

Coronavirus pandemic in the EU – Fundamental Rights Implications

Country: Portugal

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1 Measures taken by government/public authorities

1.1 Emergency laws/states of emergency

In Portugal, the State of Emergency ended on 2 May. The State of Emergency was followed by the declaration of the situation of calamity by Resolution of the Council of Ministers 33-A/2020 of 30 April which started on 3 May¹. Council of Ministers Resolution 38/2020 of 17 May² extended the situation of calamity until 31 May.

The situation of calamity saw the gradual lifting of the suspensions and interdictions decreed during the state of emergency and the gradual return of the economic activity to its normal state. These measures were implemented in several phases. According to the Plan for the Lifting of Confinement Measures approved by the Council of Ministers on 30 April and to the Resolution of the Council of Ministers 33-C/2020 of 30 April³, it included three phases: a phase that began on 4 May; a subsequent phase starting on 18 May; and a final phase from 1 June⁴.

In the first phase, which began on 4 May, among other measures, public transportations resumed their activity with 2/3 of their capacity and with mandatory use of a protective mask; events or gatherings with more than 10 people were prohibited; funerals can be held with no limit of family members (the attendance of non-family members is limited by local authorities); work remains in the mandatory teleworking regime, whenever the functions allow it; the opening of local shops with an open door to the street and an area of up to 200 m², hairdressers and manicurists, bookstores, car dealerships, libraries, archives and public attendance services was authorised; and the practice of outdoor sports was allowed. In the second phase, starting on 18 May, shops located on the street with an area of up to 400 m² were allowed to open, as well as restaurants, cafes and bakeries, museums, monuments and art galleries with capacity limits, respecting social distancing rules; schools reopened for students from the 11th and 12th grades for the subjects whose final exams are necessary for accessing higher education and the social facilities for the disabled and daycare centers (with the option of maintaining the family support) also reopened. As of 30 May, religious ceremonies were allowed, with capacity limits and respecting social distancing rules, as was the holding of first division football matches, with regular testing of the teams and without public attendance. Finally, in the third phase, starting on 1 June, partial teleworking is recommended, with staggered or separate shifts, shopping centers will reopen, as well as daycare centers and pre-schools, cinemas, theaters and concert halls.

¹ Portugal, [Resolution of the Council of Minister 33-A/2020 that declared the situation of calamity in the context of the COVID-19 pandemic](#) (*Resolução do Conselho de Ministros n.º 33-A/2020 que declara a situação de calamidade, no âmbito da pandemia da doença COVID-19*), 30 April 2020.

² Portugal, [Resolution of the Council of Ministers 38/2020 that extends the declaration of the situation of calamity in the context of the COVID-19 pandemic](#) (*Resolução do Conselho de Ministros nº 38/2020 que prorroga a declaração da situação de calamidade, no âmbito da pandemia da doença COVID-19*), 17 May 2020.

³ Portugal, [Resolution of the Council of Ministers 33-C/2020 that establishes a strategy to lift the containment measures adopted within the scope of the combating the COVID-19 pandemic](#) (*Resolução do Conselho de Ministros n.º 33-C/2020 que estabelece uma estratégia de levantamento de medidas de confinamento no âmbito do combate à pandemia de doença COVID 19*), 30 April 2020.

⁴ Portugal, Conselho de Ministros (Council of Ministers) (2020) [Plano de Desconfinamento](#) (Plan for the end of confinement), 30 April 2020.

The Resolution of the Council of Ministers 40-A/2020 of 29 May⁵ extended the situation of calamity until 14 June. The Government opts for less intense restrictions. Since these measures will enter into force in June, they will be detailed in the next report. Due to the increase in the number of cases of COVID-19, some measures are specifically addressed to the region of Lisbon.

1.2 Measures affecting the general population

1.2.1 Social distancing

The 2 May was the last day of the State of Emergency. The Ministry of Internal Affairs has reported on the surveillance actions carried out by the Republican National Guard and the Public Security Police in this period⁶. Over the entire period in which the State of Emergency was in force, 428 arrests were made and 2,418 commercial establishments were closed. In the last period of the State of Emergency, between 18 April and 2 May, 136 people were arrested for the crime of disobedience, 44 of which for disobeying the mandatory confinement, 1 for disobeying the special duty of confinement, 60 for disobeying the general duty to stay at home, 14 for disobeying the closure of facilities and establishments, 1 for disobeying the rules for operating retail trade, 3 for disobeying the rules for the provision of services, 12 for resistance/coercion and 1 for disobeying traffic restrictions in the period from 1 to 3 May. In the same period, 278 establishments were closed for non-compliance with the established standards.

Decree 2-D/2020 of 30 April imposed a ban on travel outside people's municipality of residence from 1 May until 3 May, except for health reasons or reasons of imperative urgency⁷. The police forces had to monitor the compliance with this rule. The non-observance of this rule was a crime of disobedience. In this context, according to the Metropolitan Command of Lisbon of the Public Security Police, between 17:00 of Saturday and 17:00 of Sunday, 1,900 vehicles were prevented from continuing their journey and a total of 20,000 people were cautioned during the travel restrictions in Lisbon⁸.

The declaration of the situation of calamity maintains the need to comply with the physical distancing measures. According to the Resolution of the Council of Ministers 33-A/2020 of 30 April⁹, people infected with COVID-19 as well as citizens for whom the health authority or other health professionals have determined active surveillance remain in mandatory confinement. The mandatory confinement is supervised by police and its violation is a crime of disobedience. For other citizens, only a civic duty to stay at home is imposed, so they must refrain from leaving their houses,

⁵ Portugal, [Resolution of the Council of Ministers 40-A/2020, that extends the declaration of the situation of calamity, in the context of the COVID-19 pandemic](#) (*Resolução do Conselho de Ministros n.º 40-A/2020, que prorroga a declaração da situação de calamidade, no âmbito da pandemia da doença COVID -19*), 29 May 2020.

⁶ Portugal, Ministério da Administração Interna (Ministry of Internal Affairs) (2020) [Nota à comunicação social: Ponto de situação do estado de emergência a 2 de maio de 2020](#) (Note to the media: State of play of the state of emergency in 2 May 2020), 2 May 2020.

⁷ Portugal, [Decree 2-D/2020, that regulates the state of emergency and the state of calamity for the period between 1 and 3 May 2020](#) (*Decreto n.º 2-D/2020, que regulamenta o estado de emergência e o estado de calamidade para o período entre 1 e 3 de maio de 2020*), 30 April 2020.

⁸ Público (2020), ["Covid-19: PSP impede 1900 viaturas de prosseguirem trajeto durante restrições"](#) (Covid-19: PSP prevents 1900 vehicles from continuing their route during restrictions), 3 May 2020.

⁹ Portugal, [Resolution of the Council of Minister 33-A/2020 that declared the situation of calamity in the context of the COVID-19 pandemic](#) (*Resolução do Conselho de Ministros n.º 33-A/2020 que declara a situação de calamidade, no âmbito da pandemia da doença COVID-19*), 30 April 2020.

with several exceptions such as, the acquisition of goods and services; to go to work; for health reasons; to assist vulnerable persons; to accompany children; to go to libraries and archives, as well as green areas; to practice outdoor sports; among others. Since it is a civic duty, the non-compliance is not sanctioned. Funerals can be attended by family members and concentrations of more than 10 people are only allowed if they belong to the same household. Decree-Law 20/2020 of 1 May¹⁰ amended Decree-Law 10-A/2020 of 13 March¹¹. Article 13-B of Decree-Law 10-A/2020 establishes the need to wear a protective mask or a face shield in public transportations, commercial establishments, public buildings and schools. As of 30 May, this use will also be mandatory in theaters and cinemas¹². The non-compliance with this rule results in a fine between €120 and €350. In this context, the celebrations of the Labour Day were deemed controversial, but the rules of physical distancing were respected, gathering thousands of demonstrators across the country¹³.

A monitoring study conducted by PSE¹⁴ (a company specialising in data science and advanced research, which tracks the mobility of 3,670 people through a mobile phone application) revealed that on the first day of May, 64% of Portuguese citizens stayed at home and on the weekend of 2 and 3 May this figure was 59%. On 4 May, the first day of the lifting of the confinement measures, 49.6% of the Portuguese citizens stayed at home, which was the second-lowest value since the declaration of the state of emergency in March. This indicated a trend towards increased mobility in a smooth and controlled way. On 18 May, the first day of the second phase of lifting the confinement measures, 44% of the Portuguese citizens were at home and 56% were moving. Of these, 23.3% had a “high mobility” (over 20 km per day) and 20.2% a “low mobility” (up to 10 km per day). On 29 May, the last working day of the month, only 37% of the population stayed at home, which represents the lowest percentage of confinement since the beginning of the pandemic.

Until 14 May, the Republican National Guard and the Public Security Police, complying with legislation that defines the exceptional and temporary measures of the situation of calamity has: imposed 60 fines for the non-compliance with the mandatory use of masks or protective shields in the public transportations; found 1,698 situations of non-compliance with the mandatory use of masks or shields in commercial establishments and services; closed 262 establishments and suspended 51 activities for non-compliance with the established standards; arrested 20 people for the crime of disobedience, of which 14 were disobeying the obligation of confinement, 2 the closure of facilities and establishments, 1 the operating rules for the retail trade and provision of services and 3 for resistance/coercion¹⁵.

¹⁰ Portugal, [Decree-Law 20/2020, that amends the exceptional and temporary measures related to the pandemic of COVID-19](#) (*Decreto-Lei n.º 20/2020, que altera as medidas excecionais e temporárias relativas à pandemia da doença COVID-19*), 1 May 2020.

¹¹ Portugal, [Decree-Law 10-A/2020, establishing exceptional and temporary measures regarding the epidemic of the new Coronavirus Covid-19](#) (*Decreto-Lei n.º 10-A/2020, que estabelece medidas excecionais e temporárias relativas à situação epidemiológica do novo Coronavírus – COVID-19*), 13 March 2020. This Decree-Law had several amendments. The last amendment was by Law 16/2020 of 29 May.

¹² Portugal, [Decree-Law 24-A/2020 that amends the exceptional and temporary measures related to the pandemic of COVID-19](#) (*Decreto-lei n.º 24-A/2020, que altera as medidas excecionais e temporárias relativas à pandemia da doença COVID-19*), 29 May 2020.

¹³ For more information, see [the General Confederation of Portuguese Workers webpage on the celebrations of the national holiday of 1st of May](#).

¹⁴ For more information, see [PSE webpage on the evolution of confinement and mobility](#). Last updated on 31 May 2020.

¹⁵ Portugal, Ministério da Administração Interna (Ministry of Internal Affairs) (2020), [Nota à comunicação social: Ponto de situação da atividade de sensibilização, vigilância e fiscalização junto da população](#) (Note to

Social distancing is generally imposed in all situations, namely in the work place, schools, shopping centers, restaurants and public transports. These sectors, had to create the necessary conditions to fulfill the social distancing rules. For example, the maximum capacity of public transports was reduced to two-thirds; restaurants had to ensure the physical distance between clients, either by reducing the maximum capacity or by creating barriers; all commercial and service provision places must observe the maximum indicative occupancy rule of 0.05 people per square meter of area.

Airplanes are an exception. In fact, the Government, first decreed a two-third reduction in the capacity of passengers on planes¹⁶. However, given that the international recommendations studied and proposed regarding the health measures in the air transport sector do not recommend to limit aircraft capacity, it was decided that passenger capacity will no longer be limited¹⁷. The measure takes effect from 1 June.

Decree-Law 24/2020 of 25 May, regulated the access, occupancy rate and use of bathing beaches, during the COVID-19 pandemic, for the 2020 bathing season¹⁸. These measures aim to ensure that the rules of physical distancing and respiratory etiquette are respected in the beaches. According to this Decree-Law, the occupancy rate of the beaches must be signaled, using coloured signs, in the following terms: a) green: low occupancy, which corresponds to a use of up to one third; b) yellow: high occupancy, which corresponds to a use between one third and two thirds; and c) red – full occupancy. An app called Info Praia was developed to allow citizens to know the occupancy rate of the beaches through their phones. Access to the beach may be banned for reasons of public health, due to serious non-compliance with the duties imposed on concessionary entities and users.

1.2.2 Education

As already mentioned in the previous report, Resolution of the Council of Ministers 33-C/2020 of 30 April¹⁹ determined that schools would resume face-to-face classes on 18 May for the 11th and 12th grades and the 2nd and 3rd years of dual certification courses from secondary education (vocational training courses). However, the classroom lessons will only cover the subjects whose final exams are necessary for accessing higher education and have a reduced schedule. For students of the remaining grades, teaching will continue to be done remotely (by digital means). Decree-Law 20-H/2020 of 14 May amended Decree-Law 14-G/2020 of 13 April establishing exceptional measures for the organisation and functioning of educational and training activities²⁰. According to Decree-Law

the media: State of play of the awareness, surveillance and inspection activity among the population), 15 May 2020.

¹⁶ Portugal, [Ordinance 106/2020, that establishes a maximum limit of passengers for air transport](#) (*Portaria n.º 106/2020, que estabelece para o transporte aéreo um limite máximo de passageiros*), 2 May 2020.

¹⁷ Portugal, [Ordinance 125/2020, that revokes Ordinance 106/2020, of 2 May, which establishes a maximum limit of passengers for air transport](#) (*Portaria n.º 125/2020, que revoga a Portaria n.º 106/2020, de 2 de maio, que estabelece para o transporte aéreo um limite máximo de passageiros*), 25 May 2020.

¹⁸ Portugal, [Decree-Law 24/2020, that regulates access, occupation and use of beaches, in the context of the COVID-19 pandemic for the 2020 bathing season](#) (*Decreto-Lei n.º 24/2020, que regula o acesso, a ocupação e a utilização das praias de banhos, no contexto da pandemia da doença COVID-19, para a época balnear de 2020*), 25 May 2020.

¹⁹ Portugal, [Resolution of the Council of Ministers 33-C/2020 that establishes a strategy to lift the containment measures adopted within the scope of the combating the COVID-19 pandemic](#) (*Resolução do Conselho de Ministros n.º 33-C/2020 que estabelece uma estratégia de levantamento de medidas de confinamento no âmbito do combate à pandemia de doença COVID 19*), 30 April 2020.

²⁰ Portugal, [Decree-Law 20-H/2020, that establishes exceptional measures for the organisation and functioning of educational and training activities, in the context of the pandemic of COVID-19](#) (*Decreto-Lei n.º 20-H/2020,*

20-H/2020 of 14 May, schools must rearrange the spaces, classes and schedules, in order to ensure compliance with the guidelines of the Directorate-General of Health, namely in terms of hygiene and physical distancing. Classes should be held preferably between 10:00 and 17:00. The organisation of the classes should be done in different periods or days (creating uneven schedules), to minimise the contact between students and the concentration of persons in school grounds, as well as the number of trips to school for each student. In addition, classes should be split when the number of students does not allow compliance with the rules of physical distancing. Finally, we highlight the need for school spaces to be reorganised, namely holding classes in large spaces (e.g. auditoriums), the allocation, whenever possible, of a single room or space per class and the establishment of rules related to meals. All social support measures for students from socioeconomically disadvantaged backgrounds included in the previous reports remain in effect. No new measures were identified.

A set of guidelines was established by the Directorate-General for School Establishments, related with the reorganisation of the functioning of schools²¹, which were complemented with guidelines issued by the Directorate-General for Health²². These guidelines recommend that schools try to: concentrate classes during the morning or afternoon; favour the use of large and airy rooms, with one student per desk; decrease the intervals between classes, during which students should generally remain within the classroom; define circuits, routes and procedures within the school, that promote the physical distancing between students; close the services and other spaces not necessary for school activity (buffets/bars; support rooms; student meeting rooms and others); reduce the maximum capacity of spaces such as libraries and computer rooms to one third; focus on the digital route for all administrative procedures; define procedures for the use of cafeterias; ensure the presence of the strictly necessary staff for the operation of the classroom school activities, and if a teacher belongs to a risk group, his/her school workload can be redistributed among teachers or their classes should be held remotely. The student attendance is recorded. Students who do not attend classroom lessons, by a manifest choice of their parents, have their absences justified, but the school is not required to provide classes hold remotely. If a student is proven to be in a risk group, the school should facilitate remote support, as in all cases of prolonged illness. Finally, the contingency plans implemented should ensure good hand hygiene practices and respiratory etiquette and also promote physical distancing. The use of masks or face shields is mandatory.

As determined by Resolution of the Council of Ministers 33-C/2020 of 30 April²³, daycare centers (for children from 0 to 3 years old) reopened on 18 May (with the option of keeping family support until the end of May) and pre-school education is going to reopen on 1 June.

que estabelece medidas excecionais de organização e funcionamento das atividades educativas e formativas, no âmbito da pandemia da doença COVID-19, 14 May 2020.

²¹ Portugal, Direção-Geral dos Estabelecimentos Escolares (Directorate-General for School Establishments), [Orientações: Regresso às aulas em regime presencial \(11.º e 12.º anos de escolaridade e 2.º e 3.º anos dos cursos de dupla certificação do ensino secundário\)](#) (Guidelines: Return to classes in person (11th and 12th grades and 2nd and 3rd years of double certification courses in secondary education), 5 May 2020.

²² Portugal, Direção-Geral de Saúde (Directorate-General for Health), [Orientação n.º 024/2020: Regresso ao Regime Presencial dos 11.º e 12.º Anos de Escolaridade e dos 2.º e 3.º Anos dos Cursos de Dupla Certificação do Ensino Secundário](#) (Guidelines 024/2020: Return to classes in person for the 11th and 12th grades and the 2nd and 3rd years of the double certification courses in secondary education), 8 May 2020.

²³ Portugal, [Resolution of the Council of Ministers 33-C/2020 that establishes a strategy to lift the containment measures adopted within the scope of the combating the COVID-19 pandemic](#) (*Resolução do Conselho de*

The Government has established a set of guidelines for the reorganisation and the functioning of pre-school establishments²⁴, which complemented the guidelines of the Directorate-General for Health²⁵. In general, these establishments must review their contingency plans, the procedures for personal hygiene and for the cleaning of the spaces and objects, as well as ensure the necessary conditions to adopt the preventive measures recommended. Spaces should be organised to avoid contact between people, favouring activities outside, creating “dirty” and “clean” spaces and establishing different entrance and exit routes, as well for accessing the rooms. Individual materials must be guaranteed for each activity. When possible, the windows and/or doors should be kept open to allow better air circulation. As for schedules, children should not remain in school for a period longer than strictly necessary. It is important to create uneven schedules for the use of the playground by different groups of children. Teaching and non-teaching staff must use protective equipment, such as masks. Children should be informed of the new rules of social coexistence, to make them understand the importance of new forms of interaction between peers and adults. It is important to pay attention to their questions and anxieties, reassuring them and helping to understand the importance of complying with these new rules, for the safety and well-being of all. If a suspicious case is identified the person must be taken to the isolation area, using the route defined in the contingency plan.

With regard to higher education, Decree-Law 20-H/2020 of 14 May revokes the previous suspension of classroom teaching. As such, higher education institutions must ensure the gradual and effective combination of teaching activities in the presence of students, teachers and researchers with digital means, as well as teleworking. They must respect the guidelines of the Directorate-General for Health and the technical standards in terms of hygiene, physical distancing and the use of personal protective equipment, as well as the plans to lift the containment measures motivated by the pandemic of COVID -19 approved by the institutions within the framework of their autonomy. Since the higher education institutions, public and private, are legally autonomous they can decide on the date and terms of their opening, respecting the general Government guidelines.

On 15 May, the Directorate-General for Higher Education issued a set of recommendations to higher education institutions to ensure the phased and responsible reactivation of activities in the presence of students, teachers and researchers²⁶. It calls for the respect of the appropriate measures of physical distancing, hygiene, disinfection and adaptation of teaching and working time and spaces, as well as ensure safe operating practices of libraries and canteens. Higher education institutions are urged to plan ahead for the next school year, in a context in which the need to combine face-to-face teaching with other forms of teaching, such as distance learning, will continue. To support this process, the “Skills 4 post-Covid – Skills for the future” initiative was launched, which will be

Ministros n.º 33-C/2020 que estabelece uma estratégia de levantamento de medidas de confinamento no âmbito do combate à pandemia de doença COVID 19), 30 April 2020.

²⁴ Portugal, Ministério da Educação; Ministério do Trabalho, Solidariedade e Segurança Social (Ministry of Education; Ministry of Labour, Solidary and Social Security) (2020) [Orientações para a abertura da educação pré-escolar](#) (Guidelines for reopening pre-school education), 22 May 2020.

²⁵ Portugal, Direção-Geral de Saúde (Directorate-General for Health) (2020), [Orientação n.º 025/2020: Medidas de prevenção e controlo em creches, creches familiares e amas](#) (Guideline n.º 025/2020: Prevention and control measures in day-cares, family day-cares and nannies), 13 May 2020.

²⁶ Portugal, Direção-Geral do Ensino Superior ([Directorate-General for Higher Education](#)) (2020), [Recomendação às instituições científicas e de ensino superior para garantir o processo de reativação faseada e responsável das atividades na presença de estudantes, docentes e investigadores \(Recommendation to scientific and higher education institutions to guarantee the phased and responsible reactivation of activities in the presence of students, teachers and researchers\)](#), 15 May 2020.

developed in close articulation with the Organization for Economic Cooperation and Development. Thus, the aim is to, namely, stimulate the testing and dissemination of innovative teaching practices and to encourage the presence of international students, providing and promoting “COVID free” conditions in higher education institutions.

1.2.3 Work

In Portugal, the Resolution of the Council of Ministers 33-C/2020 of 30 April²⁷ and Resolution of the Council of Ministers 33-A/2020 of 30 April²⁸ determined that people should remain in the teleworking regime during the month of May whenever the functions in question allow. As of 1 June, a regime of partial teleworking is implemented, with staggered or separate schedules. With the Resolution of the Council of Ministers 40-A/2020 of 29 May²⁹, the teleworking regime is no longer mandatory. However, teleworking is mandatory when requested by the employee, if the functions in question allow it and the requirements established are met or when the working space does not allow compliance with the guidelines issued by the Directorate-General for Health. The employers may adopt measures of mitigation and prevention such as the rotation of workers and different schedules.

In general, the support measures to protect jobs already mentioned in the previous reports were maintained. Decree-Law 20/2020 of 1 May³⁰ amended Decree-Law 10-A/2020 of 13 March³¹ on exceptional and temporary measures related to the pandemic of COVID-19. Article 25-A of Decree-Law 10-A/2020 of 13 March establishes an exceptional protection regime for immunocompromised and chronic patients, according to which they may justify their absence to work through a medical declaration if they cannot carry out their activity through teleworking or other way. Finally, Article 25-C of Decree-Law 10-A/2020 of 13 March states that companies with establishments that have been subject to the lifting of restrictions continue to be able to access the simplified lay-off mechanism.

²⁷ Portugal, [Resolution of the Council of Ministers 33-C/2020 that establishes a strategy to lift the containment measures adopted within the scope of the combating the COVID-19 pandemic](#) (*Resolução do Conselho de Ministros n.º 33-C/2020 que estabelece uma estratégia de levantamento de medidas de confinamento no âmbito do combate à pandemia de doença COVID 19*), 30 April 2020.

²⁸ Portugal, [Resolution of the Council of Minister 33-A/2020 that declared the situation of calamity in the context of the COVID-19 pandemic](#) (*Resolução do Conselho de Ministros n.º 33-A/2020 que declara a situação de calamidade, no âmbito da pandemia da doença COVID-19*), 30 April 2020.

²⁹ Portugal, [Resolution of the Council of Ministers 40-A/2020, that extends the declaration of the situation of calamity, in the context of the COVID-19 pandemic](#) (*Resolução do Conselho de Ministros n.º 40-A/2020, que prorroga a declaração da situação de calamidade, no âmbito da pandemia da doença COVID -19*), 29 May 2020.

³⁰ Portugal, [Decree-Law 20/2020, that amends the exceptional and temporary measures related to the pandemic of COVID-19](#) (*Decreto-Lei n.º 20/2020, que altera as medidas excecionais e temporárias relativas à pandemia da doença COVID-19*), 1 May 2020.

³¹ Portugal, [Decree-Law 10-A/2020, establishing exceptional and temporary measures regarding the epidemic of the new Coronavirus Covid-19](#) (*Decreto-Lei n.º 10-A/2020, que estabelece medidas excecionais e temporárias relativas à situação epidemiológica do novo Coronavírus – COVID-19*), 13 March 2020. This Decree-Law had several amendments. The last amendment was by Law 16/2020 of 29 May.

Decree-Law 20-C/2020 of 7 May³² establishes the adoption of temporary measures to strengthen the unemployment protection and simplifies access to the social inclusion income. In addition, this Decree also amends the Decree-Law 10-A/2020 of 13 March, namely the extraordinary support for reducing the economic activity and the deferral of payments to Social Security of the self-employed. Article 28-A of Decree-Law 10-A/2020 of 13 March creates an extraordinary measure to encourage professional activity, which is a financial support scheme for employees who, in March 2020, were exclusively covered by the self-employed regime. Finally, Article 28-B Decree-Law 10-A/2020 of 13 March creates the framework for situations of lack of social support, which is a financial support scheme for people who are not necessarily covered by a social security regime, national or foreign, and that declare the beginning or restart of self-employed activity with the tax administration.

On 15 May, the Government provided additional information on the state's payments to the simplified lay-off system. According to the information provided, until that date, Social Security paid 83,324 simplified layoff applications, covering a total of 681,000 workers. These valid applications were submitted until 30 April and correspond to 84% of the total applications submitted. In total, companies received 284 million euros under this exceptional mechanism, created to safeguard jobs. 84% of the workers have had their contracts suspended and 16% have had a reduction in their working hours. Companies whose applications have not been considered valid are being notified by the Social Security Institute and have 10 working days to correct the application. In total, as part of the exception support measures, 394 million euros have already been paid by Social Security, covering more than 1 million people and 129,000 companies³³.

In the May 2020 Economic Bulletin, the Bank of Portugal includes a topic on "The economic impact of the pandemic crisis". This analysis illustrates the strong impact of the pandemic on work and the lives of families in Portugal. This bulletin estimates that, on average, the monthly income of the households in Portugal decreased by 5.3%, due to an 8.2% reduction in income from work. The Bank of Portugal estimates, for each sector of economic activity, the percentage of reduction of activity. For example, it is estimated that the accommodation and catering sector will have losses of around 70%, but the construction sector much less (around 27%). The loss of the household income is more noticeable for workers who are at both ends of the income groups, the richest and the poorest. The bank also points out that the pandemic has no impact on income for a considerable percentage of families, this being the case for families that have no income from work and those where all members work in sectors not affected by the pandemic, which represent about 50% of the total families. The Bank of Portugal also concludes that the measures adopted over the past few weeks in addition to the layoff – namely the moratorium on income or bank repayments – can significantly mitigate the fall in the monthly income of many Portuguese citizens³⁴.

In the process of lifting the confinement measures, the Guide of Good Practices for the Commerce and Services Sectors aims to guide the performance of economic operators in these sectors to adopt

³² Portugal, [Decree-Law 20-C/2020, that establishes exceptional measures of social protection in the context of the pandemic of COVID-19](#) (*Decreto Lei n.º 20-C/2020, que estabelece medidas excecionais de proteção social, no âmbito da pandemia da doença COVID-19*), 7 May 2020.

³³ Portugal, Ministério do Trabalho, da Solidariedade e da Segurança Social (Ministry of Labour, Solidarity and Social Security) (2020), [Nota à comunicação social: Layoff foi pago a 83 mil empresas](#) (Note to the media: Layoff was paid to 83 thousand companies), 15 May 2020.

³⁴ Portugal, Banco de Portugal (Bank of Portugal) (2020), [Comunicado do Banco de Portugal sobre o Boletim Económico de maio de 2020](#) (Communication of the Bank of Portugal on the May 2020 Economic Bulletin), 6 May 2020.

measures appropriate to the safety, protection and health of employees, customers and suppliers³⁵. In addition, the Government made available several documents with rules for specific sectors such as, for e.g., hairdressers, barbers, beauty and esthetic professionals; optical establishments; restaurants; schools; daycare centers and nannies; cultural spaces; among others³⁶. These guidelines ensure the respect for the health and security measures, including the use of a mask or a protective shield, hand disinfection and the appropriate cleaning and disinfection of spaces. Moreover, Article 13-C of Decree-Law 10-A/2020 of 13 March now allows employers to measure the body temperature of employees exclusively for the protection of their health and others, respecting the rules of data protection. As such, it is forbidden to associate the body temperature's record with the person's identity, except with their consent. If the worker's body temperature is higher than normal, they may be prevented from accessing their work place.

The Director-General of Health, at a press conference, stated that the pattern of infections in the Lisbon and Tejo Valley area is specific, affecting essentially the most disadvantaged people, precarious workers and the migrant population. One of the biggest sources of infection occurs in Azambuja³⁷.

According to the media, in the industrial area of Azambuja (near Lisbon), serious COVID-19 outbreaks were detected in two companies. On 2 May, a foods company product (Avipronto) temporarily closed after 38 positive cases were detected among the staff. The company returned work in 11 May, with 30 workers, divided in two shifts. On 20 May, 40 workers of Sonae tested positive to COVID-19. The company implemented several measures to minimise the problem, such as measuring the employee's temperature, the reinforcement of the delivery of face masks and the cleaning of the installations and vehicles, as well as the staggering of schedules³⁸. Another labour sector significantly affected was the civil construction sector. According to data released jointly by AECOPS (Association of Construction and Public Works and Services Companies) and AICCOPN (Association of Industrial Construction and Public Works), more than 90% of construction companies continued to work during the state of emergency³⁹. The containment strategy for the Lisbon region also foresees the screening of infection focused on the activities in which there has been a higher incidence and outbreaks of the disease, namely in the areas related to civil construction, supply chains, transport and distribution, sectors that are characterized by a high rotation of employees and the use of temporary work⁴⁰. The Government, in view of these outbreaks, is trying to identify the reasons for the spread of the virus, namely if it occurs during the workplace or during breaks, when workers remove their masks, or even in transportation.

In May, the Barometer of the Observatory of Crisis and Alternatives analysed the effects of the crisis caused by COVID-19 and released its conclusions. The study points out that in March, the first month

³⁵ Confederação do Comércio e Serviços de Portugal (Confederation of Commerce and Services of Portugal) (2020), [Guia de Boas Práticas para os Setores do Comércio e Serviços](#) (Good Practices Guide for the Commerce and Service Sectors).

³⁶ For more information, see [the standards and rules by sector on the Government "We are on" webpage](#).

³⁷ Expresso (2020), "[Covid-19: Lisboa e Vale do Tejo "estável" e com casos novos dentro do previsto](#)" ("Covid-19: Lisbon and Tagus Valley "stable" and with new cases on schedule"), 28 May 2020.

³⁸ Público (2020), "[Quarenta trabalhadores da Sonae da Azambuja testaram positivo](#)" ("Forty Sonae of Azambuja workers tested positive"), 20 May 2020.

³⁹ Associação dos Industriais da Construção Civil e Obras Públicas (2020), [Construção sustém primeiro impacto da pandemia](#) (Construction sustains first impact of pandemic), May 2020.

⁴⁰ Expresso (2020), "[Covid-19. Governo assegura alternativa para moradores sem condições para isolamento](#)" ("Covid-19. Government ensures alternative to persons without a place to isolate themselves"), 30 May 2020.

of confinement, there was a 34% increase in the number of unemployed persons registered at the employment centres when compared to the same month of 2019. This evolution was reflected in the level of unemployment registered at the end of March, which increased 3% when compared to March 2019 and 8.9% compared to the previous month. The study considered that the social confinement revealed signs of weakness specifically in the services sector, namely tourism. According to the study, which was based on data from the Institute of Employment and Vocational Training and the Ministry of Labour, Solidarity and Social Security, almost three quarters of the increase in unemployment (73%) can be explained by the unemployment in the service sector, specifically in activities related to tourism⁴¹.

The media has reported several situations of precariousness, such as artists and technicians, who lost their source of income with the cancelling of cultural activities⁴² and workers, predominantly young people, in different tourism areas⁴³.

1.2.4 Access to justice

In May, there were no changes in the functioning of courts. In the beginning of the month, the Minister of Justice stated that courts could still reopen during May⁴⁴. However, this process was delayed.

The media reported that the delay in the promulgation of the law that establishes the re-opening of courts by the President of the Republic (which only happened on 25 May even though the law was approved by the Parliament on 14 May), caused great discomfort in the justice sector, since the other laws related to COVID-19 were promulgated immediately⁴⁵. This delay was justified by the Presidency of the Republic on the basis of the need to match its entry into force with another law⁴⁶. According to the media, the delay may also be connected with the difficulty in gathering the logistical conditions necessary for the reopening of courts⁴⁷.

Law 16/2020 of 29 May⁴⁸ amended Law 1-A/2020 of 19 March and Decree-Law 10-A/2020 of 13 March, that establish exceptional and temporary measures for the epidemiological situation of

⁴¹ Observatório Sobre Crises e Alternativas (2020), [Barómetro das Crises. Novo desemprego: As fragilidades de uma opção produtiva nacional](#) (Crisis Barometer. New unemployment: The weaknesses of a national productive option), 8 May 2020.

⁴² Público (2020), [“Já há grupos de ajuda alimentar para profissionais da cultura”](#) (“There already are food aid groups for cultural professionals”), 16 May 2020.

⁴³ Observador (2020), [“Jovens, com contratos precários e no setor do turismo. O perfil do desempregado que a Covid-19 criou”](#) (“Young people, with precarious contracts and in the tourism sector. The profile of the unemployed that Covid-19 created”), 24 May 2020.

⁴⁴ TSF (2020), [“Ministra da Justiça confirma reabertura dos tribunais durante o mês de maio”](#) (“Minister of Justice confirms the reopening of courts in May”), 6 May 2020.

⁴⁵ Expresso (2020), [“Covid-19. Marcelo promulga reabertura dos tribunais - e justifica o porquê da demora na decisão”](#) (“Covid-19. Marcelo promulgates the re-opening of courts – and justifies the reason for the delay in the decision”), 25 May 2020.

⁴⁶ For more information on this delay, see [the Presidency of the Republic webpage](#).

⁴⁷ Público (2020), [“Engano atira reabertura dos tribunais para início de Junho”](#) (Mistake means that the reopening of courts will only happen at the beginning of July), 29 May 2020.

⁴⁸ Portugal, [Law 16/2020, that amends the exceptional and temporary measures of response to the COVID-19 pandemic](#) (*Lei n.º 16/2020, que altera as medidas excecionais e temporárias de resposta à pandemia da doença COVID-19*), 29 May 2020.

Covid-19. Article 6-A of Law 16/2020 of 29 May establishes a transitional and exceptional procedural regime for court proceedings. According to paragraph 2 of Article 6-A, the discussion and trial hearings and the proceedings that involve the examination of witnesses will be carried out in person, respecting the maximum number of persons and the other safety, hygiene and sanitary rules that are defined by the Directorate-General for Health or, if this is not possible, through adequate means of distance communication (teleconference, video call or equivalent) *if it is possible and adequate*, namely if it does not harm the purposes of justice. Nonetheless, the provision of statements by the defendant and by witnesses or other parties *must always be carried out in court*, unless the parties agree otherwise or if they are considered to be in a risk group as established in paragraph 4. Paragraph 3 of Article 6-A states that all the other proceedings that imply the physical presence of the parties will be carried out through adequate means of distance communication and, if this is not possible, in person, respecting the maximum number of persons and the other safety, hygiene and sanitary rules defined by the Directorate-General for Health. Paragraph 4 of this article determines that, in any of these proceedings, the parties and their representatives aged over 70, immunosuppressed or with chronic diseases that are considered to be in a risk group according to the health authorities are not obliged to go to court. In these cases, the proceedings will be carried out through adequate means of distance communication. Finally, paragraph 5 of Article 6-A establishes that, without prejudice to the rules established in the previous paragraphs, the presence of the defendant is guaranteed in the instructional debate and in the trial sessions when statements by the defendant or co-defendant and the testimony of witnesses take place. Paragraph 6 of the same article establishes the suspension of, namely, the deadline for submitting the debtor to insolvency and eviction orders when the tenant may be placed in a precarious situation due to lack of housing or other compelling social reason. Article 6-A also determines that the prison establishments must ensure the necessary conditions so that defence lawyers can personally confer with defendants to prepare their defence (paragraph 9) and that courts must be provided with the means of protection and sanitising disinfectants laid down by the recommendations of the health authority. Since this law enters into force five days after its publication, courts will only resume their activities at the beginning of June.

At the beginning of May, the Ministry of Justice, along with the health authorities and the representatives of professionals in the justice sector, issued a set of guidelines aimed at reducing the risk of COVID-19 transmission in courts⁴⁹. According to these guidelines, compliance with hygiene, cleaning and disinfection rules, as well as the use of adequate protective equipment, respiratory etiquette and social distancing are essential to prevent the spread of COVID-19 in the courts. The measures foreseen include the use of acrylic separators in the secretariats and in the court rooms; the reduction in the capacity of waiting rooms and court rooms to 1/3; the need to ensure adequate ventilation of spaces by opening windows and doors; the mandatory use of a protective mask and/or a face shield; the need to ensure a distance of at least two meters between persons; the need to implement a cleaning and disinfecting plan; among others.

However, these protection measures have been highly criticised by the justice sector. On 12 May, the President of the Bar Association made some statements regarding the reopening of courts. On

⁴⁹ Portugal, Ministério da Justiça; Direção-Geral da Administração da Justiça; Conselho Superior da Magistratura; Conselho Superior dos Tribunais Administrativos e Fiscais; Ministério Público (Ministry of Justice; Directorate-General of the Administration of Justice; Directorate-General for Health; High Council of the Judiciary; High Council of the Administrative and Fiscal Courts; Public Prosecution Service) (2020), [Medidas para reduzir o risco de transmissão do vírus nos tribunais – COVID-19](#) (Measures to reduce the risk of virus transmission in courts – COVID-19), 6 May 2020.

the one hand, he criticised the ineffectiveness of the platform for conducting remote judgments, pointing out that it has systematically failed and that it does not guarantee everything that is necessary for a trial, namely that the witnesses are not being influenced by third parties and that they can be confronted with the documents in the proceedings. On the other hand, he criticised the measures adopted to reduce the risk of COVID-19 transmission in courts, stating that they are inefficient and impractical, pointing out the need to provide protective equipment to all persons that go to court and the difficulty in maintaining the social distancing measures in several courts due to the conditions of the rooms⁵⁰. This has also been a concern of the Union Association of Portuguese Judges (*Associação Sindical dos Juizes Portugueses*, ASJP). According to the media, ASJP considers that there are courts that do not fulfil the necessary conditions for resuming face-to-face trials, with a special concern for the cleaning of rooms, the absence of protective barriers and the lack of windows or air conditioning in many of the courts in Portugal⁵¹. ASJP urged judges to call health delegates if operating conditions are not in place to protect those working in the justice sector from the pandemic⁵².

There are still no specific measures to address the backlog in cases and proceedings prompted by the lockdown restrictions. On the beginning of May, the media reported that the COVID-19 pandemic had already delayed almost 50,000 court proceedings⁵³.

1.2.5 Freedom of movement

In Portugal, restrictions and bans on people's movements imposed during March and April remained unchanged in May. Resolution of the Council of Ministers 34-A/2020 maintained the border control measures until 15 of June⁵⁴. As such, flights from Spain or to Spain remain suspended (with some exceptions, such as the aircrafts of the State and Armed Forces, flights for the transport of goods and mail, aircrafts to fight fires, as well as flights of a humanitarian nature or for medical emergency and technical scales for non-commercial purposes); road traffic remains prohibited (with some exceptions, such as the transport of goods and cross-border workers); rail traffic remains suspended, with the exception of the transportation of goods. In addition, the granting of land licenses remains suspended (even though the health authorities can authorise changing crews or disembarking for the purpose of returning to the country of origin) and the ban on disembarkation of passengers and crews of cruise ships in national ports is still in force, with the exception of nationals and residents of

⁵⁰ For more information, see [the Bar Association webpage on the statements made by the President of the Bar Association regarding the reopening of courts](#).

⁵¹ Observador (2020), ["Governo não planeia reduzir férias judiciais para apenas um mês, disse ministra aos sindicatos"](#) ("Government does not plan to reduce judicial holidays to just one month, said the Minister to the unions"), 20 May 2020.

⁵² Público (2020), ["Engano atira reabertura dos tribunais para início de Junho"](#) ("Mistake means that the reopening of courts will only happen at the beginning of July"), 29 May 2020.

⁵³ TSF (2020), ["Covid-19 atrasou 50 mil atos processuais. Tribunais conhecem novas medidas para a reabertura"](#) ("Covid-19 delayed 50,000 procedural acts. Courts learn the new measures for the reopening"), 8 May 2020.

⁵⁴ Portugal, [Resolution of the Council of Ministers 34-A/2020, that extends the reinstatement, on an exceptional and temporary basis, of the control of people at borders, within the scope of the pandemic COVID-19](#) (*Resolução do Conselho de Ministros n.º 34-A/2020, que prorroga a reposição, a título excepcional e temporário, do controle de pessoas nas fronteiras, no âmbito da pandemia de doença COVID-19*), 13 May 2020.

Portugal. Order 5298-A/2020 of 6 May and Order 5638-B/2020 of 20 May maintain the suspension of flights to and from Italy⁵⁵. Finally, Order 5503-C/2020 of 13 May keeps the suspension of all flights from and to Portugal from outside the European Union, with the exception of flights to and from United Kingdom, Norway, Iceland, Liechtenstein, Switzerland, Canada, United States of America, Venezuela, South Africa, and all Portuguese-speaking countries, but from Brazil only flights from and to Rio de Janeiro and São Paulo are allowed⁵⁶.

In Portugal, no quarantine period is determined for those who enter the country. The procedure shall be of quarantine and containment on a case-by-case basis if it is necessary. As reported by the media, the Secretariat of State for the Portuguese Communities stated that the Government is working to ensure that Portuguese citizens that reside abroad can travel to Portugal during the summer holiday period⁵⁷. In Portugal, only the autonomous regions of Azores and Madeira have determined the need to provide a negative COVID-19 test result or to take a test upon arrival as requirements necessary for the entry of people in the region⁵⁸. The Regional Government of the Autonomous Region of Azores had determined that all persons that arrive in Azores would have to comply with a mandatory quarantine period of 14 days⁵⁹. In addition, they had to sign a declaration informing that failure to comply with this mandatory quarantine period is a crime of disobedience and a complaint would be filled with the judicial authorities. Subsequently, it was determined that the quarantine would be done in a hotel, with active surveillance, for 14 days, after landing in the region, and that the hotel expenses were borne by the Regional Government of Azores⁶⁰. Later, the Resolution of the Government Council 123/2020 of 4 May determined that the mandatory confinement of non-residents would be funded by themselves as of 8 May⁶¹. Regarding this measure, the media has reported that experts in Constitutional Law, state that the decision is unconstitutional, because the quarantine is imposed outside the period of the state of emergency and differentiates between residents and non-residents, thus violating the principle of equality⁶².

⁵⁵ Portugal, [Order 5298-A/2020, extension of the suspension of flights to and from Italy](#) (*Despacho n.º 5298-A/2020, prorrogação de suspensão dos voos de e para Itália*), 6 May 2020; and Portugal, [Order 5638-B/2020, extension of the suspension of flights to and from Italy](#) (*Despacho n.º 5638-B/2020, prorrogação de suspensão dos voos de e para Itália*), 20 May 2020.

⁵⁶ Portugal, [Order 5503-C/2020, that keeps the suspension of all flights from and to Portugal from outside the European Union](#) (*Despacho n.º 5503-C/2020, prorrogação da interdição do tráfego aéreo com destino e a partir de Portugal de todos os voos de e para países que não integram a União Europeia, com determinadas exceções*), 13 May 2020.

⁵⁷ Portugal, Secretaria de Estado das Comunidades Portuguesas (Secretariat of State for Portuguese Communities) (2020) [Nota à comunicação social: Vinda de emigrantes a Portugal no Verão](#) (Note to the media: Return of emigrants to Portugal in the summer), 8 May 2020.

⁵⁸ Portugal, Regional Government of the Azores (Governo Regional dos Açores), [Resolution of the Government Council 141/2020](#) (Resolução do Conselho do Governo n.º 141/2020), 18 May 2020; Portugal, Regional Government of Madeira (Governo Regional da Madeira), [Joint Order 64/2020](#) (Despacho Conjunto n.º 64/2020), 29 May 2020.

⁵⁹ Portugal, Regional Government of the Azores (Governo Regional dos Açores), [Resolution of the Government Council 65/2020](#) (Resolução do Conselho do Governo n.º 65/2020), 19 March 2020.

⁶⁰ Portugal, Regional Government of the Azores (Governo Regional dos Açores), [Resolution of the Government Council 77/2020](#) (Resolução do Conselho do Governo n.º 77/2020), 27 March 2020.

⁶¹ Portugal, Regional Government of the Azores (Governo Regional dos Açores), [Resolution of the Government Council 123/2020](#) (Resolução do Conselho do Governo n.º 123/2020), 4 May 2020.

⁶² Público (2020), [“Não-residentes nos Açores vão ter de pagar quarentena em hotel. “Inconstitucional”, dizem os especialistas”](#) (“Non-residents of Azores will have to pay quarantine at an hotel. “Unconstitutional”, say the experts”), 7 May 2020.

The media has reported that, on 16 May, the Ponta Delgada Court granted a request for immediate release ("*habeas corpus*") against the imposition of the quarantine in hotels by the Government of the Azores, considering that it was an "illegal detention", and that "quarantines are unconstitutional because they violate the individual freedom of citizens". This measure applies only to the applicant⁶³. Days later, the Regional Government of Azores declared the end of mandatory quarantines in hotels to all passengers arriving in the region, presenting four alternative measures for those arriving in Azores: to present a test of screening to COVID-19 on arrival; to undergo a test upon landing; to comply with voluntary quarantine at a given hotel; or to return to their place of origin⁶⁴.

Order 5793-A/2020 of 26 May implements a simplified procedure for examining applications for the granting of a residence permit⁶⁵. The media reported that 32 migrants infected with COVID-19 were transferred to the Military Base of Santa Margarida to fulfill a quarantine period. These migrants were later transferred to the Lisbon Mosque and those who tested negative were housed in other places by the High Commission for Migrations⁶⁶.

The measures on the asylum application procedure remain the same. As mentioned in the previous report, Order 3863-B/2020 of 27 March regularised the situation of all foreigners with requests pending at the Immigration and Borders Service under the Immigration Law and the Asylum Law at the date of the declaration of the state of emergency (18 March), guaranteeing they benefit from the same rights as other citizens⁶⁷. In addition, the service provided by the Asylum and Refugee Office remains open for the submission and registration of new requests for international protection, suspending the legal deadlines in international protection proceedings. The Foreigners and Borders Service will resume the rescheduling of appointments as of 1 July 2020, in chronological order, ensuring equal treatment between foreign citizens⁶⁸.

1.3 Impact of measures on particular groups

Persons with disabilities

⁶³ Público (2020) "[Covid-19. Tribunal ordena libertação de pessoa em quarentena num hotel dos Açores](#)" ("Covid-19. Court orders release of quarantined person in an Azores hotel"), 16 May 2020.

⁶⁴ Portugal, Regional Government of the Azores (Governo Regional dos Açores), [Resolution of the Government Council 141/2020](#) (Resolução do Conselho do Governo n.º 141/2020), 18 May 2020.

⁶⁵ Portugal, [Order 5793-A/2020, that implements a simplified procedure for examining applications for the granting of a residence permit](#) (Despacho n.º 5793-A/2020 que implementa um procedimento simplificado de instrução dos pedidos de concessão de autorização de residência), 26 May 2020.

⁶⁶ Diário de Notícias (2020), "[Migrantes infetados com covid-19 regressam a Lisboa](#)" ("Migrants infected with Covid-19 return to Lisbon"), 24 May 2020.

⁶⁷ Portugal, [Order 3863-B/2020, determining that the management of appointments is carried out in such a way as to unequivocally guarantee the rights of all foreign citizens with proceedings pending at the Foreigners and Borders Service, within the scope of COVID 19](#) (Despacho n.º 3863-B/2020, determina que a gestão dos atendimentos e agendamentos seja feita de forma a garantir inequivocamente os direitos de todos os cidadãos estrangeiros com processos pendentes no Serviço de Estrangeiros e Fronteiras, no âmbito do COVID 19), 27 March 2020.

⁶⁸ For more information, see [the Foreigners and Borders Service webpage on questions and answers regarding Covid-19](#).

The Portuguese Association of Disabled People considers that there have been very few references to persons with disabilities with regard the measures adopted during the pandemic of Covid-19. This association points out several circumstances that can be particularly serious for citizens with disabilities. First of all, according to this association, with respect to communication, in spite of the concern to ensure sign language at official government conferences, the information does not reach all people with disabilities, such as persons with auditory impairments, since there are no subtitles. Moreover, this information should also be simplified for people with intellectual disabilities. Another concern is the lack of information about the situation experienced, especially by people with severe disabilities in the institutions where they are confined. The association is unaware of the ways in which personal assistance, whether provided within the scope of the Independent Living Movement, or through the social security or charitable services, is being made available to people with disabilities who depend on them for their day-to-day tasks⁶⁹.

The Observatory on Disability and Human Rights prepared an online questionnaire, which ran until 10 May, that aims to collect information about how the pandemic of COVID-19 is being experienced by people with disabilities in Portugal. However, data from the survey have not yet been published⁷⁰.

According to Resolution of the Council of Ministers 33-C/2020 of 30 April⁷¹ from 18 May it was possible to start opening social facilities for the disabled. According to a media report, the president of the Confederation of Disabled People's Organisations argued that the majority of institutions were not in a position to reopen their Occupational Activity Centres immediately because they need time to adapt, and that users with cognitive impairments, often with loss of hearing and verbal expression, are unable to comply with the distance and hygiene rules set by the Directorate-General for Health. These institutions have until the beginning of June to reopen⁷².

On 11 May, the Directorate-General for Health issued a set of guidelines for the visits to residential structures for the elderly (ERPI), integrated continuous care units (UCCI) of the National Network of Integrated Continuous Care (RNCCI) and social support establishments for children, youth, elderly people or people with disabilities⁷³. These guidelines are described in topic 2.2.4 of this report. On 14 May, the Ministry of Labour, Solidarity and Social Security, in partnership with the Directorate-General for Health, published the Guidelines for Social Response for the Centre for Occupational Activities which define a set of rules to be observed in the reopening of these centres in order to guide and harmonise the process, in a safe and informed manner, with a view to guarantee the

⁶⁹ For more information, see [the statement of the Portuguese Association of Disabled People](#).

⁷⁰ For more information, see [the Observatory on Disability and Human Rights webpage on the questionnaire on disability and COVID-19, which was available to answer until 10 May 2020](#).

⁷¹ Portugal, [Resolution of the Council of Ministers 33-C/2020 that establishes a strategy to lift the containment measures adopted within the scope of the combating the COVID-19 pandemic](#) (*Resolução do Conselho de Ministros n.º 33-C/2020 que estabelece uma estratégia de levantamento de medidas de confinamento no âmbito do combate à pandemia de doença COVID 19*), 30 April 2020.

⁷² Público (2020), [“Centros de atividades para pessoas com deficiência abrem na segunda quinzena de Maio, mas pouco a pouco”](#) (“Activity centres for people with disabilities open in the second half of May, but little by little”), 4 May 2020.

⁷³ Portugal, Direção-Geral de Saúde (Directorate-General for Health) (2020), [Informação n.º 011/2020: Visitas a Estruturas Residenciais para Idosos \(ERPI\), Unidades de Cuidados Continuados Integrados \(UCCI\) da Rede Nacional de Cuidados Continuados Integrados \(RNCCI\) e outras respostas dedicadas a pessoas idosas ou pessoas com deficiência](#) (Visits to Residential Structures for the Elderly (ERPI), Integrated Continuous Care Units (UCCI) of the National Network of Integrated Continuous Care (RNCCI) and other responses dedicated to the elderly or people with disabilities), 11 May 2020.

safety of young people or adults with disabilities, their families and the professionals and volunteers involved in the social response⁷⁴.

Decree-Law 22/2020 of 16 May, that amended the Decree-Law 10-A/2020 of 13 March, allows for a transitional period between 18 and 31 May, during which absences from work of employees are still justified due to unavoidable assistance to children with disabilities, regardless of age, arising from the suspension of classroom and non-teaching activities in school or social support facilities for early childhood or disability⁷⁵. According to the National Institute for Rehabilitation, these social responses allow workers to choose to place their disabled child in a centre for occupational activities, or to keep him/her at home without any penalty⁷⁶.

Homeless people

Regarding homeless people, the COVID-19 pandemic response benefited from the existing National Strategy for the Integration of People in Homeless Situation (ENIPSSA 2017-2023)⁷⁷. According to the information gathered, within the framework of ENIPSSA, a set of actions were developed regarding the specific response to homeless people in the context of the COVID-19 pandemic. The majority of the measures identified in the context of the COVID-19 pandemic were taken in cooperation with the municipalities and NGO. According to the Minister of Labour, Solidarity and Social Security, the Government, together with the municipalities, guaranteed the opening of 21 shelters across the country, that hosted more than 400 people. In addition, after the stabilisation of the emergency situation, housing responses are being implemented with capacity for about 580 people⁷⁸. The shelters provide all kinds of care, namely health care, hygiene care, food, and clothes.

In view of the exceptional measures resulting from the declaration of the State of Emergency, the Implementation, Monitoring and Evaluation Group of the National Strategy for the Integration of Homeless People, produced a set of guidelines for the intervention and support of the population in this situation, explaining the procedures for the technical teams on the street, for the host institutions and the health and social security entities⁷⁹. In addition, the Association of Social Work

⁷⁴ Portugal, Ministério do Trabalho, Solidariedade e Segurança Social; Direção-Geral de Saúde (Ministry of Labour, Solidarity and Social Security; Directorate-General for Health) (2020), [Guião Orientador da Resposta Social para Centro de Atividades Ocupacionais](#) (Guideline for Social Response for Occupational Activities Centres), 14 May 2020.

⁷⁵ Portugal, [Decree-Law 22/2020, that amends the exceptional and temporary measures relating to the COVID-19 pandemic](#) (Decreto-lei n.º 22/2020, que altera as medidas excecionais e temporárias relativas à pandemia da doença COVID-19), 16 May 2020.

⁷⁶ For more information, see the [National Institute for Rehabilitation webpage on the return to Occupational Activities Centres](#).

⁷⁷ Portugal, [Council of Ministers Resolution 107/2017, that approves the National Strategy for the Integration of People in Homeless Situation 2017-2023](#) (Resolução do Conselho de Ministros n.º 107/2017, que aprova a Estratégia Nacional para a Integração das Pessoas em Situação de Sem-Abrigo 2017-2023), 29 June 2017.

⁷⁸ Portugal, Ministra do Trabalho, Solidariedade e Segurança Social (Minister of Labour, Solidarity and Social Security) (2020), [Intervenção da Ministra do Trabalho, Solidariedade e Segurança Social na interpelação ao Governo sobre “Respostas do Estado Social à Pandemia causada pelo vírus SARS-CoV-2”](#), 28 May 2020.

⁷⁹ Portugal, ENIPSSA (2020), [COVID 19 - Orientações para respostas e intervenção com Pessoas em situação de sem-abrigo](#) (COVID 19 - Guidelines for responses and intervention with homeless people), 19 March 2020.

Professionals, a civil society organisation, produced a flyer to distribute to homeless people with information about COVID-19⁸⁰.

As a temporary response to the pandemic for the homeless people, the Lisbon City Council has four temporary accommodation centres, with daily health screening services, personal hygiene, clothes banks, overnight stay and four meals. In addition, there are street teams that respond to alerts and make referrals to temporary accommodation spaces. It also provides information about places in the region of Lisbon where food is distributed in individual portions and places that support homeless people⁸¹. This information is periodically updated. As reported by the media, the Lisbon City Council is considering keeping at least one of the reception centres, located in a sports pavilion, until September⁸². On 26 May, the Lisbon City Council announced that homeless people can pick up masks, free of charge, at parish councils⁸³.

Since 28 March, the Portuguese Navy has distributed meals to homeless people in Lisbon. On 9 May, they had distributed over 10,000 meals⁸⁴. Also, in Lisbon, the lunch delivery start up EatTasty created a solidary menu that allows you to order a meal remotely that is delivered to homeless people in the Lisbon City Hall accommodation services⁸⁵.

Cáritas Setúbal, a civil society organisation, reported that the Covid-19 pandemic has increased the number of homeless people in the city of Setúbal by 150%. According to the President of Cáritas of Setúbal, this situation is mainly due to the fact that they lived in abandoned or decayed houses, as well as to an increase in unemployment, specifically in the poor and vulnerable areas of the region of Setúbal. For this reason, the bishop of Setúbal, allowed the use of a saloon where beds have been installed to support the homeless, with about 20 people receiving support to sleep, food, bathing and clothes⁸⁶.

The Municipality of Albufeira has leased a hostel for two months for the homeless. Logistical support is provided through Civil Protection, Social Action and Education services. In addition to accommodation, this support from the Municipality also includes security 24 hours a day, a support vehicle for medical examinations and Covid-19 tests for its users. In the hostel there are currently 14 people, with successive entries, gradually. The capacity of this space is 43 beds. The municipality has invested €50,000 in this project⁸⁷.

Detainees

The media reported that, according to the Directorate-General of Reinsertion and Prison Services of the total number of prisoners who benefited from the exceptional regime for making the execution

⁸⁰ For more information on the flyer, see [the Association of Social Work Professionals Facebook page](#).

⁸¹ Portugal, Câmara Municipal de Lisboa (Lisbon City Council), [Respostas em período COVID-19 para pessoas em situação de sem-abrigo](#) (Answers to homeless people in the context of COVID-19), 22 May 2020.

⁸² Público (2020), [“Acolhimento de sem-abrigo em centros temporários pode prolongar-se até Setembro”](#) (“The hosting of homeless people in temporary centres may continue until September”), 5 May 2020.

⁸³ For more information, see [the Lisbon City Council webpage on the distribution of masks to vulnerable people](#).

⁸⁴ For more information, see [the Portuguese Navy webpage on the meals provided to homeless people](#).

⁸⁵ Observador (2020), [“EatTasty lança menu solidário”](#) (“EatTasty launches solidarity menu”), 5 May 2020.

⁸⁶ For more information, see [the Caritas Setúbal webpage on the increase in the number of homeless people](#).

⁸⁷ For more information, see [the Albufeira City Council on the implementation of a reception centre for homeless people in the municipality](#).

of sentences more flexible in the context of the COVID-19 pandemic established by Law 9/2020 of 10 April⁸⁸ only 5 returned to prison for having committed crimes again. The crimes in question are crimes against property and not against life. Of the total of 1,929 prisoners, 1,224 were released under the pardon of short prison sentences (sentences up to two years or less or the remaining periods of longer prison sentences, if the time remaining was two years or less). 14 exceptional pardons were granted by the President of the Republic and another 691 inmates were allowed to benefit from an exceptional regime of administrative release license for sentenced prisoners, for a period of 45 days⁸⁹.

The media reported that, according to information from the Office of the Ministry of Justice, only 45 of the prisoners who were freed reported to have nowhere to go. Of these, 6 refused any support and did not re-established contact with the Directorate-General for Reintegration and Prison Services and several were supported by the Association “O Companheiro”. For the rest, the Ministry of Justice said that it tried to coordinate a response with the Social Security services. The coordinator of the National Strategy for the Integration of Homeless People said that two types of newcomers from prison had arrived: those that had nowhere to go and did not inform anyone in the prison service and those who thought they had somewhere to go but did not⁹⁰. 15 of the prisoners helped by the Association “O Companheiro”, were housed in a camping park, but in late May they had to leave due to the opening of the park⁹¹.

The deputy from Chega (a right-wing political party) has introduced a Draft-Law in Parliament on 22 May proposing that the prisoners released under the extraordinary regime of administrative release license for sentenced prisoners for a period of 45 days return immediately to prisons regardless of whether that period has already ended or not⁹². The deputy of Chega argues that the rest of society is resuming “normality”, so the prison population should do the same. This Draft-Law is still under assessment in the Parliament.

The Directorate-General for Health has issued guidelines to resume the visits in prisons, which are expected to start again in June⁹³. These measures include: prior scheduling of visits, which should not exceed 30 minutes; reorganisation of the visiting rooms in order to ensure the physical distance of 2 meters between persons, resorting to videoconferencing for rooms that do not have these conditions, and if this is not possible, the use of physical barriers that ensure visual and auditory contact, but avoid physical contact should be considered; stagger the schedules to avoid gatherings;

⁸⁸ Portugal, [Law 9/2020, that establishes an exceptional regime for facilitating the execution of sentences and freeing measures, in the context of the COVID-19 disease pandemic](#) (Lei n.º 9/2020, que aprova o regime excecional de flexibilização da execução das penas e das medidas de graça, no âmbito da pandemia da doença COVID-19), 10 April 2020.

⁸⁹ Público (2020), [“Só cinco dos quase 2000 presos libertados na pandemia reincidiram no crime”](#) (“Only five of the nearly 2000 prisoners released in the pandemic have reoccurred in crime”), 27 May 2020.

⁹⁰ Público (2020), [“Estão sem abrigo algumas das pessoas que saíram da prisão”](#) (“Some of the people who got out of prison are homeless”), 10 May 2020.

⁹¹ Expresso (2020), [“Covid-19. Ex-reclusos obrigados a abandonar Monsanto devido à abertura do parque de campismo”](#) (“Covid-19. Former inmates forced to abandon Monsanto due to the opening of the camping”), 29 May 2020.

⁹² Parlamento, [Draft-Law 397/XIV, for the immediate return of the prisoners released under Law 9/2020](#) (Projeto de Lei 397/XIV, pelo regresso imediato dos reclusos libertados ao abrigo da Lei n.º 9/2020), 22 May 2020.

⁹³ Portugal, Direção-Geral de Saúde (Directorate-General for Health) (2020), [Informação 012/2020 – COVID-19: Visitas nos Serviços prisionais e tutelares educativos](#) (Information 012/2020 – Visits to prison and guardianship educational services), 26 May 2020.

ensure compliance with rules of respiratory etiquette and correct hygiene, providing alcohol-based solution; the prisoners and visitors with symptoms of COVID-19 or with contact with a suspect or confirmed case over the previous 14 days cannot make or receive visits; visitors should not use the inmates' sanitary facilities.

These guidelines have been criticized by the National Union of the Prison Guard Corps arguing that prisons do not have the conditions that are determined by the Directorate-General for Health, nor do they cover the proper protection of prison guards. The union calls for the Directorate-General for Health to visit prisons to become aware of the conditions of the rooms. In turn, the Inmate Support Association criticises only the visiting time, considering that the imposition of half an hour as the maximum time is a clear violation of the law⁹⁴.

According to a media report, on 19 May two prisoners infected with COVID-19 were detected. Both detainees developed symptoms after returning from furloughs (short-term exits of a maximum 72 hours) which lead the prison services to believe that they have been infected outside and not inside the prison. Since the pandemic began, those who benefit from these furloughs have been subject to two-week prophylactic isolation on their return to prison to avoid possible contagion of other inmates. It was during this isolation that symptoms of the disease were detected in these two men⁹⁵.

2 Impact on fundamental rights of older people

2.1 Data/statistics

2.1.1 Share of persons 60+ in the total number of persons in the community infected, recovered and died in relation to COVID-19.

According to the daily Status Report of the Directorate-General for Health, on 31 May 2020, the data of persons 60+ infected, recovered and dead due to COVID-19 was the following⁹⁶:

	Infected			Recovered			Died		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
60-69	1657	1889	3 546	n/a	n/a	n/a	82	43	125
70-79	1241	1359	2 600	n/a	n/a	n/a	163	111	274
+ 80	1480	3065	4 545	n/a	n/a	n/a	407	541	948
Total elderly	4378	6313	9030	n/a	n/a	n/a	652	695	1347
Total	13856	18644	32 500	n/a	n/a	19409	693	717	1410

On 31 May, the proportion of infected people over the age of 60, in the total number of infected, was 32.9%, which represents a decrease compared to the beginning of the month of May. There is a slight difference in the number of infected persons in terms of gender, with women over 60 representing 33.9%, in total, compared to men who represented 31.6%. The proportion of deaths of

⁹⁴ RTP (2020), "[Visitas às prisões retomadas com novas regras na próxima semana](#)" ("Visits to prisons resumed with new rules next week"), 27 May 2020.

⁹⁵ Público (2020), "[Há dois reclusos infetados com Covid-19](#)" ("There are two detainees infected with Covid-19"), 19 May 2020.

⁹⁶ Portugal, Direção-Geral de Saúde (Directorate-General for Health) (2020), [Relatório da Situação N.º 90 | 31 May 2020](#) (Status Report No. 90 | 31 May 2020), 31 May 2020.

people over 60, with regard to the total number of deaths, is 95.5%, this percentage being higher in women (96.9%) and lower in men (94.1%). In both variables, the percentages increase significantly with age.

2.1.2 Share of persons 60+ in the total number of persons in institutional settings infected, recovered and died in relation to COVID-19.

The number of persons over 60 years of age in institutional settings infected, recovered and killed due to COVID-19 is not available on the daily Status Report of the Directorate-General for Health, since data is not disaggregated by this variable.

On 26 May, at a press conference, the Secretary of State for Health, reported that 1,760 of users of residential structures for the elderly were infected by COVID-19, of which 190 were hospitalised⁹⁷.

The Regional Health Administration of the Centre provided us cumulative data (concerning the 52 days of pandemic, until 26 May 2020) for the central region of Portugal regarding residential structures for the elderly. This region has 123 elderly homes. During this period, 3,478 elderly people were tested. 757 tested positive, 509 recovered and 139 died from COVID-19. According to the data provided by the Regional Health Administration of the Centre, the fatality rate of elderly people dying in elderly homes in this region is 18%. The Regional Health Administration of Lisbon and Tejo Valley informed us that, until May 27, the number of infected persons in homes for the elderly was 285, that 186 were recovered and that there were 99 deaths in this region. Finally, the Regional Health Administration of Alentejo informed us that, in 29 May, the number of infected persons in residential structures for the elderly was 9, the number of recovered 8 and there was only 1 death. We have not been provided with data on the number of older persons infected, recovered and killed in residential structures for the elderly in the North and Algarve regions.

2.1.3 Number and type of institutions affected

At a press conference held on 7 May, the Secretary of State for Health stated that, until that date, from a total of 2,526 residential structures for the elderly, about 14% (351 institutions) had cases of infection by COVID-19. In addition, since 9 March, 3,200 patients were transferred from National Health Service hospitals to integrated continuous care units. In the same period, more than 290 social responses were found to free hospital beds⁹⁸.

At a press conference held on 26 May, the Secretary of State for Health stated that, at this date, there were 285 cases of infection by COVID-19, which represents 11.3% of all the residential structures for the elderly. He pointed out that the number of infections in elderly homes was reducing⁹⁹.

The total number of deaths by Covid-19 in the structures for elderly people in charities of the Portuguese Union of Mercies was 128, which represents a lethality rate of 0.4 %. 96 deaths occurred in hospitals and 32 in the charity elderly structures. Data also highlights the significant recovery of a

⁹⁷ Expresso (2020), "[Covid-19. Portugal regista 285 casos de infeção em lares](#)" ("Covid-19. Portugal registers 285 cases of infection in homes"), 26 May 2020. This link to this press conference is still not available online.

⁹⁸ Portugal, Direção-Geral de Saúde (Directorate-General for Health), [Conferência de Imprensa de 7 de Maio de 2020](#) (Press Conference of 7 May 2020), 7 May 2020.

⁹⁹ Expresso (2020), "[Covid-19. Portugal regista 285 casos de infeção em lares](#)" ("Covid-19. Portugal registers 285 cases of infection in elderly homes"), 26 May 2020.

total of 901 people, of which 508 are users and 393 employees¹⁰⁰. The Portuguese Union of Mercies provides social support and health care to the community, through a network of 387 institutions, covering a total of 165,000 people¹⁰¹.

2.1.4 Do official statistics on mortality rates from COVID-19 include deaths of older persons in care homes? Has there been any critique of data collection with respect to care homes?

The publicly available official statistics on death rates include the deaths of all persons, regardless of the place where they died (their home, elderly homes, hospitals). However, the data available is not broken down by the number of deaths of older persons in care homes, but only by age, sex and region. This information is given by the Ministry of Health and by the Directorate-General for Health in their daily press conferences on an *ad hoc* basis and, therefore, is not organised.

2.1.5 Independent studies published on the situation of older persons with respect to the impact of and responses to COVID-19

Only one study was identified on the impact of the isolation caused by the COVID-19 pandemic on older people. This study is still ongoing and is expected to present data in the coming months. The study is being carried out by Universidade Nova de Lisboa (UNL), Universidade do Algarve (UALg) and Trinity College (Ireland), and aims to find out how the pandemic has affected people over 65 years of age to, at a later stage, provide scientific support for public policies that help mitigate the impact caused by the isolation¹⁰².

2.2 COVID-19 measures targeting older people

2.2.1 National guidelines/protocols in response to COVID-19 addressing older people

In residential care homes (including protective equipment, visits etc.)

Order 4097-B/2020 of 2 April determines the channels and procedures to be adopted by the public institutions and entities that are called upon to act in establishments of a residential, social and health nature for the elderly, aiming to protect users and their employees¹⁰³. It provides for the coordinated intervention of city councils, Civil Protection teams, local health authorities and Social Security offices, in order to find alternative facilities to accommodate people in prophylactic isolation and/or cases of confirmed COVID-19 infection which do not need hospitalization. It also states, when they do not exist, the alternative facilities are sought in other municipalities. This ensures that users can be protected, fulfilling contingency plans and preventing the contamination of more people. This order establishes the action protocol and the steps to be taken by each of the entities involved, as well as the back-up networks to be activated in case of need.

¹⁰⁰ For more information, see [the Union of Portuguese Mercies webpage on the number of tests](#).

¹⁰¹ For more information, see [the Union of Portuguese Mercies webpage](#).

¹⁰² For more information, see the [University of Algarve webpage that reports the news of this study](#).

¹⁰³ Portugal, [Order 4097-B/2020, that determines the intervention competencies](#). (Despacho n.º 4097-B/2020, que determina as competências de intervenção), 2 April 2020.

As mentioned below in 2.2.4., the Directorate-General for Health issued a set of guidelines on 11 May on the visits to elderly homes. The Portuguese Union of Mercies also issued some guidelines to support the reopening of elderly homes, based on the latest guidelines of the Directorate-General for Health¹⁰⁴. Visits to elderly homes were suspended in March and were resumed on 18 May.

In the community in general

No protocol or guideline was identified, except for the ones that result from the declaration of the situation of calamity. In the state of calamity, elderly citizens are subject to the civic duty of staying at home identical to that of other citizens (see under 2.2.5. topic).

2.2.2 National guidelines/protocols on patient triage that apply age as the main and decisive criterion

According to the Rule 004/2020 of the Directorate-General for Health on approaching patients with suspicion or infection with SARS-CoV-2, patients with suspicion or a confirmed infection by COVID-19, have an indication for clinical evaluation in the community areas dedicated to COVID-19 when they do not meet the criteria for self-care or for observation in the area dedicated to COVID-19 in the Emergency Department and whenever the clinical evaluation is necessary in order to guarantee the security of health care provision, namely when patients have more than 60 years of age¹⁰⁵.

2.2.3 Targeted testing of residents and staff in residential care homes

In the beginning of the pandemic, tests were carried out on an *ad-hoc* basis in the different residential care homes, but with the increase of cases of COVID-19 in elderly homes, the tests started to be done systematically. As mentioned in the previous report, under the programme for diagnostic tests in elderly homes, promoted by the Ministry of Labour, Solidarity and Social Security, the Ministry of Health, the Ministry of Territorial Cohesion and higher education institutions, until 24 April, 17,000 tests of COVID-19 were carried out in elderly homes and the Government expected to carry out 70,000 tests in the month of May¹⁰⁶. According to the State Secretary of Health, tests are going to be carried out in all care homes, including those that are identified as illegal¹⁰⁷. The tests are to be extended to all people who work in residential care homes. On 10 May, the Ministry of Health reported, on a press conference, that the tests in elderly homes were not finished yet. They were finalised in the North and Algarve regions, were in a final stage in the Centre and Lisbon and Tejo Valley regions and Alentejo was the region more behind¹⁰⁸. On 19 May, the Minister of Internal

¹⁰⁴ Portugal, União das Misericórdias Portuguesas, [Circular 69/2020: Guidelines and Operational Plans for the programmed and safe reopening of visits to ERPI, Residential Homes and Specialized Residential Housing \(Circular 69/2020: Guiões e Planos de Operacionalização para reabertura programada e segura de vistas a ERPI, Lares Residenciais e Casas de Acolhimento Residencial Especializadas\)](#), 25 May 2020.

¹⁰⁵ Portugal, Direção-Geral de Saúde (Directorate-General for Health), [Norma n.º 004/2020: Abordagem do Doente com Suspeita ou Infecção por SARS-CoV-2](#) (Rule 004/2020: Approaching the Patient with Suspicion or Infection with SARS-CoV-2), 23 March 2020.

¹⁰⁶ For more information, see [the Government webpage on the number of tests performed under the diagnostic testing programme in elderly homes](#) until 24 April 2020.

¹⁰⁷ For more information, see [the National Health Service webpage on testing illegal elderly homes](#).

¹⁰⁸ For more information, see the [Ministry of Health press conference held on 10 May](#).

Affairs, in a press conference, stated that around 83,000 tests of COVID-19 were carried out in elderly homes¹⁰⁹. Thus, it is possible to identify a public policy of testing elderly homes.

No organised national statistical data were found on this subject. This information is provided on an *ad hoc* basis by the Government in press conferences.

The Portuguese Union of Mercies (União das Misericórdias Portuguesas) carried out a total of 64,000 tests for COVID-19 on all users and employees of residential structures for elderly people in charities across the country. Data gathered by the charity states that all the 35,000 users and 29,000 employees have been tested¹¹⁰.

2.2.4 Restrictions/bans on visits to residential care settings, and any (conditional) lifting of these restrictions

On 11 May, the Directorate-General for Health stated that visits to Residential Structures for the Elderly (ERPI) and Integrated Continuous Care Units (UCCI) of the National Network of Integrated Continuous Care (RNCCI) could be resumed as of 18 May, respecting a set of rules¹¹¹.

The general aspects to take into account when allowing visits in elderly homes are: having a plan for operationalising the visits and a professional coordinator for the process; transmitting the conditions under which the visits take place to all the visitors; ensuring the prior scheduling of visits; ensuring compliance with measures of physical distancing, respiratory etiquette and hand hygiene; visits should not be made when COVID-19 symptoms are imminent.

Institutions must make available to visitor's information about the procedures of hygiene and physical distancing; ensure a proper space for the visit; provide hand hygiene products; ensure that the rules are respected, namely the correct use of masks by users. Visits can only be done by appointment and can't exceed 90 minutes. In a first phase, each user can have one visitor per visit, once a week. Visitors must respect all hygiene and physical distancing protocols (physical contact between the visitors and the elderly is not allowed), they cannot take personal objects, food or other products, and they cannot circulate in the institution or use the sanitary facilities of the elderly. Visitors who test positive for COVID-19 should inform the local health authority if they have visited the institution up to 48 hours before the symptoms begun.

Finally, this document encourages that the institutions ensure that residents can communicate with family and friends through video calls or telephone.

2.2.5 Restrictive measures for older people living in the community

In Portugal, during the period in which the State of Emergency was in force, a special duty of protection was imposed on people with 70 years of age or more. With the declaration of the

¹⁰⁹ For more information, see [the press conference of the Minister of Internal Affairs](#).

¹¹⁰ For more information, see [the Union of Portuguese Mercies webpage on the number of tests](#).

¹¹¹ Portugal, Direção-Geral de Saúde (Directorate-General for Health) (2020), [Informação n.º 011/2020: Visitas a Estruturas Residenciais para Idosos \(ERPI\), Unidades de Cuidados Continuados Integrados \(UCCI\) da Rede Nacional de Cuidados Continuados Integrados \(RNCCI\) e outras respostas dedicadas a pessoas idosas ou pessoas com deficiência](#) (Visits to Residential Structures for the Elderly (ERPI), Integrated Continuous Care Units (UCCI) of the National Network of Integrated Continuous Care (RNCCI) and other responses dedicated to the elderly or people with disabilities), 11 May 2020.

situation of calamity that implied the gradual lifting of the confinement measures, reference to age is no longer made, and a civic duty to stay at home is determined for all citizens¹¹².

2.2.6 Access to healthcare for older people for conditions unrelated to COVID-19

In Portugal, no specific measures were implemented for the access of elderly people, under conditions unrelated to COVID-19, to health care. Elderly people are on an equal footing with other citizens, and age is not a differentiating factor. In general, some measures of access to healthcare were adopted for all citizens, such as distance medical appointments (for e.g. through phone) and the streamlining of measures related to the prescription of medication for chronic diseases.

2.2.7 Support measures and promising practices targeting older people, including access to goods and services online and offline, social/psychological support, and use of digital tools and technology

The Government launched a campaign, called “Cuida de Todos” (“Take Care of Everyone”) to support the elderly who live in elderly homes during the pandemic¹¹³. The campaign, with the motto “we will take care of those who took care of us”, aims to get volunteers to reinforce the human resources in the elderly homes and create back-up networks for the employees of these institutions. The media reported that until 23 April the campaign had received around 4,000 applications for volunteering. However, according to some representatives of elderly homes associations, there were difficulties arising from the lack of experience of volunteers and many volunteers gave up when faced with the reality of elderly homes¹¹⁴.

During the month of April, the “Somos Todos Digitais” (“We are all digital”) platform was created. This platform aims to help the population with less digital skills to better deal with the situation of social isolation, such as older persons. The service will be provided through a telephone support line by higher education students (volunteers). In a first phase, the focus will be on helping everyone who needs support in the use of the main communication platforms (Facebook, Instagram, Messenger, WhatsApp and Skype), and to teach them how to make video calls with the family, create accounts on social networks and share photos with friends¹¹⁵.

The Education Institute of the University of Minho created the “Rede Aproximar” (“Approximate Network”), to help optimize the free time of the elderly, stimulating their physical and intellectual capacities and social interaction online. University of Minho emphasizes that the initiative aims to contribute to the biopsychosocial and spiritual well-being of the elderly population in Portugal, whose situation of isolation and loneliness has worsened with the Covid-19 pandemic. The planned socio-educational and community intervention includes: cognitive stimulation; motor stimulation; lifelong education and culture; and art and tradition¹¹⁶.

¹¹² Portugal, [Resolution of the Council of Minister 33-A/2020 that declared the situation of calamity in the context of the COVID-19 pandemic](#) (*Resolução do Conselho de Ministros n.º 33-A/2020 que declara a situação de calamidade, no âmbito da pandemia da doença COVID-19*), 30 April 2020.

¹¹³ For more information, see [the campaign “Cuida de Todos” webpage](#).

¹¹⁴ Público (2020), [“Covid-19: Quarenta por cento dos mortos eram idosos residentes em lares”](#) (“Covid-19: Forty percent of dead persons were elderly in elderly homes”), 23 April 2020.

¹¹⁵ For more information, see [the platform “Somos Todos Digitais”](#).

¹¹⁶ For more information, see [the Rede Aproximar Facebook page](#).

The Portuguese Institute of Sport and Youth, in partnership with the National Association of Parishes (ANAFRE), launched a volunteer project called “Apoio Maior” (“Bigger Support”)¹¹⁷, aiming to provide support to the elderly, through various tasks, such as the delivery of food and medicines or the dissemination of information. This volunteer project – which takes place in the regions of Alentejo, Algarve, Lisbon and Vale do Tejo and North – runs until the end of May, involving about 150 young volunteers, aged 18 to 30 years.

No projects specifically targeting people with dementia were identified.

2.2.8 Consultation of older people’s organisations and/or other civil society organisations in the design, implementation and review of COVID-19-related measures

There is no information available on the consultations with older people’s organisations and/or other civil society organisations in the design, implementation and review of COVID-19 related measures.

¹¹⁷ For more information, see [the Government webpage on Apoio Maior](#).