

# **Coronavirus COVID-19 outbreak in the EU**

## **Fundamental Rights Implications**

**Country:** Portugal

**Contractor's name:** Centre for Social Studies

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## 1. Measures taken by government/public authorities

Portugal had the first confirmed cases of Covid-19 on 2 March. Considering the progression of the epidemic of the new Coronavirus - Covid-19 in Portugal until now, it is possible to divide the key measures taken by the government and public authorities into three stages: (1) until the declaration of a situation of alert on 13 March; (2) from this date and until the declaration of the state of emergency on 18 March; and (3) after the declaration of the state of emergency and the implementation of concrete measures by the Council of Ministers on 19 March.

The Government communicates the decisions and laws adopted through its website (news, documents, press releases and multimedia), press conferences and statements in the media (President of the Republic, Prime Minister, several members of the Government and senior officials of public organisations). The Government has also created a specific webpage, called “We are on – Portugal’s response to Covid-19”<sup>1</sup>, to disseminate documents and information on the subject. Information regarding the progress of Covid-19 is released jointly by the Ministry of Health and the Directorate-General for Health, through daily press conferences and at a dedicated webpage about Covid-19<sup>2</sup>. Both the press conference and the webpage are daily updated with data on the progress of the epidemic (number of infected and tested persons, etc.). The communications and the documents produced are in Portuguese (some general information is also available in English). The language used is easily understandable. During press conferences there is a sign language interpreter.

### *(1) Measures adopted until the declaration of a situation of alert on 13 March*

During the first stage, until the first cases were confirmed, the government and the public authorities took no concrete measures that had an impact on fundamental rights. The action of public authorities focused on publishing and disseminating information and advice to protect citizens from the Covid-19 outbreak.

After the first confirmed cases of Covid-19, some measures were taken mainly to prepare public entities for the outbreak. One of these measures was outlined in Order 2836-A/2020 of 2 March<sup>3</sup>, determining that public employers must draw up a contingency plan in line with the guidelines issued by the Directorate-General for Health for the prevention and control of contamination by the Covid-19. Since then, as the number of infected people has increased, the measures adopted have been intensified.

The Council of Ministers Resolution 10-A/2020 of 12 March<sup>4</sup> established several measures regarding the epidemic of Covid-19, namely the reinforcement of health facilities by using the Armed Forces Hospital and other health units of the Armed Forces; strengthening the operational responsiveness of the National Authority for Emergency and Civil Protection; approval of specific tax and economic measures, such as incentive measures for companies; adoption of measures for the public services’

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<sup>1</sup> For more information, see the Government webpage “[We are on – Portugal’s response to COVID-19](#)”.

<sup>2</sup> For more information, see the exclusive [webpage on Covid-19](#).

<sup>3</sup> Portugal, [Order 2836-A/2020, ordering public employers to draw up a contingency plan in line with the guidelines issued by the Directorate-General for Health for the prevention and control of contamination by the new Coronavirus Covid-19](#) (Despacho n.º 2836-A/2020, que ordena aos empregadores públicos a elaboração de um plano de contingência alinhado com as orientações emanadas pela Direção-Geral da Saúde, no âmbito da prevenção e controlo de infeção por novo Coronavírus (COVID-19)), 2 March 2020.

<sup>4</sup> Portugal, [Council of Ministers Resolution 10-A/2020, approving several measures regarding the epidemic of the new Coronavirus Covid-19](#) (Resolução do Conselho de Ministros n.º 10-A/2020, que aprova um conjunto de medidas relativas à situação epidemiológica do novo Coronavírus – Covid-19), 12 March 2020.

customer service<sup>5</sup>; approval of support measures for employees and employers affected by the outbreak of the Covid-19 virus, in order to keep jobs and mitigate business crises.

With respect to travel bans, Order 3186-D/2020 of 10 March<sup>6</sup> suspended flights from Italy as of 11 March for 14 days, aiming to contain the spread of Covid-19 in Portugal and reduce the risk of getting active transmission cases by air travel. At first, this travel restriction only concerned certain regions of Italy (Emilia-Romagna, Piedmont, Lombardi and Veneto), which were deeply affected by the Coronavirus<sup>7</sup>. However, the travel ban was extended to the whole country by this order after Italy declared quarantine.

Several measures were adopted to reinforce the National Health Service. Order 3186-B/2020 of 6 March<sup>8</sup> created, in the Directorate-General for Health, the Medical Helpline (*Linha de Apoio ao Médico*). This helpline is an important tool for validating suspected cases of the disease and clarifying doubts that may arise in the health services. In addition, Order 3219/2020 of 3 March<sup>9</sup> determined the purchase of medicine, medical devices and personal protection equipment for the National Health Service to ensure adequate conditions for the treatment of the disease.

(2) *Measures adopted from 13 March until the declaration of the state of emergency on 18 March*

Order 3298-B/2020 of 13 March<sup>10</sup> declared a situation of alert in Portugal. This situation of alert anticipated the possibility of being extended, depending on the progression of the Coronavirus epidemic. Following the social isolation measures promoted by the government to contain the Covid-19 outbreak, the country suddenly witnessed the elimination of social life.

The specific support measures for employees and employers affected by the outbreak of the Covid-19 to keep jobs and mitigate business crises are established in Ordinance 71-A/2020 of 15 March<sup>11</sup>.

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<sup>5</sup> Order 3301-C/2020 of 15 March establishes several measures regarding the public services' customer service for citizens and companies, including consular services outside the national territory.

<sup>6</sup> Portugal, [Order 3186-D/2020, suspending flights from Italy](#) (*Despacho n.º 3186-D/2020, que suspende os voos de Itália*), 10 March 2020. Order 3659-B/2020 of 23 March extended the suspension of flights from and to Italy for an additional 14 days.

<sup>7</sup> Portugal, [Order 3186-C/2020, suspending flights from the most affected areas of Italy – Emilia-Romagna, Piedmont, Lombardi and Veneto](#) (*Despacho n.º 3186-C/2020, que suspende os voos das zonas de Itália mais afetadas – Emilia-Romagna, Piemonte, Lombardia e Veneto*), 9 March 2020.

<sup>8</sup> Portugal, [Order 3186-B/2020, creating the Medical Helpline that depends on the Director-General for Health, as the national health authority](#) (*Despacho n.º 3186-B/2020, que criou, na dependência da diretora-geral da Saúde, enquanto autoridade de saúde nacional, a Linha de Apoio ao Médico (LAM), sediada na Direção-Geral da Saúde*), 6 March 2020.

<sup>9</sup> Portugal, [Order 3219/2020, ordering the immediate acquisition, by all hospital units of the National Health Service and the Ministry of Health, of medicine, medical devices and personal protection equipment, to reinforce their respective stocks by 20%](#) (*Despacho n.º 3219/2020 que ordenou a aquisição imediata, por todas as unidades hospitalares do Serviço Nacional de Saúde e do Ministério da Saúde, dos medicamentos, dispositivos médicos e equipamentos de proteção individual, para reforço dos respetivos stocks em 20%*), 3 March 2020.

<sup>10</sup> Portugal, [Order 3298-B/2020, declaring a situation of alert in Portugal](#) (*Despacho n.º 3298-B/2020, declaração de situação de alerta em todo o território nacional*), 13 March 2020.

<sup>11</sup> Portugal, [Ordinance 71-A/2020, establishing immediate extraordinary, temporary and provisional support measures, for employees and employers affected by the outbreak of the Covid-19 virus to keep jobs and mitigate business crises](#) (*Portaria n.º 71-A/2020, que define e regulamenta os termos e as condições de atribuição dos apoios imediatos de caráter extraordinário, temporário e transitório, destinados aos trabalhadores e empregadores afetados pelo surto do vírus COVID-19, tendo em vista a manutenção dos*

These measures apply to employers of the private sector, including employers in the social sector, and their workers, affected by the outbreak of the Covid-19, that prove to be in a business crisis as a consequence of the outbreak. The measures are the following: extraordinary support for maintaining employment contracts in situations of business crisis, with or without training (simplified layoff); extraordinary training plan; extraordinary financial incentive to support the regularisation of the company's activity; and temporary exemption from payment of Social Security contributions by the employers for the months during which the entity benefits from the measures of Ordinance 71-A/2020 of 15 March.

Decree-Law 10-A/2020 of 13 March<sup>12</sup> also established exceptional and temporary measures. The Portuguese Government ordered the suspension of all academic and non-academic activities as of 16 March 2020, including pre-school, basic education, high school and higher education (Article 9). This suspension will be re-evaluated on 9 April 2020. Until then, classroom teaching can be exceptionally replaced by distance learning whenever possible and if the necessary conditions are met. Educational facilities are also to adopt the necessary measures to provide food for students who benefit from social support and to receive the children of essential service workers (e.g. health professionals, fire-fighters, security forces and services) (Article 10).

Several social protection measures were approved to cover illness or parenthood, exceptional family support for workers and specific measures for self-employed workers (e.g. deferred payment of Social Security contributions due in the months in which extraordinary financial support is being paid; extra support due to reduced economic activity of the self-employed lasting one month, that may be extended monthly up to a maximum of six months, in line with the amount of income registered as a contributory base and limited by the value of the Social Support Index – which is €438,81 in 2020) and alternative ways of working (e.g. telework) were also approved.

Access to public places is limited (Decree-Law 10-A/2020 of 13 March, Article 12): access to restaurants or bars that have spaces for dancing (e.g. nightclubs) is suspended; and access to restaurants, drinking establishments and shopping malls must observe the occupation rules set in Ordinance 71/2020 of 15 March<sup>13</sup>.

Visits to elderly homes were also suspended, because the elderly are particularly vulnerable<sup>14</sup>. New admissions are allowed but new residents have to comply with a quarantine period. The Directorate-General for Health issued recommendations regarding the new admissions to elderly homes advising they take a Covid-19 test<sup>15</sup>. In the area of justice, we point out the measures that have an impact on prisons, such as the temporary suspension of all visits, prisoner transfers and open to the outside

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*postos de trabalho e mitigar situações de crise empresarial*), 15 March 2020. Rectified by Declaration of Rectification 11-C/2020 of 16 March and amended by Ordinance 76-B/2020 of 18 March.

<sup>12</sup> 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. Amended by Law 1-A/2020 of 19 March.

<sup>13</sup> Portugal, [Ordinance 71/2020 establishing restrictions on access and allocation of spaces in commercial establishments and in catering and drinking establishments](#) (*Portaria n.º 71/2020 que aprova restrições no acesso e na afetação dos espaços nos estabelecimentos comerciais e nos de restauração ou de bebidas*), 15 March 2020. Rectified by Declaration of Rectification 11-A/2020 of 15 March.

<sup>14</sup> TVI (2020), [“Covid-19: attention, visits to elderly homes are prohibited, but new admissions are not”](#) (“Covid-19: atenção, visitas aos lares estão proibidas, mas novas admissões não”), 19 March 2020.

<sup>15</sup> Público (2020), [“Elderly homes must test new admissions”](#) (“Lares de idosos devem testar novos utentes”), 21 March 2020.

regime in risk areas, and the restrictions on the functioning of courts<sup>16</sup>. The General Directorate of Reintegration and Prison Services, in a bid to facilitate contact of prisoners with family and friends, allows each prisoner to make three daily phone calls lasting five minutes each (previously, only one was allowed)<sup>17</sup>. The Portuguese Bar Association<sup>18</sup>, in coordination with the Directorate-General for Reintegration and Prison Services, requested that lawyers only go into prisons to deal with urgent cases, and abstain from any other face-to-face contact with prisoners. The remaining situations must be handled by telephone. Moreover, Order 3587/2020 of 23 March<sup>19</sup> prevents prison guards, health professionals and social reintegration technicians from having vacations in order to guarantee essential services, and Order 3586/2020 of 23 March<sup>20</sup> establishes measures to coordinate family assistance with the availability of these professionals, due to the suspension of academic and non-academic activities.

Order 3298-C/2020 of 13 March<sup>21</sup> forbids the disembarkation and landing licenses for passengers and crew of cruise ships in national ports. However, this prohibition does not apply to national citizens or holders of national residence permits and cruise ships may berth at national ports for supply and maintenance. Council of Ministers Resolution 10-B/2020 of 16 March<sup>22</sup> temporarily introduced document control of people at borders for public health reasons (16 March 2020 - 15 April 2020), which is a restriction on the Schengen Regulation and suspended flights, trains, river and maritime transport and road traffic from Spain. Some exceptions are: international transport of goods, movement of cross-border workers, circulation of emergency vehicles, right of entry for nationals and holders of residence permits in their respective countries, the circulation of diplomatic personnel, Armed Forces and security forces and services, access to health units in bilateral health care agreements, and the right to exit of citizens' that reside elsewhere.

Order 3427-A/2020 of 18 March prohibits air traffic to and from Portugal from countries outside the European Union, with certain exceptions, such as countries associated with the Schengen Area (Liechtenstein, Norway, Iceland and Switzerland); Portuguese-speaking countries (from Brazil, only

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<sup>16</sup> For more information, see the [Ministry of Justice website](#).

<sup>17</sup> Público (2020), [“Nothing has changed in prison” and the outrage is great with the end of visits](#) (“Nada mudou na prisão” e a revolta é grande com o fim das visitas), 15 March 2020.

<sup>18</sup> For more information, see the [Portuguese Bar Association website](#).

<sup>19</sup> Portugal, [Order 3587/2020, establishing exceptional and temporary measures to restrict the enjoyment of vacations during the period of time necessary to guarantee the essential services of the Directorate-General for Reintegration and Prison Services](#) (Despacho n.º 3587/2020, que estabelece medidas de carácter excecional e temporário de restrição do gozo de férias durante o período de tempo necessário para garantir os serviços essenciais da Direção-Geral de Reinserção e Serviços Prisionais), 23 March 2020.

<sup>20</sup> Portugal, [Order 3586/2020, establishing rules on the articulation between family assistance and availability for the professionals who provide the essential services of the Directorate-General for Reintegration and Prison Services](#) (Despacho n.º 3586/2020, que estabelece as regras em matéria de articulação entre assistência à família e a disponibilidade para os profissionais que asseguram os serviços essenciais da Direção-Geral de Reinserção e Serviços Prisionais), 23 March 2020.

<sup>21</sup> Portugal, [Order 3298-C/2020, determining the prohibition of disembarkation and landing licenses of passengers and crew of cruise ships in national ports](#) (Despacho n.º 3298-C/2020, que determina a interdição do desembarque e licenças para terra de passageiros e tripulações dos navios de cruzeiro nos portos nacionais), 13 March 2020.

<sup>22</sup> Portugal, [Council of Ministers Resolution 10-B/2020, restoring, exceptionally and temporarily, the document control of people at borders in the context of the new Coronavirus epidemic](#) (Resolução do Conselho de Ministros n.º 10-B/2020, que repõe, a título excecional e temporário, o controlo documental de pessoas nas fronteiras no âmbito da situação epidemiológica provocada pelo novo coronavírus), 16 March 2020.

flights from and to São Paulo and to and from Rio de Janeiro will be admitted); and the United Kingdom, United States of America, Venezuela, Canada and South Africa, due to significant presence of Portuguese communities in these countries (this does not mean that there are flights to all these countries considering the restrictions imposed by them)<sup>23</sup>. However, this ban does not apply to flights to Portugal specifically promoted by the Portuguese authorities aiming the return of national citizens or holders of a residence permit or to flights promoted by other foreign authorities with the agreement of the Portuguese authorities intended to allow the return of foreign citizens who are in Portugal. In a press conference held on 20 March, the Director-General for Health stated that anyone entering Portugal will have to remain in prophylactic isolation for 14 days<sup>24</sup>.

In addition, the travel ban does not apply to State and Armed Forces aircraft, flights for the exclusive transportation of cargo and mail, or flights of a humanitarian nature or for medical emergencies.

The National Health Service was also strengthened by hiring more workers (doctors and nurses) to ensure the maximum operability of the health services<sup>25</sup>, restricting vacations during the necessary time to ensure the readiness of the National Health Service<sup>26</sup>, prohibition on health professionals having an additional professional occupation, particularly in the private sector and implementing measures to coordinate family assistance and availability to provide health care, with the suspension of academic and non-academic activities<sup>27</sup>. The Government has outlined some measures to support the children of health professionals, security forces and other essential services workers, by requiring some schools to remain open to receive their children or providing financial support to hire a caregiver.

According to the evolution of the outbreak, on 17 March the Government decreed the state of public calamity<sup>28</sup> in the city of Ovar (district of Aveiro), due to the exponential increase in infected people and signs of community transmission of the Covid-19. The declaration of public calamity implies the creation of a sanitary fence in the entire city and a set of restrictions on economic activities, as well as on the free movement of persons. This situation ended up causing an unfortunate incident, which also meant discrimination against the digitally excluded citizens. A few hours before the official announcement, the President of the City Council advanced this information on Facebook, which had the negative effect of allowing the citizens who had access to that information to leave the city and go to other places in the country<sup>29</sup>.

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<sup>23</sup> Portugal, [Order 3427-A/2020, prohibiting air traffic to and from Portugal from countries outside the European Union, with certain exceptions](#) (Despacho n.º 3427-A/2020, que interdita o 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), 18 March 2020

<sup>24</sup> Director-General for Health (2020), [Press Conference](#), 20 March 2020.

<sup>25</sup> Approved by Order 3301-E/2020, of 15 March.

<sup>26</sup> Approved by Order 3300/2020, of 15 March.

<sup>27</sup> Approved by Order 3301/2020, of 15 March.

<sup>28</sup> Portugal, [Order 3372-C/2020, recognizing the need to declare the state of calamity in the municipality of Ovar](#) (Despacho n.º 3372-C/2020, que reconhece a necessidade da declaração da situação de calamidade no município de Ovar), 17 March 2020.

<sup>29</sup> Público (2020), [“An irresponsible information leak”](#) (“Uma fuga de informação irresponsável”), 18 March 2020.

(3) *Measures adopted after the declaration of the state of emergency and the implementation of concrete measures by the Council of Ministers on 19 March*

On 18 March the President of the Portuguese Republic after gathering the State Council and after the approval of the Parliament, declared the state of emergency, based on a situation of public calamity<sup>30</sup>, meaning that more restrictions would be imposed. The announcement of the President of the Republic emphasised that the state of emergency “is not an interruption of Democracy, it is Democracy trying to prevent an irreparable interruption in people’s lives”<sup>31</sup>.

Following the implementation of the state of emergency on 19 March, the Council of Ministers established the concrete measures to be implemented. The Prime Minister stated that those measures would be issued with great concern to establish “maximum restraint and minimum disturbance” in people's lives<sup>32</sup>.

According to the Portuguese Constitution, the state of emergency allows the suspension of some fundamental rights. However, the state of emergency is limited to the strictly necessary and must, therefore, respect the proportionality principle, enshrined in Article 18 (2) of the Constitution. Among the measures adopted in Decree 2-A/2020 of 20 March<sup>33</sup>, there is a special emphasis on: mobility restrictions; mandatory isolation for patients and people under disease surveillance; protection and isolation of persons over 70 years; and a general duty of staying home for persons without health problems. Public Services have been reduced with the exception of priority services such as health services, police forces, armed forces, which have been reinforced. Public attendance services have been suppressed, except for a few minimum services necessary for the internal functioning of organisations. Teleworking has become mandatory whenever possible and presence in services has been reduced, with telephone or online assistance becoming common. There was a general order of closure for services of private companies, with the exception of bakeries, supermarkets, grocery stores, pharmacies, kiosks, which can and should remain open. The services that remain open must comply with the rules dictated by the Directorate-General for Health. Law 1-A/2020 of 19 March, that amended Decree Law 10-A/2020 of 13 March, states that only urgent acts and proceedings in which fundamental rights are at stake are carried out in person (e.g. proceedings concerning minors at risk or urgent guardianship proceedings or criminal proceedings with persons in detention). Disclosure No. 81/2020 of High Council for the Judiciary when implementing this provision, besides giving these examples, states that as long as urgent fundamental rights are at stake, the judge can apply this rule to other cases. The proceedings must be held whenever feasible through appropriate means of distance communication, namely by teleconference or video call, and should only be carried out in person when this does not imply the presence of a higher number of persons than those foreseen by the health authorities recommendations.

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<sup>30</sup> Portugal, [Decree of the President of the Republic 14-A/2020, declaring the state of emergency based on a situation of public calamity](#) (*Decreto do Presidente da República n.º 14-A/2020, que declara o estado de emergência, com fundamento na verificação de uma situação de calamidade pública*), 18 March 2020.

<sup>31</sup> For more information, see the Público webpage: [“Costa and Marcelo with one voice: “It is not an interruption of democracy”](#) .

<sup>32</sup> Expresso (2020), [“General duty of staying home”: assessment of the first day of a country in the state of emergency](#) (“Dever geral de recolhimento domiciliário”: o balanço do primeiro dia de um país em estado de emergência”), 19 March 2020.

<sup>33</sup> Portugal, [Decree 2-A/2020, implementing the application of the state of emergency decreed by the President of the Republic](#) (*Decreto n.º 2-A/2020, que regulamenta a aplicação do estado de emergência decretado pelo Presidente da República*), 20 March 2020.

All these measures may have an immediate impact on fundamental rights, namely freedom of movement, the right to travel and settle anywhere in national territory, the right of assembly and demonstration, the right to strike and the right of resistance.

On 20 March, after the Council of Ministers meeting, the Prime Minister stated that besides a health emergency, we are also experiencing an economic emergency, and highlighted the need to safeguard employment, guarantee family income of families and prevent companies from insolvency<sup>34</sup>. Following the first meeting of the State of Emergency Monitoring Structure, held on 22 March, the Minister of Internal Administration highlighted the “spirit of responsibility, civility and solidarity” of all Portuguese citizens faced with the restrictions on the freedom of movement and on several economic activities. The Minister also praised the security forces, emphasizing their important role in clarifying and informing citizens. However, there are a few reports of places with concentrations of people and a few arrests for crimes of disobedience, one of them for breaching the duty of staying home<sup>35</sup>.

Although the banking sector is still evaluating the possibility of a moratorium to allow families to postpone the payment of their housing credit, some banks have already decided to allow their customers to suspend the payments of the credit for six months. This measure will benefit families that may lose their income in the coming months, as a result of the economic crisis caused by the Covid-19 outbreak. According to data from the National Statistics Institute, any moratorium on capital would allow, on average, provide monthly relief of more than 200 euros per family<sup>36</sup>. Some banks have announced a package of broader measures to mitigate the impact of the crisis associated with the epidemic, including personal credit and special provisions for companies, where the moratorium will last for a year<sup>37</sup>.

Additional measures were implemented to protect the fundamental rights of the most vulnerable groups. In order to reduce the impact of the Coronavirus on people with low income, the Municipality of Lisbon opened a warehouse to host 40 homeless men, offering beds and meals<sup>38</sup>. They will be assisted by members of the Homeless Support Center of the City of Lisbon, by medical monitoring teams, and mental health and dependency responses will be provided. Another relevant measure was taken concerning the protection of victims of domestic violence. The Commission for Citizenship and Gender Equality (*Comissão para a Cidadania e a Igualdade de Género*) is aware of the difficulties of people in social isolation, namely the victims of domestic violence, and created an email service to reply to questions and requests for support related to this matter<sup>39</sup>. Finally, following recommendations of the Directorate-General for Health, the Portuguese Refugee Council (*Conselho Português para os Refugiados – CPR*) has implemented several prevention measures aimed at employees and to the refugee population to whom they provide assistance and support: information sessions were held; recommendations are being issued in several languages (by email and WhatsApp); posters with guidelines were posted in the Reception Centers; and kits were handed out with hand sanitizer alcohol gel and disinfectants.

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<sup>34</sup> For more information, see the [Government webpage](#).

<sup>35</sup> For more information, see the [Government webpage](#).

<sup>36</sup> Expresso (2020), “[Housing credit: moratorium could bring average monthly relief of 200 euros per family](#)” (“Crédito à habitação: moratória pode trazer alívio mensal médio de 200 euros por família”), 21 March 2020.

<sup>37</sup> Expresso (2020), “[BPI will give moratorium on credits from families and companies](#)” (“BPI vai dar moratória nos créditos de famílias e empresas”), 22 March 2020.

<sup>38</sup> Público (2020), “[População sem-abrigo vai ser acolhida no pavilhão do Casal Vistoso](#)” (“Homeless Population hosted at the Casal Vistoso warehouse”), 16 March 2020.

<sup>39</sup> For more information, see the [Commission for Citizenship and Gender Equality website on Covid-19 new email to support domestic violence](#).



The Food and Economic Security Authority (*Autoridade de Segurança Alimentar e Económica – ASAE*) carried out an inspection aimed at combating illegitimate profits obtained from the sale of goods necessary for the prevention and fight against coronavirus, namely personal protective equipment and medical devices (masks, gloves, suits), as well as alcohol, hand sanitizer and disinfectants. According to ASAE a criminal proceedings were initiated for the practice of obtaining illegitimate profit from the sale of alcohol gel and two administrative offenses were introduced for illegal commercial practices. There are media reports of the sale of alcohol at 20 euros a bottle and the sale of masks at 20 euros each<sup>40</sup>.

## 2. Impact of the outbreak on certain national or ethnic communities

Although very occasional, there were some xenophobic incidents in Portugal since the beginning of the Coronavirus Covid-19 outbreak. According to some media reports, in February the Chinese stores and restaurants in Portugal were losing customers, with consequences in terms of drop in sales<sup>41</sup>, as a result of the customers' fear due to the Covid-19 outbreak, and some Chinese salesperson complained about unfriendly comments<sup>42</sup>. Additionally, according to the Portuguese-Macanese Student Association, despite Portuguese persons continuing to behave towards Macanese students in a friendly way, there have been some isolated attitudes of discrimination. A student of the Catholic University of Lisbon (*Universidade Católica Portuguesa de Lisboa*), of Macanese origin, claims about situations such as being looked with suspicion by his colleges and neighbours, other students avoid sitting next to him in the library, his neighbours closing their doors upon his arrival and hearing discriminatory expressions such as “get out of my country”. Following these context, the Directorate-General for Health produced some information in Chinese, calling on members of the Chinese community to inform the authorities if they experience any symptoms. This concern led the young student to comment: “It was the first time I saw an official advertisement in Chinese in Portugal”<sup>43</sup>. The Commission for Equality and Against Racial Discrimination has not received any complaints from victims of discrimination and/or hate speech/crimes against people of Asian or other origin relating to Coronavirus Covid-19. However, the High Commissioner for Migration officiously presented an official complaint about discrimination against people of Asian origin in a case of a media outlet that used the term “China virus”.

Felgueiras (in the district of Porto) was one of the first cities where several cases of Covid-19 were confirmed, which led the Directorate-General for Health to close all schools and other public and private spaces as a measure to contain the epidemic. On 11 March, the President of the City Council of Felgueiras condemned the discrimination and intolerance against people from that city<sup>44</sup>, namely

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<sup>40</sup> Público (2020), [“ASAE catches retailer selling alcohol at 20 euros”](#) (“ASAE apanha comerciante a vender álcool a 20 euros”), 20 March 2020.

<sup>41</sup> Expresso (2020), [“Coronavirus: “There are no reasons for this alarm”, guarantee Chinese stores”](#) (“Coronavírus: “Não há razões para este alarme”, garantem as lojas chinesas”), 15 February 2020.

<sup>42</sup> Jornal I (2020), [“We are Chinese, we are not Coronavirus”](#) (“Somos chineses, não somos Coronavírus”), 6 February 2020.

<sup>43</sup> Semanário Luso-Chinês (2020), [“Macao students victims of discrimination in Portugal”](#) (“Alunos de Macau vítimas de discriminação em Portugal”), 6 March 2020.

<sup>44</sup> Público (2020), [“Coronavirus: Felgueiras warns of “segregation situations” of residents outside the municipality”](#) (“Coronavírus: Felgueiras alerta para “situações de segregação” de munícipes fora do concelho”), 11 March 2020.

the following cases: the suspension of building work in other places of the country because some of the workers were from Felgueiras; some fire-fighters from Felgueiras were having a hard time to get to other hospitals when they transported patients; and a student from Felgueiras was barred from attending classes at the University of Porto. Finally, a trial in another part of the country was also postponed, because the lawyer was from this city. The President of the City Council of Felgueiras stated that there were too many cases involving people from Felgueiras who, according to him, were being unfairly harmed.

On 12 March, the Presidency of the Institute of Social Sciences of the University of Minho (ICS) issued a statement following the confirmation of a case of Covid-19 among students determining the closure of the Institute and the suspension of teaching in the University. The statement reports unpleasant comments and discriminatory behaviours not only towards teachers, researchers, staff and students, but also towards their families, suggesting that they should remain at home and not threaten public health. The ICS Presidency repudiated these incidents<sup>45</sup>.

On 20 March, some NGOs involved in defending of the rights of immigrants sent a letter to the Secretary of State for Integration and Migration expressing their concern about the situation of immigrants in Portugal due to the Covid-19 epidemic, in particular regarding the rights of workers in a regularisation process<sup>46</sup>.

During the period under review, according to what was possible to ascertain, there were no reported situations of discrimination regarding access to certain goods and services. All measures are aimed at all persons, regardless of their nationality, social or ethnic group.

### **3. Impact on privacy and spread of disinformation**

Public authorities and media have been particularly cautious concerning the privacy and data protection rights related to the Covid-19 outbreak. There was no special case reported by the media where the issues of data protection and privacy rights were invoked. The most relevant case concerns a large group of agricultural workers whose nationality has been widely referenced in the media<sup>47</sup>.

The National Data Protection Commission, following our request for information about this concrete issue, reported that it was not aware of any specific action in this area, since processing health data, regardless of the disease concerned, must be carried out within the legal requirements of Article 9 (2) paragraphs (h) and (i) of the General Data Protection Regulation (GDPR)<sup>48</sup>. As for the principles of confidentiality of information and the application of security measures for personal data processing, the rules of the General Data Protection Regulation are fully applicable.

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<sup>45</sup> For more information, see the [Institute of Social Sciences webpage](#).

<sup>46</sup> Publico (2020), "[Coronavirus. Concerned, 20 associations question Government about immigrants' rights](#)" ("Coronavírus. Preocupadas, 20 associações questionam Governo sobre direitos de imigrantes"), 20 March 2020.

<sup>47</sup> SIC Notícias (2020), "[Group of 74 Nepalese quarantined in a pavilion in Faro](#)" ("Grupo de 74 nepaleses colocados em quarentena num pavilhão em Faro"), 16 March 2020.

<sup>48</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

Doctors and researchers are asking for access to the data on all Covid-19 patients for scientific research purposes, to help find more effective responses to fight the epidemic<sup>49</sup>. Moreover, during a press conference held on 23 March<sup>50</sup>, the Director-General for Health emphasized the relevance of respecting the right to confidentiality, since there are infected persons in very small locations and it is important to maintain their privacy.

On 28 February, the Directorate-General for Health launched a microsite<sup>51</sup> on the new Coronavirus, with reliable information on its progression in the country and in the world, as well as to clarify several aspects of the Covid-19. The microsite also has a section on “Frequently Asked Questions”, where citizens can find several answers to their questions.

On 2 March, the Directorate-General for Health joined the online publication of fact checking “Polígrafo”<sup>52</sup> to combat fake news and misinformation about the Covid-19. This partnership identifies, evaluates and classifies the information that is shared publicly. Graça Freitas, Director-General for Health, says that “publishing and sharing false information is one of the greatest risks to public health, when it comes to pressing problems such as Covid-19. This partnership is important to help distinguish false from reliable information”<sup>53</sup>. All fact-checks published by Polígrafo on this topic are previously subjected to scientific validation by a specialist designated by the Directorate-General for Health. The partnership also includes the production of infographic material by Polígrafo to explain in a simple way this phenomenon about which there are still many doubts, even in the scientific community. All information produced under this agreement may be freely used in any other publication, provided the original source is mentioned.

On 15 March, the Público published the newspaper report “The pandemic of the new coronavirus is also a pandemic of disinformation”, which clarifies the disinformation process. It states that “In times of pandemic, misinformation and the voices of specialists multiply and there is a fever of scientific publications”. In this regard, the newspaper quote the Minister of Health who pointed out that “we cannot get distracted due to information that is nothing but rumours”<sup>54</sup>.

The MediaLab ISCTE-IUL (dedicated to laboratory experimentation, support for research and production of editorial content in the area of communication sciences) published the report “Information and Disinformation about Coronavirus in the news and on social networks in Portugal”<sup>55</sup>, on 17 March 2020. The report analyses how the Portuguese people reacted to Covid-19 (until 15 March 2020) through social networks. The main conclusions propose that, at first, there was an absence of misinformation (prior to the announcement of any infection case). Then, there

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<sup>49</sup> Rádio Renascença (2020), “Coronavirus. Scientific community is being “marginalized by opacity in accessing data” (“[Coronavírus. Comunidade científica está a ser "marginalizada pela opacidade no acesso aos dados"](#)”), 23 March 2020.

<sup>50</sup> Director-General for Health (2020), [Press Conference](#), 23 March 2020.

<sup>51</sup> For more information, see the [new microsite of the Directorate-General for Health on the new Coronavirus \(Covid-19\)](#).

<sup>52</sup> For more information, see the [webpage of Polígrafo](#).

<sup>53</sup> For more information, see the [Directorate-General for Health website on this partnership](#).

<sup>54</sup> Público (2020), “[The pandemic of the new coronavirus is also a pandemic of disinformation](#)” (“A pandemia do novo coronavírus é também uma pandemia de desinformação”), 15 March 2020.

<sup>55</sup> Cardoso, G.; Martinho, A.; Telo, Décio; Narciso, I.; Moreno, J.; Crespo, M.; Palma, N.; Sepúlveda, R. (2020), [Informação e desinformação sobre o Coronavírus nas notícias e nas redes sociais em Portugal](#) (*Information and Disinformation about the Coronavirus in the news and social media in Portugal*), Lisboa: MediaLab ISCTE-IUL.

was a moment of strong spread of disinformation via WhatsApp, mostly based on audios and, in a third moment, the positive appropriation of social networks, via Facebook groups, for the exchange of information and organisation of support networks, etc. During the period under review, the media became a central source of information for sharing experiences of social isolation. The media also performed an important role on combating disinformation, through fact-checking processes, as in the case of the “Polígrafo/SIC” (TV programme)<sup>56</sup>.

Daily press conferences by the Government, with the participation of the public health authorities, aiming to inform about the evolution of the outbreak and to answer questions from journalists have been important to combat misinformation about the Covid-19.

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<sup>56</sup> For more information, see the webpage of the TV programme [Polígrafo](#) (SIC).