

**Universal Periodic Review of Portugal (Fourth Cycle)
Pre-session of the 47th Working Group**

**Statement by the Provedor de Justiça
(Ombudsman)**

August 30 2024

Distinguished Members of the Working Group on the Universal Periodic Review,
Distinguished Members of the Permanent Missions,
Distinguished Representatives from Civil Society,
Ladies and Gentlemen,

The Ombudsman is an independent constitutional body, elected by Parliament to protect citizens' rights and ensure justice in the exercise of public powers. Accredited as a National Human Rights Institution with A-status since 1999, it also serves as the National Preventive Mechanism under OPCAT.

Having [participated in the pre-session](#) of the 3rd reporting cycle of the Universal Periodic Review in 2019, the Ombudsman welcomes the opportunity to once again cooperate with the Human Rights Council.

Please allow me to call your attention to the [parallel report](#) submitted earlier this year, where one can find up-to-date information on the human rights situation in Portugal, referring to previous recommendations by the Working Group on the UPR and highlighting issues of concern that arise from the Ombudsman's broad mandate to promote and protect human rights.

In today's pre-session I will be focussing on (a) the right to adequate housing, (b) persons with disabilities, (c) older persons, and (d) migrants and asylum seekers.

(a) Adequate Housing

During the third UPR cycle, Portugal was recommended to allocate adequate resources to improve housing conditions, especially for marginalized groups (Rec. 137.148).

Rising housing prices and rents, particularly in urban areas, have outpaced household incomes, leading to [severe housing deprivation](#) and a significant increase in homelessness. Overall, public housing is insufficient and often deteriorated. The problem of access to adequate housing has worsened, and has become particularly serious for groups in vulnerable situations (including victims of domestic violence, persons with disabilities, homeless people, older persons, Roma community and households with children and young people).

[Recent government initiatives](#), along with others adopted over the last years, aim to address the housing crisis, but the proliferation and complexity of rules and programs, their successive amendments and the variety of responsible entities hinders access. This is particularly evident for those who are more vulnerable and less informed about the available options.

Therefore, mechanisms should be established to increase awareness of the available housing supports. This would help both citizens and public service workers more easily access and compare housing programs and subsidies, allowing them to determine which one options best suit citizens' needs.

(b) Persons with Disabilities

During the third UPR cycle, Portugal was urged to continue promoting the rights of persons with disabilities, a pressing issue given the [high percentage](#) of the population affected.

Physical accessibility is crucial for independent living and participation in all life aspects. In 2020, Portugal established a [mission structure for the promotion of accessibilities](#) and introduced a [program to enhance accessibility in public spaces](#). It was also launched the [National Strategy for the Inclusion of Persons with Disabilities 2021-2025](#).

Despite these efforts, many facilities still fail to meet accessibility legal standards, worsened by an inefficient inspection system. The National Strategy for the Inclusion of Persons with Disabilities has not been implemented to a satisfactory degree and there seems to be a lack of sense of urgency on the matter. While the mandate of the mission structure has been increasingly expanded over the years with ever more tasks and responsibilities, it is not equipped with the appropriate staff and sufficient resources for it to carry out its mission in an efficient way.

The Ombudsman recommends allocating the mission structure the adequate human and financial resources and prioritizing the resolution of persistent physical accessibility issues and strengthening inspection services to ensure effective enforcement in all public services.

Assistive products (such as wheelchairs and elevating platforms) are essential for enabling full participation in society for persons with disabilities. However, many households struggle to afford these products¹, and there are persistent delays in their free supply due to excessive bureaucracy, involvement of multiple public entities and insufficient funds to finance all approved requests.

In 2020, a [working group](#) was established to simplify the allocation process and propose the creation of centres for more efficient distribution. Although this is a goal of the National Strategy for the Inclusion of Persons with Disabilities 2021-2025, the regulation of these centres has not yet been approved.

¹ In 2022, in Portugal, almost 1 in 3 households with adults with disabilities reported having "difficulty" or "great difficulty" in meeting usual expenses. See: [People with Disabilities in Portugal – Human Rights Indicators 2023](#).

The Ombudsman recommends improving administrative processes to reduce delays in providing assistive products and implementing regulations for mobility centers to streamline the allocation of assistive products.

Delays in issuing disability certificates hinder access to essential social, tax, and economic benefits. There are considerable delays in these procedures, which involve assessment by a medical board of three doctors.

A [working group](#) established in 2023 is examining if some cases of permanent disability can bypass this board. A [January 2024 law](#) aims to make certificates valid until re-evaluation, but necessary procedural steps, such as database registration, are incomplete.

The Ombudsman recommends revising the procedures to ensure timely responses to requests for disability certificates, specifically by establishing priority criteria for scheduling appointments and allowing a single doctor to assess simpler cases.

(c) Older persons

Right to health. In Portugal, demographic ageing is increasing, with 24.4% of the population being 65 or older as of 2023². This trend poses challenges, especially for those facing poverty and social exclusion, starting with the provision of comprehensive healthcare services tailored to the needs of the elderly.

² In 2023, Portugal's ageing ratio reached 188.1 older persons per 100 young people aged 0 to 14, indicating a significant increase in the proportion of the older population compared to the younger population ([Resident Population](#)).



The shortage of doctors in some primary health care services³, as well as long waiting times for specialized care, inhibits prompt medical assistance, which is especially necessary, as age advances, in the case of older persons who have chronic diseases.

Delays in pension processing significantly hinder social protection for older individuals. These delays are often due to the need for coordination between the National Pension Center, foreign social security agencies, and multiple national agencies, especially for applicants with international work history. Also, pension calculation is overly complex and needs to be more transparent.

Ageing and digital services. The rise in digital services presents difficulties for older individuals, with only 16.6% of those aged 65-74 having basic digital skills. Therefore, there are concerns about situations where access to public services is forfeited because it is only available online.

The Ombudsman recommends making digital channels optional to prevent exclusion of older persons from access to public services.

Palliative care coverage remains inadequate and unevenly distributed, as shown by the recently published [Portuguese Palliative Care Observatory Autumn 2023 report](#) and the [National Health Regulatory Authority monitoring report on the National Palliative Care Network](#). The [2023-2024 Palliative Care Strategic Plan](#), while acknowledging the need to enhance infrastructure and specialized care teams, reproduces the strategic objectives of past plans, clearly demonstrating that the latter

³ According to data from the [National Health Service](#), in July 2024, the number of patients without an assigned doctor was over 1.5 million.

have not been yet accomplished. Training on palliative care for health professionals is limited or non-existent.

The Ombudsman recommends making the effective access to the National Palliative Care Network a national human rights priority.

Financial education is of paramount importance for achieving empowerment and autonomy of older persons, namely by raising awareness of the importance of financial planning for retirement. Earlier this year, Portugal adopted the [National Active and Healthy Ageing Action Plan 2023-2026](#) acknowledging that the increase in life expectancy has not been accompanied by an improvement in well-being. However, there are gaps in the Action Plan, namely the lack of measures focusing on financial education, and also insufficient measures focusing on empowering senior citizens. Lessons could be drawn from the [National Plan for Financial Education 2021-2025](#) devised by the three financial sector supervisors⁴.

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The Ombudsman recommends stepping-up the promotion of financial literacy among the Portuguese population.

(d) Migrants and asylum seekers

During the third UPR cycle, Portugal was urged to continue protecting migrants' rights (*inter alia* Rec. 137.223). There are significant delays in processing residence permits, affecting migrants' professional and family lives and their access to essential rights and services. The Agency for Integration, Migration and Asylum (AIMA), established in 2023, faces a large number of applications with pending requests (hundreds of thousands). The Government approved an [Action Plan for Migration](#)

⁴ The Banco de Portugal, the Portuguese Insurance and Pension Funds Supervisory Authority (ASF) and the Portuguese Securities Market Commission (CMVM).

in June 2024 to address these delays, including the creation of a [Mission Structure](#) with additional resources to handle pending applications by June 2025.

With respect to international protection, while acknowledging the commitments made by the Portuguese State, including the pledges announced at the 2023 Global Refugee Forum, the recent restructuring of the Portuguese border control system and the establishment of AIMA still present multiple challenges and potential protection shortcomings.

Screening of vulnerability. During the third UPR cycle, Portugal supported recommendations to ensure the identification and security of victims of trafficking in the asylum procedure (Rec. 137.119, 137.121, 137.124 and 137.125). In turn, the UN Committee against Torture concluded that Portugal should ensure the establishment of effective mechanisms to promptly identify victims of torture among asylum seekers⁵. Also, the UN Human Rights Committee concluded that Portugal should establish an effective mechanism for the identification of vulnerable applicants, in particular stateless persons⁶.

While the Portuguese Asylum Act does provide for the need to identify persons with special needs and the nature of such needs upon registration of the asylum application or at any stage of the asylum procedure, in practice there are no (specific) mechanisms, standard operating procedures, or units in place to systematically identify asylum seekers who need special procedural guarantees.

⁵ Committee against Torture, [Concluding observations on the seventh periodic report of Portugal](#), CAT/C/PRT/7, 18 December 2019, para. 38 (d). In its List of Issues published in June 2023, the Committee Against Torture requested detailed information on the measures taken to identify persons in vulnerable situations seeking asylum in the State party, including victims of torture or ill-treatment, trauma, gender-based violence or trafficking, and to ensure that their specific needs are taken into consideration and addressed in a timely manner. See Committee Against Torture, [List of issues prior to submission of the eight periodic report of Portugal](#), 9 June 2023, para. 8.

⁶ Human Rights Committee, [Concluding observations on the fifth periodic report of Portugal](#), CCPR/C/PRT/CO/7, 28 April 2020, paras. 33 (c) and 35 (c).

The Ombudsman recommends the establishment of an effective mechanism for the identification of vulnerable applicants.

Detention in airports. Concerns remain about the conditions of temporary detention centers at Lisbon, Oporto, and Faro airports, where many migrants are detained longer than the intended 48 hours, leading to overcrowding. Only the city of Oporto has facilities with adequate conditions. The Portuguese State plans to address this issue by building new centers and expanding existing ones.

The Ombudsman recommends ensuring adequate conditions and preventing overcrowding in detention facilities whenever detention is inevitable.

Detention of foreign children. During the third UPR cycle, Portugal was advised to end the detention of children, especially unaccompanied and separated minors, for immigration purposes. Instead, the country should provide appropriate care and community-based support for these children and their families (Rec. 137.99, 137.186, 137.189 and 137.200). In 2023, minors, including unaccompanied ones, were detained for several days at Lisbon airport's temporary centers. National legislation does not prohibit the detention of minors for border control purposes, but the Ombudsman supports the view that the detention of minors on the grounds of their documental situation is contrary to their best interest.

The Ombudsman recommends identifying unaccompanied minors at the border and providing suitable care arrangements, and considering the abolition of child detention.

Thank you for your attention.