

Legal environment and space of civil society organisations in supporting fundamental rights

Portugal

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1 Most significant civic space developments in 2020

Introduction

The year 2020 was marked in Portugal, and worldwide, by the impact of the COVID-19 pandemic that imposed severe limitations on the “normal” life of societies and the implementation of many restrictions to social life, economic activities and civil society organisations (CSO) of all types. This introduced further constraints on the work carried out by all CSOs, to add to the pre-existing difficulties, as identified in the European Union Agency for Fundamental Rights’ (FRA) report on “Civic Space - Experiences of Organisations in 2019”¹, namely the regulatory environment, finance and funding, right to participation and ensuring a safe space².

In Portugal, the regulatory framework and the right to participation during 2020 remained the same with no legal changes registered. However, the finance and funding capacity of CSOs is decreasing due, mainly, to the impact of the COVID-19 crisis, which has limited CSOs’ regular activity, demanding for extraordinary public financial support.³ Having a safe space to work is another complex issue to the organisations related to fundamental rights’ protection, as analysed in the cases described below. That situation has been worsened by controversies surrounding some thematic in the social media and public arena, as highlighted in the examples provided.

The multiple legislation enacted by the government to fight COVID-19 imposed restrictions on the work of CSOs in Portugal, within the context of a general application of restrictions under the approval of the State of Emergency or the Declaration of the Situation of Calamity, among other legal measures⁴.

¹ FRA (European Union Agency for Fundamental Rights) (2020), [Civic Space - Experiences of Organisations in 2019](#), Luxembourg, Publications Office of the European Union, 28 July 2020.

² These four important challenges to the work of CSO were identified by FRA in its collaboration with the [Fundamental Rights Platform](#), which led to the publication of: FRA (European Union Agency for Fundamental Rights) (2018), [Civil Society Space: Views of organisations - Conference paper - Contribution to the fourth Annual Colloquium on Fundamental Rights](#), Vienna, FRA (European Union Agency for Fundamental Rights), 26 November 2018.

³ As an exemple, several fireman corporations noticed financial difficulties due the reduction of their regular ativity. TVI24 (2021), [“44 associações de bombeiros pediram apoios devido às dificuldades financeiras”](#) (“44 fireman associations request support due to financial difficulties”) 11 June 2020. Municipality of Torres Vedras provides extraordinary support for local civil society organisations (2021): [see information on the website](#).

⁴ Centre for Social Studies (2020), [Country research - Coronavirus pandemic in the EU - Fundamental Rights Implications](#), 25 November 2020; FRA (European Union Agency for Fundamental Rights) (2020), [Coronavirus pandemic in the EU - Fundamental Rights](#)

Legal Framework of Civil Society Organisations

The legal framework of CSOs in Portugal is diverse and encompasses different organisational models and legal natures, according to their respective mission. Most CSOs are private non-profit legal persons (associations, foundations or certain cooperatives) that pursue purposes of general interest that do not aim to make a profit from their members. The constitution of associations is regulated by the Portuguese Civil Code, by Articles 167 to 184 (and further changes).⁵

The main type of Portuguese CSO is a non-profit association, regulated by the Civil Code. Additionally, there are several other non-profit legal persons that are ruled by specific legislation. The most numerous and common are the following: Non-Governmental Environmental Organisations (ONGA)⁶, Non-Governmental Cooperation and Development Organisations (ONGD)⁷, Associations of Immigrants⁸, Private Social Solidarity Institutions (IPSS)⁹, Foundations of Public Interest¹⁰, Foundations of Religious Nature¹¹ and Cooperatives¹².

Whenever a CSO's mission is developed in cooperation with central or local government, these entities may request the declaration of public utility, as long as they are not covered by a special regime that grants them the nature or the prerogatives of legal persons of public utility. By acquiring the declaration of public utility, these entities (associations, foundations and certain cooperatives) become covered by the Statute of Tax Benefits (Decree Law 215/89 of 1 July)¹³, which

Implications - Bulletin 6, Luxembourg, Publications Office of the European Union, November 2020.

⁵ Portugal, [Decree-Law 47344, approving the Civil Code](#) (Decreto-Lei n.º 47344, que aprova o Código Civil), 25 November 1966.

⁶ Portugal, [Law 35/98, approving the Statute of Non-Governmental Environmental Organisations](#) (Lei n.º 35/98, que aprova o Estatuto das Organizações Não Governamentais de Ambiente), 18 July 1998.

⁷ Portugal, [Law 66/98, approving the Statute of Non-Governmental Organisations for Cooperation and Development](#) (Lei n.º 66/98, que aprova o Estatuto das Organizações Não Governamentais de Cooperação para o Desenvolvimento), 14 October 1998.

⁸ Portugal, [Law 115/99, approving the Legal Regime of Associations of Immigrants](#) (Lei n.º 115/99, que aprova o Regime Jurídico das Associações de Imigrantes), 3 August 1999.

⁹ Portugal, [Decree-Law 172-A/2014, approving the Statute of the Private Social Solidarity Institutions](#) (Decreto-Lei n.º 172-A/2014, que aprova o Estatuto das Instituições Particulares de Solidariedade Social), 14 November 2014.

¹⁰ Portugal, [Law 24/2012, approving the Framework-Law of Foundations](#) (Lei n.º 24/2012, que aprova a Lei-Quadro das Fundações), 9 July 2012. Foundations can be private, public under public law or public under private law.

¹¹ Portugal, [Law 16/2001, approving the Law of Religious Freedom](#) (Lei n.º 16/2001, que aprova a Lei da Liberdade Religiosa), 22 June 2001. This law regulates the foundations of religious nature.

¹² Portugal, [Law 119/2015, approving the Cooperative Code](#) (Lei n.º 119/2015, que aprova o Código Cooperativo), 31 August 2015. Reviewed by Law 66/2017, of 9 August.

¹³ Portugal, [Decree-Law 215/89, approving the Statute of Tax Benefits](#) (Decreto-Lei n.º 215/89, que aprova o Estatuto dos Benefícios Fiscais), 1 July 1989. Including the changes introduced by Decree-Law 163/2003.

defines the tax incentive regime as coming within the scope of social, environmental, cultural, scientific or technological and sporting patronage. An important feature to encourage companies and individuals to provide financial support to the regular activity of associations consists in the possibility of obtaining financing through patronage (foreseen in the public utility statute). Natural and legal persons who contribute funds and assets to these institutions can deduct these amounts from their personal income tax (IRS) and corporate income tax (IRC), as established in the Statute of Tax Benefits (Decree law 215/89 of 1 July)¹⁴.

Significant Developments During 2020

2020 was a difficult year due to the COVID-19 impacts and restrictions in all areas of society, and, therefore, on CSO activities and capacities in carrying out their mission. The following three highlights of the most significant civic space developments in Portugal attempt to convey different areas with diverse activities and undertakings, involving different actors and institutions with a relevant role in the fundamental rights protection.

1.1 Intimidation and Negative narrative: the case of SOS Racismo

In 2020, there were some intimidating and negative narrative incidents in Portugal that impacted the action of CSOs. The use of intimidation and negative strategies, speeches and actions is a matter of concern in relation to anti-racism work.

SOS Racismo is an association created in 1990 to fight racism and promote human rights, the rights and the integration of immigrants and to provide support to the needs of immigrants.¹⁵ In 2020, the extreme-right parties and movements promoted a demonstration that occurred on 2 August 2020 claiming that “Portugal is not racist”¹⁶. This demonstration was promoted by diverse movements of the extreme-right operating in Portugal, many of them without legal existence.

This extreme-right demonstration happened after two important events: 1) another demonstration, that occurred on 6 June 2020, in solidarity with the death of George Floyd, following the wave of Black Lives Matter, to fight against racism worldwide and in Portugal¹⁷, and to send an oppositional message to Portuguese society. “Em Portugal não há racismo estrutural” (In Portugal, there is no structural racism), said the leader of Chega to the journalists covering the demonstration “Portugal is not racist”; and 2) the death of a Portuguese actor, on

¹⁴ Portugal, [Decree-Law 215/89, approving the Statute of Tax Benefits](#) (Decreto-Lei n.º 215/89, que aprova o Estatuto dos Benefícios Fiscais), 1 July 1989. Including the changes introduced by Decree-Law 163/2003.

¹⁵ For more information on the association, see [the website of SOS Racismo](#).

¹⁶ Observador (2020), [“Chega manifestou-se em Lisboa para dizer que “Portugal não é racista”](#) (“Chega demonstrated in Lisbon to claim that “Portugal is not racist””), 2 August 2020.

¹⁷ Público (2020), [“Milhares de pessoas manifestam-se em Portugal contra o racismo”](#) (“Thousands of people demonstrate in Portugal against racism”), 6 June 2020.

24 July 2020, by a 76 year-old man who had been threatening the actor a few times before by uttering various racist insults at him and his family¹⁸. This crime was recently found to be racially-motivated by the Public Prosecution Service,¹⁹ which generated a public discussion with left-wing parties calling for assertive action by judicial authorities and Chega devaluing the occurrence as a normal murder crime without racist motives.

In 2020 *SOS Racismo* was the victim of several attacks and pressures to try to limit their civic and political activities and make a public impact on populist extreme-right issues. After the public demonstration of Black Lives Matter, the *SOS Racismo* headquarters were, on 17 July 2020, the victim of graffiti with the writing on the front wall "Guerra aos inimigos da minha terra" (War on enemies of my country). On the night of 8 August 2020, *SOS Racismo* was confronted with a demonstration in front of its headquarters, with around 10 "nationalists" wearing white masks covering their faces and torches resembling the Ku Klux Klan²⁰, promoted by a so-called group *Resistência Nacional*²¹. The *SOS Racism* leader told the newspaper *Público* that "This is an escalation. It is one thing to hold a demonstration in public where they take a political stand against anti-racism, which is unacceptable in democracy, but to select an anti-racist organisation as a target to attack, make death threats and, lamentably engage in a military parade in the style of the Ku Klux Klan goes beyond all limits of ideological confrontation."²²

But on 11 August 2020, the *SOS Racism* leader, three Portuguese left-wing deputies (two from the Bloco de Esquerda and one without affiliation to a political party) and six other leaders of different anti-racist associations received an e-mail with serious offenses and threats, giving them 48 hours to leave Portugal. The email was signed by *Resistência Nacional*, a movement that promoted the demonstration of "Portugal is not racist" a few days before, suspected of involving former members of dangerous and violent extreme-right movements such as *Nova Ordem Social*, *Partido Nacional Renovador* and *Portugal Hammer Skin*. A complaint was lodged with the Public Prosecution Service and the Judicial Police started an investigation²³.

¹⁸ Público (2020), "[Actor Bruno Candé foi assassinado em plena Avenida de Moscavide](#)" ("Actor Bruno Candé murdered on Avenida de Moscavide"), 25 July 2020.

¹⁹ Diário de Notícias (2020), "[Foi ódio racial que matou Bruno Candé, acusa Ministério Público](#)" ("It was racial hatred that killed Bruno Candé, says the Public Prosecution Service"), 19 January 2021.

²⁰ Público (2020) "[SOS Racismo faz queixa a Ministério Público por ameaças e "parada Ku Klux Klan" em frente à sede](#)" ("SOS Racismo presents complaints to the Public Prosecution Service for threatens and "Ku Klux Klan parade" in front of its headquarters"), 10 August 2020.

²¹ The call for the demonstration was published on a Facebook page called "[Resistência Nacional](#)" (National Resistance), promoting extreme-right ideology and disseminating much fake news.

²² Público (2020), "[European Social Survey: 62% dos portugueses manifestam racismo](#)" ("European Social Survey: 62% of the Portuguese exhibit racism"), 27 June 2020.

²³ Expresso (2020) "[PJ investiga ameaças de morte a 3 deputadas, à SOS Racismo e aos familiares \("têm 48 horas para sair de Portugal"\)](#)" ("Judicial Police investigates death

1.2 Financing of civil society work (COVID related): the case of ILGA-Portugal

The most serious and dramatic change during 2020, on the legal environment and space for CSO was provoked by COVID-19 with subsequent impacts on all the necessary areas of existence, financing, capacity of operating, activities and programmes. The example of ILGA-Portugal (Intervenção Lésbica, Gay, Bissexual, Trans e Intersexo) shows that ILGA was able to reinvent some services, and now reaches a wider audience from different geographical areas of Portugal and abroad, which demands more efforts, financing and is more time-consuming.

ILGA-Portugal - is one of the largest and oldest associations that fights for equality and against discrimination against LGBTI + people and their families in Portugal. They reported the impact of COVID-19 as the main cause of emerging difficulties, namely the financial capacity.

The information provided by ILGA highlights different questions, but with the impact of COVID-19 as the main cause of difficulties.²⁴ Financing is one of the emerging problems, forcing ILGA to find other alternative revenue activities and to close spaces and services provided. The structure of ILGA is very unstable, due to the lack of organised and sustainable financing, and the pandemic made it impossible for a series of initiatives to enable the association to raise money such as, for example, the Arraial Lisboa Pride event. The project-based nature of its institutional financing requires it to be constantly applying for different funding schemes, related to the support and launch of existing and new activities. In the absence of structural funding, ILGA depends on the success of applications for specific projects. But the majority of the projects are drafted with a work plan of face-to-face activities, including training / awareness-raising activities for strategic audiences. As COVID-19 has suspended these face-to-face activities, less expenditure is incurred and, therefore, less reimbursement is received, leading to a huge reduction in funding through ongoing projects. The move to the use of online platforms brought unforeseen costs and technical skill needs that were not planned.

As an example of the difficulties, the LGBTI Phone Line, which is a unique service at national level, is provided exclusively by volunteers, but their team has been reduced to the group of people available to provide the service from their homes and while guaranteeing the necessary confidentiality. At the same time, this transition to online services has allowed it to greatly expand the number of people it can reach who are looking for support, from the diverse geographical areas of

threats against three deputies, SOS Racism and family members (“they have 48 hours to leave Portugal”), 12 August 2020; Observador (2020) [“Três deputadas ameaçadas por grupo neonazi através de email. PJ já está a investigar caso”](#) (“Three deputies threatened by neo-Nazi group via email. Judicial Police are already investigating case”), 12 August 2020.

²⁴ ILGA-Portugal answered by email on the most significant developments that occurred in 2020 that had impact on ILGA-Portugal’s activities (informations provided on the 18th and 19th January 2021).

Portugal. It has increased ILGA's response capacity, but also the expectations of people using its services.

Moreover, but no less important, as the contribution of ILGA emphasises, the continuous work to mobilize human and community resources was seriously and negatively impacted by COVID-19. As an example, the LGBTI Centre closed (the only one at national level) and it was not possible to carry out the planned visibility and empowerment activities of the LGBTI community in the country. In ILGA's answers to our queries it stated that this closure "increases the isolation and pressure on the emotional and physical well-being of LGBTI people and therefore increases the demand for services like the ones we provide".²⁵

1.3 Blasphemy or insults: hate speech against refugees

Portugal has an open policy towards welcoming refugees and provides a minimum of financial support, facilities and integration programmes (including job placement), through the action of several civil society organisations. Portugal has a commitment, directly or through the delegation of competencies to civil society organisations based on established agreements, to provide the minimum living conditions to refugees during the evaluation period of their asylum application, as well as after their residence in the country has been approved. The legal framework to provide support, conditions and life expectations for refugees in Portugal remained stable and follows international best practices. To this extent, these are policies and measures that increase the space to operate for civil society organisations. However, there is a risk that these actions will be restricted by an increase in hate speech from political and private actors against minorities and migrants, putting pressure on the work of civil society organisations.

Support to refugees is mainly provided by the *Conselho Português para os Refugiados* – CPR (Portuguese Council for Refugees), which is the main civil society organisation operating in support of asylum seekers in Portugal. CPR's mission is focused on defending and promoting the right of asylum in Portugal, and several agreements were established with diverse State entities to assure the necessary funding, facilities and other kinds of support.²⁶

CPR provides services of different nature: social support, legal aid, information and public disclosure, professional integration, teaching of Portuguese and professional training via e-learning. Additionally, CPR has three refugee shelters, one of them specifically for children.

²⁵ Idem.

²⁶ The [Conselho Português para os Refugiados](#) (Portuguese Council for Refugees) signed several agreements with different institutions. But the most important [protocol](#) was signed collectively with five institutions: *Instituto de Segurança Social* (Institute of Social Security), *Serviço de Estrangeiros e Fronteiras* (Immigration and Borders Service), *Instituto de Emprego e Formação Profissional* (Institute for Employment and Professional Training), *Santa Casa da Misericórdia de Lisboa* (Catholic lay charity, Lisbon) and *Alto Comissariado para as Migrações* (High Commission for Migrations).

However, there is notable hate speech in the public space against minorities, immigrants and refugees, threatening and pressurising the work of entities like CPR, *Serviço Jesuíta aos Refugiados* (Jesuit Refugee Service), *Cruz Vermelha Portuguesa* (Portuguese Red Cross) and *Cáritas Portuguesa*, among many others.

In 2020, refugees in general and the refugee shelters in particular were the target of several incidences of hate speech. Many of them occurred on social media, but also in the political discourse of the populist extreme-right party *Chega* and through graffiti on walls, places of homage to people who fought for anti-racism or even in refugee shelters. This situation can be illustrated using two examples: The graffiti on walls of a CPR refugee shelter in Loures, at Eça de Queiroz high school in Lisbon, and on the mural by José Carvalho (a man who died in 1989 at the hands of extreme-right skinheads²⁷). CPR published a press release on its website in which it strongly condemned the attacks and stated that it will continue with firm determination “to pursue its mission and work in the promotion and defence of Human Rights.”²⁸

The arrival on the Portuguese coast of several boats with immigrants and refugees during 2020 provoked radical discussions, with an increase in hate speech on social media instigated by the political discourse of the *Chega* party. A geographer at the University of Lisbon and specialist in migrations, stated in a public debate that there is some empirical evidence that “it has happened several times, in the last few months, that hate messages, written on the walls of the universities, of the Portuguese Council for Refugees, are appearing repeatedly, and some other covert speech that is appearing, for example, on the internet when we look at the pages where people are writing their comments, which is worrying and increasing in number”²⁹. In the same debate, the director of the Catholic Work for Migrants, says she is shocked by what she sees on the internet, adding that “While my personal experience is to see this care in wanting to welcome people and treat them well, when you go on the internet you see some alarming talk”.³⁰ Nevertheless, in relation to the arrival of these boats, the leader of the *Chega* party said recently on a TV debate for the presidential elections “It is not just anyone who arrives from Morocco by boat, entering Europe any way and with European taxpayers paying”.³¹

²⁷ Observador (2019), “[José Carvalho foi esfaqueado há 30 anos. Foi a primeira vez que skinheads mataram em Portugal](#)” (“José Carvalho was stabbed 30 years ago. It was the first time that skinheads killed in Portugal”), 26 October 2019.

²⁸ CPR (2020), “[Nota de repúdio do CPR aos atos de vandalismo no Centro de Acolhimento para Refugiados](#)” (“CPR repudiation note to acts of vandalism at the Refugee Reception Centre”), 30 October 2020.

²⁹ Rádio Renascença (2020) “[Migrantes. “Há sinais bem mais perigosos de xenofobia” em Portugal](#)” (“Migrants. “There are far more dangerous signs of xenophobia” in Portugal”), 22 December 2020.

³⁰ Rádio Renascença (2020) “[Migrantes. “Há sinais bem mais perigosos de xenofobia” em Portugal](#)” (“Migrants. “There are far more dangerous signs of xenophobia” in Portugal”), 22 December 2020.

³¹ Correio da Manhã (2020) “[André Ventura condenado a pagar mais de 3370 euros por discriminação étnica da comunidade cigana](#)” (“André Ventura ordered to pay more than 3,370 euros for ethnic discrimination of the Roma community”), 22 December 2020.

1.4 Emergency measures (including those related to COVID): the case of the Civic Platform Convergence for Culture

In Portugal, as in many other countries, the impact of COVID-19 on the regular activity of cultural entities and agents was huge and common to all, limiting people's capacity to work and, therefore, to generate the necessary financial resources to support the wages and incomes of cultural workers, which is by tradition very irregular, unstable and with a large majority of workers living on precarious labour contracts.

Culture was the space for the rise of new civic society organisations catalysed by the urgent situation the area has experienced with the impacts of COVID-19, with many cultural workers living on the poverty line.³² The legal framework for this sector remained stable, with the exception of the emergency measures taken by the Government within the societal support provided to reduce the impacts of COVID-19. The public space saw a dynamic of protest and calls for a different approach to culture. The health crisis increased the need to organise collectively and build common strategies to pressure policymakers to have another look at them. Among the events that marked 2020, cultural agents appear in the public opinion as a fragile sector with enormous precariousness for their workers.

With the reduction of cultural activities to a very low level, cultural professionals, associations and companies have started to claim support in order to ensure a minimum standard of living. Various forms of protest and organisation started to emerge and advocate negotiation with the Portuguese Ministry of Culture. One of the organisations that arose, collectively organised and claiming to be a social movement, was the *Plataforma Cívica Convergência pela Cultura* – PCCC (Civic Platform Convergence for Culture), which includes formal and informal movements in the cultural sector.

Traditionally in Portugal the arts and cultural sector doesn't have strong civil society organisations to defend their rights and fight for better institutional and working conditions. The Portuguese government considers culture an important asset and as making an important contribution to promoting a more inclusive and qualified society.

In August 2020, the PCCC presented a Manifesto calling for urgent measures to tackle the enormous difficulties for cultural life since the beginning of the COVID-19 restrictions, imposed with the first State of Emergency decreed on 18 March 2020³³. Since that date, the Government, many municipalities and civil society organisations created several financial measures to support individuals, companies, associations, etc., to sustain the maximum number of social and

³² Público (2020), "[Um país de palhaços pobres](#)" ("A country of poor clowns"), 22 May 2020.

³³ 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.

economic needs possible.³⁴ Within this context, the cultural agents and entities have become increasingly more frightened with the consequences for their activity and for their own personal survival. Several public demonstrations, promoted by cultural agents, occurred during 2020.³⁵ The tragic situation of cultural entities increased dramatically the precariousness and the social vulnerability of their workers, pushing them into a situation of poverty and social exclusion. The closure of many cultural entities (companies, associations, etc.) may have a further impact on the future of the area that might take years to recover.

2 Examples of promising practice

Three Examples of Promising Practices During 2020

The COVID-19 pandemic marked the year of 2020, demanding from the State and CSO an extra effort to provide responses to society's needs. Within this context, three examples of good practice will be detailed, explaining their contributions to strengthening CSO and their capacity to tackle the challenges caused by COVID-19 with the aim of minimising its impact on the work of CSO and providing answers to the problems faced by society (and its most vulnerable groups).

2.1 Associação na Hora: encouraging the creation of civil society organisations

The *Associação na Hora* – AnH (Association in an Hour)³⁶ was created by the Portuguese Government within the broad programme to modernise the civil service called SIMPLEX (*Programa de Simplificação Administrativa e Legislativa / Legal and Administrative Simplification Programme*). In the framework of the pandemic COVID-19, the Government and the majority of the municipalities provided extraordinary financial supports to CSOs with the goal to guarantee their regular work and a better capacity to participate in the national efforts to minimise the impacts of this sanitary crisis.

³⁴ Some examples of financial support to the cultural sector (Government, municipality and civil society): Observador (2020), "[Três linhas de apoio ao setor da Cultura abrem na segunda-feira, garante o Governo](#)" (Three lines of support to the cultural sector will open next Monday, ensures the Government"); Público (2020), "[Apoios especiais da Câmara de Lisboa chegam 1300 artistas](#)" ("Emergency support of the Lisbon Municipality reaches 1,300 artists"); and Público (2020), "[Associações criam fundo de 1,35 milhões de euros para apoiar trabalhadores da Cultura](#)" ("Associations create 1.35 million euros fund to support cultural workers").

³⁵ Observador (2020), "["Não temos um Ministério da Cultura, temos um mistério da Cultura" Centenas manifestaram-se no Porto e em Lisboa](#)" ("We don't have a Ministry of Culture, we have a mystery of Culture" Hundreds demonstrated in Porto and Lisbon"), 4 June 2020. Blitz (2020), "[Não foi um concerto, foi uma manifestação. E os artistas não faltaram no Campo Pequeno](#)" ("It wasn't a concert, it was a demonstration. And there was no shortage of artists at Campo Pequeno"), 21 November 2020.

³⁶ See more information about the *Associação na Hora* programme [on the Portuguese Government website](#).

Although in existence for more than 13 years, it is worth highlighting due to its importance in the swiftness and simplification of the bureaucratic procedures required to constitute an association and to encouraging civil society to promote its organisation with the goal of making a better society in multiple areas. AnH went into operation on 31 October 2007, in a reform promoted by the *Instituto de Registos e Notariado* / Institute of Registries and Notaries) permitting associations to be set up immediately, on the same day and in a single location/branch, in a process very similar to that of *Empresa na Hora* (Companies in an Hour, also created within the SIMPLEX programme)³⁷.

According to the information on the official website, the traditional method of registering an association requires several measures to be taken before the act of making the association official: drafting of statutes; meeting of associates at the first general assembly; application for the admissibility certificate; signing of a public deed; application for a legal person card; and, lastly, declaration of the beginning of activity, thereby regularizing the situation regarding tax obligations. The simpler and faster way to form an association is AnH, a special regime that allows to do it at a single counter and immediately. Obtaining the certificate of denomination, the admissibility becomes optional and it is no longer necessary to sign a public deed. A name is chosen (by referring to the list of existing ones) and a model of statutes, among those officially approved, and the association is established at any *Associação na Hora* counter. In choosing to have organised accounting, the promoters of the new association can designate an accountant or choose one from the available list of accountants.

After submitting the declaration of commencement of activity at the AnH, the service immediately delivers the Legal Person Card, a certificate of the act of incorporation and the statutes to the association, also proceeding to the electronic publication of the constitutive act and the statutes of the association, in identical terms to those in force for the acts of commercial companies.

The Annual Activity Reports of the Institute of Registries and Notaries shows a growth in the number of new associations created per year through this mechanism. In 2014, 333 associations were created at the AnH counter. In 2018, the last information available, the number reached 1,058 new associations, which is an excellent result, proving that this is being chosen as a swift way to create an association.³⁸ In Portugal, there are 176 Civil Registry Offices, Notary Offices, Registration Spaces and Citizen Shops across the country where the creation of an association in an hour can be done.

In Portugal, the relevance of the civil society organisations is stated in the last report on social economy, published by the National Statistical Institute (INE), from 2016.³⁹ In this report, INE informs that in 2016 there were 71,885 civil society organisations, distributed in six groups: cooperatives (2,343), mutualist associations (97), charity associations (387), communitarian entities (1,678), foundations (619) and non-profit associations (66,761). The overall number of these entities totalled 234,886 people with a salary working in them (5.3% of the

³⁷ See more information about the *Empresa na Hora* programme [on the Portuguese Government website](#).

³⁹ Information released by the [National Statistical Institute](#).

³⁹ Information released by the [National Statistical Institute](#).

total of the national employment). Additionally, there are millions of Portuguese involved in an association or similar, as a member, volunteer or practicing. Also according to a survey launched by INE⁴⁰, in 2018, 695,000 people aged 15 and over participated in voluntary activities without remuneration.

2.2 CIG: strengthening civil society organisations

*The Comissão para Cidadania e Igualdade de Género – CIG (Commission for Citizenship and Gender Equality) has a relevant role concerning the management of funding to enable environment for civil society. It is a State institution, the responsibility of the Secretary of State for Equality. CIG has an intermediary role in supporting civil society organisations. Among its diverse competencies, CIG has the mission to promote human rights, gender equality and fight against domestic violence and to “support non-governmental organisations as regards measures, projects or actions that promote objectives coinciding with their own”.*⁴¹

Within this framework, and taking into consideration the concerns about the impacts of the COVID-19 pandemic, CIG has been managing several funding mechanisms, within the scope of the EEA Grants⁴² and Portugal 2020 programme, which has European and State funding, focused on supporting civil society organizations in the field of equality. This funding seeks to implement public policies in the areas of citizenship, the promotion of gender equality and the fight against domestic and gender violence and human trafficking.

Currently, and according to the information made available by CIG, the diverse funding schemes are channelling more than 22 million Euro to civil society organisations supporting 234 projects under the Portugal 2020 programme. These projects must end by June 2022, and cover the impact of the COVID-19 pandemic. These 234 projects are spread across the following categories: Training of strategic audiences (66 projects, 4,200,000 Euro); financial and technical support to CSO (67 projects, 5,682,448 Euro); specific instruments for the protection of victims and monitoring of perpetrators in domestic violence (62 projects, 11,590,865 Euros); and follow-up and specialised support for domestic violence and gender aggressors (one project, 676 557.92 Euro).

Within the framework of the EEA Grants funding programme, CIG has been developing and promoting multiple projects with direct impacts on civil society organisations, 22 of which are currently being implemented. Among these active projects, the majority are being developed by civil society organisations, in different areas such as: combating sexual segregation in educational and

⁴⁰ INE (2019), [Inquérito ao Trabalho Voluntário](#) (Survey on Volunteer Work), INE.

⁴¹ The general competencies of CIG are the following: education for citizenship, equality between men and women, protection of motherhood and paternity, promotion of means that facilitate the equal participation of women and men in the various spheres of life, reconciliation of professional, personal and family life for women and men, combating domestic violence and trafficking of human beings and provide support for their victims. More information can be seen on the [official website](#).

⁴² The [EEA Grants Portugal](#) has 6 funding priorities. Among them, the promotion of gender equality and the reconciliation between personal, familiar and labour life.

professional choices and discrimination in the labour market; improving protection for victims of violence against women and domestic violence; promoting equality between women and men at the local level; or prevention and support strategies for children and young people in the area of violence against women and domestic violence.

All this financial support benefits from external funding, from the European Union and EEA countries (Norway, Iceland and Liechtenstein), with a certain percentage coming from the state budget. The external funding is managed by intermediate state institutions to support and strengthen different societal areas, through open calls for funding implementation, training or technical projects or actions.

2.3 SOS Comunidades Ciganas: solidarity in times of COVID-19

The European Anti-Poverty Network – EAPN-PT (*Rede Europeia Anti-Pobreza*), through its Portuguese structure⁴³, launched the national campaign *SOS Comunidades Ciganas* (SOS Roma Communities) on 9 April 2020, with the main objective of “assigning safety and hygiene kits to Roma communities, especially to the neediest families living in camps and tents, in conditions that damage dignity and endanger individual and community health”⁴⁴. This campaign was in action until the end of May 2020. This campaign was relevant to public opinion because it allowed to contrast with recent phenomena related with extreme-right political party *Chega* that, through its leader, offended the Roma community by defending a specific deconfinement plan to this population due to the pandemic.⁴⁵ As this was not the first attack on Roma, coming from this political party, which takes the issue of Roma people to a clear of intimidation and negative narrative over this population. This campaign was able to pass another perspective of integration and care by public and private entities on a pandemic context.

By the end of April 2020, in nine municipalities where EAPN-PT works closely with Roma communities (Elvas, Beja, Mourão, Guarda, Fundão, Viseu, Braga, Barcelos and Porto) 500 kits were distributed covering 126 families. The money raised amounted to 9,500 euros. These were the first families to receive hygiene kits acquired with funds raised through the campaign “SOS Roma Communities”. EAPN-PT delivered the following week “hygiene kits to the entire population of Bairro das Pedreiras, in Beja, which has 800 people, about 150 families”.⁴⁶ This campaign had as its spokesman the singer Salvador Sobral, who won the Eurovision Festival 2017.

⁴³ [EAPN Portugal](#) was created on 17 December 1991 as a recognized Association of Social Solidarity, nationwide, obtaining in 1995 the status of Non-Governmental Organization for Development (ONGD). The action of EAPN Portugal, based in Porto, extends to the entire country through 18 District Centres.

⁴⁴ For more information, see [EAPN-PT press release on the launching of the campaign](#).

⁴⁵ *Expreso* (2020), “[Covid-19: Ventura diz que apresentará plano de confinamento para população cigana mesmo sem apoios](#)” (“Covid-19: Ventura says that will presente confinement plan for Roma people even without supports”), 6 May 2020.

⁴⁶ *Observador* (2020), “[Rede Anti-Pobreza distribuiu 500 kits higiene por comunidades ciganas](#)” (“Anti-Poverty Network distributed 500 hygiene kits to Roma communities”), 30 April 2020.

According to the EAPN-PT's press release, "the needs of these communities are extreme, and they not only lack food and materials, they also lack information and follow-up to guarantee their basic needs, as the serious health emergency caused by COVID-19 affects public health and is still profound. «Economic and social repercussions, which require a collective and committed effort from all sectors of society», stresses the president, adding that, «we will try to be as understanding as possible, through the district centres we have in the country and which has already signed some of these aggregates»."

In the year 2020 where the political tensions around the public positions of populist extreme-right party *Chega* targeted the Roma communities as being generally considered problematic, this solidarity action can be considered a good practice by supporting vulnerable groups in society, such as the Roma population. The leader of *Chega* was fined 438.81 euros for discrimination against Roma, in a publication in 21 August on the social network Facebook, sentenced by the *Comissão para a Igualdade e Contra a Discriminação Racial* – CIDCDR (Commission for Equality and Against Racial Discrimination). According to the CIDCDR's decision, the leader of *Chega* committed an infraction, punishable by a fine, for "discrimination for harassment based on ethnic origin".⁴⁷ The complaint was presented by the *Letras Nómadas (Associação de Investigação e Dinamização das Comunidades Ciganas* – Association for Research and Promotion of Roma Communities).

⁴⁷ Público (2020), "[André Ventura multado em mais de 400 euros por discriminar ciganos](#)" ("André Ventura fined more than 400 euros for discriminating against Roma"), 18 November 2020.