

THE ROLE OF THE MHA SECURITY FORCES AND SERVICES IN THE PROTECTION AND SAFEGUARDING OF HUMAN RIGHTS



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Fact Sheet

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Acronyms

ACM	High Commission for Migration
CCC	Common Core Curriculum
CoE	Council of Europe
CSL	Local Security Contracts
CPT	European Committee for the Prevention of Torture
EASO	European Asylum Support Office
EEVD	Domestic Violence Special Teams
EPAV	Proximity and Victim Support Teams
EPES	Safe School Program Teams
EII	Inquiry and Investigation Teams
EU	European Union
FRA	European Union Agency for Fundamental Rights
FRONTEX	European Border and Coast Guard Agency
GNR	National Republican Guard
IGAI	Inspectorate General of Home Affairs
LGBTI	Lesbian, gay, bisexual, and transgender and intersex
MEC	Ministry of Education
MHA	Ministry of Home Affairs
MIPP	Integrated Model of Proximity Policing
MJ	Ministry of Justice
NIAVE	Investigation and Specific Victim Support Section
NGO	Non-Governmental Organization
OTSH	Observatory of Trafficking in Human Beings
PSP	Public Security Police
SAV	Victim Assistance Rooms
SGMAI	General Secretariat of the Ministry of Home Affairs
SEF	Immigration and Borders Service
SF/SFS	Security Forces/Security Forces and Services
SPC	Criminal Prevention and Community Policing Sections
UN	United Nations

Foreword

The 21st century has been marked by a series of challenges and threats to our societies, threats of an asymmetric nature, from the occurrence of terrorist attacks to the need to provide adequate responses to pandemic situations.

The response to these challenges necessarily involves, in the context of States governed by the rule of law, the actions of their security forces and services (SFS), that play a central role in the protection of fundamental rights, respect for individual freedom and the absolute value of human life.

Against this backdrop, the Ministry of Home Affairs (MHA) gives absolute priority to establishing intensive training and education mechanisms, both initial and continuous, to equip its staff with the necessary tools for the protection of citizens and the safeguarding of Human Rights.

At the same time, the MHA has been implementing an array of Special Policing Programmes since the 1990s, with the aim of directing efforts and responding to the most vulnerable communities.

Notwithstanding, it is well known that there are situations, which require the use of force, as a means of imposing the law, and, above all, of protecting society as a whole from the negative consequences which may result from less well-intentioned individual conduct.

To ensure that the SFS scrupulously comply with the criteria of legality, adequacy and proportionality, recognised in the Constitution of the Portuguese Republic, when deploying the use of force, the MHA has also set up a complex system of monitoring and, where applicable, sanctions both disciplinary and criminal.

This publication therefore constitutes a fundamental contribution, by the MHAs General Secretariat, to a better understanding of the fulfilment, by the Ministry in particular, and by Portugal as a whole, of its internationally enshrined obligations regarding the protection and promotion of human rights.

INTRODUCTION

According to the Constitution of the Portuguese Republic, the security forces and services are responsible for the upholding the democratic legality of the state, guarantee internal security and protect citizen's rights. The Constitution further determines that action by the police.

The members of the security forces and services fulfil the duties imposed by law, serve the public interest, defend democratic institutions, protect all people against illegal acts, respect, and safeguard the Fundamental Rights of all citizens.

As law-abiding caretakers, the elements of the security forces and services, cultivate and promote the values of humanism, justice, integrity, honour, dignity, impartiality, exemption, probity and solidarity.

Their actions are guided by the unconditional respect for the Constitution of the Portuguese Republic, the Universal Declaration of Human Rights, the European Convention on Human Rights and Fundamental Freedoms, the Charter of Fundamental Rights of the European Union, European legality, international conventions and the law.

Moreover, in the fulfilment of their duty, the SFS promote, respect and protect human dignity, the right to life, liberty, security and other fundamental rights of every person, regardless their nationality or origin, their social condition or their political, religious or philosophical convictions.

An example and a dynamic that needs to be consolidated so that all members of the SFS continue to assert themselves as the visible face of freedom and, above all, the visible face of the State that upholds human rights.

THE LEGAL INSTRUMENTS

At the international level, Portugal assumes the commitment to respect, protect and promote the human rights of all citizens, embracing many international treaties and other instruments, some of which impose a number on obligations on the party states.

The action of the SFS is therefore framed and governed by the principles laid out in the these and other instruments:

Universal Declaration of Human Rights (1948)

European Convention on Human Rights (1950)

Convention (UN) for the Suppression of the Trafficking in Persons and of the Exploitation of the Prostitution of Other (1950)

Convention relating to the Status of Refugees (1951) and its Protocol (1967)

European Social Charter (1961)

International Convention on the Elimination of All Forms of Racial Discrimination (1965)

International Covenant on Civil and Political Rights (1966) and Optional Protocols (1966) (1989)

International Covenant on Economic, Social and Cultural Rights (1966) and Optional Protocol (2008)

Convention (UN) on the Elimination of All Forms of Discrimination against Women (1979) and its Optional Protocol (1999)

United Nations Code of Conduct for Law Enforcement Officials (1979)

Council of Europe Declaration on the Police (1979)

Convention (UN) against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) and its Optional Protocol (2002).

Declaration (UN) of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)

European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (1987)
Convention (UN) on the Rights of the Child (1989)
United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (1990)
United Nations Principles for Older Persons (1991)
Charter of Fundamental Rights of the European Union (2000)
Council of Europe European Code of Police Ethics (2001)
Convention (UN) on the Rights of Persons with Disabilities (2006)
International Convention for the Protection of All Persons from Enforced Disappearance (2006)
Convention (CoE) for the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) (2007)
Convention (CoE) on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) (2011)
WHO Global Strategy and Action Plan for Healthy Ageing (2016)
Strategy (CoE) for the Rights of the Child (2016-2021)
Lisbon Declaration on Active Ageing (2017-2025)
(UN) Global Compact on Refugees (2018)
Joint Communication and EU Action Plan on Human Rights and Democracy 2020-2024

At national level, the following diplomas constitute the ethical and legal regime in which the action of the SFS elements is framed:

Constitution of the Portuguese Republic

Penal Code

Law No. 34/94 of 14 September, in its current version - Defines the arrangements for receiving foreign nationals or stateless persons in temporary accommodation centres

Law No. 23/2007 of 4 July, in its current version - Approves the legal framework of entry, permanence, exit and removal of foreigners into and out of national territory

Law No. 27/2008 of 30 July (Asylum Law), in its current version

National Strategy for Active and Healthy Ageing (2017-2025)

Law No. 93/2017 of 23 August – establishes the legal regime of the preventing, prohibiting and combating discrimination, based on racial, ethnic, colour, nationality, ancestry and territory of origin

Council of Ministers Resolution No. 61/2018 of 21 May - Approves the National Strategy for Equality and Non-Discrimination 2018-2030

Council of Ministers Resolution No. 80/2018 of 19 June - Approves the Fourth Action Plan for Preventing and Combating Trafficking in Human Beings 2018-2021

Council of Ministers Resolution No. 154/2018 of 29 November - Approves the revision of the National Strategy for the Integration of Roma Communities 2013-2022

Council of Ministers Resolution No. 139/2019 of 19 August - Approves measures to prevent and combat domestic violence

THE TRAINING

The MHA's security forces and services perform roles considered essential to the normal functioning of the rule of law. As such, its action must, always be guided by criteria of legality, appropriateness and proportionality, as well as by strict respect for the fundamental rights and freedoms of all citizens.

In this context, the SFS develop an important and consequent investment in the training of their staff. Both in initial and continuing training, subjects associated with human rights issues prove to be present at all times.

The SFS curricular plans include, from the outset, a theoretical-practical training on international human rights standards and systems, also reflecting a concern with matters relating to especially vulnerable people, addressed in a transversal way and, through disciplines aimed at addressing themes such as: multiculturalism, gender identity, domestic violence, racism and xenophobia and other discriminatory practices, the phenomenon of migration, the crime of human trafficking, the right to asylum, among others.

Structured and updated in line with international best practice, the SFS training plans integrate and adapt the resources developed by international fora, namely the Council of Europe, the United Nations and the European Union.

This is, for example, the case for the curricular programme for the entry into the Immigration and Borders Service (SEF) - Initial Training - developed according to the Common Core Curriculum (CCC) for training border and coast guards in the European Union, being complemented by several disciplines arising from SEF's duties, namely in the scope of criminal investigation, asylum, as well as the documentation aspect of foreigners.

The CCC, produced by Frontex, in collaboration with EU Member States, also includes specialised contributions in the field of fundamental rights from several entities such as the International Organisation for Migration, the United Nations High Commissioner for Refugees and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), as well as from the European Union Agency for Fundamental Rights (FRA) and academy partners.

In terms of continuous training, fundamental rights represent the pillar around which the Criminal Prevention, Community Policing and Human Rights Course of the National Republican Guard (GNR) and the Course of the Integrated Model of Proximity Policing of the Public Security Police (PSP) are structured. These courses are part of the training process that prepares the SFS elements to act in the field in direct collaboration with local entities and citizens, in a logic of empowerment and prevention.

In order to develop and improve the skills of its members, the SFS regularly collaborate with external entities, which carry out various training actions in specific areas.

Specifically, in the area of international protection, SEF members, who have been seconded in the area of application processing, have received additional training provided by the European Asylum Support Office (EASO), in particular with regard to interview techniques, interview techniques for minors, interview techniques for vulnerable persons and with regard to trafficking in human beings and fundamental rights.

The Inspectorate General of Home Affairs (IGAI) also contributes to this objective by implementing a set of training modules aimed at strengthening an ethic of legality and respect for fundamental rights, addressing issues such as human rights and discrimination, the application of coercive means and the limits of police action.

By the same token, the Observatory of Trafficking in Human Beings, an entity that operates within the scope of MHA, plays an important role in the SFS training, contributing to better equip its elements to act towards preventing, combating and protecting victims of human trafficking.

MONITORING THE ACTION OF THE SFS

Alongside training, efforts to ensure the protection and safeguarding of fundamental rights in the law enforcement structure include creating the necessary conditions for the prevention, investigation and sanctioning of any conduct incompatible with the regulatory framework governing police action.

In fulfilling their demanding task of ensuring the security and well-being of all citizens, elements of the security forces and services are confronted with situations where they may have to impose limitations on the exercise of citizens' rights, freedoms and guarantees, notably through the use of force.

This is undoubtedly one of the most delicate areas of democratic rule of law. As such, it is governed by a comprehensive set of internal laws and regulations, which stipulate that the SFS may only employ the use of force when strictly necessary and to the extent required for the performance of their duty, according to the principles of necessity and proportionality.

In this and other areas, police action is rigorously controlled by virtue of a system that includes independent, internal and external mechanisms. At the disciplinary level, each SFS comprise internal control units. At the external level is the IGAI, whose mission is to ensure the functions of audit, inspection and supervision of all entities, services and agencies, dependent on, supervised or regulated by the MHA.

Any action by members of the SFS contrary to the ethical and legal imperatives that underlie and regulate the exercise of their functions may thus lead to internal disciplinary procedures and to the investigation of a case by the IGAI. As an external and independent entity that reports directly to the Minister of Home Affairs, the IGAI initiates proceedings of inquiry audit and examination, as well as inquest

and disciplinary proceedings that are ordered by the hierarchy. It also initiates or collaborates in initiating proceedings opened within the scope of services, whenever its collaboration is requested and duly authorised by the hierarchy. In addition, IGAI submits the disciplinary proceedings initiated and/or instructed to ministerial decision.

IGAI is also responsible for reporting facts with legal and criminal relevance to the competent bodies and, whenever requested, collaborate with them in obtaining evidence.

In addition, the Ombudsman's Office, parliamentary parties, NGOs and organisations defending the rights of national and foreign groups, as well as a very active media, make the action of elements of the security forces and services one of the most scrutinised activities in Portugal.

PUBLIC AWARENESS AND PROMOTION OF HUMAN RIGHTS

The ultimate goal of police action is the protection of the fundamental rights and freedoms of all citizens. In fulfilling this purpose, and in compliance with the powers assigned to them, the SFS actively participate in efforts to promote a culture of tolerance and respect for human rights within society, having to that effect developed a comprehensive set of instruments focused on concrete issues and on the needs the groups most exposed to situations of vulnerability.

LOCAL SECURITY CONTRACTS (CSL)

The CSL are instruments of institutional cooperation and involvement of the population, that promote the development of integrated interventions, to reduce social vulnerabilities and preventing risk factors associated with crime. The CSL materialize into Action Plans that clearly define priorities and measures, based on the local security assessment carried out and its findings.

Currently, there are three types of CSL, which vary according to the scope of the intervention:



MHA Municipality: implemented at municipal level with the objective of streamlining prevention policies and increasing public safety.

MHA Neighbourhood: articulated with the prevention policies, it seeks to develop local interventions to combat youth crime, petty crime and unlawful behaviours.

MHA Citizen: implements local interventions to tackle atypical situations and/or situations that may alter citizen's daily life.

AWARENESS CAMPAIGNS AND SPECIAL PROGRAMMES

National campaigns conducted by security forces and services play a key role in raising awareness in society, helping to increase public's general understanding of violence and discrimination in any of its forms. The SFS also make use of these campaigns to appeal for crime reporting and encourage civic behaviour.

Seeking to get the message across an increasing number of people, SFS have been diversifying the means of dissemination used in their campaigns, including the use of social networks and official websites, as well as through regular participation in radio and television programmes.

SPECIAL PROGRAMMES

The FSS also have a wide range of **Special Programmes**, which they carry out individually or in partnership, aiming to deepen, qualify and improve the mechanisms to protect and safeguard the most vulnerable groups of the population, such as children, migrants, women, and the elderly, among others.

Domestic Violence Programme

Domestic Violence is an area of strategic intervention for the SFS, that develop several activities designed to enhance police response and improve the overall quality of intervention. These activities are implemented by specialized teams and are mostly



concerned with identifying and following-up on victims of domestic violence, increasing public awareness, providing specialized training and foster academic debate around this issue.



Specific Victims Research and Support Project (IAVE)

Initially designated Project NMUME (Woman and Minor Section), this project was created in 2004 to improve the quality of GNR's operational response to violence committed against specific groups, such as children, women and LGBTI, both in terms of prevention and criminal investigation, through its Investi-

gation and Specific Victim Support Section (NIAVE) and the Inquiry and Investigation Teams at the territorial Posts (EIIT – PTer).

Proximity and Victim Support Teams (EPAV) and Domestic Violence Special Teams (EEVD)

Created by PSP in 2006 within the context of the Model of Integrated Proximity Policing, EPAV constitute the first line of intervention, protection and security, assistance, monitoring, support and referral of victims. They are responsible and surveillance in commercial areas, surveillance in residential areas mostly inhabited by elderly citizens, prevention of domestic violence, support for victims of crime and post-victimization follow-up, identification of issues that may interfere with the safety of citizens.

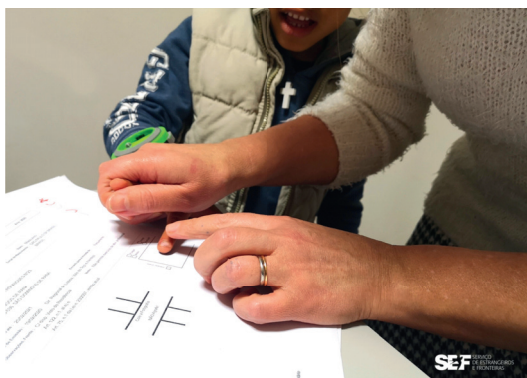
PSP also has Domestic Violence Special Teams that are responsible for the criminal investigation in cases of this nature.

Programme Together for All

This Programme was born from the Protocol signed between PSP and ACM in 2016 with the aim of promoting interculturality and preventing conflict based on lack of knowledge between different groups, professionals and citizens, contributing through their activities, to the security, protection and safeguarding of the rights of all citizens, regardless of their nationality or cultural belonging.

Migrant Support Programme

This programme results from a protocol celebrated between the GNR and the ACM in 2017, and it is aimed at promoting the rights and guarantees of migrants by building a sense of shared responsibility, for the protection of migrant rights and security, among those social partners that provide services to the migrant population. Within the context of this Programme, GNR carries out several awareness raising activities tailored for professionals intervening in processes of migrant integration. These actions also improve the ability to identify and refer cases of people at risk.



SEF in Motion

Created in 2007, this project aims to promote and facilitate access to SEF's services, meeting all those who, due to their personal circumstances, are unable to do so. The programme is based on a broad set of protocols and partnerships established with different entities in order to identify and signal migrants in more vulnerable situations, including elderly, pregnant women, neglected minors, disabled people, among others, and thus be accompanied by SEF.

“SEF goes to School” Programme

Launched in 2009, this project arises from the collaboration between SEF and MEC with a view to promoting the integration of immigrants, through awareness raising and document regularisation actions among irregular foreign minors attending official school in Portugal.



Safe School Programme

In place since 1992 this programme is a joint initiative of the Ministry of Home Affairs (MHA) and the Ministry of Education (MEC), with the aim of preventing and reducing violence, risk behaviours and, at the same time, improving the feeling of security in the school and surrounding context, based on a model of proactive action focused on children and young people. The Safe School Programme teams are the first level of police action visible among the school population, carrying out pedagogical and awareness-raising actions as well as crime prevention. Within the scope of this Programme, the SFS carry out thousands of awareness raising action each year addressing human rights issues and other related themes.



Operation “Back to School”

This initiative carried out by the GNR through the Criminal Prevention and Community Policing Sections (SPC) and by the military of the Territorial Posts, aims to raise awareness among teachers, students and parents about risk behaviours in the school environment. The aim is to make known the military personnel who will be in charge of each school

institution, thus contributing to a greater awareness on the part of those in charge of education of the importance of school security for young students.

Operation “Launching School Year”

Operation carried out by the PSP in schools all around the national territory to mark the beginning of the academic year, by sharing with the educational community the objectives and responsibilities of the PSP within the scope of the Safe School Programme, promoting the importance of adopting self-protection measures to prevent crime and ensure school safety. In this operation, the PSP officers that make up the Safe School Programme Teams inform the school board of directors about the themes that will be covered by the outreach actions planned for that school year.



“Safe Communication” Programme

Developed in partnership with the Altice Foundation, this programme seeks to promote a culture of safety online, offering young people advice and strategies to avoid the danger and risks of the internet, as well as, addressing the phenomenon of bullying and cyber-bullying, through multimedia tools adapted to different educational levels of children and young people, to teachers, parents and guardians. Every year and throughout the country, awareness-raising activities dedicated to the Internet are held in schools.



Operation “Growing Secure”

This GNR operation aims at raising awareness of children’s rights as well as preventing sexual abuse and exploitation of children. These actions, carried out through the military of the Criminal Prevention and Community Policing Sections (SPC) in the school community, warn of potential dangers and convey ways in which children should protect themselves.

“I do as FALCO says” Project



A PSP pedagogical Project aimed at children between the ages of 5 and 10. It aims to promote a culture of security and foster civic spirit and citizenship through the stories of the character FALCO, the PSP mascot. From a partnership between the PSP and the PT Foundation, a

collection of ten short stories has been written, portraying everyday situations of children, with special focus on the reinforcement of self-protective behaviours and security advices. This collection - entitled “I do as Falco says” - is disseminated through awareness-raising actions. In addition to the paper editions, they are also available in television programmes, [cartoon format](#) and [social networks](#), where they have averaged over 25,000 views per story.

“Here I ‘am!’” Programme

Programme developed by the PSP with the purpose of providing a rapid and effective means of reporting missing persons (children or adults) and promoting their reunion with a previously indicated family member or carer, by allocating a personal and non-transferable bracelet, to which corresponds a registration number, associated with the user’s emergency contacts.

Support 65 Programme - Elderly in Security

This programme aims to strengthen support for the elderly population, especially those living further away or isolated from population centres. Based on the adequacy of police action to the needs and specific characteristics of the elderly population, this Programme includes the strengthening of policing in the public places most frequented by this group, as well as a set of preventive actions with the elderly population and home visits with evaluation, signage, monitoring and referral of the elderly to social support institutions.

Solidarity Has no Age it is a national scale operation that intends to detect and identify cases of social fragility, situations of vulnerability and suspected victimisation in the context of domestic violence or other threats to life or physical integrity, promoting the referral of risk situations and providing the necessary support for each particular case, in articulation with other entities.



Senior Census is a GNR operation that covers the entire national territory with the aim of identifying elderly people in situations of isolation and loneliness, by updating the records of previous editions. During the operation, the GNR military also carries out awareness-raising activities to



reinforce the prevention and security message. Ongoing since 2011, this operation has allowed GNR to update the geographical database, thus providing conditions to better support the elderly population.



65 Far Away + Near Programme, implemented by the GNR during the COVID-19 pandemic to strengthen support to the older persons and reduce their social isolation. As part of this Programme, the GNR kept close contact with older persons identified, made

psychologists from the GNR Clinical Centre available for situations of greater isolation and, in partnership with telecommunications companies in Portugal, established contact between isolated elderly people and their families through video calls.



Programme to Support People with Disabilities, Created by the GNR in 2014 to promote the rights and guarantees of people with disabilities, this programme contributes to build a society characterized by equality, in all its human diversity, where every citizen, irrespective of being in a situation of vulnerability, have equal access and opportunity to participate fully. In this regard, this programme seeks to

strengthen the sense of shared responsibility among social partners towards ensuring the security of people with disabilities and the protection of their rights.

Programme “Meaningful Blue”

Programme of national scope launched in 2013. It results from the collaborative efforts of the PSP, the National Federation of Cooperatives and Social Solidarity, the National Institute for Rehabilitation and the National Confederation of Solidarity Institutions to promote the security of people with disabilities.

OTHER BEST PRACTICES



Prevention Plan of Risks of Discriminatory actions and practices in the SFS

Coordinated and monitored by IGAI, this Plan is aimed at the SFS. It aims to contribute to improve the quality and efficiency of police work, while simultaneously preventing any discriminatory actions and practices. It provides a set of programmatic measures regarding recruitment and training that intend to further engage members of the SFS in the role they play against discrim-

ination. It also offers a series resources, good practices and useful material meant to help improve the performance of police officers and their relationship with the population.

Protocol between MHA, MJ and the Bar Association

Celebrated in November 2020, this Protocol contemplates the permanent provision of lawyers for legal advice and assistance to foreign citizens who are refused entry to national territory at the airports of Lisbon, Oporto, Faro, Funchal and Ponta Delgada, thus ensuring these citizens full access to the Law and the Courts to defend their legally protected rights and interests.

One-stop shop for online services (SEF Portal)

Launched in 2020, SEF's Portal offers a range of online services in private area - MySEF - through which foreign citizens can easily perform services such as renewal of titles, request for second copies of titles, request for online certificates and clarifications, management of appointments and alteration of data.

SEF Contact Centre

Platform created in 2006 to that improve contact between foreign nationals and the SEF, promoting the reception and integration of migrant communities. This service is provided in partnership with civil society entities, through the placement of socio-cultural mediators trained in various languages, including Portuguese, German, Amharic, Arabic, Kazakh, Cape Verdean Creole, São Tomé and Príncipe Creole, Spanish, French, Georgian, Hindi, Hungarian, English Nepalese, Persian, Romanian, Russian, Tigre, Turkish, Ukrainian and Uzbek. The service largely exceeds 750 thousand annual calls.

Victims Assistance Rooms (SAV)

In an attempt to ensure adequate conditions for specialised, dignified and tailor-made assistance to each type of victimisation, the SFS have significantly increased the number of stations and police stations in the country, which foresee victim assistance and support rooms on their premises. In 2020, the MHA approved the Rules on the Material Conditions of the Victim Assistance Rooms in Police Premises which details the conditions the SAV must meet, thus contributing to strengthen the quality of assistance provided to victims of crimes, notably the most vulnerable, in particular victims of domestic violence (Order no. 11718-A/2020 of 25 November).

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