative around the existence of systemic racism in Portugal and its roots in historical processes, such as colonialism and slavery (OHCHR, 2021^[66]).

Responding to these challenges, the Portuguese government has made important progress to strengthen frameworks to combat discrimination. The legal framework against racist discrimination has been reinforced with Law No. 93/2017 and Law No. 94/2017, as described in Section 3.3. Second, the work of the CICDR is key to monitoring the application of Law No. 93/2017 for preventing, prohibiting and combating discrimination; for receiving complaints based on discrimination; and for applying sanctions. Third, the CICDR, with the Working Group for the Prevention and Combat of Racism and Discrimination (Commission for Equality and against Racial Discrimination, 2021^[20]), recently adopted the first National Plan to Combat Racism and Discrimination 2021-2025 – Portugal Against Racism (PNCRD). It is a transversal policy covering the 2021-25 period that was built on extensive consultations with expert CSOs and citizens (see Chapter 4 for an in-depth discussion on how citizens and stakeholders are engaged in shaping policymaking and public services).

Importantly, the PNCRD was adopted by a resolution of the Council of Ministers. Therein, the government recognised that, despite the existing frameworks, there are still phenomena of racism and discrimination that violate fundamental rights and “that reflect the historical processes that gave rise to them, such as slavery and colonialism, and which perpetuated models of structural discrimination” (Presidency of the Council of Ministers, 2021^[67]). While the implementation phase of the PNCRD is still in its early stages, the plan is structured around four main principles and ten specific lines of intervention. Similar to other vulnerable and marginalised population groups, key target services include education, housing and health.

A relevant initiative in the area of public services is the creation of a massive open online course designed by the CICDR in partnership with the National Institute of Administration. This course will provide public officials with practical information about the causes of racism and racial discrimination to distinguish concepts such as racism, bias and discrimination, and to tackle myths. Several awareness-raising and training activities have also been conducted, such as theatre plays, debates and a national essay competition on racial discrimination in public schools. Trainings and workshops for media professionals were also organised, focusing on combating racial stereotypes (Human Rights Council, 2019^[21]). Portugal was also part of the “Hate no more” project to combat hate crime and hate speech in several European countries. The project consisted of a series of training and awareness-raising initiatives aimed at the Judiciary Police and the Public Prosecution Office in collaboration with CSOs and the government (APAV, 2018^[68]).

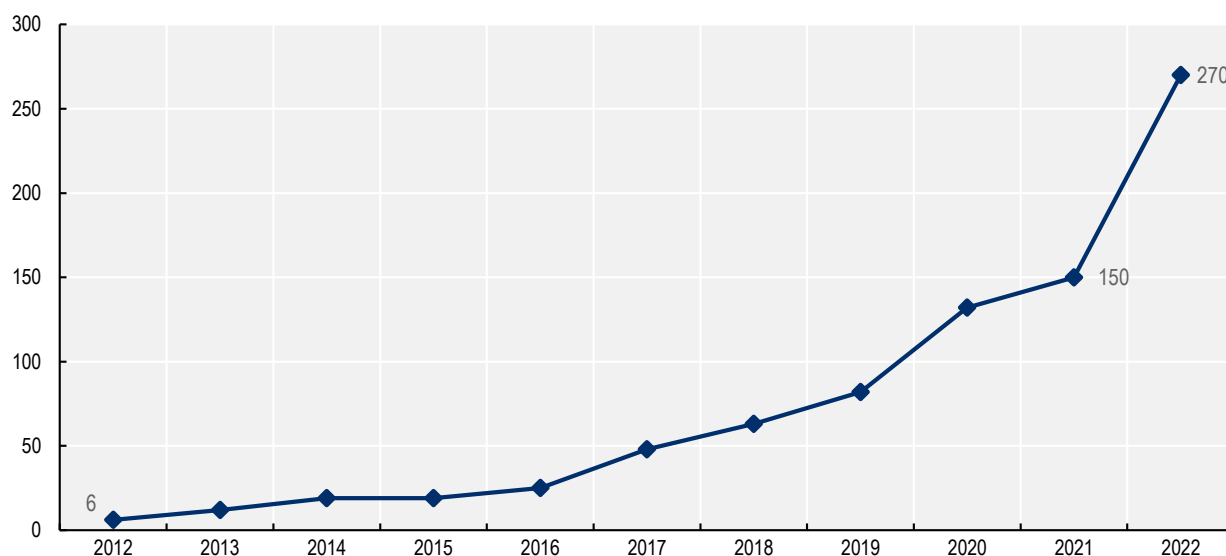
Nevertheless, people of African descent still face different types of racism, racial discrimination, xenophobia, Afrophobia and related intolerance, which impede their equal access to public services such as health, education and housing. The UN Working Group of Experts on People of African Descent has noted that formal and informal barriers to accessing healthcare continue, such as limited registration and lack of assistance (OHCHR, 2021^[66]). Stereotypes and racially discriminatory practices have also been reported in education and access to housing. For instance, racial disparities in teacher representation and academics have been found, as well as difficulties in accessing private rentals and housing (OHCHR, 2021^[66]). Reports of racial profiling by the police have also been raised (ENAR, 2018^[69]), as has inadequate access to legal aid (OHCHR, 2021^[66]).

One of the most relevant challenges in terms of racial discrimination is the lack of data collection by the authorities to inform public service delivery and the design of relevant policies. So far, the lack of data

hinders the capacity of the government to obtain a clear picture of who is discriminated against, where and why. Having data on ethnic, racial and indigenous identity allows minorities and vulnerable groups to be statistically visible, and by consequence, to expose potential discrimination and inequalities in different spheres of public life and access to services (Balestra and Fleischer, 2018^[70]). To respond to this shortcoming, the government of Portugal has committed to create an independent observatory of racism and xenophobia in the PNCRD. The Survey on Living Conditions, Origins and Trajectories of the Resident Population in Portugal, will also provide valuable data, with results expected from the pilot survey in July 2023 (FRA, n.d.^[63]).

There are also shortcomings regarding the aforementioned legal framework, since racist motives are not considered an aggravating circumstance for all crimes. As noted by the ENAR (2018^[69]), the proper registry of a hate crime is a crucial step to effectively investigating such crimes. The police and the judiciary rarely consider racist motives due to the limited awareness and training of law enforcement of such crimes. Consequently, this deters victims from reporting them (CommHRCoE, 2021^[17]; ECRI, 2018^[16]). As shown in Figure 3.4, although crimes for racial or religious discrimination have increased, total numbers remain low (DGPJ, n.d.^[22]).

Figure 3.4. Reported racial or religious discrimination crimes in Portugal, 2012-22



Source: Directorate-General for Justice Policy (DGPJ) (n.d.^[22]), Justice Statistics – Crimes recorded by the police forces, https://estatisticas.justica.gov.pt/sites/siej/en-us/Pages/Crimes_registados_autoridades_policiais.aspx.

Finally, several CSOs highlighted during the fact-finding mission that the placement of the CICDR under the ACM is problematic,¹³ As it places equality and racial discrimination under the umbrella of migration, thereby somewhat implying that people of African descent are all foreigners and that the policy challenge relates to integration, rather than inclusion.

LGBTI persons

The Government of Portugal could usefully partner with CSOs that have expertise on discrimination issues to increase human and technical capacities for data collection and analysis. One relevant example is the case of the Lesbian, Gay, Bisexual, Trans and Intersex Intervention (ILGA). Although as a CSO it is focused on countering discrimination against LGBTI persons, the model and partnership developed with the government could serve as an example thematic area (Box 3.4).

Box 3.4. Observatory of Discrimination against LGBTI people of ILGA Portugal

Founded in 1995, the Lesbian, Gay, Bisexual, Trans and Intersex Intervention (ILGA) is the largest and oldest association fighting for equality and against discrimination against LGBTI people and their families in Portugal (ILGA Portugal, n.d.^[71]). In addition to providing support services for this community, in 2013, ILGA created the Observatory of Discrimination against LGBTI+ People. The observatory acts as an online platform for receiving complaints on discrimination and/or violence due to sexual orientation, gender identity and expression, or sexual characteristics. The complaints can be filed by the victims, witnesses, support and service professionals and non-governmental organisations in a confidential and anonymous way. The data are available online and published in a yearly report (ILGA Portugal, 2019^[72]). In fact, the government relies on data from ILGA in the absence of another complaint's mechanism gathering data on discrimination and violence against this community.

In 2019, the latest year for which data is available, the observatory received a total of 171 complaints, mostly from victims (43%) and witnesses (21%) (ILGA Portugal, 2019^[72]). This follows a slightly decreasing trend in the number of complaints over the years, with 186 in 2018, 188 in 2017 and 179 in 2016. In line with a trend observed since the beginning of the creation of the observatory in 2013, the vast majority of cases occur in urban centres. ILGA recognises that, given the different axes of exclusion, such as socio-demographic origin, ethnicity, profile of the area of residence, professional status, age or education, these numbers represent only a fraction of all cases. The 2019 annual report highlights that this population group often lacks access to reliable information, support, appropriately trained professionals and LGBTI support networks, adding to already existing vulnerabilities.

Sources: ILGA Portugal (n.d.^[71]), Why we exist, <https://www.ilga-portugal.pt/associacao/porque-existimos/>; ILGA Portugal (2019^[72]), Annual Report of the Discrimination Observatory 2019, <https://www.ilga-portugal.pt/denunciar-a-discriminacao/observatorio-da-discriminacao/>.

3.4. Press freedom and access to information

Press freedom and access to information (ATI) are essential components of democratic societies. They allow for access to diverse sources of information and enable informed debate as part of a vibrant public interest information ecosystem that facilitates citizen and stakeholder participation in public decision making, including in relation to public service design and delivery (OECD, 2022^[73]). Restrictions in these areas, in contrast, can hamper multifaceted and informed debate on matters of public interest and promote views that can ignite polarisation, in addition to impeding transparency and accountability.

3.4.1. Press freedom as an enabler of a robust media and information ecosystem

Press freedom is a cornerstone of civic space and a driver of a robust media and information ecosystem that allows citizens to consult up-to-date, accessible and reliable information to take an active part in public debate and engage with the state. In Portugal, freedom of the press is guaranteed under the terms of the Constitution (Article 38) and Law No. 2/1999 (Assembly of the Republic of Portugal, 1999^[74]), also called the Press Law. Freedom of the press includes the right to inform and to be informed, without hindrance or discrimination and the exercise of these rights cannot be prevented or limited by any type or form of censorship. The Constitution also requires, in general terms, the disclosure of the ownership and the financing of media entities (Article 38).

The Portuguese Media Regulatory Authority (ERC) is an independent entity mandated to safeguard press freedom (Section 3.6). In doing so, it ensures the freedom and independence of the media from political and economic powers; imposes the principle of specialty (on the professional bodies' activities and self-regulation competences) upon companies that own general information media; treats and supports those companies in a non-discriminatory manner; and prevents their concentration, in particular through multiple

or interlocking interests. Furthermore, the ERC, together with the relevant public authorities, ensures the existence and functioning of public radio and television services (Law Library of Congress, 2021^[2]).

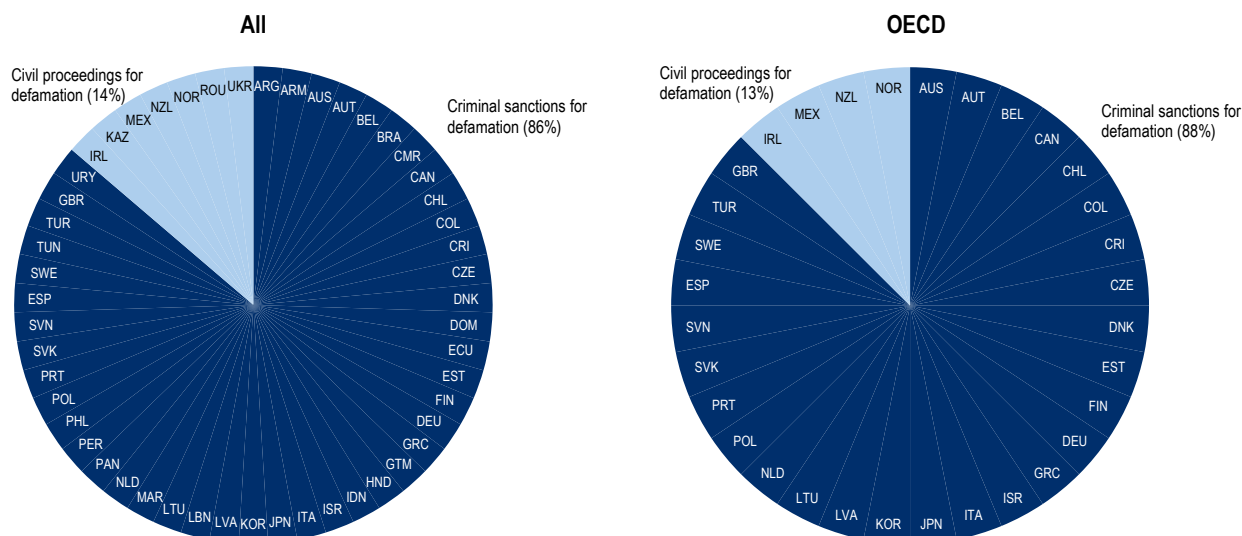
In broad terms, implementation of press freedom in Portugal is in line with international standards. This is reflected in the 2022 World Press Freedom Index issued by Reporters Without Borders (RSF), where Portugal ranked seventh out of 180 countries (with a score of 87.07), which is an improvement compared to previous years: in 2021 it ranked ninth, in 2020 tenth and in 2019 12th (Reporters without Borders, n.d.^[75]). Since 2013, Portugal has consistently improved the state of freedom of the press despite a general deterioration across Europe (Reporters without Borders, 2022^[76]).

While Portugal benefits from a relatively open news and information ecosystem, the media still face a series of structural challenges. According to reports from actors such as RSF (n.d.^[75]), the Reuters Institute for the Study of Journalism (2021^[77]) and CIVICUS (2021^[78]), the media sector contends with issues regarding its economic sustainability, security against cyber threats and increased violence against reporters, all which were exacerbated by the COVID-19 crisis. These combined challenges inevitably affect the quality of reporting and information available to the public.

A key factor that has contributed to the erosion of trust in the information ecosystem and the willingness of journalists and the public alike to participate in public debate has been the existing defamation legal framework. As in many OECD Members, defamation is a criminal offence in Portugal, contrary to international guidance (OECD, 2022^[73]) (Figure 3.5). While prosecutions are rare, the European Court of Human Rights “has repeatedly ruled against Portuguese authorities in both civil and criminal defamation cases against journalists” (Freedom House, 2021^[18]). One such example is the case of *Colaço Mestre and SIC v. Portugal*, where the European Court of Human Rights overturned a defamation conviction of a journalist and the television station SCI, resulting also in training to raise awareness of free speech organised for senior members of the Portuguese justice system (Council of Europe, 2007^[79]). While international human rights law permits limitations on free speech, it is crucial for defamation laws to be formulated carefully “to ensure that they comply with the requirements of necessity and proportionality, and that they do not serve, in practice, to stifle freedom of expression as well as of the press (OECD, 2022^[73]).

Figure 3.5. Criminal and civil proceedings for defamation, 2020

Percentage of OECD Members and non-Members that provided data in the OECD Survey on Open Government



Note: “All” refers to 51 respondents (32 OECD Members and 19 non-Members).
 Source: OECD (2022^[73]), *The Protection and Promotion of Civic Space: Strengthening Alignment with International Standards and Guidance*, <https://doi.org/10.1787/d234e975-en>.

More recently, media organisations have also been the target of increased cybersecurity attacks, jeopardising press freedom and access to information. In early 2022, a ransomware attack hit the Impresa media outlets, which now faces a long road ahead for its recovery due to the loss of data and weakened online interfaces (Reuters, 2022^[80]). This incident was followed by a series of cyberattacks that also brought down Vodafone Portugal. Stepping up efforts to promote digital security will be key to ensuring media organisations, citizens and businesses can safely use digital services, in addition to providing feedback on them and engaging in their design and evaluation. In this regard, the government could leverage the existing commitment under its second OGP National Action Plan on raising awareness and building capacity on cybersecurity issues to further increase knowledge and skills within media organisations with a view to strengthening the information ecosystem.

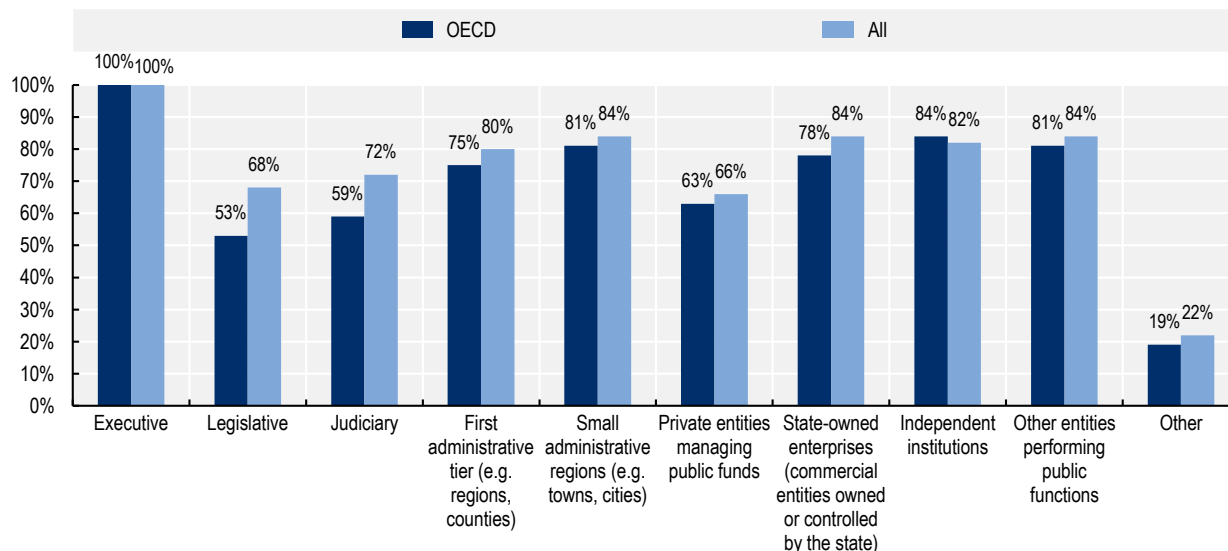
3.4.2. Boosting access to information for a more informed citizenry

Portugal has engaged in a series of efforts to strengthen access to information, both proactive and reactive, for citizens and stakeholders. The right to information is well established and protected by the Constitution in the country. Similar to 70% of OECD Members, Article 268 provides that “1. Citizens have the right to be informed by the Administration, whenever they so request, as to the progress of the procedures and cases in which they are directly interested, together with the right to be made aware of the definitive decisions that are taken in relation to them. 2. Without prejudice to the law governing matters concerning internal and external security, criminal investigation and personal privacy, citizens also have the right to access administrative files and records” (Government of Portugal, 2005^[81]). The right is then made operational through the access to information Law No. 26/2016 (Assembly of the Republic of Portugal, 2016^[82]) (hereafter the ATI Law) which regulates access to administrative documents and administrative information, including in environmental matters and is enforced through an independent oversight authority (*Comissão de Acesso aos Documentos Administrativos*, CADA). At the policy level, the government recognises the importance of having information available that is adequate, correct and up-to-date, as stated in the Guiding Principles. In particular, Principle 9 calls for transparency on obligations, responsibilities and rights regarding services, including “information on obligations, responsibilities and rights, including any costs, validity and complaints and claims mechanisms” (AMA, 2021^[26]).

According to the Global Right to Information Rating, Portugal’s law ranks 93rd out of 136 countries with a score of 73 out of 150 points, with the main shortcomings identified in the following categories: sanctions and protection,¹⁴ promotional measures,¹⁵ and exceptions and refusals.¹⁶ This score places Portugal below the OECD average of 81 points and the total world average of 87 (RTI Rating^[83]). Portugal’s law has a wide scope of application compared to other OECD Members, covering all branches and levels of government, as well as private entities managing public funds, state-owned enterprises, independent institutions, and other entities performing public functions¹⁷ (Figure 3.6).

Figure 3.6. Scope of application of ATI laws, 2020

Percentage of OECD Members and Non-Members that provided data in the OECD Survey on Open Government



Note: "All" refers to 50 respondents (32 OECD Members and 18 non-Members). At the time of writing, Costa Rica did not have an ATI law but an executive decree applying to the executive branch, therefore the country was not included in this question.

Source: 2020 OECD Survey on Open Government.

As in most OECD Members, Portugal's ATI Law includes provisions on proactive disclosure, which refers to the act of regularly releasing information without the need for a request from stakeholders. The types of information disclosed in Portugal are those most commonly published by other OECD Members, such as the functions of institutions, the organigram, legislation, budgeting documents, annual activity reports and audit reports (OECD, 2022^[73]). A key element that is not required as part of Portugal's proactive disclosure provisions are the services offered by each institution, although this is covered by Decree-Law No. 135/99 (Government of Portugal, 1999^[84]) and published in practice through other means. In that context, where and how this information is published is key to ensuring that information is accessible and useful for stakeholders. Portugal discloses required information on each institution's website (OECD, 2022^[73]). This can create confusion for users, as the format of the different websites varies, making it difficult to find the same information from different institutions. Furthermore, the information is not consistently updated and often does not comply with the minimum requirements by law.¹⁸

Reaffirming its engagement on increasing government transparency, Portugal adopted Commitment 9 of the second OGP National Action Plan (2021-2023), aiming to promote civic participation by boosting access to information (Government of Portugal, 2021^[85]). Portugal's previous and first National Action Plan (2019-2020) also included a commitment to improve the implementation and monitoring of the ATI Law (Government of Portugal, n.d.^[86]). Overall, measures to reinforce this right are anchored in the move towards a more digital and data-driven service delivery, with the massive digitalisation of services through the SIMPLEX programme and the deployment of the open data portal (Section 3.5).

While these measures have increased the availability of information and data, interviews from the fact-finding mission revealed that in practice, many people are unaware of the existence of access to information mechanisms and are unable to find the information they need.¹⁹ These challenges hinder the ability of citizens and stakeholders to be informed of their rights in accessing public services and the mechanisms in place to safeguard them. Several stakeholders noted that vulnerable and marginalised groups do not realise that this right is available to them, nor do they fully comprehend its potential in

allowing them to advocate for their own needs and demands to improve public services.²⁰ As argued in Section 3.6, a recurrent challenge linked to discrimination is the lack of awareness of existing redress mechanisms, which is partly due to the limited information available. As Section 3.5.3 argues, digital divides play a role in hindering access to online information and data regarding public services. Thus, efforts to bridge digital divides and address technology gaps between young and senior populations, rural and urban groups, and those from lower socio-economic backgrounds are crucial to ensure equal access to information on public services online.

Furthermore, the law states that everyone, without the need to declare any particular interest, has the right to make a request to access administrative documents, which is essential to uphold the access to information right. In fact, ensuring that access to information requests only require the minimum amount of information needed for the public official handling the request to be able to find the information and share it with the requester is considered a good practice. It is important to note that countries are slowly moving to allow anonymous requests as a way to ensure the protection of the identity of requesters and to avoid the risk of profiling of citizens and biased responses by government officials. In 18% of survey respondents the legislative framework explicitly protects the integrity and privacy of individuals and parties that file a request for information (OECD, 2022^[73]). In other countries, there are measures allowing for de facto anonymity. For example, some countries do not verify the information provided, such as the proof of identity or the email or contact address to send the requested information. Portugal's law does not allow anonymous requests.

Moreover, the law only allows requests to be filed by written communication or in-person (OECD, 2022^[73]). During the fact-finding mission, stakeholders noted the burdensome process to file a request and how, in practice, users are unable to track the status of their request, often leaving them without a response.²¹ Good practice in terms of access to information requests includes facilitation of easy filing of requests, for example, by permitting them online with a defined timeframe for public institutions to respond, the possibility to track their status, and a clear requirement that institutions are obliged to respond, or provide a justification.

To that end, the government of Portugal could consider creating a unique online platform to request information, track progress and monitor compliance from any public body to ensure access, quality and usability of the right to access information. Box 3.5 provides an example of a similar platform created by the federal government of Brazil.

Box 3.5. The Fala.br platform in Brazil

To ease the process of requesting information, Brazil created Fala.br, an innovative platform that combines the federal ombudsmen (*ouvidorias*) and the Citizen Information Service obligations. It allows citizens to request information and make complaints or claims against any federal body, express satisfaction or dissatisfaction with a service or programme, and provide suggestions for improving or simplifying public services. Importantly, users can also follow the progress of their request and file an internal appeal in case of non-conformity with the response. In addition, Fala allows the government to provide up-to-date statistics on requests. Overall, by centralising access to information requests into a single system, the Fala platform has significantly simplified the process for citizens, stakeholders and federal government institutions for making or processing an access to information request.

Source: Federal Comptroller General (CGU) (n.d.^[87]), Fala.br, Integrated Platform for Ombudsman and Access to Information, <https://falabr.cgu.gov.br/publico/Manifestacao/SelecionarTipoManifestacao.aspx?ReturnUrl=%2f>.

In terms of the governance of access to information, the institutional framework also faces challenges. First, the independent authority, CADA, has limited capacity for monitoring and enforcement as it lacks binding decision making powers. In addition, the law does not provide for mandatory awareness-raising activities, whether by CADA, or other institutions subject to the law. As a result, related activities are subject to the motivation and resources of individual institutions. Second, although the law requires that each institution designate an Access to information officer, as is the case in 50% of OECD Members, in practice, few institutions have done so. While CADA has a database of existing officers, it does not yet cover all bodies subject to the law. The database itself was not accessible at the time of writing. Third, public institutions have limited resources, both human and financial, as well as capacities, which hinders compliance with the transparency obligations. Furthermore, a lack of understanding of obligations under the ATI Law has resulted in public officials preferring not to disclose information due to fear of breaching the GDPR. As a consequence, during the fact-finding mission stakeholders noted that information requests often end up in administrative courts²² in order to obtain a response, a legal action which entails financial costs for the individual initiating the process, as reported by Transparency International Portugal (Transparency International Portugal, n.d.^[88]). This increases the burden of making a request and can discourage stakeholders from upholding their right to access information. This is a reflection of the inherent tension between access to information and personal data protection, where over-compliance with personal data protection regulations by public authorities can lead to restricted access to information, preventing CSOs and individuals from pursuing public interest research or investigative reporting.

In sum, there is a disconnect between the legal framework, the increasing amount of available government information and the ability of citizens and stakeholders to access or find it. As Chapter 5 analyses in more detail, the absence of people-centred systems hinders the usability of the information and data published by the government. Other relevant barriers include digital divides, the use of technical jargon and the lack of awareness of access to information obligations by public bodies.

3.5. Digital security, inclusion and people-centred use of technologies

In today's fast-paced and evolving digital era, public service provision is being revolutionised through digitalisation, while at the same time yielding challenges related to data privacy, equal access and digital divides. When civic freedoms are protected and the information ecosystem is healthy, online civic space can permit unprecedented real-time interaction between governments and the public in relation to service design and delivery. Technologies are creating opportunities for governments to interact with more citizens than ever before in new places, at new times and in new ways. Yet, technological developments are also taking place faster than the speed at which governments can readily integrate them into existing public service delivery models, and there can be tensions between the use of technology and the safeguarding of fundamental rights. The following section reflects on Portugal's ongoing digital transformation of its services, related concerns regarding digital security, data privacy and equal access, and the need to keep a focus on people-centred use of technologies.

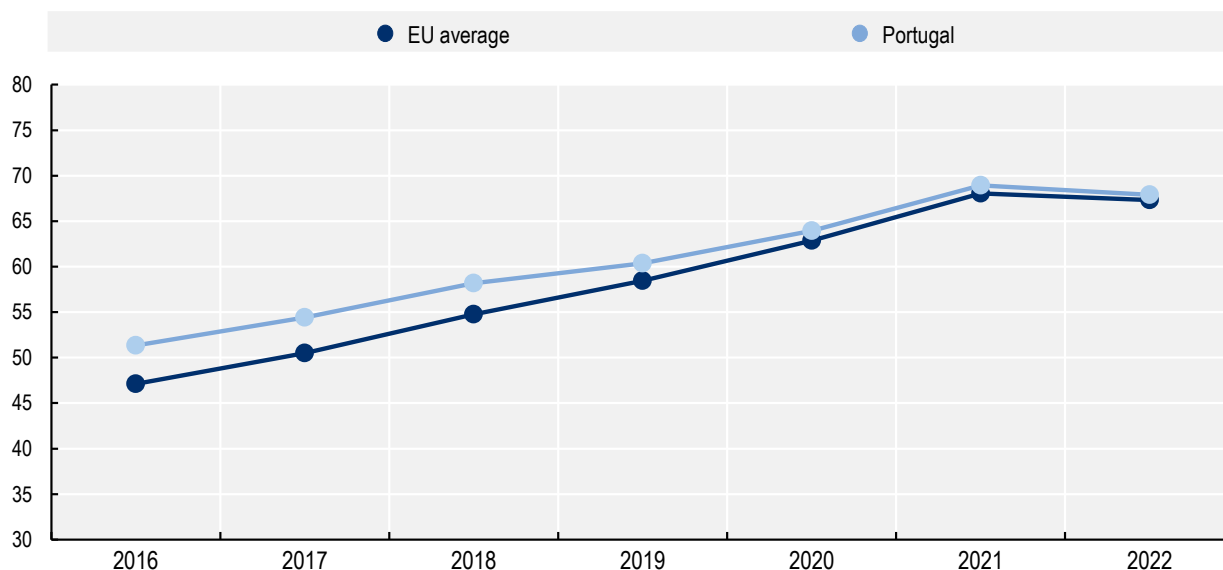
3.5.1. Digital transformation of the public sector for a new generation of people-centred services

Portugal continues to adopt and deepen relevant measures for the digital transformation of the public sector and is a leader in the digitalisation of public services. For example, an open Internet is protected in law. As an EU member, Portugal is bound by Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015, which establishes common rules to safeguard equal and non-discriminatory treatment of traffic in the provision of Internet access services and related end users' rights. Decree-Law No. 83/2018 (Government of Portugal, 2018^[89]) transposes to domestic law Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of websites and mobile applications of public sector bodies. Article 2 lists the entities that the decree-law

applies to, which include the state, autonomous regions, local authorities and public institutions (Law Library of Congress, 2021^[2]).

The country ranks 15th out of the 27 EU countries that are part of the 2022 edition of the Digital Economy and Society Index (European Commission, 2022^[90]). As Figure 3.7 illustrates, Portugal has consistently improved the overall performance of its digital public services (14 out of 27), ranking above the EU average in regard to their outcomes for citizens (score of 84) and businesses (score of 86) alike. With a score of 0.58 (above the OECD average of 0.50), Portugal also ranks among the top 10 countries in the 2019 OECD Digital Government Index²³ (OECD, 2020^[91]). This has been consistent with the adoption of national digital government strategies and initiatives that have progressively aimed at promoting a “user-driven” perspective,²⁴ in line with the provisions of the OECD *Recommendation on Digital Government Strategies* (Chapter 2) (OECD, 2014^[92]).

Figure 3.7. Digital public services in Portugal and the EU, 2016-2022



Notes: “Digital public services” indicator as part of the Digital Economy and Society Index components. The above represents weighted scores from 0-100.

Source: European Commission (2022^[90]), Portugal in the Digital Economy and Society Index (DESI), <https://digital-strategy.ec.europa.eu/en/policies/desi-portugal>.

Progress to date has stemmed from a series of reforms related to the digital transformation of the public sector. Notably, the government kickstarted profound transformations through the ICT Strategy 2020 to provide better public services by focusing on digital inclusion, while using technologies as a catalyst for administrative modernisation (Government of Portugal, 2020^[93]; CAF, 2021^[94]). Driven by the centre of government, the strategy implemented over 700 projects to improve public services, which produced benefits for the public sector, businesses and citizens valued at approximately EUR 721 million (Government of Portugal, 2021^[95]). Building on these achievements, the government recently adopted the Strategy for the Digital Transformation of Public Administration (2021-2026) and its related action plan (2021-2023) following Resolution of the Council of Ministers No. 131/2021 of 9 September (Government of Portugal, 2021^[96]). The new strategy is seeking to revamp digital public services, improve web accessibility, foster open data sharing and interoperability, as well as strengthen related architectures, ICT skills, security and trust. It also responds to the national Resilience and Recovery Plan (RRP) that is set to dedicate EUR 3.7 billion to digital transformation (approximately 2% of gross domestic product in 2020) (OECD, 2021^[97]). This whole-of-government transformation has been placed high on the reform agenda, namely as a cross-sector priority led by the Ministry of State, Economy and Digital Transformation until 2022, and

by the Secretary of State for Digitalisation and Administrative Modernisation since then, co-ordinated through the “Portugal Digital” task force²⁵ (CAF, 2021_[94]).

Efforts in this regard have at the same time supported a move towards a data-driven public sector. The Portuguese government has a robust open government data (OGD) governance framework, led and co-ordinated by AMA within the Secretary of State for Digitalisation and Administrative Modernisation, under the Prime Minister. A key factor has been the financial autonomy of AMA which protects OGD funding from the influence of political cycles (OECD, 2019_[98]). Strong commitments towards promoting transparency and stakeholder participation through the use and reuse of OGD have also been elaborated in the framework of the Portugal’s OGP National Action Plans. Among its main achievements, the government launched an open data portal ([dados.gov](https://dados.gov.pt)), where users can directly publish and reuse public data sets. Nevertheless, efforts to sustain and scale impact in this regard will be crucial, as Portugal currently ranks 23rd out of 34 countries on the 2019 OURData Index, with an overall score of 0.51, below the OECD average of 0.60 (OECD, 2019_[98]). In the EU’s Open Data Maturity assessment 2022, Portugal is ranked 20th among 35 European countries surveyed, moving up ten places since the previous assessment in 2020, and currently scoring slightly higher than the EU average (European Commission, 2020_[99]; European Commission, 2022_[100]).

Portugal has been pioneering innovative efforts to modernise the delivery of public services grounded in a strong people-centred approach. Notably, the flagship SIMPLEX programme has sought to combine digitalisation with the administrative simplification of public processes and procedures to bridge the growing divide between public institutions and citizens. In doing so, the programme is based on a bottom-up approach that encourages the participation of both citizens and companies in the redesign of public services so that they respond to their needs in a more satisfactory manner (OECD, 2021_[97]). Increasing interoperability has been a priority in SIMPLEX to overcome data silos across institutions (CAF, 2021_[94]). In particular, Portugal is undertaking efforts to implement the “only-once” principle, so users are not required to provide the same information across different public procedures. LabX, as the centre of innovation for the Portuguese public sector, has moreover led a portfolio of initiatives focused on transforming public services, facilitating administrative simplification and enabling the participation of stakeholders in this process through the Programa Transformar.²⁶

Citizens can access a wide range of public services through a robust online and off line delivery architecture developed by the Portuguese administration. The [ePortugal.gov](https://ePortugal.gov.pt) portal launched in 2019 serves as an entry point for citizens and businesses to access online public services. It has various features to facilitate online interactions with the state, including services organised under life events, a directory of public websites, a map for onsite service provision, a complaints mechanism, and sites to access personalised information on medical and fiscal services. These functionalities have benefited from the introduction of the Digital Mobile Key (Section 5.4.1 in Chapter 5) that enables the online authentication and e-signature of users to several public and private services (OECD, 2021_[97]). As of 2020, the platform had registered 9.75 million accesses, 2 400 services and 250 000 registered users (CAF, 2021_[94]). In addition, local onsite service desks called Citizen Shops and Citizen Spots provide access to over 200 public services (Box 3.6). In addition, the government launched the Solidarity Citizen Spot in 2017 which aims to meet requests for public services from people who have difficulty moving around (Government of Portugal, 2017_[101]).

Box 3.6. Public service channels in Portugal

ePortugal

The national single digital gateway, [ePortugal.gov](https://www.eportugal.gov.pt), is the focal point for access to information and public services. The website falls under the responsibility of AMA and is continuously responding to the needs of users to ensure services are as intuitive and inclusive as possible. This includes the development of Sigma, a virtual assistant (chatbot) that can carry out services such as changing a citizen's address.

Citizen and Business Contact Centres

Portugal has dedicated contact centres for both citizens and businesses that can be reached either by telephone or via a series of web-based contact forms on [ePortugal.gov](https://www.eportugal.gov.pt).

Citizen Map

The Citizen Map is available through a web browser or its own dedicated mobile apps, and catalogues over 5 000 locations relating to public services and includes information about opening hours as well as real-time waiting times thereby simplifying the user experience when blending the digital and the physical.

Citizen Shops

At 68 dedicated locations around the country, Citizen Shops place multiple public and private entities in the same space to make it easier to address needs that cover multiple organisations as well as providing benefits in economies of scale and scope to the public sector. The first Citizen Shop opened in 1999 and the concept is highly valued by citizens, registering satisfaction with the quality of support highlighting the kindness and professionalism of the workers.

Citizen Spots

The most commonly available physical location in Portugal, over 800 Citizen Spots provide a physical counter that combines digital services from different public institutions (or public interest entities, such as utilities) in a single helpdesk. The critical difference is the assistance of a trained mediator and a dual-screen system that allows citizens to follow the steps being taken by the mediator, in a completely transparent way and to build their own confidence in completing the task themselves next time.

Business Spots

32 Business Spots support entrepreneurs in learning about creating a business, carrying out company registration or seeking information on relevant legislation, among others.

Sector-specific channels

Different sectors and organisations maintain their own websites and in-person service channels. There are over 3 000 in-person locations in Portugal. 763 offer employment services, 339 focus on tax and finances, 295 provide support for social security and pensions, 45 are dedicated to mobility and transport, and 33 handle working conditions. There are also 609 courthouses and 407 Registry offices.

Serviços Públicos on Vodafone TV

This app enables users to activate the Digital Mobile Key (Chave Móvel Digital, CMD) as well as renew Citizen Cards, change their address, and schedule medical consultations.

Sources: AMA (n.d.^[102]), Service, <https://www.ama.gov.pt/web/agencia-para-a-modernizacao-administrativa/atendimento>; ePortugal (ePortugal, n.d.^[103]), Locations for public services – addresses and hours, <https://eportugal.gov.pt/locais-de-atendimento-de-servicos-publicos>.

Notably, the Guiding Principles acknowledge the importance of strengthening a digital and data-driven public sector to “ensure interoperability, improve the quality of services and simplify procedures” while expanding access through omni-channel means and providing online tools that enable the participation of stakeholders in this process (Government of Portugal, 2021^[104]). In particular, Principle 5 calls for guaranteeing the privacy and protection of citizens’ data as digital services become interoperable across institutions under the “only-once” principle. These commitments support the Lisbon Declaration – Digital Democracy with a Purpose, launched during the Portuguese Presidency of the Council of the European Union in June 2021 (Box 3.7), as part of a broader movement leading up to the European Declaration on Digital Rights and Principles for the Digital Decade (European Union, 2023^[105]). In addition, Portugal adopted the Ibero-American Charter of Principles and Rights in Digital Environments (Secretary-General Ibero-America, 2023^[106]) in March 2023.

Box 3.7. The Lisbon Declaration: Digital Democracy with a Purpose

The “Lisbon Declaration – Digital Democracy with a Purpose” defines a new paradigm of digital transition by placing human rights, fundamental freedoms, the rule of law and democratic principles at the centre. The principles therein respond to the commitments in the “2030 Digital Compass: The European Way for the Digital Decade”. Notably, they seek to harness the opportunities presented by new technologies to protect and promote a human rights-based approach, strengthen a digital democracy with a purpose, and foster a green transition through the following principles:

- “Respecting democratic principles and human rights, with the principle of non-discrimination at the centre [...] including freedom of expression and opinion, access to information, privacy and access to effective justice”.
- “Fostering a digital ecosystem that is human-centric, inclusive, privacy-preserving, transparent, secure, resilient, interoperable, competitive, trustworthy and responsible, as a precondition to enable citizens, businesses and governments to reap the economic and social benefits of digitalisation”.
- “Upholding the ‘European Way of doing Business’ in terms of the protection of personal data and privacy, the development of an empowering, trusted and secure digital identity and protection against misinformation, disinformation and malicious cyber activities”.
- “Enhancing the trust of individuals [...] to stimulate their involvement in a fair, sustainable, inclusive, democratic and competitive digital transformation”.
- “Ensuring equal access to and use of free, open, stable interoperable and secure digital technologies and Internet while combating discrimination of any kind and to not restrict, moderate, or manipulate online content, disrupt networks to deny users access to information, or employ Internet censorship technologies”.
- “Supporting media literacy to develop critical thinking in view of a wide choice of information and content and as a key element of active citizenship and an effective fight against disinformation”.
- “Leveraging the potential of technology and digital trade while preserving and building on human rights, democratic principles and the rule of law and addressing opportunities as well as risks associated with digitalisation, and promote international cooperation”.
- “Boosting investments in research and development, innovation, and digital infrastructure, ensuring sustainable, resilient, green and competitive digital technologies at the forefront of future economic growth, while taking into account the need to address regional connectivity inequalities”.

- “Promoting digitally-enabled open and free participation in policymaking and inclusive co-creation of digital public services with citizens and other stakeholders, as well as ethical, proactive, and sustainable behaviour in business activities and proactive digital corporate environmental and social responsibility as well as encourage trustworthy values-based digitalisation through soft law solutions”.

Source: Government of Portugal (2021_[107]), Digital Democracy with a Purpose. Lisbon Declaration, <https://www.lisbondeclaration.eu/learn-more/>.

The aforementioned efforts to protect digital rights will benefit from being further articulated in Portugal’s open government agenda. As part of the country’s second OGP National Action Plan (2021-2023), Commitment 3 seeks to develop inclusive channels for accessing public services. In doing so, it aims to increase the availability of telephone solutions, videoconferencing, chatbots and other digital inclusion tools for groups with a high propensity to exclusion, including citizens with hearing, visual and physical impairments as well as migrants (Government of Portugal, 2021_[108]). The plan also outlines concrete measures to strengthen existing online government platforms²⁷ (Commitments 1 and 5), support autonomous virtual assistance solutions (Commitment 2) and develop technical assistance material to address data sharing and cybersecurity issues (Commitments 4 and 6), which ultimately will be fundamental for digital services to deliver results for all segments of society. This strong focus on digital rights in the open government agenda, together with AMA’s recent institutional anchorage under the Prime Minister, present a significant opportunity to harness political support from the highest levels to ensure an articulated whole-of-government approach for more relevant, inclusive and accessible public services.

3.5.2. Addressing data privacy and digital security concerns to increase trust in government digital services

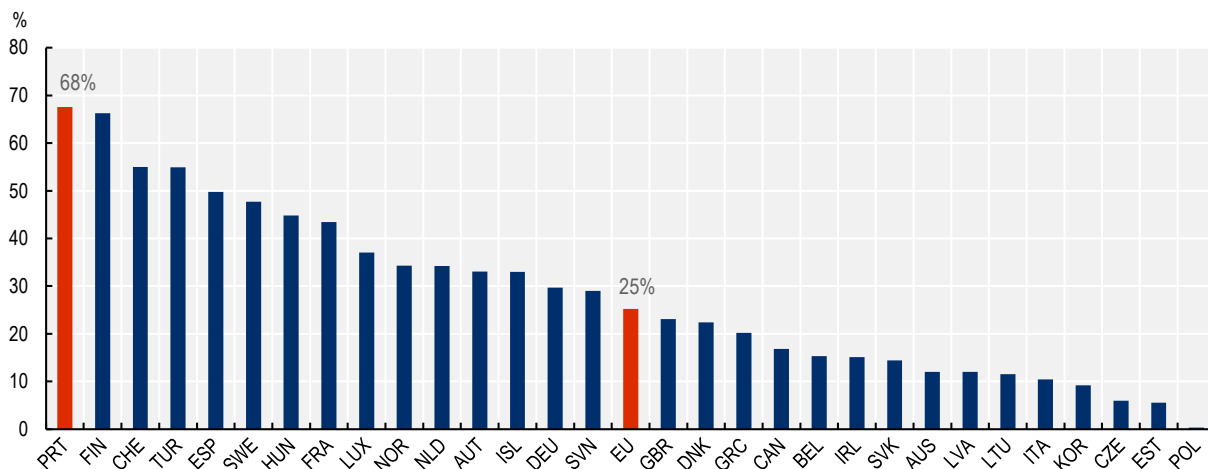
At the core of a fair, inclusive and open digital civic space is the protection of privacy and personal data. While rapid technological advancements have created more possibilities for governments to provide higher quality services, notably by automatising the handling of large volumes of data, they have also introduced various risks in terms of an individual’s privacy, cybersecurity attacks and growing instances of surveillance. Together, these challenges have contributed to low trust in digital technologies across OECD Members and partner countries and are a barrier to the uptake of online public services (OECD, 2021_[97]). Notably, fear of cybersecurity risks – such as phishing, denial of service and ransomware attacks – can keep citizens from reaping the benefits of the digital economy (OECD, 2021_[97]; 2021_[109]). Privacy and data protection are thus key building blocks to promoting access to public services while supporting the right conditions for a protected civic space to thrive, in particular by enabling freedoms of expression, assembly and association; press freedom and autonomy; equal participation in public debate and decision making; as well as the enabling environment for civil society (OECD, 2022_[73]).

The protection of personal data used in connection with information technology is a fundamental right guaranteed by Article 35 of the Constitution of 1976. However, Portugal did not adopt its first law until 1991: Law No. 10/91 (Assembly of the Republic of Portugal, 1991_[110]), regulating the use and control of personal data and creating a regulatory agency on the subject. In 1995, the EU issued Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data (the Data Protection Directive). During Portugal’s Constitutional Review of 1997, Article 35 of the Constitution was amended to enable an adequate transposition of Directive 95/46/EC into Portugal’s Constitutional Charter. Subsequently, Law No. 67/98 (Assembly of the Republic of Portugal, 1998_[111]), was enacted as the new law on the protection of personal data, which transposed Directive 95/46/EC into Portugal’s domestic legislation and revoked Law No. 10/91.

As part of ongoing efforts towards enabling a data-driven public sector, Portugal has taken important steps to protect personal data in the framework of the GDPR. To guarantee this constitutional right, Law No. 58/2019 was adopted in 2019 for the implementation of GDPR directives and to outline various obligations for the protection of personal information in Portugal. Additional data protection regulation is included in certain sector-specific laws, including those on genetic and health information (Law No. 12/2005 (Assembly of the Republic of Portugal, 2005^[112])) and electronic communications (Law No. 41/2004 (Assembly of the Republic of Portugal, 2004^[113])). The execution of these regulatory frameworks is monitored by the National Data Protection Authority (Comissão Nacional de Protecção de Dados) as its main independent oversight body. As part of its ongoing work, online courses have been delivered to over 40 000 citizens and public officials to raise awareness of existing data privacy regulation and its enforcement (NAU, 2021^[114]; OECD, 2021^[97]). In the SIMPLEX 2020-2021 framework, the former Ministry for Modernization of the State and Public Administration also gradually rolled out the My Data (Meus Dados) initiative, which allows citizens to monitor and validate how their personal data are used and contained in the public administration's records (Government of Portugal, n.d.^[115]).

These efforts have taken place alongside the gradual consolidation of a robust digital security policy in Portugal. Notably, the National Cyber Space Strategy (2019-2023), led by the National Security Cabinet²⁸ (Gabinete Nacional de Segurança), underpins the government's commitments to secure a free and reliable cyberspace in line with Law No. 46/2018 (CNCS, 2019^[116]; Assembly of the Republic of Portugal, 2018^[117]). The National Cybersecurity Centre has led these reforms to promote the continuous improvement of national cybersecurity policy, facilitating international co-operation, and ensuring the implementation of measures and instruments to anticipate and address cybersecurity risks. As part of its flagship measures, it sought the creation of the Observatory for Cybersecurity (Observatório de Cibersegurança), which facilitates the deployment of awareness-raising efforts, capacity building, research as well as advice in response to cybersecurity incidents. A recent example is the C-Academy, operational since late 2022, providing advanced cybersecurity training for professionals in the public administration as well as private sector providers of digital services. It offers 44 courses in both online, face-to-face and hybrid formats in educational institutions across the country (Government of Portugal, 2023^[118]). While these measures have contributed to Portugal gaining 28 positions in the Global Cybersecurity Index, from 42nd in 2018 to 14th in 2020, there is still a need to strengthen measures at the strategic and organisational level through greater awareness raising and training on cybersecurity for public servants and citizens (ITU, 2020^[119]).

Despite these achievements, perceptions of low digital security and data protection in Portugal are contributing to the limited uptake of both online and off line public services. In 2018, for example, 26% of citizens submitting official forms to the government chose not to do so online due to data security and privacy concerns (OECD, 2021^[97]). As Figure 3.8 illustrates, findings from Eurostat also reveal that 68% of the Portuguese population was unwilling to make online purchases in 2017 due to payment security and privacy concerns, which was the highest level of distrust in digital technologies among EU countries (OECD, 2021^[97]). Overall, this is consistent with findings from OECD interviews,²⁹ where government and CSO stakeholders alike underlined that recent data privacy, surveillance and cybersecurity incidents have contributed to growing scepticism regarding the use of online technologies to interact with the state.

Figure 3.8. Trust in digital technologies

Note: data from 2017 or latest year available.

Source: OECD (2021^[97]), *OECD Economic Surveys: Portugal 2021*, <https://doi.org/10.1787/13b842d6-en>.

Notably, the increasing management of large volumes of data through AI, big data analytics and third-party data storage systems by multiple public institutions for service delivery is heightening privacy and personal data protection concerns. Indeed, public services in Portugal increasingly rely on the interoperability of data among various institutions. For example, the review and allocation of family allowances rely on data drawn on an individual's income (tax authority) or a birth certificate (Ministry of Health). While interoperability has progressively become the norm, findings from OECD interviews³⁰ reveal that despite the strong implementation capacity of GDPR norms, how personal information is handled, by which institutions and when is not clear for citizens requesting a particular service. In addition, non-binding opinions by the National Data Protection Authority have been coupled with a conservative approach towards sanctioning due to the absence of practical guidelines on the protection of personal data and its broader management by line ministries (OneTrust, 2021^[120]). These issues have been compounded by the use of data protection legislation to curtail access to information in Portugal (discussed below). In this regard, the government would benefit from stepping up existing efforts in terms of capacity building for civil servants to implement GDPR directives, as well as creating data protocols to promote the systematic collection, management, use and sharing of information across institutions. Promoting a conducive data ecosystem for public services to effectively operate will be all the more important as the government moves towards complying with the “only-once” principle as part of regional EU directives.

To seize the opportunities of and ensure that everyone benefits from the digital transformation, the government of Portugal will also need to address growing concerns regarding digital surveillance. As in other OECD Members, Portugal has seen the emerging use of digital technologies for surveillance in the form of increased data sharing between public and private institutions, the use of biometric data and video surveillance. Members of civil society and activists in this field have called on the government to review the new proposed Video Surveillance and Facial Recognition Law which would introduce potential instances of biometric mass surveillance (EDRi, 2021^[121]). During OECD interviews,³¹ stakeholders also underlined that there were very limited opportunities to provide feedback on this law, and cybersecurity remains one of the policy fields where participation is not open to all groups in society. As the government explores potential avenues to integrate the use of biometric data in public services, such as the Digital Mobile Key, there is an opportunity to engage with CSOs and other relevant actors to introduce safeguards against breaches of privacy and instances of surveillance curtailing civic freedoms and rights.

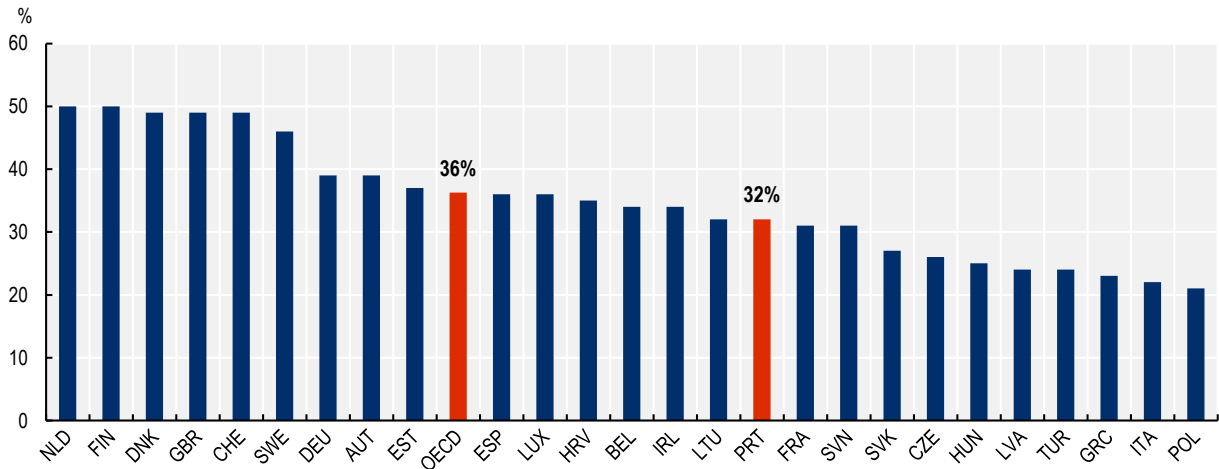
Building on efforts to date, the government of Portugal will benefit from strengthening proactive and reactive digital security measures. Since the onset of the COVID-19 pandemic, the number of cybercrimes has exponentially increased in Portugal and other OECD Members as malicious actors have taken advantage of the increase in online activity (OECD, 2021^[97]; 2020^[122]). Notably, the National Cybersecurity Centre reported a 79% increase in cyberattacks in 2020 and the country is currently the 31st most affected by these types of attacks globally (CNCS, 2021^[123]).

3.5.3. Bridging digital divides for more relevant, inclusive and accessible public services

Digital inclusion has remained a high priority for the Portuguese government to enable all segments of society to thrive in a fast-paced and evolving digital era. This has been especially true as digital services took a central role from the onset of the COVID-19 pandemic with the rapid transition of social, political and economic activity to the online sphere. Notably, the INCoDe Programme launched in 2017 and updated in 2021 has sought to enhance digital development through a series of integrated policies within the scope of the XXII and XXIII Government Programmes and in line with the national digital transformation strategies. Through its new operating model set by Resolution of the Council of Ministers No. 59/2021 of 14 May, (Government of Portugal, 2021^[124]) and according to the Regime of Organization and Functioning of the XXIII Constitutional Government, this agenda is led by the Prime Minister, through the Secretary of State for Digitalisation and Administrative Modernisation, and in co-ordination with the Ministry of Science, Technology and Higher Education, the Ministry of Education and the Ministry of Labour, Solidarity and Social Security. The programme aims to promote digital inclusion and literacy across all generations and to promote the specialisation of digital skills among the workforce of the future and innovations in the use of technologies to address the country's emerging challenges (Government of Portugal, 2017^[125]). Through the Observatory of Digital Competencies, it has undertaken various initiatives in the form of trainings, education programmes, research to inform policymaking and the creation of communities to address inclusion issues (i.e. for elder citizens) (Government of Portugal, 2019^[126]). The programme achieved key results as of 2020, namely reaching over 1 000 beneficiaries in terms of inclusion activities, delivering 19 trainings to over 10 133 individuals for enhancing digital competencies, and channeling EUR 3.5 million in international funding for research on data science and AI, among others (CAF, 2021^[94]).

Despite these efforts, a large share of the Portuguese population is still not sufficiently well-equipped to take part in today's digital society. As Figure 3.9 illustrates, the total share of individuals with general digital skills (basic or above basic) is slightly below the OECD average, with large discrepancies between the elderly (13%) and young people (65%) (OECD, 2021^[97]). The EU's Digital Economy and Society Index (DESI) assessment of Portugal also identifies that there is scope for improvement, as 55% of the population has at least basic digital skills and 29% has above basic digital skills, scoring slightly above the EU average of 36% (European Commission, 2022^[90]). Where present, the lack of skills has been exacerbated by low educational attainment levels that continue to lag vis-à-vis international benchmarks. For example, differences in digital skills³² are particularly pronounced among individuals with a low (26%), medium (69%) and high (90%) degree of educational attainment (Eurostat, 2021^[127]).

Figure 3.9. Levels of digital skills



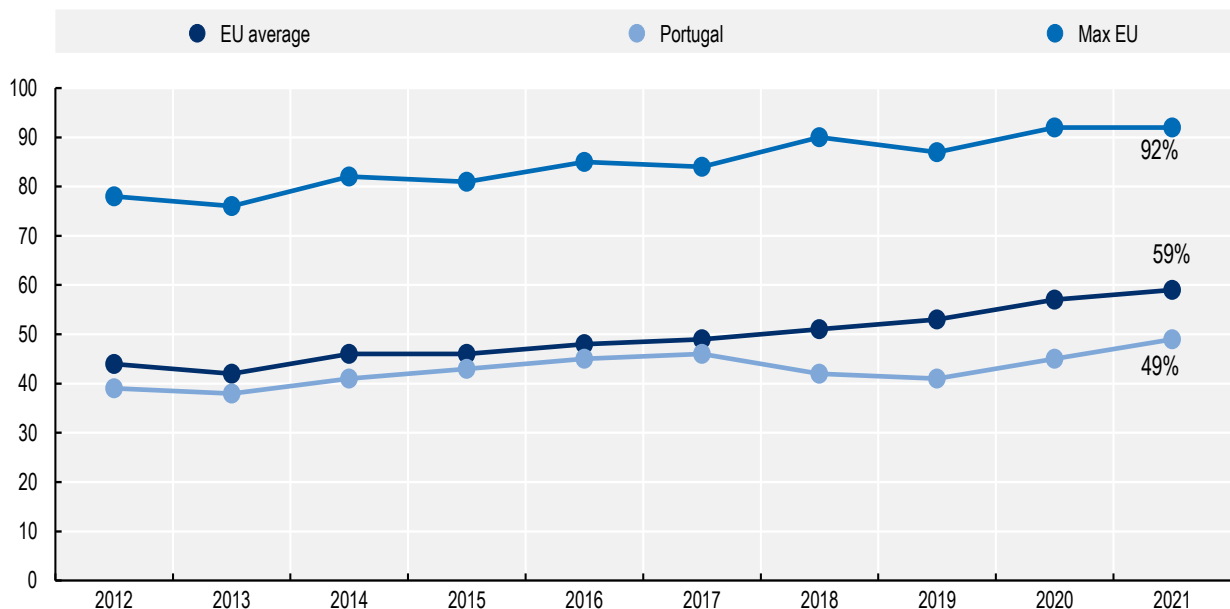
Note: Eurostat Indicator: Individuals with basic or above basic digital skills.

Source: Eurostat (2021_[127]), Individuals' level of digital skills,

https://ec.europa.eu/eurostat/databrowser/view/isoc_sk_dskl_i21/default/table?lang=en.

The resulting digital divides that persist in Portugal continue to present barriers for different groups to access online public services. Approximately one out of five individuals in Portugal does not have access to the Internet and its usage rate in the last 12 months (82%) remained below the OECD average (88%) (OECD, 2021_[97]). Data from Eurostat reveal that only 49% of the total population used online public services in 2021 (Figure 3.10). Low levels of online take-up are consistent with findings from OECD interviews,³³ where both government and civil society stakeholders underlined that digital divides are exacerbating inequalities in terms of age, income and geographic location.

Figure 3.10. Online interaction with public authorities, 2012-21



Note: Eurostat indicator: Individuals using the internet for interaction with public authorities.

Source: Eurostat (2021_[128]), E-government activities of individuals via websites,

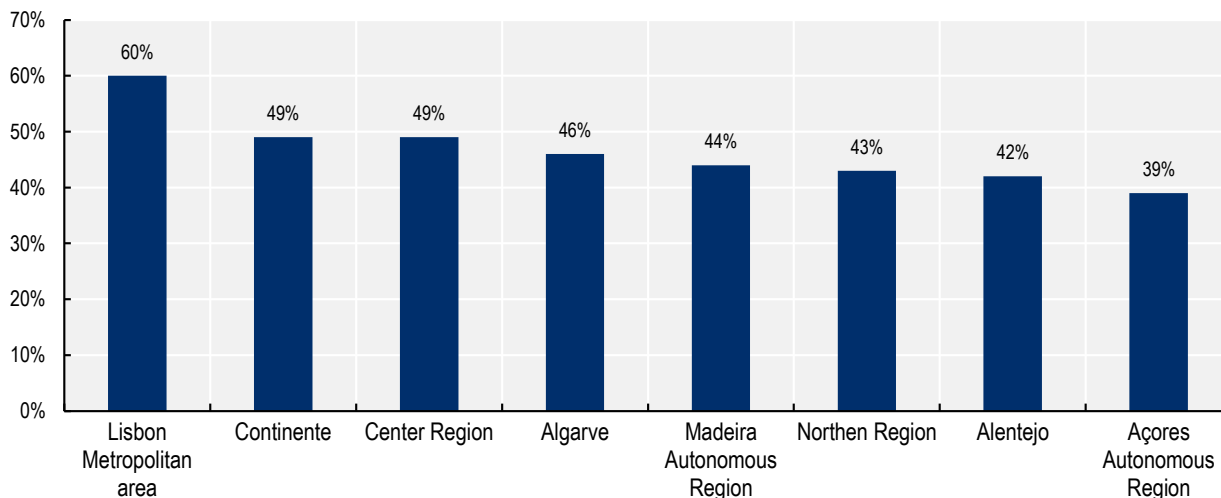
https://ec.europa.eu/eurostat/databrowser/view/ISOC_CIEGI_AC/default/table?lang=en.

Indeed, older segments of the population (aged 65-74) have faced increasing instances of exclusion as a result of the rapid digitalisation of public services. Low uptake from this group has been a prevalent issue not only in Portugal, but across numerous OECD Members, with only 38% of EU citizens aged 65-74 using the Internet to interact with public authorities in 2021 and only one-fifth of the elderly population in Portugal (Eurostat, 2021_[129]). OECD interviews³⁴ with government and civil society stakeholders indicate that elderly people are the most common users of onsite service kiosks seeking assistance to comply with or access a particular public procedure (i.e. submit income tax statements, book a medical appointment, etc.), while enduring long waiting times, burdensome and unclear processes, and long travelling distances for face-to-face services offered only in the capital. The persisting exclusion of and burdens for this group are particularly problematic given that a high share of the total population is over the age of 65 (182 older adults per 100 young people), introducing a high old-age dependency ratio³⁵ (35.48%) (Statistics Portugal, 2021_[130]). Against this backdrop, the elderly population has been one of the main target audiences of the INCoDe Programme, notably through specialised training (Programa Literacia Digital 50+) and the creation of communities with local Mercies to promote digital skills and provide support in accessing online interfaces (Government of Portugal, n.d._[131]). The government could therefore scale efforts in this regard to expand support to this group and identify measures to simplify existing platforms and services according to their needs, habits and limitations.

Moreover, digital divides in Portugal have also inhibited the access and usability of online services according to an individual's socio-economic background. While the country has made great strides in reducing poverty levels, inequality rates are still above the EU average, with significant variances across municipalities and between rural and urban communities where infrastructure is unavailable or services are costly (Government of Portugal, 2019_[132]; Eurostat, 2021_[133]). Disparities according to socio-economic background are the second largest among OECD Members, with 94% of the high-income percentile of the total population having used the Internet in 2019 compared to only 50% of the low-income percentile (OECD, 2021_[97]). Stakeholders during OECD interviews with civil society³⁶ underlined that low-income households lack the equipment (i.e. computers, Internet, etc.) to access online services, which is compounded by low levels of digital literacy. It was also emphasised that this affected the ability of young people to continue their studies online after the COVID-19 pandemic erupted, in particular for marginalised communities such as Roma.

With pronounced income disparities at the local level, access to online public services has also remained uneven across regions. Notably, broadband penetration rates ranged from 89% in the Lisbon metropolitan region to 77% in Alentejo in 2020, which are comparatively large differences by OECD standards (OECD, 2021_[97]). This is consistent with data from Eurostat (2021_[134]), which reveal uneven use of the Internet to engage with the public administration across Portuguese regions, with a stark difference of 21 percentage points between the highest and lowest rates (Figure 3.11). While Citizen Shops and Citizen Spots have been crucial to bridging this gap through the delivery of onsite services at the local level, their availability is not evenly distributed. In particular, it was noted during OECD interviews³⁷ that despite the introduction in 2021 of 25% more locations and mobile units, there is still a need to focus on their expansion in the centre and the south of the country. In terms of support provided therein, stakeholders during these interviews also noted long wait times, uneven delivery across municipalities and access barriers placing certain disadvantaged communities at risk of abuse or exclusion. As the government continues to expand its offer of Citizen Shops, Citizen Spots and mobile units, it could consider co-ordinating closely with local governments to drive and tailor service delivery according to the needs of each context. This work would also benefit from identifying and collaborating with community leaders, influencers and other trusted voices to expand the reach of existing onsite support for service delivery to different groups, in particular in vulnerable segments of the population.

Figure 3.11. Disparities in Internet use to interact with public authorities across regions in Portugal, 2021



Note: Eurostat indicator: Individuals who used the Internet for interaction with public authorities, Portugal (Regional ICT statistics).

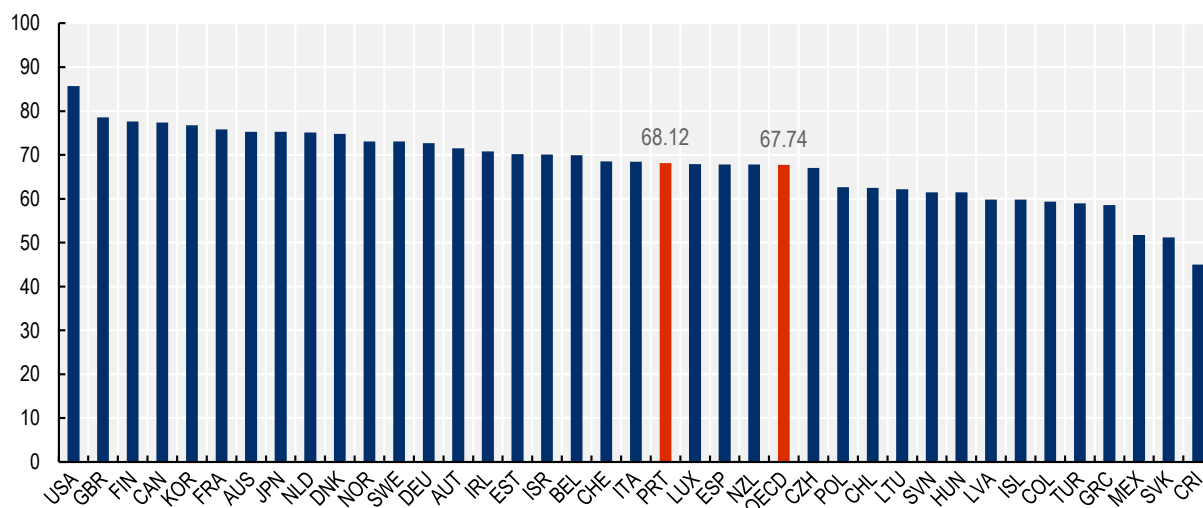
Source: Eurostat (2021^[134]), Individuals who used the internet for interaction with public authorities, Portugal, https://ec.europa.eu/eurostat/databrowser/view/ISOC_R_GOV_/default/table?lang=en&category=isoc.isoc_i.isoc_reg.

The low uptake of digital public services not only reflects a lack of digital skills, but broader accessibility issues with online delivery channels. AMA, together with the National Institute of Rehabilitation (Instituto Nacional de Reabilitação), has sought to progressively ensure that online public services across institutions are easy to use by vulnerable groups through the usability seal. This feature categorises the degree of compliance and simplification by bronze, silver and gold (INR, n.d.^[135]). In line with OECD interviews,³⁸ findings reveal that institutional websites have been gradually adapted to meet regional accessibility standards, but still lack facilities for individuals with hearing, visual and physical impairments as well as for foreign residents. For example, most institutional websites are only in Portuguese, which presents difficulties for migrants to access key information and to interact with the state. The government acknowledged these issues as a priority action point in its 2nd OGP National Action Plan, which could be a powerful instrument to scale current efforts to make online service portals more accessible to foreign and disabled groups as per the Guiding Principles.

3.5.4. Promoting ethical and people-centred use of technologies in the delivery of public services

The government of Portugal recognised the need to keep abreast of technological trends and leverage their potential in driving innovation, including within the public sector, in the AI Portugal 2030 strategy from 2019. Through the provisions therein, it is seeking to modernise an administration that can face the challenges of the 21st century by “making OGD open for all sectors, fostering collaboration between public entities for AI, promoting innovative solutions for administrative simplification, reinforcing capabilities and ensuring the ethical use of AI” (Government of Portugal, 2019^[136]). At present, Portugal ranks 25th out of 181 countries in the Government AI Readiness Index, just above the OECD average (Figure 3.12).

Figure 3.12. Government AI Readiness Index, 2022



Source: Oxford Insights (2022^[137]), Government AI Readiness Index 2022,

https://static1.squarespace.com/static/58b2e92c1e5b6c828058484e/t/61ead0752e7529590e98d35f/1642778757117/Government_AI_Readiness_21.pdf.

With digital transformation at the core of ongoing reforms in Portugal, algorithms and other artificial intelligence technologies have been increasingly used to automate and improve the quality of public services. Notably, the INCoDe Programme has supported research and channelled international funding for initiatives integrating the use of big data, AI and other tools in the work of the government (Government of Portugal, 2017^[125]). A smart online assistant called Sigma, for example, was created to help citizens navigate the offering of online services on [ePortugal.gov](https://www.eportugal.gov.pt) (CAF, 2021^[94]). Algorithms are increasingly being used to calculate the share of social benefits to be allocated to a particular individual. In this respect, their potential to proactively identify beneficiaries and automatically communicate this information is also being explored. While the government of Portugal has achieved key progress in gradually integrating these technologies for the delivery of public services, it is crucial for it to also reflect on the potential risks introduced by these tools in terms of discrimination against under-represented groups, in addition to considering data privacy concerns.

In this regard, there is room to strengthen responsible use of artificial intelligence in the public sector by increasing transparency of algorithms used by government entities. Greater algorithmic transparency can be pursued by making the criteria used to automate decisions and treat personal data publicly available in a clear, up-to-date and accessible manner. In line with the OECD Principles on AI of 2019, transparency and proactive disclosure around these systems are fundamental to ensure that citizens understand automated outcomes as well as to enable their ability to challenge them (OECD, 2019^[138]). During OECD interviews³⁹, stakeholders reported that it is difficult to understand how decisions are made on social benefits via algorithmic processing, as there is limited information available on relevant allocation criteria. Compounded by complex complaints systems, the lack of transparency in this process was underlined as a key challenge inhibiting the ability of citizens to inquire or contest a decision in the delivery of social benefits. The Government of Portugal could therefore reflect on producing dedicated guidance, such as the Algorithmic Transparency Standard in the United Kingdom that provides whole-of-government safeguards to uphold this principle in practice (Box 3.8).

Box 3.8. The Algorithmic Transparency Standard in the United Kingdom

Algorithmic transparency means being open about how algorithmic tools support public decision making processes, including concerning services. In the United Kingdom, the Algorithmic Transparency Standard seeks to support public institutions in providing clear information about the purpose and use of algorithmic tools in their work. On the one hand, it provides directives on standardised methods to collect information about how the government uses algorithmic tools. On the other hand, it provides a template to facilitate the sharing of information about the algorithmic tools used, including their objective, the entity responsible for their oversight and the scope of their impact on a particular service of decision.

A key feature of the standard was its co-creation with citizens, external experts and civil society to ensure the relevance of its content. These resources were also informed by a public engagement study run by the Centre for Data Ethics and Innovation and Britain Thinks.

Source: Author's elaboration based on Government of the United Kingdom (n.d.^[139]), Algorithmic Transparency Recording Standard Hub, <https://www.gov.uk/government/collections/algorithmic-transparency-standard#:~:text=The%20Algorithmic%20Transparency%20Standard%20is,making%20in%20the%20public%20sector>.

While Portugal has a robust institutional infrastructure for data protection to implement the GDPR, the automation of data collection, management and sharing across multiple public institutions charged with delivering a particular service also introduces an additional layer of data privacy risks (Section 3.5.2). In fact, 80% of OECD Members have identified AI and big data analytics as the biggest challenges to privacy and personal data protection (OECD, 2020^[122]). The algorithmic processing of vast amounts of information in real time generates new data by merging different pieces of data shared by multiple public entities, which raises concerns in regard to consent, transparency and personal autonomy for its use and reuse (OECD, 2022^[73]). In this regard, Law No. 59/2019 (Assembly of the Republic of Portugal, 2019^[140]) transposing GDPR directives in Portugal limits individual decisions taken solely by automated processing of data (Article 11). However, there are no clear standards or criteria to guide automated decisions across the data processing cycle and language in the law remains vague in line with broader criticisms of the GDPR (Wachter, Mittelstadt and Floridi, 2016^[141]; Law Library of Congress, 2021^[2]). In line with the Guiding Principles, the government could consider developing dedicated technical guidance and delivering tailored capacity-building trainings to service providers charged with dealing with public data sets to ensure a coordinated approach.

With the growing automation of public services, the government of Portugal would also benefit from introducing safeguards to address potential instances of bias and discrimination in algorithms directing their functioning. Indeed, there is growing evidence that AI systems have a high propensity to transfer human biases from the analogue to the digital sphere, in particular for groups such as women; ethnic minorities; people with disabilities; and LGBTI persons (OECD, 2022^[73]).

As data sources for AI systems are collected through the Internet, questions emerge in terms of the audiences that are accounted for in the criteria of algorithms and other tools. Given the unequal access to the Internet in Portugal, this may introduce the risk of individuals from certain age groups, geographic locations and socio-economic backgrounds not being represented in operating criteria for services. As social benefits, for example, are increasingly being automated, it will be critical to reflect on the ethical management of these tools and introduce safeguards to avoid potential instances of exclusion. Portugal could leverage its strong framework for participation to explore opportunities to co-create these tools with end users themselves through hackathons and other forms of civic engagement. In the case of Estonia, the Suve chatbot was co-designed with citizens, civil society and technology experts through the “Hack the Crises” hackathon in 2020 to ensure it responded to the needs of different population groups (OECD, 2022^[73]).

3.6. Institutional mechanisms to safeguard fundamental rights

Independent oversight and complaint redress mechanisms play a vital role in protecting and promoting civic space in Portugal. The institutional framework is primarily safeguarded by the Portuguese ombudsman and the Portuguese National Human Rights Committee. The Office of the Ombudsman was established by Decree-Law No. 212/75 (Assembly of the Republic of Portugal, 1975^[142]) as part of the democratic consolidation process. It is an independent body with constitutional recognition in Article 23. Its main duties are delineated by Law No. 9/91 (Assembly of the Republic of Portugal, 1991^[143]), which includes a broad mandate to protect and promote human rights. The ombudsman is appointed by parliament for four years with the possibility of a one-term renewal (Portuguese Ombudsman, n.d.^[144]). Since 1999, it was accredited status A, in full compliance with the Paris Principles⁴⁰ as a National Human Rights Institution (Portuguese Ombudsman, n.d.^[145]).

In practice, the ombudsman receives and analyses complaints made against public authorities. It can launch inquiries and investigations and provide recommendations, suggestions or calls for attention. However, it does not have binding decision making powers. In addition to the wide range of activities it undertakes, the ombudsman was also appointed the National Preventive Mechanism following the Council of Ministers' Resolution No. 32/2012, an organism that defends the rights of persons deprived of their liberty (Portuguese Ombudsman, n.d.^[146]). Overall, there has been a significant increase in the number of complaints over time. According to a 2021 activity report, the ombudsman received 21 259 requests, 12 219 of which resulted in the opening of proceedings, an increase by 6% from the previous year and 59% since 2017 (Portuguese Ombudsman, 2021^[147]). The highest number of complaints were related to social security (27%), taxation (10%), public employment (8%) and economic and financial affairs (8%).

Conversely, the Portuguese National Human Rights Committee is mainly responsible for intergovernmental co-ordination to promote an integrated approach on human rights policies in the country. The committee was created by Resolution of the Council of Ministers No. 27/2010 of 8 April and was established as a response to a commitment of the first cycle of Portugal's Universal Periodic Review made by the United Nations Human Rights Council in December 2009 (Human Rights Council, 2019^[21]). Based in the Ministry of Foreign Affairs, the committee co-ordinates Portugal's human rights agenda across ministries to ensure Portugal's compliance with international human rights instruments. As part of its mandate, the committee has several working groups related to human rights, such as on business and on human rights indicators. The latter has developed specific indicators in thematic areas such as the right to education and to freedom and individual security (PNHRC, n.d.^[148]). The committee is also responsible for promoting and disseminating international best practices in public bodies (PNHRC, n.d.^[149]). To further this work, the Portuguese National Human Rights Committee conducts trainings and conferences in a variety of human rights thematic areas. In 2022, the committee was collaborating with the National Institute of Public Administration to deliver a human rights training programme for the public administration.

Other ad hoc commissions also have oversight and implementation roles related to human rights, in line with their particular area of expertise. Importantly, the ACM is not only in charge of migration policies, including welcoming and integrating migrants and other ethnic groups, but also of combating all forms of discrimination based on colour, nationality, ethnic origin or religion (ACM, n.d.^[150]). Although the High Commissioner is appointed by the government, the office benefits from administrative and financial autonomy. It is regulated by Decree-Law No. 31/2014 (Government of Portugal, 2014^[151]) and falls under the supervision of the Prime Minister and the Presidency of the Council of Ministers. To deliver on this broad mandate, the ACM has three advisory bodies. The first is the Council for Migrations, which is a consultative body that supports the ACM in defining and implementing migration policies. It is composed of a broad range of stakeholders, including representatives from diverse immigrant communities, CSOs with activities or interest in the area of migration, citizens and public officials from diverse policy areas, including security, economy, labour and education, among others (ACM, n.d.^[152]). The ACM, in close

collaboration with the Council for Migration, implements the National Implementation Plan of the Global Compact for Migration and the Strategic Plan for Migration (ACM, n.d._[153]).

A second key body is the Consultative Council for the Integration of Roma Communities (CONCIG), whose main function is to elaborate and co-ordinate the implementation, monitoring and evaluation of the National Strategy for the Integration of Roma Communities. The CONCIG is composed of a variety of stakeholders from the public sector and civil society that are relevant to the integration of Roma communities (ACM, n.d._[55]).

A third body is the Commission for Equality and against Racial Discrimination (CICDR), which monitors the application of Law No. 93/2017 for preventing, prohibiting and combating discrimination based on racial and ethnic origin, colour, nationality, ancestry or territory of origin. Pursuant to Article 8, the CICDR has the competency to receive complaints based on discrimination, apply sanctions and recommend adopting measures to prevent discrimination. Composed of several stakeholders from the public sector and civil society, the CICDR also elaborates and co-ordinates the implementation of the National Plan to Combat Racism and Discrimination. In addition, the CICDR has a Permanent Commission with the competence to decide on the application of sanctions and fines, which are limited to administrative offences (CICDR, n.d._[154]). To support this work, in 2020, the government, through the Secretary of State for Citizenship and Equality, created the Working Group for the Prevention and Combat of Racism and Discrimination (Commission for Equality and against Racial Discrimination, 2021_[20]).

To complement the work of the aforementioned advisory groups, the ACM houses the Migration Observatory and the Roma Communities Observatory. Both play a crucial role in analysing information and data about migration and Roma communities in Portugal that can help the ACM better define, implement and evaluate integration policies and services for these vulnerable groups. Acting as informal units, the observatories collaborate with research centres, produce reports and foster debates. They also contribute to implementing certain measures of each thematic national strategy (ObCig, n.d._[56]; Migration Observatory, n.d._[155]). Within this framework, the ACM and the Migration Observatory have developed indicators governing the integration of immigrants (Box 3.9). The indicators are particularly relevant as immigrants are one of the most vulnerable groups facing challenges in accessing public services, as discussed in Section 3.3.

Box 3.9. The High Commission for Migration's indicators for the integration of migrants

Strong composite and aggregate indicators are the basis for monitoring and evaluating policies, laws and initiatives, which allow for informed public debate and restore the legitimacy of public action by basing discussions and choices on facts and analysis. Portugal has developed 15 dimensions and more than 200 indicators to support immigrant integration. These indicators are based on the analysis of 28 statistical and administrative sources, which are then published yearly in the form of a short summary with key trends and a statistical report (ACM, 2022_[156]).

The High Commission for Migration's (ACM) indicators go beyond the standard recommendation from the European Commission (European Commission, n.d._[157]), which provides four integration dimensions and 16 Zaragoza indicators.¹ Overall, the ACM's practice allows the Portuguese government to identify trends over time and to predict a policy's impact upstream (*ex ante*) to adjust provisions as they are implemented (*in itinere*) and to determine whether they should be continued, abandoned or corrected (*ex post*).

1. Following the adoption of the Zaragoza Declaration in April 2010 by the EU ministers, these indicators use Eurostat data to monitor the integration of immigrants with comparable data across EU countries.

Sources: High Commission for Migration (2022_[156]); Immigration in Numbers Collection: Annual Statistical Reports, <https://www.om.acm.gov.pt/publicacoes-om/colecao-imigracao-em-numeros/relatorios-anuais>; European Commission (n.d._[157]), Governance of migrant integration in Portugal, https://ec.europa.eu/migrant-integration/country-governance/governance-migrant-integration-portugal_en.

Another relevant body is the Commission for Citizenship and Gender Equality (CIG), which is responsible for defending and promoting the fundamental principle of equality outlined in the Constitution. Established by Regulatory Decree No. 1/2012 of 3 May (Government of Portugal, 2012^[158]), the CIG is part of the Presidency of the Council of Ministers. It handles complaints of discrimination on the grounds of sex, sexual orientation and gender identity and can issue opinions and recommendations to concerned authorities (CIG, n.d.^[159]). These, however, are not binding. Moreover, the CIG is charged with implementing the National Strategy for Equality and Non-Discrimination 2018-2030. To fulfil the long-term vision included therein, the strategy includes three action plans for short-term implementation: 1) the Action Plan for Equality between Women and Men 2018-2021; 2) the Action Plan for Preventing and Combating Violence against Women and Domestic Violence 2018-2021; and 3) the Action Plan to Combat Discrimination on Grounds of Sexual Orientation, Gender Identity and Expression, and Sexual Characteristics 2018-2021 (CIG, 2018^[160]).

Concerning the information ecosystem, the Commission for Access to Administrative Documents (CADA) is responsible for ensuring compliance with the provisions of the access to information law (No. 26/2016). As an independent administrative entity, CADA can issue non-binding opinions (*parecer*) either as a response from a public body or service subject to the law, or as a result of an appeal process due to a lack of response, denial of an application, or any decision from a public body or service that restricts access to administrative documents (CADA, n.d.^[161]). The members of CADA are appointed by different public entities, including the Superior Council of Administrative and Tax Court, the President of the Assembly, the central government, the regional governments, etc. Members are elected for a three-year term, which can be renewed twice.

Finally, the Portuguese Data Protection Authority (CNPD) is an independent administrative entity charged with monitoring compliance with the legal and regulatory provisions regarding the protection of personal data (CNPD, n.d.^[162]), including Law No. 58/2019 on the implementation of the GDPR; Law No. 59/2019 on the processing of personal data; and Law No. 41/2004 on the protection of privacy in the electronic communications sector, among others. It is composed of seven members who are appointed by different public entities and whose president is elected by the Assembly of the Republic. As part of its attributions and competences, the CNPD can issue non-binding opinions and provide guidelines and recommendations to citizens and organisations.

3.6.1. From theory to practice: safeguarding rights in reality

If a citizen or stakeholder faces discrimination in accessing a particular service, the process for a complaint in any of the aforementioned bodies is as follows: the concerned body first studies the case to determine whether the claim falls under its competence and whether it has the necessary evidence from the victim to open an administrative offence process. The institution can request additional information from the victim to complete the file or redirect the victim to the correct body to file the complaint. Once a process is opened, the law allows 90 days to complete the investigation, which can be extended for 60 days in cases of justified complexity. Once a decision is made on the case, administrative offences can lead to warnings, fines or additional sanctions, which are, however, not binding. In cases of aggravated circumstances in accordance with the legal framework, the case may be redirected to the relevant authorities in the criminal justice system.

The institutional frameworks governing civic space and individual rights are comprehensive, and important progress has been made in recent years in terms of developing relevant policy instruments and offering sectoral redress mechanisms for individuals (see Section 4.2 in Chapter 4 for more on the participatory nature of the relevant policy instruments). Yet, the OECD's fact-finding mission revealed a series of challenges in their governance structures as well as in their implementation.⁴¹ In terms of governance, public officials stated that they lack adequate human and financial resources, hindering their ability to effectively deliver on their respective mandates. Moreover, while several institutions can receive complaints, conduct investigations and sanction non-compliance, with the exception of the ERC, none have binding decision making power. In practice, public entities do not comply with the recommendations provided, in particular on topics such as access to information with CADA and discrimination with the CICDR. This limits the impact of these bodies

on decision making. Some reports also point to a lack of full independence of certain commissions such as the CICDR (CommHRCoE, 2021^[17]; ECRI, 2018^[16]). Finally, most bodies, such as the ombudsman, CADA and the CICDR, publish annual activity reports as part of their mandate and include data, for instance on the number and type of complaints received. While the data are disaggregated, the metrics do not follow the same standards across bodies, which limits the potential for cross-analysis. In fact, apart from the ACM and its work on indicators for the integration of migrants (Box 3.9), few institutions use the data to analyse trends, emerging needs and gaps in services. Moreover, certain bodies, such as the CIG, do not disclose data on complaints, but do publish annual reports with key indicators on gender equality. Although annual reports from independent oversight and complaint redress mechanism include data on complaints related to public services, they do not single out this data specifically.

The functioning of these bodies indicates that there are a number of additional challenges. First, the institutional system as a whole is complex and fragmented. The existing complaint redress mechanisms depend on the type of alleged discrimination and victims often struggle to find the right interlocutor with which they should file a complaint. While mechanisms are obliged to redirect victims to the correct body, it often does not happen in practice; when it does happen, the necessary time and resources to file a complaint represent an increased burden for victims. Second, there is limited training for relevant public officials, which can result in biases towards certain groups and inadequate knowledge of the system to orient stakeholders towards the correct interlocutor.⁴² Third, citizens and stakeholders lack knowledge of the existing legal, institutional and policy frameworks, partly due to weak communication from the government.⁴³ The channels and communications that public institutions use are not always reaching those who need services the most due to the absence of targeted public communication. In turn, as acknowledged by several public officials and CSOs during the fact-finding mission, stakeholders tend not to file complaints.⁴⁴ Although free legal aid is available, stakeholders reported that vulnerable groups generally experience financial barriers to accessing justice. The time needed to investigate complaints is also lengthy. These challenges result in a limited number of investigated cases and sanctions by relevant commissions.

The creation of a centralised online system for all types of complaints concerning fundamental rights could help to address this issue. To that end, the government could follow the example of the Electronic Yellow Book (the Livro Amarelo Electrónico or LAE), a centralised portal that emerged from the SIMPLEX programme in 2021 where citizens and stakeholders can submit comments, suggestions and complaints regarding public services (Government of Portugal^[163]) (Section 4.2.2 in Chapter 4). The government could also consider increasing support services, such as legal aid and targeting the most disadvantaged members of society by partnering with relevant CSOs, such as the Portuguese Association for Victim Support (Box 3.10).

Box 3.10. The role of the Portuguese Association for Victim Support in providing legal aid

Civil society plays a key role in the provision of public services, one of which is equal access to legal aid for vulnerable and marginalised groups of society. Created in 1990, the Portuguese Association for Victim Support is a private non-profit organisation whose main objective is to support victims of crime and violence, their families and friends, providing them with quality, free and confidential services and contributing to the improvement of public, social and private policies focused on the status of the victim.

Its services are provided through offices in different cities in Portugal, national and local networks for support, phone lines, email and other social media support, such as Skype and WhatsApp as well as interpretation, if needed. The Portuguese Association for Victim Support works in close collaboration with the government and has several partnerships with different public entities, including the High Commissioner for Migration and the National Police, among others. It also provides training to several public entities on victim support, such as awareness-raising workshops for the police.

Source: AVAP (n.d.^[164]), Portuguese Association for Victim Support, https://apav.pt/apav_v3/index.php/pt/.

Summary of recommendations on creating the conditions for more people-centred, human rights-based public services

Fostering equality and non-discrimination

Portugal has made notable progress in creating policies, such as thematic strategies, for different vulnerable populations, and in championing targeted initiatives to facilitate their integration to society and their equal access to services, such as the National and Local Support Centres for the Integration of Migrants and the municipal mediators for Roma communities. However, problems persist with respect to discrimination, racism and exclusion for some groups, which hinder their ability to access services on an equal basis. Building on the efforts to date, the Portuguese administration could focus on strengthening the legal and institutional framework and expanding measures to promote equality and combat discrimination by:

- Strengthening the legal framework for discrimination by including racist motives/hate as an aggravating circumstance for all crimes.
- Separating the Commission for Equality and against Racial Discrimination from the High Commission for Migration.
- Creating incentives for municipalities to encourage the adoption of local integration plans for Roma communities and increase awareness and reach of other existing sectoral strategies.
- Developing a communication strategy with a clear articulation of existing services available as well as the path for accessing them, by consulting users and providing them in an omni-channel way and in several languages.
- Expanding awareness-raising and training efforts on discrimination, in particular for security forces and for public officials in charge of dealing with citizens and stakeholders, to build capacities in terms of communication and language skills, biases and knowledge of the public administration to properly guide any population group, in particular vulnerable and marginalised ones, based on their specific needs.
- Building the capacities of service providers and municipalities at the local level by expanding the existing one-stop shop services for migrants and the municipal and intercultural mediators programme for Roma, providing adequate resources and incentives to municipalities and increasing the reach and use of the telephone translation service.
- Expanding partnerships with CSOs, who have expertise in discrimination against different vulnerable and marginalised groups, to increase human and technical capacities for data collection and analysis, as well as to provide policy advice, legal aid and services to these groups.
- Building the capacity of Portuguese schools and teachers to fight prejudices at an early age by conducting courses to increase awareness of discrimination and racism as well as the importance of inclusion and equality. Roma local mediators could play an important role in facilitating trainings and dialogue with stakeholders. Moreover, the government could increase language courses in Portuguese in local areas and simplify the validation of skills to certify migrants to access the labour force.
- Strengthening monitoring and evaluation of discrimination, including to identify trends, with the creation of the observatory of racism and xenophobia under the PNCRD. By identifying where and why stakeholders are being discriminated against, public institutions can improve access to services with targeted policies and interventions.

Protecting press freedom and access to information

Promoting a sound information ecosystem can empower an informed citizenry to take an active part in public debate, engage with the state and access public services. While Portugal has a long history of protecting press freedom, there are also challenges hindering the media sector, notably in terms of its economic sustainability, security against cyber threats, defamation laws limiting public debate and increased violence against reporters. At the same time, opportunities remain to strengthen existing access to information mechanisms and awareness raising around this right. In this context, the government of Portugal could consider strengthening the institutional framework for transparency and improving proactive and reactive disclosure of information by:

- Developing one single online platform allowing to request information from any public body, track the status of the request and potentially protect the identity of the requester. This could ensure access, quality and usability of the right to access information as well as to monitor compliance by public bodies.
- Creating interactive guidelines or manuals for citizens and stakeholders on how and where to request government information.
- Disseminating available means to access information and data to increase awareness of this right through a multi-channel approach to ensure that stakeholders with limited information and communication technology skills and/or access to the Internet have the same opportunities to access and use public information. For instance, Citizen Shops and Citizen Spots could be utilised to increase awareness and use of digital tools and technologies.
- Conducting user consultations to prioritise citizens' information and data needs, including the preferable format and channels for dissemination, to ensure the accessibility and usability of online tools and websites and to easily locate existing information and data.
- Providing binding decision making powers and further resources to the Commission for Access to Administrative Documents to increase its enforcement capacities, conduct investigations and enforce sanctions.
- Encouraging the appointment of a person or unit in charge of the access to information law in all public bodies subject to the law and providing additional training and capacity-building to public officials to increase compliance. A network of access to information officials could also be created to build capacities and exchange good practices.

Protecting digital security, inclusion and people-centred use of technologies

Portugal is a leading innovator in online public service delivery and one of the most advanced digitised societies in Europe. While it has championed digital reforms under a user-centred perspective, there is still room to enhance the access to and sharing of public data, strengthen cybersecurity measures, and address data collection and privacy concerns. To make public services more accessible while ensuring the protection of personal information and data, the government of Portugal could consider:

- Scaling existing capacity-building efforts to include service providers at the front lines of using personal data to implement GDPR directives, as well as to address the uneven levels of implementation across line ministries. These trainings could be expanded to include citizens to raise their awareness of how to monitor and protect their personal data when interacting with the state – for example through ePortugal.gov and other relevant delivery channels, and co-ordinated by the Portugal Digital task force.
- The Portuguese Data Protection Authority could consider the creation of data protocols or standards to promote the systematic collection, management, use and sharing of information across institutions and policy sectors with a view to ensuring its privacy. These protocols could

be designed collaboratively with service providers and other relevant public servants across line ministries to ensure that the protocols address the potential challenges faced by these actors in terms of data privacy.

- Exploring opportunities to engage with civil society, technology experts and businesses to ensure the Video Surveillance and Facial Recognition Law responds to the concerns of all the relevant actors to safeguard privacy and autonomy. With the gradual introduction of biometric data collection in public service delivery, consulting with these actors will be fundamental.
- The Administrative Modernization Agency could seek to collaborate more closely with the National Cybersecurity Centre to expand the scale and reach of awareness-raising and capacity-building activities planned as part of Commitment 6 of Portugal's OGP National Action Plan on "raising awareness and building capacity on cybersecurity issues".

As a digital champion, Portugal has come a long way in placing citizens at the centre of the digital transformation of the public sector. Digital inclusion has remained a top priority for the government and even more so as digital services took a central role at the onset of the COVID-19 pandemic. Despite these efforts, as in many OECD Members, digital divides continue to present challenges for different groups to access public services. To address the existing demographic, income, geographic and accessibility-based factors inhibiting certain groups from using public services, the government of Portugal could consider the following:

- In the framework of the Mosaico initiative, conducting a user mapping to build evidence on existing gaps to inform the process to redesign pilot public services. The government could pay particular attention to devising different service delivery modalities in line with Commitment 3 in its 2nd OGP National Action Plan according to the needs of groups such as the elderly, migrants and other traditionally under-represented groups.
- Expanding the scale and reach of the INCoDe programme to provide targeted support for digital literacy capacity building based on a mapping of existing gaps across groups in society and regions. Reflecting on potential avenues to ensure the systemic funding of this programme to secure key results moving forward in terms of digital literacy.
- Scaling existing efforts in the framework of INCoDe with a view to expanding the support available to the elderly. This support could include adopting measures to simplify existing platforms and tailoring services according to the needs, habits and limitations of this group.
- Strengthening co-ordination with local governments to drive and tailor service delivery according to the needs of each particular region. This work would also benefit from identifying and collaborating with community leaders, CSOs and other trusted voices to expand the reach of existing onsite support for service delivery to different groups, in particular vulnerable segments of the population.

While Portugal has great potential and an ambitious vision to leverage artificial intelligence for the delivery of many crucial services, further efforts are needed to promote an ethical, transparent and people-centred use of these technologies. Strengthening algorithmic transparency, safeguarding data privacy and addressing human biases in algorithms discriminating against minorities in the delivery of automated services will be vital for Portugal to unlock the full potential of these technologies. The government could thus consider the following recommendations to strengthen its use of artificial intelligence, algorithms and other technologies in public service delivery, with a focus on protecting and promoting civic freedoms and rights:

- Strengthening algorithmic transparency by making the criteria used to automate decisions and the treatment of personal data in the delivery of a service publicly available in a clear, up-to-date and accessible manner. This could include, for example, criteria for approval,

requirements, decision making processes, institutions involved in the process, as well as benefits/outputs of each service.

- Developing dedicated technical guidance to guide automated decisions and ensure the protection of personal information along the data processing cycle, in particular as service providers introduce the use of algorithms to determine social benefits and other outcomes. It could also consider the delivery of capacity-building trainings for service providers that use public data sets to raise their awareness and strengthen compliance with GDPR directives.
- Along with the implementation of the Guiding Principles, AMA could raise awareness among key service providers on how to introduce safeguards against potential instances of bias and discrimination by artificial intelligent technologies used for the delivery of public services.
- Exploring opportunities to co-create algorithms used for public service delivery with end users through hackathons and other stakeholder participation mechanisms.

Strengthening the role of independent oversight mechanisms in protecting fundamental rights

The institutional frameworks governing civic space in Portugal are comprehensive and have made important progress in recent years in terms of developing relevant policy instruments (i.e. thematic strategies) and offering sectoral redress mechanisms for individuals. Yet, they face a series of challenges in their governance structures, due to a lack of resources, limited decision making powers and lack of data standardisation, as well as in their implementation, mainly due to a complex and fragmented system, limited training, weak communication and lengthy process for complaints. The government could consider strengthening the governance of the existing oversight mechanisms governing civic freedoms to combat the current siloed approach and to increase access to all members of society by:

- Ensuring adequate funding, capacities and independence across institutions, particularly those that have a complaints mechanism in place, to ensure cases are effectively monitored and investigated.
- Providing binding authority to key institutions' recommendations to increase compliance from public bodies.
- Publishing data on complaints and sanctions from commissions on a single portal to encourage compliance competition across public bodies and promote monitoring from citizens and stakeholders.
- Identifying avenues to simplify the access to complaints mechanisms and understand the accessibility of services provided via targeted outreach to, and research among, vulnerable and marginalised communities.
- Simplifying the process to file complaints and providing timely follow-up on their progress as well as proper referrals when relevant. For instance, a centralised online system, such as the Electronic Yellow Book for public services, could be created for all types of complaints concerning fundamental rights.
- Increasing support services, such as legal aid, targeting the most disadvantaged members of society by partnering with relevant civil society organisations.
- Developing a communication strategy targeting different population groups using simple language to clearly explain which body can address each type of complaint to increase awareness and use of the existing mechanisms.
- Fostering collaboration among commissions by creating an informal network to develop expertise, identify service gaps, and foster synergies and cross-sectoral data analysis that can help identify trends.

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Notes

¹ Portugal has ratified 17 out of 18 international human rights treaties, including the International Covenant on Civil and Political Rights, as well as the Optional Protocol and Second Optional Protocol to the International Covenant, the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Optional Protocol to the Convention. Only the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families has not been ratified (OHCHR, n.d.^[165]).

² The OECD's PISA assessments define a student as any individual participating in educational services covered by the data collection. The number of students enrolled refers to the number of individuals (headcount) who are enrolled within the reference period and not necessarily to the number of registrations (OECD, 2001^[167]).

³ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

⁴ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

⁵ Data received from the Government of Portugal, March 2023.

⁶ Data received from the Government of Portugal, March 2023.

⁷ Data received from the Government of Portugal, March 2023.

⁸ Data received from the Government of Portugal, March 2023.

⁹ This refers to basic education grades 4-6. Basic education is followed by secondary education (third cycle and upper secondary education) after the completion of the second cycle.

¹⁰ Data received from the Government of Portugal, March 2023.

¹¹ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

¹² Data received from the Government of Portugal, March 2023.

¹³ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

¹⁴ This category includes indicators on the following: possibility of imposing sanctions on those who wilfully undermine the right to information (e.g. unauthorised destruction of information); existence of a redress system for public bodies who systematically fail to disclose information; whether legal immunity is granted for the independent oversight body and its staff for acts undertaken in good faith in the exercise or performance of any power, duty or function under the RTI law; existence of legal protections against imposing sanctions on those who disclose wrongdoing (i.e whistleblowers).

¹⁵ This category includes indicators on the following: whether public authorities are required to appoint officials or units with dedicated responsibilities for ensuring that they comply with their information disclosure obligations; existence of a central body with overall responsibility for promoting RTI; whether public awareness-raising efforts are required by law; existence of a system whereby minimum standards

regarding the management of records are set and applied; whether public bodies are required to create and update lists of registers of the documents in their possession, and make these public; existence of training programmes for public officials; whether public bodies are required to report annually on the actions taken to implement their disclosure obligations, including statistics on requests; whether the central body is obliged to present a consolidated report to the legislature on implementation of the law.

¹⁶ This category includes indicators on the following: whether standards in the ATI law trump restrictions on information disclosure (secrecy provisions) in other legislation to the extent of any conflict; whether exceptions to the of access are consistent with international standards; whether a harm test applies to all exceptions, so that disclosure is only refused when it poses a risk of actual harm to a protected interest; existence of a mandatory public interest override so that information must be disclosed where this is in the overall public interest, even if this may harm a protected interest; whether there is a requirement to release information as soon as an exception ceases to apply; existence of clear and appropriate procedures for consulting with third parties who provided information which is the subject of a request on a confidential basis; existence of a severability clause requiring the rest of a record to be disclosed even if a specific section is covered by an exception; whether public bodies when refusing to provide access to information a) state the exact legal grounds and reason(s) and b) inform the applicant of the relevant appeals procedures.

¹⁷ The analysis of Portugal's access to information law is based on the country's response to Section 4 on transparency of the OECD 2020 Survey on Open Government.

¹⁸ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

¹⁹ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

²⁰ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

²¹ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

²² Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

²³ The OECD's DGI measures the extent to which governments are becoming digitally competent to foster integrated and coherent operations as well as end-to-end transformation of service design and delivery.

²⁴ The OECD Digital Government Policy Framework (OECD, 2020^[91]) defines a user-driven perspective as "an approach that describes government actions that allow citizens and businesses to indicate and communicate their own needs and, thereby, drive the design of government policies and public services".

²⁵ The Portugal Digital Task Force brings together key line ministries to oversee a co-ordinated implementation of 57 commitments within the National Plan for Digital Transformation (2021-2023).

²⁶ The Programa Transformar has been a flagship initiative under which LabX has been able to deliver on its mandate. It also has a network of experimentation labs to test service solutions with citizens and businesses.

²⁷ The 2nd OGP National Action Plan foresees supporting existing government platforms, including on the education portal and Dados.gov.

²⁸ The National Security Cabinet is a public entity charged with guaranteeing the security of classified information in the framework of national and international policy in this regard. It provides accreditation for people and companies to access and handle classified information. It also supervises the activity of entities operating within the scope of the state's Electronic Certification System.

²⁹ Based on interviews with five CSOs and seven public institutions from 14 January 2022 to 4 May 2022.

³⁰ Based on interviews with five CSOs and seven public institutions from 14 January 2022 to 4 May 2022.

³¹ Based on interviews with three CSOs working in the field of digital technologies and transparency and three public institutions from 15 November 2021 to 2 March 2022.

³² Data displayed concerns individuals with at least basic overall digital skills.

³³ Based on interviews with ten CSOs and 15 public institutions from 15 November 2021 to 4 May 2022.

³⁴ Based on interviews with ten CSOs and 15 public institutions from 15 November 2021 to 4 May 2022.

³⁵ Dependency ratio refers to the average number of economically dependent population (children and the elderly) per 100 economically productive population. Old-age dependency ratio refers to the average number of population over the age of 64 per 100 economically productive population.

³⁶ Based on interviews with five CSOs from 15 November 2021 to 4 May 2022.

³⁷ Based on interviews with five CSOs and LabX within AMA from 15 November 2021 to 15 April 2022.

³⁸ Based on interviews with seven CSOs and six public institutions from 15 November 2021 to 4 May 2022.

³⁹ Based on interviews with two service providers and eight CSOs from 15 November 2021 to 4 May 2022.

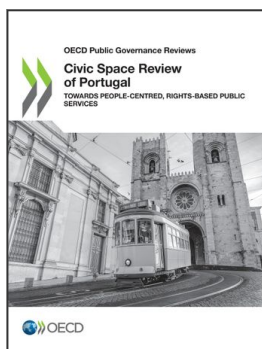
⁴⁰ The Paris Principles represent the first set of standards for national human rights institutions and were endorsed by the United Nations General Assembly in 1993 (Resolution A/RES/48/134). The principles set out the main criteria that national human rights institutions are required to meet, including, among others, their mandate, appointment process and resources (ENNHRI, n.d.^[166]).

⁴¹ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

⁴² Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

⁴³ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.

⁴⁴ Based on interviews with 15 CSOs and 24 public institutions from 15 November 2021 to 4 May 2022.



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