



PERMANENT MISSION OF PORTUGAL
GENEVA

No. 213
DH

The Permanent Mission of Portugal to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the UN High Commissioner for Human Rights and, with reference to its *Note Verbale* dated 10 May 2021, has the honour to enclose herewith the answer of the Portuguese authorities to the questionnaire on the human rights of migrants.

The Permanent Mission of Portugal avails itself of this opportunity to renew to the Office of the UN High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 21 June 2021



Office of the UN High Commissioner for Human Rights
CH 1211 Geneva 10, Switzerland
Fax: +41 22 917 90 08
migrant@ohchr.org; registry@ohchr.org;

1. Please provide information on the healthcare responses taken by your Government to counter the pandemic, providing migrants and their families' access to adequate health care on the same basis as nationals. These include equitable access to treatment, testing, vaccines, reproductive health, gender responsive health protocols, protective equipment and other health and basic services such as water, sanitation, and information. Please also indicate if adequate firewall protections and professional capacities are available to ensure that migrants who fear seeking medical support can access health services without risking immigration enforcement measures; as well as data protections measures.

Portugal has been implementing, from the outset of the crisis, directed, cross-cutting, and targeted measures to combat the pandemic, not only from an epidemiological perspective but also for the social and economic support of families and businesses, including to safeguard migrant persons. The Portuguese support services on migrant's integration have been considered essential public services and remained in operation with face-to-face assistance. Relevant measures include:

- In March 2020, and to unequivocally guarantee the rights of all foreign citizens, Portugal granted a temporary residence status to everyone with pending applications on any ground, including but not limited to asylum. As such, migrants and asylum seekers were guaranteed access to the same rights in healthcare (as well as social benefits) as National Health Service (NHS) beneficiaries and under equal conditions, regarding the provision of health care in official institutions and services and medical assistance, which, in a first stage, covered about 246.000 citizens and currently covers more than 220.000 citizens.
- In addition, such as national citizens, foreign citizens were exempted from user fees in cases of diagnosis and treatment of COVID-19, allowing for the access to medical consultations and other healthcare services, as well as to prescriptions and a general practitioner/family doctor. This measure includes foreign citizens with permanent residence or in a situation of permanence or temporary residence in Portugal, who are nationals of Member States of the European Union or equivalent, third countries nationals or stateless persons, applicants for international protection and migrants with or without their legal status, regardless of their situation in the country.
- More recently, on April 2021, within the scope of COVID-19, these measures were extended. Complementary, if a residence permit has expired, the documents and visas related to the stay in national territory, are accepted until 31 December 2021 and, after this date, provided

that the holder proves that he has already scheduled the respective renewal – this measure covers more than 384.000 citizens.

- Regarding COVID-19 vaccination, the national plan is free of charge for everyone, including migrants without NHS user number, who can register for the vaccine against COVID19 through a form provided by the National Health Service – more than 35.000 citizens already registered.¹ Migrants registered will be contacted by the Local Health Units, depending on the priority group they belong to.
- Ensuring access to health care also involves disseminating official and reliable information and ensuring that migrants and refugees have access to it. The High Commission for Migration (ACM) has worked with various bodies, public or from the civil society, for the translation or creation of informative material, including in health. The ACM's permanent team of translators were also involved in direct actions on the ground, with various communities, supporting other government areas, such as health services.
- The ACM's STT service (Telephone Translation Service) was reinforced, operating in sixty different languages and dialects. Its opening hours were extended, as well as the STT's collaboration to directly support translations of the *Linha Saúde 24*, the telephone and digital service of the National Health Service.
- A special page on the ACM website was created, to compile *Measures, Guidelines and Recommendations* from the competent authorities and entities, to respond to the epidemiological situation of the COVID-19 pandemic².
- ACM also developed in partnership with the Ministry of Health, *Médecins Sans Frontières* and medical students' associations, also involving civil society organizations, including organizations responsible for the reception of asylum seekers and refugees, in person awareness campaigns aiming at the disclosure of rules and guidance in the actual context of Covid-19 disease.

2. Please indicate what solidarity measures and initiatives have been put in place or are planned by the Government, the civil society and other relevant stakeholders to support migrants in the context of the pandemic.

¹Written information and link to registration of foreign citizens without a user number (available in Portuguese and in English): <https://servicos.min-saude.pt/covid19/vacinacao-nao-utente>

² <https://www.acm.gov.pt/-/covid-19-medidas-orientacoes-e-recomendacoes>

During the state of emergency, face-to-face attendance was always maintained at the national support centres (one-stop-shop), by prior appointment, complemented by the reinforcement of online services and creation of specific email addresses and telephone support.

Within the scope of the COVID-19 pandemic, the ACM has been implementing directed, transversal, and targeted measures to tackle the disadvantages faced by migrants and refugees. That has only been possible thanks to the cooperation and multilevel governance, in close and permanent coordination with local entities, such as municipalities, associations (from migrants, refugees), religious groups, as well as mediators and several NGOs. This allowed the identification of needs and provided the means for assisting the target population; as well as the translation or creation of informative material (whether in health – preventive measures, or in rights – exceptional or ordinary measures, social support, or merely informative material to support the actions in progress – rules of use of spaces for lockdown).

Furthermore, the ACM has formed emergency teams to address the challenges posed by the COVID-19 pandemic. These teams are composed of various resources/areas of the ACM and have accompanied COVID-19 situations affecting migrants and refugees. The ACM's intervention includes monitoring, follow-up, and reporting. The ACM has been developing social support, translation, and informative work.

In May 2020, the ACM and the *Calouste Gulbenkian Foundation (FCG)* signed a protocol to fund civil society organisations that, in the context of the COVID-19 pandemic, would respond to the various needs of migrant populations. The vulnerabilities of the populations to be supported were identified by ACM, in a joint work with local associations. In a universe that includes more than 17,000 migrants, refugees and members of Roma communities, vulnerabilities in terms of protection, testing and food provision of these populations were identified.

This partnership between the ACM and the FCG aimed to support a total of 41 civil society organisations, with a total amount of €98,950. From these 41 organisations, 29 support migrants and descendants, 4 support refugee persons, and 8 support Roma communities. Within the scope of this emergency support, nearly 16,400 persons were supported, plus 36 family households.

This emergency support, according to the entities that were supported, made it possible to address the vulnerable situations of migrant, refugee, and Roma communities, aggravated by the COVID-19 pandemic. It made it possible to promote and contribute towards improving the

living conditions of these communities in situations of need, namely elderly, single-parent families, and large families in situations of prolonged unemployment or precarious employment.

4. Please provide information on actions taken to prevent and address racial discrimination, the speech, xenophobia, and related intolerance faced by migrants, particularly in the COVID-19 context.

The ACM, through the Commission for Equality and Against Racial Discrimination (CICDR), has the mission to prevent and prohibit discrimination on the grounds of racial or ethnic origin, ascendancy, colour, nationality and territory of origin.

During the state of emergency caused by the Covid-19 pandemic, CICDR kept all services operational, including the reception of complaints and their technical analysis and processing. CICDR reinforced its online presence and disseminated the information of the possibility of filing a complaint through an electronic form or by email. Notwithstanding the suspension of administrative and judicial deadlines imposed by the state of emergency, CICDR maintained the provision of information to victims of racial discrimination to defend their rights and proceeded with the forwarding of complaints to the competent authorities in applicable cases.

During the pandemic crisis, CICDR also promoted several awareness-raising actions:

- In 2020, to mark the day, and due to the restrictions imposed by the COVID 19 pandemic, CICDR launched a campaign on Facebook consisting of billboard advertising with the hashtags #ForEquality #ForDiversity #ForRespect, to raise awareness on the spread of hate speech on social media and encouraging the reporting of offensive content;
- On September 1st, a new online campaign was launched to mark the third anniversary of the entry into force of the new legal regime for the prevention and fight against racial discrimination, that was celebrated with the dissemination of information cards that intended to make known the competences of CICDR, the scope of Non-Discrimination law, and report on how to file a complaint;
- The awareness raising in matters of anti-discrimination of professionals of all sectors, especially for security forces, continued during the year 2020, despite the pandemic restrictions (CICDR provided a total of 12 sessions, which reached 268 participants);

Despite the pandemic context, work continues in Portugal to combat racism and discrimination. In January 2021, the Portuguese government created the Working Group for the Prevention and Combat of Racism and Discrimination that worked as a thinktank for the creation of the *National Plan to Combat Racism and Discrimination*.

This National Plan follows the call of the European Union Action Plan against Racism 2021-2025 which recommends that Member States approve national plans by the end of 2022. The National Plan aims to materialize the right to equality and non-discrimination as the foundation of Portuguese democracy, through a strategy of national action, which reinforces the adoption of measures destined to prevent and combat racism, transversally and in the various sectors and governmental areas. It identifies the 10 priority areas of intervention: Governance, information and knowledge; Education and culture; Higher education; Work and employment; Housing; Health and social action; Justice, security and rights; Participation and representation; Sport; and Media and the digital. The National Plan was under public consultation in April and May and is estimated to be approved in the summer.

5. Please provide information on any emergency measures or declarations or any special legislation activating extraordinary powers based on the COVID-19 pandemic taken by your government at national or local level, and whether such measures have been temporary and proportional and tailored to migrants' human rights and fundamental freedoms. || 6. Please provide information on any relevant legislation or policy adopted during the pandemic in relation to the regularization of migrants, including those in an irregular situation, through the adoption of for example regularization processes and pathways, extensions of work visas, and other appropriate measures for improving decent work and dignified living conditions, strengthening migrants' contributions, and fostering cooperation. Please indicate if the regularization programs are devised as long-term solutions.

Portugal has had a quick and effective response to safeguard the basic rights of migrant populations within its territory, particularly ensuring migrant citizens' access to health, social security, job, and housing conditions. Such measures included:

- Migrants and asylum seekers with pending applications for residence permits in the Portuguese Immigration and Borders Service (SEF) were considered in a regular situation, and with access to the same rights and supports as permanent residents, including health, social, employment, and housing rights;
- More than 220.000 migrants with ongoing regularisation processes at SEF in Portugal are provisionally regular, under three decrees published following the outbreak of COVID-19;
- The regularisation enabled access to all public services (namely to obtain the number of users), to the National Health Service – more than 77.000 citizens already accessed the health number, to other healthcare rights and to social support benefits, and allowed them to sign lease contracts, draft employment contracts, open bank accounts and contract essential public services;

- A simplified procedure of applications for granting and renewal of residence permits was implemented in May 2020;
- Residence permits were extended until the 31 December 2021³;
- The exemption from user fees in cases of diagnosis and treatment of COVID-19, also applicable to all foreign citizens, irrespectively of their legal status.

7. Please indicate if your country has adopted or is planning to adopt a COVID-19 socio-economic response and recovery plan, and if a human rights-based approach and human rights and gender-sensitive indicators are considered to ensure that no one will be left behind. Please indicate which are the available mechanisms enabling different parts of the Government as well as civil society actors and other key stakeholders to participate at all stages of the response and recovery plans and to monitor them.

Framed by the European Commission through the Recovery and Resilience Mechanism, the Recovery and Resilience Plan (RRP) is a comprehensive strategic document, which sets out key structural reforms to ensure the exit from the pandemic crisis and ensure a resilient future for Portugal. The RRP is nationally applicable, with an implementation period until 2026.

The RRP is organised into three main thematic areas, based on the diagnosis of needs and challenges: Resilience, Climate Transition and Digital Transition. Each of these is made up of several components, subdivided into reforms which, in turn, are embodied through projects.

The Resilience Dimension absorbs the most resources. Concentrating 61% of the amount of RRP grants, the Resilience Dimension is the most transversal thematic area, interconnecting and contributing to the achievement of the investment targets proposed by the European Commission in the six Relevant EU Policy Pillars: green transition; digital transformation, smart, sustainable, and inclusive growth; social and territorial cohesion; health and economic, social and institutional resilience, and policies for the next generation.

Focused on persons and the development of the territory, the Resilience Dimension includes nine components, ranging from Health to Social Responses, including Housing, Innovation, Infrastructure, Qualifications and Skills, among others.

These are the three major dimensions of a Recovery and Resilience Plan that, in articulation with the other available instruments, such as the Multiannual Financial Frameworks, the one that is

³ Decree-Law no. 22-A/2021, of 17 March

ending (2014-2020) and the one now starting (2021-2027), will mark the start of a vast set of structural reforms capable of responding to the country's transformation needs, to ensure a future of growth and development based on territorial cohesion and persons-centred.

It should also be noted that the RRP is part of the Portugal 2030 Strategy, the strategic reference for the structural options of our country throughout the decade, and that it is based on the Strategic Vision for the economic recovery plan of Portugal.

The RRP is particularly relevant in defining policies that will enable a public response not only to cyclical inequality, but also to act on structural factors of inequality exacerbated by the consequences of the pandemic crisis. Additionally, and as stipulated in the European Commission's guidelines, the plan proceeds to integrate the gender perspective in public policies, placing the prevention and fight against inequalities at the centre of our future development.

- In the investment aimed at promoting the response capacity and the resilience of the Public Administration's statistical production system, all central administration administrative data shall be disaggregated by gender, in line with the Strategy for Innovation and Modernisation of the Public Administration.
- The fight against violence against women, the cruellest manifestation of gender inequalities, has been one of the main priorities of public policies. The urgent and temporary accommodation solutions provided for in the Housing Component will improve the speed and adequacy of these responses where victims need an immediate solution that will keep them away from their aggressors.
 - Within the scope of the NHS Component, the strengthening of primary health care centred on the persons and of proximity, which is fundamental in identifying risk situations such as domestic violence, in deepening intervention in the field of sexual and reproductive health, or even in preventing and combating female genital mutilation, must be stressed.
- The Qualifications and Competences Component includes measures to promote equal pay and to promote balanced representation, but also to combat the stereotypes that limit the choices of girls and women and shape future inequalities.
 - The Reform for Combating Inequality between Women and Men: brings together equal pay and balanced representation laws, and projects to combat professional segregation, with concrete targets.

- Young Impulse STEAM: a contractual model that will bind the entities to objectives to fight professional segregation, among other goals (increase the number of graduates in Higher Education - includes an extraordinary financial incentive aimed at new students in these areas).
- The Social Equipment and NHS Components foresee an increase in social equipment and responses, as well as in terms of continued care, which will contribute to reducing the imbalance of unpaid work, promoting full and equal participation of women in the labour market.
- The digital transition requires particular attention, given the profound under-representation of women in the area of information and communication technologies. The fight against stereotypes in the digital domain is present from school, in the Digital Education component, to the qualification of the active population, where the digital training programmes foreseen in the Companies 4.0 component will have a balanced gender representation.
 - In the scope of professional segregation, and in a bet on the continuity of the project Engineers for a Day, it is foreseen that more than 8,000 young persons from the 3rd cycle of basic education and secondary education will be involved, until the 4th quarter of 2023, in practical laboratory activities, role model sessions and mentoring.
 - In the programmes to promote the digital skills of the active population, the guarantee of gender balance was included (Digital Portugal Academy and Employment + Digital 2025) through monitoring mechanisms, with sex-disaggregated data. Additionally, to the global balance, there will be sectorial incentives to the participation of the under-represented sex.
- In the scope of climate transition, the RRP includes measures to provide intensive support to the renovation of residential, public and service buildings, and the allocation of 100,000 vouchers to support energy efficient solutions for families in energy poverty.
 - There is a strong focus on actions to combat energy poverty by reducing energy and other consumption costs and providing due support to the households in the most vulnerable situations, namely single-parent families, in the energy renovation of homes through, among other measures, the provision of financing mechanisms and tax benefits.
 - Highlight also goes to the Sustainable Mobility component where, recognizing that the first objective is naturally the promotion of collective and decarbonized

transport, one must be aware that women are the majority users of public transport.

- Within the scope of the gender impact of the RRP, the component of Integrated Operations in Disadvantaged Communities in Metropolitan Areas should also be highlighted, which foresees action on multiple factors of exclusion that reinforce each other and seriously affect some territories and communities.

8. Has the Government experienced specific challenges in protecting and fulfilling the human rights of migrants in the COVID-19 context – including their right to health, housing, education, information, social protection, basic services, safe and dignified return and sustainable reintegration and others? Kindly provide information on emerging practices and opportunities for strengthening the protection of migrants in the context of the COVID-19 pandemic.

The Portuguese support services for migrant's integration have been, from the outset of the crisis, considered essential public services, and remained in operation with face-to-face assistance. The services also increased online and telephone attendance. The Migrant Support Line number of attendances more than doubled from 2019 to 2020 – in 2019 there were close to 30 000 and in 2020 around 67 500 telephone attendances.

In terms of communication and information, the ACM created dedicated content in its website about the COVID-19, ensuring the dissemination of official and reliable information to the populations in the most vulnerable situations (for more detail, please refer to 1).

Furthermore, these services have also been implementing directed, transversal, and targeted measures to tackle the disadvantages faced by migrants and refugees. That has only been possible thanks to the cooperation and multilevel governance, in close and permanent articulation with local entities, such as municipalities, associations (from migrants, refugees), religious groups, as well as mediators and several NGOs, which was designed in the context of the implementation of the National Plan on the Implementation of the Global Compact for Migration. ACM outlined and has put into practice a coordinated and structured strategy of identifying needs and assisting the target population, in close cooperation with the abovementioned entities.