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**PERMANENT REPRESENTATION OF PORTUGAL  
TO THE OSCE**

**Nr. 8/2019**

**NOTE VERBALE**

The Permanent Representation of Portugal to the Organization for Security and Co-operation in Europe presents its compliments to the OSCE Permanent Missions and Delegations of all participating States and to the Conflict Prevention Centre and has the honour to convey herewith Portugal's response to the Questionnaire on the OSCE Code of Conduct on Politico-Military Aspects of Security for the year 2019.

The Permanent Representation of Portugal to the Organization for Security and Co-operation in Europe avails itself of this opportunity to renew to the OSCE Permanent Missions and Delegations of all participating States and to the Conflict Prevention Centre the assurances of its highest consideration.

Vienna, 15 April 2019



To  
All Permanent Missions/Delegations to the OSCE  
The Conflict Prevention Centre



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DEFENCE POLICY DIRECTORATE

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# PORTUGUESE REPUBLIC

## ANNUAL EXCHANGE OF INFORMATION ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY

**LANGUAGE:** ENGLISH  
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**LIST OF ACRONYMS**

AF	Armed Forces
AM/PM	Maritime Authority/Maritime Police
ATCU	Anti-Terrorism Co-ordination Unit
CCOS	Council of Chiefs of Staff
CHOD	Chief of the General Staff
CHODPD	Chief of General Staff Force Planning Directive
CMS	Compulsory Military Service
COS	Chiefs of Staff of Services - Navy, Army and Air Force
CPC	OSCE Conflict Prevention Centre
EU	European Union
FPU	Formed Police Units
GIOE	Public Order Intervention Group
GOE	Special Operations Group
GDND	Governmental Directive for National Defence
GNR	National Republican Guard
IAW	In Accordance With
IGIA	Inspectorate-General of Internal Affairs
IPU	Integrated Police Unit
ISCPSI	Higher Institute of Police Sciences and Internal Security
ISSC	Intelligence Services Oversight Council
LMS	Law for the Military Service
LOCI	Law for the Organization of the Criminal Investigation
MoD	Ministry of Defence
MPL	Military Procurement Law
MoDDMD	Ministry of Defence Directive for Military Defence
MSC	Military Strategic Concept
MSCI	Military Superior Council
MSU	Military Special Unit
NATO SOFA	Force Status Agreement of NATO parties
NATO SOFA(PfP)	Force Status Agreement of NATO PfP parties
NCO's	Non-commissioned Officers
NDAFL	National Defence and Armed Force Law
NDL	National Defence Law
NDSC	National Defence Strategic Concept
NDSCI	National Defence Superior Council
OL	Organic Law
OSCE	Organization for Security and Cooperation in Europe
PM	Prime Minister
PR	President of Republic



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PRC	Portuguese Republic Constitution
PSP	Public Security Police
CISMIL	Portuguese Military Intelligence and Security Center
SEPNA	Environment and Nature Protection Service
SIED	Defence Strategic Intelligence Service
SIRP	Portuguese Republic's Intelligence System
SIS	Intelligence Security Service
SMAF	Specific Missions for the Armed Forces
SP	Services Proposals
UN	United Nations



**QUESTIONNAIR ON THE CODE OF CONDUCT ON POLITICO-MILITARY  
ASPECTS OF SECURITY**

**Section 1: Inter-State elements**

**1. Account of measures to prevent and combat terrorism**

**1.1. To which agreements and arrangements (universal, regional, sub regional and bilateral) related to preventing and combating terrorism is your State a party?**

**Answer:**

Portugal has been strongly co-operating in all the initiatives adopted by the United Nations, the European Council and the European Union, with the objective of preventing and fighting terrorism in all its ways and forms.

After the 5th Constitutional revision, of December 2001, the Portuguese Constitution safeguards the application of criminal judiciary co-operation norms, as established within the European Union scope.

In the field of bilateral relations, Portugal has signed cooperation agreements with several countries.

The fundamental principles laid down by the legal instruments administered by the European Council were followed by the Portuguese legislators, not only in the revisions of the penal and prosecuting legislation, but also in the preparation of several legislation regarding, in particular, the protection of terrorism victims and the laundering of money or other assets, resulting from criminal activities, namely from terrorism.

Portugal is a party to the following conventions and agreements related to terrorism:

- a) European Convention against Terrorism (Law 19/81 of the Portuguese Parliament);
- b) European Convention on Extradition and additional Protocols (Resolution 23/89 of the Portuguese Parliament).
- c) Europol Convention – which created the European Police Services, signed in 26JUL95;
- d) Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, (Resolution 51/2002 of the Portuguese Parliament).



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Concerning the UN anti-terrorism conventions and protocols, Portugal has signed and ratified all of them, and they have all entered into force as the table below shows:

Conventions and Protocols	Date of entering into force
1. Offences and certain acts committed on board aircraft (1963)	04DEC1969
2. Suppression of unlawful seizure of aircraft (1970)	27DEC1972
3. Suppression of unlawful acts against the safety of civil aviation (1971)	14FEB1973
4. Prevention and punishment of crimes against internationally protected persons (1973)	11OCT1995
5. Against the taking of hostages (1979)	06AUG1984
6. Physical protection of nuclear material (1980)	06OCT1991
7. Suppression of unlawful acts of violence at airports serving international civil aviation, supp. To 1971 Convention (1988)	17JAN2002
8. Suppression of unlawful acts against the safety of maritime navigation (1988)	04APR1996
9. Suppression of unlawful acts against the safety of fixed platforms located on the continental shelf (1988)	04APR1996
10. Marking of plastic explosives for the purpose of detection (1991)	08DEC2002
11. Suppression of terrorist bombings (1997)	09DEC2001
12. Suppression of the financing of terrorism (1999)	17NOV2002
13. Suppression of unlawful acts against the safety of maritime navigation (2005 Protocol)	30JUN2015

Since 31MAY2003 Portugal has officially joined the “Proliferation Security Initiative (PSI)” created to control the development and proliferation of weapons of mass destruction between states and non-governmental actors.

As a State-Member of the European Union, Portugal has adopted instruments in the legal framework of the European Union concerning the prevention and the fight against terrorism, in the field of police and judiciary cooperation:

- Decision 2003/48/JAI from the Council, of 19th December 2002, concerning the application of specific measures of police and judiciary cooperation in the fight against terrorism, under the terms of article 4º of Common Position of 2001/931/PESC.
- Decision 2002/996/JAI from the Council, of 28th November 2002, which establishes a mechanism of evaluation of legal national regimes and their application at national level in the fight against terrorism.
- Framework-Decision from the Council, of 13th June 2002, concerning the fight



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against terrorism.

- Framework-Decision from the Council, of 13th June 2002, concerning joint teams for investigation.
- Decision 2002/187/JAI from the Council, of 28th February 2002, concerning the creation of Eurojust, aiming at strengthening the fight against all serious forms of crimes.
- Decision from the Council, of 6th December 2001, which spreads the mandate of Europol to serious forms international crimes as they are listed in the annex of the Europol Convention.

Portugal has also signed several bilateral agreements related to terrorism:

- a) Agreement with the Kingdom of Morocco, on cooperation in the fight against terrorism and organized criminality, signed 28APR1992;
- b) Agreement with the Russian Federation concerning the fight against crime, signed 29MAY2000;
- c) Agreement with Ukraine concerning friendship and cooperation, signed 25OCT2000;
- d) Agreement with Tunisia concerning friendship, neighborhood and cooperation, signed 17JUN2003;
- e) Agreement with Algeria concerning friendship, neighborhood and cooperation, signed 8JAN2005;
- f) Agreement with Argentina concerning judicial cooperation, signed 07APR2003;
- g) Instrument Between The United States Of America And The Portuguese Republic As Contemplated By Article 3(3) Of The Agreement On Mutual Legal Assistance Between The United States Of America And The European Union Signed 25 June 2003, signed 14JUL2005;
- h) Co-Operation Agreement Between the Portuguese Republic and Ukraine in the Fight Against Crime, signed 24JUL2008;
- i) Agreement between the Portuguese Republic and the United States of America on enhancing Cooperation in Preventing and Combating Crime, signed 30JUN2009.

**1.2. What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?**

In its fundamental nature, the Portuguese legislation regarding the terrorism prevention and repression matters falls under the Penal Code and the Code of Criminal Procedure.

The Decree Law 48/95, of March 15 that had made some changes on the Decree Law 400/82 of September 23, specifically in what concerns the Articles 297 to 301- which determine and inflict the penalty to crimes, criminal associations, terrorist organizations and terrorism - was after amended through Law 65/98 of September 2, which led to a change in Article 240 (racial or religious discrimination), Article 275 (explosive





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substances or similar substances and weaponry) and Article 287 (hijack or alteration of course of an aircraft, ship, train or passenger vehicles). Articles 300 and 301 were revoked by Law 52/2003 August 22 (Fight Against Terrorism Law in compliance with UE Council Decision n.º 2002/475/JAI), Article 275 was revoked by Law 5/2006 February 22 (Legal Regime of Weapons and Ammunition) and Article 240 was amended by Law 19/2013 February 21.

In 1998, the Prosecuting Penal Legislation underwent its last amendment of the regulations regarding prevention and repression of terrorism (Article 139, which defines the special conditions of protection of terrorism witnesses), after the review process of the terrorism victims compensations, which took place in 1996, as per Law 10/96 of March 23, updated by Law 48/2007 of August 29.

It should also be pointed out the Decree 324/85, of August 6, which concedes indemnities to the State servants, both civilian and military, who suffered losses and/or damages, provoked by criminal associations and terrorist organizations, as a retaliation or intimidation process, because of their official duties.

Terrorism and other sort of crimes are also expressed under Paragraph 3 of Article 1 of the Internal Security Law (Law 53/2008 August 29) which describes the purposes of the internal security services and establishes the main guidelines and responsibilities for each Institution, Police Force and Security Service.: *“(...) to protect life and integrity of the citizens and to enforce law and democratic order against violent criminality or highly organized criminality, namely sabotage, espionage or terrorism”*.

From a political point of view, it should be mentioned that until the 31<sup>st</sup> March of each year the Government must submit a Report to the Parliament, concerning the country's situation (its internal security) and concerning the activity of the Security Forces and Services developed in the previous year (Article 7 – number 3 of the Internal Security Law).

In what concerns the intelligence field, the Organic Law of the Portuguese Republic's intelligence System (SIRP) - Law 30/84, 5<sup>th</sup> September, amended by the organic Law 4/2004, 6<sup>th</sup> November, determines that both intelligence services, SIED and SIS, are entitle to collect information with the propose of ensuring external and internal security. In case of SIS (the internal intelligence service) and according to the article 25º/2/e) of the Law 53/2008 of 29<sup>th</sup> August, the Portuguese Intelligence Security Service exercises security functions, being responsible for producing intelligence that contributes for the prevention of terrorism, by virtue of article 21º of the Law 30/84 of 5<sup>th</sup> September, altered and republished by the Organic Law 4/2004 of 6<sup>th</sup> November. Also SIED (the external intelligence service), in the vast spectrum of is work, gathers and disseminates several information referent to terrorism.



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The Law 5/2002, of January 11 establishes measures to fight organized crime and economic and financial crime. This Law establishes a special regime for the collection of proofs, for the breach of professional secrecy and for the loss of assets in favor of the State in relation to several crimes, specially arms smuggling, terrorism and terrorist organization, money laundering.

The Law 10/2002, of January 11 establishes measures to prevent and punish money laundering from criminal activities concerning crimes of terrorism.

According to the Criminal Politics Law (Law 17/2006, of May 23), terrorist organisations and terrorism are considered priority prevention crimes by the Portuguese Parliament.

Also, the Cyber law (Law 109/2009, of September 15) waives the need for a court mandate for searches of digital data in cases of terrorism, as an exception to the general rule.

Following the implementation of NATO's Renegade concept (the mischievous use of civilian airplanes as weapons of terror), the Air Force developed procedures and arrangements to adapt the air command and control system and immediate implementation of the political decisions. Additionally, procedures between the military air defense and the civilian air traffic control have been developed and exercised in accordance with NATO and EUROCONTROL guidance. This all lead to the approval in parliament of a Law (n° 28/2013) establishing the Portuguese National Air Authority, inherent to the Air Force Chief-of-Staff's responsibilities, in a role distinct from his merely military tasks. This law defines the National concept of "Air Policing", which foresees the use of military air assets, during peace time, in order to ensure the exercise of state authority over the territorial air and maritime space, as well as the airspace over the maritime strategic area of interest.

On February 2015 the Portuguese Government approved a Council of Ministers' Resolution (7-A/2015) defining the National Strategy in the combat against terrorism. This strategy seats on five objectives: detect; prevent; protect; pursuit; and answer to possible terrorist attacks. In the mentioned strategy objectives the Armed Forces have a significant role to play, in cooperation with other State authorities, requiring that these scenarios are included, trained and evaluated in the Service's force protection, as well as in its capacity building and exercises.

**1.3. What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?**

It should be mentioned that the National Defence Strategic Concept (CEDN), revised in 2013 per Resolution of the Council of Ministries 19/2013, of 5<sup>th</sup> April, maintains in the top of the list of most sensible threats and risks to global and national security "[transnational] terrorism and other forms of violent extremism" along with "cyberterrorism and cybercriminality" (Point 8 of the referred Resolution).



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The Defence Strategic Concept/NDSC was implemented in 2003. Adjusting to new threats and changes in the world since 2001, the new concept considers the combat against weapons of mass destruction, terrorist threats and organized crime to be one of the competences of the Armed Forces.

The Portuguese Armed Forces are entitled, by the Minister of Defence Resolution Nr. 22 749/2001, dated October 22, to intervene in those kinds of situations that imply, at a military level, the prevention and repression of terrorism. The prevention and repression of terrorism has been seen as an “external threat”, performed by a non-state actor, and constitutionally the Armed Forces are responsible, as one of its major tasks, for “the military defence of the Republic from any aggression or external threat”, while security forces focus on non-state actors.

The defence measures against maritime terrorism have been implemented nationally IAW correspondent declared alert state. They are part of general measures and foresee the surveillance of suspected vessels crossing Portuguese areas of interest in territorial waters as well as the safety of shipping entering ports alongside in harbors.

The Navy carries out multiple tasks of law enforcement and State authority at sea to which it assigns permanently seven Patrol Boats, three light frigates or Patrol Ship-offshore (PSO), which support other agencies and combat illegal maritime activities, such as drug trafficking, illegal immigration, weapons proliferation, piracy and, naturally, terrorism. The Navy Marine Corps is also organized to support this effort, employing dedicated special operations teams and security teams in support of ship’s boarding parties. To cope with the threat of terrorism at sea, there are several agencies. For this purpose, the Navy operates daily in close cooperation with competent agencies.

Portugal also adopts a posture of useful service to the community of nations, especially within the framework of the EU, NATO, OSCE and UN, participating in operations dedicated to the prevention / fight against terrorism and proliferation of weapons of mass destruction.

The Army has been developing capabilities to face terrorism. Although all the Army Forces can be trained to act in response to this kind of threat, the units which are most prepared to respond to terrorism actions are the following ones:

- Rapid Reaction Brigade – namely with two Airborne Infantry Battalion and one Special Forces (Commandos) Battalion;
- Special Operations Forces;
- Two Military Police Coys;
- Three HUMINT Teams;
- One CBRN Defense Coy;
- Three EOD Teams;
- One EW Coy;
- One Air Defence Battery;



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- One Medical Task Force;
- One NBC Defense Element;
- One Bromatology and Biological Defence Lab;
- One Toxicology and Chemical Defence Lab;
- One Biological and Chemical Defence Unit – namely with one Bromatology and Biological Defence Lab and one security and Chemical Defence Lab.

The Air Force cooperates with other national agencies in providing air support in the fight against terrorism and other threats. In this role, the Air Force also maintains 24/7 response teams in the technical areas of Explosive Ordnance Disposal (EOD) and Chemical Biological Radiological Nuclear (CBRN) defense.

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The Air Force is also the main provider for the National Air Authority, enabling the State authorities to execute peace time Air Policing tasks. These normally include:

- a) Providing air surveillance over illegal activities connected to organized crime and terrorist activities, operating the available assets. Portugal also participates regularly in the European Union (Frontex Agency) initiative regarding the control of its external southern borders, as well as the participation in NATO's counter-terrorism operation "Sea Guardian" (ex-Active Endeavour).
- b) Defensive measures against the mischievous use of civilian aircraft to perpetrate terrorist attacks (Renegade). The Air Force maintains a 24/7 air surveillance command and control system, including a Quick Reaction Alert (QRA) of fighter aircrafts.
- c) Ensure the airspace security over National and International High Visibility Events, such as the participation of the 2 frigates in NATO Operation SEA GUARDIAN and in the compliance of the Assurance Measures.

The National Republican Guard (GNR), which is a military security force, helps fighting terrorism by enforcing several rules. The organism in charge of this mission is an Infantry Regiment Special Unit, the Special Operations Intervention Group.

The remaining GNR Units also contribute to fight terrorism in the fulfillment of their duties because regular patrols gather information from the population.

In territorial waters, within the 12 Nautical Miles zone, a Special Unit called Coastal Control Unit contributes to protect national territory against threats coming in by sea.



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The GNR is member of the “Anti-terrorism Coordination Unit” (UCAT). The Fiscal Action Unit, working together with the Criminal Police and the Ministry of Finance – and the criminal investigation teams, play a major role in fighting financial and economic organized crime.

To develop the necessary criminal intelligence, the GNR counts on the nationally distributed criminal investigation teams, technically guided by the Criminal Investigation Directorate.

The GNR also encompasses the Intervention Unit, which is specialized in intervening in tactical missions, violent and dangerous situations and/or those considered of high complexity and risk, such as terrorist incidents, among others.

The Intervention Units is constituted by the GIOP (Public Order Intervention Group), the GIPS (Protection and Rescue Intervention Group), the GIOE (Special Operations Intervention Group), the GIC (K-9 Intervention Group), and the CIESS (Centre of Explosive Inactivation and Underground Security), which can be deployed to any mission and task in the fight against terrorism and tactical incidents, such as high-jacking or kidnapping.

The Special Intervention Operations Group (GIOE) integrates the European ATLAS Network.

The Public Security Police (PSP) has a Special Police Unit constituted by 5 Subunits. The “Special Operations Group” (GOE), was created by Decree Law 506/79 of December 24 and is exclusively in charge of carrying out anti-terrorist actions. The Special Operations Group is called into action whenever there is any terrorist or tactical incident for instance high-jacking or kidnapping. The other Units are: the Anti-Riot Unit (CI), Close Protection Unit (CSP), Explosive Device and Deactivation Centre (CIEXSS - EOD teams) and the K9 Unit (GOC).t. The EOD teams in their role on fight against terrorism have and exclusive mission on non – military guns and explosive control in national territory. The remaining staffs of the PSP, especially the ones dedicated to criminal investigation, also develop preventive measures on counter-terrorism.

The Maritime Police (PM) has a special SWAT unit to conduct special operations at sea. The PM also provides pier security for military allied ships in Portuguese ports.

In Portugal there is a Security Service – the Judiciary Police – which investigates the crimes of “*terrorist organizations and terrorism*” as well as the “*crimes committed with bombs, grenades, explosive materials or devices, prohibited firearms and booby-traps*”.

The Article 7 of the Decree-Law 42/2009 February 12 (Competences of Criminal Police Departments) assigns the tasks of prevention, criminal investigation and co-operation between police authorities regarding the crimes as stated in the previous paragraph to a specific department of this police – “*National Counter-Terrorism Unit*”.



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1.4. Provide any additional relevant information on national efforts to prevent and combat terrorism

The Portuguese counter-terrorism legal framework is previewed under a specific legal Act (i.e. it is not comprised under the Portuguese Penal Code), the 52/2003 Act (approved on the 22<sup>nd</sup> August 2003), the Counter-terrorism Act – which corresponds to the transposition of the Council Framework Decision number 2002/475/JHA dated 13<sup>th</sup> of June 2002 on Combating Terrorism.

This Act has already been submitted to three major amendments, namely the following Legal Acts:

a) The 59/2007 Act, dated 4<sup>th</sup> September – this Act changes the penal responsibility of the legal persons, and similar, that from then on are also addressed under the general regime;

b) The 25/2008 Act, dated 5<sup>th</sup> June (which corresponds to the transposition of the Council and Parliament Framework Decision number 2005/60/CE, dated 26<sup>th</sup> of October, and the Commission Directive number 2006/70/CE, dated 1<sup>st</sup> of October, on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing). This Act established both preventive and repressive measures with the purpose of combating money laundering. It introduced a new article into the Counter-terrorism Act – specifically regarding terrorist financing.

c) The 17/2011 Act, dated 3<sup>rd</sup> of May – transposes the Framework Decision number 2008/475/JAI, which is an amendment to the previous Framework Decision number 2002/475/JAI on combating terrorism. This Act introduces the criminalization of the “public provocation to commit a terrorist act, recruitment and training for terrorism”. “Along with the Portuguese legal framework in force, since October 2010, a National Counter-Terrorism Strategy was established. The competence for implementing this strategy is held by the Portuguese Government.”

The fight against terrorism is a recurrent thematic for investigation work and studies at the Armed Forces education establishments. These studies range from intellectual effort to field work, dealing with software or hardware.

Armed Forces staffs earmarked to deploy to areas of operation with potential terrorist activity, have a dedicated pre-deployment formation emphasizing special precautions such as (but not only) the Counter Improvised Explosive Devise (C-IED) course.

**2. Stationing of armed forces on foreign territory**

**2.1. Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.**



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Portugal does not have, by its own initiative, any armed forces stationed in any territory outside the country. It has forces and means participating in international missions (NATO, EU and UN) and participating in international military staffs.

Portugal is a party to the following agreements, which rule the status of forces:

- Agreement between the Parties to the North Atlantic Treaty regarding the Status of their Forces (NATO SOFA) signed in London on the 19th June 1951;
- Agreement among the Parties to the North Atlantic Treaty and other States participating in the Partnership for Peace regarding the Status of their Forces (PfP SOFA), concluded in Brussels on the 19th June 1995;
- Agreement on Cooperation and Defense between Portugal and the United States of America, signed in Lisbon in 1 June 1995;
- Agreement between the Government of the Portuguese Republic and the Government of Federal Republic of Germany regarding the Portuguese Armed Forces status during temporary stays in the Federal Republic of Germany signed in Bonn on 29<sup>th</sup> April 1998 and entered into force on 25<sup>th</sup> June 2001.

The Armed Forces participate in Combined and Joint deployments, stationing units and/or small technical staff contingents abroad for limited periods of time. During 2017 the Armed Forces deployed contingents, in support of the United Nations, to Afghanistan, Kosovo and to Mali; in support of the North Atlantic Alliance's "assurance measures" to Lithuania, covering all three Baltic States; in support of the European Union's Frontex program to Italy and Spain; and to fulfill bilateral agreements under the "Proliferation Security Initiative", to Cabo Verde and to São Tomé e Príncipe. Those events took place at the same time that the participation in KFOR and ISAF forces.

### **3. Implementation of other international commitments related to the Code of Conduct**

#### **3.1. Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence and security-building as an element of indivisible security are implemented in good faith.**

According to the Portuguese legal Framework, namely according to the Act on the organization of the Criminal investigation (*Lei de organização da Investigação Criminal*) – the 49/2008 Act, dated 27<sup>th</sup> August – the prevention and the investigation of terrorism offenses and terrorist organizations falls under the reserved competence of the Judiciary Police (*Polícia Judiciária* – PJ), meaning that it cannot be assigned to other criminal investigation police or body.



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According to the internal organic of PJ - previewed under the Decree Law 42/2009, that regulates the 37/2008 Act, dated 6<sup>th</sup> of August, which approved the Organic Law of PJ – the department that holds the competence to prevent and investigate such crimes is the National Counter-Terrorism Unit (*UNCT – Unidade Nacional de Contra-Terrorismo*).

PJ is a law-enforcement agency specialized in criminal investigation, legally depending on the Ministry of Justice. PJ is endowed of tactical and technical autonomy and operates within the criminal inquiries, according to the Portuguese legal framework and under the guidance of the General Prosecution Service (*Ministério Público*), who is the legal body responsible for the direction of the criminal investigation in Portugal.

PJ holds legal mandate to investigate the most serious, complex, transnational and organized crimes as previewed on the abovementioned Act on the organization of the criminal investigation. According to the PJ's internal organic, the department UNCT is also competent in what regards the prevention, detection, criminal investigation and also in assisting the Judiciary Authorities, in a vast number of illicit, such as: terrorism and terrorist organizations; crimes against national security (with the exception of those regarding the electoral process); high-jacking or attempting against the air, maritime, railroad or terrestrial transportation, that may correspond in abstract to a penalty of 8 years, or more, of imprisonment; crimes executed with bombs, grenades, explosive devices or materials, fire arms, booby traps, nuclear, chemical or radioactive weapons; crimes against the President of the Republic, the President of the National Parliament, the Prime-Minister, the presidents of the Superior Courts or the Republic General Prosecutor, while in their institutional functions or as a consequence of such functions.

National cooperation structures: UCAT – Anti-Terrorist Co-ordination Unit

On 25<sup>th</sup> February 2003, a Prime Minister's Decision created the Anti-Terrorist Co-ordination Unit (*UCAT – Unidade de Coordenação Anti-Terrorismo*).

UCAT is a legal forum aiming the exchange of counter-terrorism information, composed by law enforcement and intelligence services, namely: PJ, Intelligence and Security Service (SIS), Defence Strategic Intelligence Service (SIED), Immigration and Border Service (SEF), Public Security Police (PSP), National Republican Guard (GNR) and the Maritime Authority (AM). The Secretary General of the Internal Security System (SG SSI) also participates as an observer.

After its creation, during a period comprised from 15<sup>th</sup> March to 15<sup>th</sup> July 2004, the UCAT meetings were held on a daily basis, as a direct result of the Islamist terrorist attack in Madrid on the 11<sup>th</sup> March 2004 (11M) and to prepare the European Football Championship (EURO 2004). Additionally, but still under the dependency of the UCAT, an operational room was set up on 15<sup>th</sup> March 2004, which worked within UNCT's premises, on a 24/7 basis, comprising representatives pertaining to the abovementioned services/agencies, channeling information from detected suspicious situations, deciding on the spot the appropriate measures were to be put in practice, thus coordinating the





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determined course of actions with the forces on the ground. The operational room was later extinguished by December 2004, long after the EURO 2004 ended.

From 2004 until 2015, UCAT meetings have a weekly schedule (whenever there is the need, any service/agency may call an extraordinary meeting). Those meetings are informally chaired and hosted by PJ's UNCT and are aimed at the exchange of relevant operational information related to the terrorist threat in terms of prevention. The UCAT members communicate permanently via a closed and protected Virtual Private Network (VPN).” On 2015, the law n°59/2015 published by the Regulatory decree n° 2/2016 from 23 August establish the new composition of the UCAT.

#### International Cooperation on Counter-Terrorism

Also regarding counter-terrorism, PJ's UNCT represents Portugal in various international cooperation *fora*, either bilateral or multilateral. There are numerous police international cooperation structures with responsibilities in the counter-terrorism field that are PJ's counterpart in the fight against terrorism, namely Interpol, Europol, Police Working Group on Terrorism (PWGT), Schengen Information System and specialized Liaison Officers.

PJ's UNCT participates in various Interpol projects aiming at developing the cooperation exchange between different countries, establishing programs on a regional basis, such as the Regional Project Kalkan (Central Asia) or the Regional Project Nexus (Europe). The cooperation with Europol is developed through a National Europol Unit (also established under the PJ's organic), through: the regular participation and contribution to the Europol Analytical Work Files (AWF) dedicated to counter-terrorism, the participation in the regular meetings of the AWFs and the High-Level Expert meetings on Terrorism, through the contribution to specific reports, namely to the annual public report TE-SAT, an analysis strategic report.

The PWGT is a formal group which comprises 31 European States (27 of them belonging to the European Union). This group, which is available on a 24/7 basis, through an encrypted communication system, is a police network dedicated to the exchange of information regarding counter-terrorism.

PJ's UNCT is also present in non-police fora dedicated to counter-terrorism issues, namely in the Council of the European Union (namely the Terrorist Working Group – TWG), the European Commission and the Council of Europe.”

Portugal is one of the 34 members of NATO who have signed the “Open Skies” treaty, designed to enhance mutual understanding and confidence among its participants, by giving a direct role in gathering information about areas of concern to them, hence promoting openness and transparency of military forces and activities.



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Under the Decree-Law n°. 49/2017, of May 24, created, within the scope of the Internal Security System, under the coordination of the Secretary General of the Internal Security System, the Single Point of Contact for Police Cooperation PUC-CPI, thus responding to the need to improve the organization of the system in the area of international police cooperation and to meet Portugal's commitments within the framework of the European Union.

The Air Force is engaged in the regular visits of other countries inspectors/aircraft to Portugal, providing the necessary logistical, escort and technical information support to their activity.

**3.2. Provide information on how your State pursues arms control, disarmament and confidence and security-building measures with a view to enhancing security and stability in the OSCE area.**

See information below.

**Section II: Intra-State elements**

**1. National planning and decision-making process**

**1.1. What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?**

The **Portuguese Parliament** also decides on the **defence budget**. The proposal on the defence budget is prepared under the responsibility of the Ministry of Defence. It is discussed and approved at the level of Council of Ministers, and then submitted to Parliament, for approval, as a part of the **overall State budget**. Other Important issue is the LPM (Military Procurement law).

**1.2. How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?**

Since 2001, the Navy has been regularly assigning frigates and submarines to the former NATO ACTIVE ENDEAVOUR and the ongoing SEA GUARDIAN operation where a naval force patrols the Mediterranean Sea and monitors shipping to help deter, defend disrupt and protect the allied countries and the international community against terrorist activity.

Since 2011 to 2013, the Navy has also participated regularly in the European Union maritime operation ATALANTA and for 2 months, in NATO's OCEAN SHIELD OPERATION both aiming to fight maritime piracy in the Indian Ocean.



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In the national maritime areas under Portuguese sovereignty and jurisdiction, the Navy performs daily patrols assuring the security of the shipping participating in Joint Operations lead by FRONTEX and in NATO.

The Air Force plans its capabilities taking into account not only Portugal's National Military Defence, but the several political agreements and alliances, where Portugal contributes to the collective security. In this line, the Air Force regularly deploys abroad forces (air assets and manning), staff and equipment in order to contribute to the international security and stability (e.g. Afghanistan, Mali, Baltic States, Mediterranean Sea, Guinea's Gulf).

In this framework, the main participations during the year 2018 were the Sea Guardian and Sophia (EUNAVFORMED) operations in the Mediterranean Sea;; Air Policing in the Baltics with F-16's detachments in Lithuania; Contribution to the safety of the Gulf of Guinea with the participation of P-3C in various missions (operations and exercises) in the framework of Technical Military Cooperation (CTM) with countries of the Community of Portuguese Speaking Countries (CPLP) and with the USAFRICOM, including participation in the Africa Maritime Law Enforcement Partnership (AMLEP).

The Army continues to be an acting member in other organizations like UN and EU. In this regard, the Army has an active role with a company QRF in MINUSCA at disposal of the MINUSCA Force Commander. Regarding the EU, the focus is on contributing to the Security Sector Reform of different countries like Somalia, Mali and Central African Republic (CAR). Regarding this last country, Portugal was the Lead Nation during 2018 for the European Union Training Mission in CAR. In NATO, the Army also have an important role in Afghanistan in different vectors like: QRF in the Hamid Karzai International Airport, Training and Advisory Teams and military personnel in the HQ of Resolute Support Mission, and in the Special Operations Component Command. Additionally, the Army is also integrated in the Operation Inherent Resolve – operation to eliminate the terrorist group ISIS and the threat they pose to Iraq, the region and the wider international community, with Trainers in Iraq and military personnel in the HQ (Bagdad and Kuwait). Last but not the least, the Army is also contributing to the rapid reaction mechanisms of NATO and EU, like the Enhanced NATO Response Force, the Tailored Forward Presence, Assurance Measures and European Union Battle Group.

## **2. Existing structures and processes**

### **2.1. What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?**



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**Military:**

The Portuguese Republic Constitution states that Armed Forces obey to the competent sovereignty organs, in constitutional and legal terms. Our Constitution states that the Armed Forces are strictly neutral in politic terms and forbids its members to take any political measures. A more detailed description of applicable legislation / process can be found in answer to question 2 a).

In 1982, with the National Defence and Armed Force Law (NDAFL), the goal to insert the Armed Forces in the State's direct administration, through the National Defence Minister, was achieved.

In 1989, with the creation of the National Defence Ministry as a body of the Central Portuguese Public Administration, that process was reinforced.

Ever since, the political guidelines concerning national defence policy, Armed Forces personnel, infrastructures, armament and equipment policies, and budget remain under the competency of the Defence Minister.

The Armed Forces organs are responsible for the operational issues related to the forces employment.

**Paramilitary:**

There are no paramilitary forces.

**Internal Security Forces:**

The binding rules of the performance of the Portuguese Police Forces that ensure its political and democratic character are of the exclusive legislative competence of the Parliament, as set forth in Article 164, Paragraph "u" of the Portuguese Republic Constitution.

One of our Parliament's most important functions consists of supervising the execution of the Constitution, as well as the bills and the action of the government and administration (Article 162).

The Parliament is, therefore, entitled to supervise the action of the Police Security Forces as clearly stated in the Article 272 of the Portuguese Republic Constitution.

- The Public Security Police (PSP) is a police force, armed and uniformed, that provides a public service with administrative autonomy.
- The PSP mission is to ensure the democracy, ensure the internal security and the citizen's rights, according to the Constitution and the Law.



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- The PSP depends on the Internal Affairs Ministry and its organization is unique for all the national territory. It is organized on a hierarchical basis at all levels, with the due differences between the police roles and the administrative roles. The people with police roles must obey the chain of command. The people with general administration and management respond according to the public rules hierarchy.
- In situations of normality, its activities are developed according to the goals and objectives of the internal security policy, with respect of the bounds of the organic guidelines.
- On exceptional situations, the attributions are due to the laws on national defence, "state of siege" and "state of emergency" (martial law).
- The PSP activity is developed according to the interests and demands of the society.
- The generic mission of the PSP is devoted on the Constitution, as well as in the Law of Organization and Acting, and both explain clearly that the police actions are always on behalf of the public security and that the citizens rights are simultaneously a "limit" and a "purpose", properly framed on the legislation:
- Constitution of the Portuguese Republic
- Internal Security Law (Law nº 53/2008, August 29th)
- Penal Law
- Organic Law (PSP)
- Decree-Law 457/99, November 5th (use of fire arms on duty)

All these laws appoint the defense of the democracy and the assurance of the internal security and the citizens' rights as police roles. The police actions mustn't be used beyond the strictly necessary.

Crime prevention, including crimes against the State Security, can only be done according the general rules on police and respecting the rights, freedom and guarantees of all citizens.

Furthermore, there is an autonomous entity - General-Inspection of Internal Administration - which has the mission to assure the auditing, inspection and supervision at the highest levels, on the matters of Police Forces.

Thus, there were created procedures to assure a more effective control of the legality, defence of citizens' rights an reinstatement of the violated integrity.



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This allows us to assure, effectively, the human and fundamental rights in order to enhance the quality of the police actions on a Democratic State.

Members of Parliament can exercise parliamentary control over the government by making use of the right of interpellation as stated in the Constitution. They can also call upon ministers to account for the various parts of their policies, which the ministers must then provide with a reasonable notice, unless it is not in the State's interests to do so (paragraph d) of Article 156). They also have the right to debate the Report of Internal Security that is issued until March 31st concerning every year's activity of the police and security forces, as set forth in the Internal Security Law.

It should also be mentioned the control that can be exercised by the Ombudsman (PRC, Article 23), who acts independently and is appointed by the Parliament.

This institution, foreseen by the Constitution, is similar to those existing in other countries and to which the citizens have the right to address to, in case of claims of any nature related to public administration, including those related to police or security forces. Ombudsman can intervene on his own initiative, after direct acknowledgement or indictment.

Ombudsman has no decisive power and can institute his own informal inquiry, after which he submits his own recommendations to prevent or repair injustices, most of the times by means of releasing his conclusions for public information.

### **Intelligence Services:**

The Information System of the Portuguese Republic / SIRP is the public body that has the responsibility to provide support to the political decision-maker, anticipating and evaluating the different threats to Portugal and its interests: internal and external security, independence, the integrity of the unity of the State.

The SIRP, with the information it produces, contributes to the safeguarding, security and defense of those same interests. It does so in an internal way, by the action of the Security Information Service and, in an external area, where it has the Strategic Defense Information Service.

### **Police:**

Answer already included in answer to question concerning Internal Security Forces.

### **2.2. How is the fulfillment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?**

See answer 2.3.



**2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?**

**About roles and missions of the following types of forces:**

**Military:**

The Portuguese Republic Constitution defines the purview of the Armed Forces. The main role of the Armed Forces is the military defence of our territory against any external aggression or threat. The Constitution also states that it is possible by law for the Armed Forces to cooperate in civil protection, population basic needs and welfare missions.

Based on the Constitution, the National Defence Law establishes the main control provisions for the operation of the Armed Forces in what concerns its main commitments and prerogatives of the national sovereignty.

The National Defence Law also states the limits for the involvement of the Armed Forces in accordance with the international Law and other international commitments to which Portugal is signatory, inside or outside the national territory, including the territorial waters and the air space under the Portuguese responsibility.

Also, as a direct consequence of the constitutional framework, the Armed Forces contribute to actions in support of national foreign policy, specifically for crisis management, peace support and humanitarian operations within UN and OSCE responsibility, emphasizing Portugal's commitment for overall peace and international security and resorting to war only in case of self-defence against any effective or eminent aggression.

The execution of operations for safekeeping of Portuguese nationals abroad and other public interest missions, like civil protection during natural catastrophes, represent also one important role of the Armed Forces.

According to this commitment, Portuguese Armed Forces fulfill their international obligation by participating in several forces under the aegis of the United Nations and regional organizations, occupying the 55<sup>th</sup> position among United Nations members (in December 2018 Portugal had involved a total of 190 elements).

The Armed Forces Organic Law, states that the Service's primary mission is to participate in the joint military defense of the country. It also legislates on the following roles: Participation in combine/joint international missions, in accordance with Portugal's international responsibilities (e.g. UN, OSCE, NATO, EU, CPLP, etc.); Plan and execute missions outside the national territory, autonomously or in combine/joint, multilateral or bilateral (cohesion) environment, in order to preserve the safeguard of national citizens outside the country; Execute bilateral military-technical cooperation



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missions; Cooperate with the security forces/services, within the legislative framework; Cooperate with the Portuguese Civil Protection Agency, acting as responders for natural or manmade disaster relief, as well as other politically defined tasks of public interest.

All the material and human resources needed for the full accomplishment of The National Air Authority's (NAA's) jurisdiction are provided by the Air Force, according to its Organic Law.

According to the above law and to the Navy Organic Law, those Services are responsible to assure the Search and Rescue Services (Air and Maritime, respectively) in the Search and Rescue Regions (SRR) of Lisbon and Santa Maria (Azores).

**Paramilitary:**

There are no paramilitary forces.

**Security Forces:**

As to the National Republican Guard (GNR):

- To guarantee, within its strict scope of action, the maintenance of public order, by ensuring the citizens' rights, freedom and welfare, as well as the proper running of democratic institutions by respecting the legality and the principles of the State of Right;
- To guarantee public order and tranquility, as well as the security and protection of citizens and goods;
- To prevent crime in general, in co-ordination with the other security forces and services;
- To prevent that acts be committed against the law and the regulations;
- To carry out all criminal investigation and offence activities attributed by law, delegated by the judiciary authorities or requested by the administrative authorities;
- To veil for the execution of the laws and regulations pertaining to road traffic and transports, as well as promote and assure road safety, namely through traffic surveillance, planning and discipline;
- To guarantee the execution of administrative actions emanated by the competent authority that aim to prevent the breach or continuous violation of laws;





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- To participate in the control of persons and goods entering and exiting the national territory;
- To protect, rescue and help citizens, as well as defend and preserve goods which are found to be in a dangerous situation, due to causes of human actions or those caused by nature;
- To observe and protect hot points, namely road, railway, airport and port infrastructures, public buildings and other critical facilities;
- To guarantee safety during shows, including sports activities, and other leisure activities;
- To prevent and detect situations of drug and other illegal substance trafficking and consumption, through the surveillance and patrolling of areas referenced as trafficking or consumption locations;
- To participate in the surveillance of the use and transportation of weapons, ammunition and explosive substances that do not belong to security forces and services or to the Armed Forces, without prejudice to the competences attributed to other entities;
- To participate, under the terms of the law and commitments resulting from agreements, namely in international humanitarian, peace-keeping and civilian crisis management operations, within the police and civil protection scope, as well as in international police co-operation missions and within the compass of the European Union and in representation of the country in international organisms and institutions;
- To contribute to the training and information in what regards to the security of the citizens;
- To pursue other attributions with which it may be entrusted by law.
- The GNR provides collaboration in State Honours;
- Accomplish according to the execution of the national defence policy in collaboration with the Armed Forces all the military missions assigned.
- Prosecute all attributions defined by law;

The GNR is solely accountable for the nature and environment protection throughout all of the national territory.



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**Special competences:**

International Missions: FPU (Formed Police Units), IPU (Integrated Police Unit), MSU (Military Special Unit), UN, EGF, OSCE, EU and other missions.

In addition to the above-mentioned duties, the National Republican Guard performs regular and permanent police duties throughout the territory, namely in areas considered of high risk and by direct contact with the populations. The way they act is totally autonomous, but they also operate in collaboration with other public and private investigation agencies, when required to assist and help investigations.

When acting as a criminal police force, the National Republican Guard who is under the supervision of the Ministry of Justice - Prosecuting Counsel - performs their duties in compliance with judicial orders or the Penal Prosecuting Code. They use all the means they have available in order to attain the best results regarding any investigation assigned or delegated to them by the Prosecuting Counsel.

The Law for the Organization of the Criminal Investigation (LOCI) extended the competence of the National Republican Guard to the medium level criminality investigation. Furthermore, it modernized the co-ordination system, covering the strategic coordination mechanisms - through a new organ, the Co-ordination Council, in which the GNR has a seat. It also covers the criminal operational investigation at territorial and hierarchical levels. Within this scope, the GNR depends functionally on the competent judiciary authority although observing the hierarchical organization.

The GNR carries out missions on both the mainland and islands, and is responsible for approximately 94% of the national territory in which reside more than 53.8% of the overall population.

In addition to these daily duties, the GNR still dedicates part of its time to crimes against children and victims of violence. Nowadays, it is deeply involved in implementing projects launched by the Ministry of Internal Affairs on domestic violence, school safety, elderly safety, and trade safety, among others designed in the Project - Special Programmes.

The GNR contributes to the good work and implementation of the Police and Customs Co-operation Centers, whose personnel is provided by the Territorial Headquarters of that area, and at sea the Maritime Service, by way of the Coastal Control Unit, oversees yachts, fishing boats and container ships.

In 2001, within the compass of its competences, the GNR created and implemented the Environment and Nature Protection Service, known as SEPNA. Its general mission is to enforce legal arrangements and regulations concerning the protection and conservation of Nature and Protection, regarding rivers, protected species, fishing, forestry, and other related matters.



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**Special Programmes:**

Safe School, Safe Elderly, Safe Commerce, Safe Summer, Domestic Violence, Safe Residence, Safe Pharmacy, Safe Jewellery, Tourist Support Patrol, Safe Refuelling

The GNR GIOE is a very specialized group, well prepared to intervene in major and critical circumstances, endowed with the latest tactics, weaponry and equipment which can be engaged when necessary in fighting against terrorist incidents.

The GNR has been involved in several International Peacekeeping Operations and Civil Crisis Management.

The Public Security Police (PSP) has as main mission and goals, without interference with other entities, and regarding the rules on police matters, respecting the human rights and guarantees:

- Promote the security terms that assure the regular functioning of the democratic institutions, as well as the prosecution of human rights and guarantees.
- Ensure the maintenance of public order and tranquility.
- Crime prevention and prevention of actions contrary to the law.
- Prevention of organized crime and terrorism, in coordination with other police forces and services.
- Ensure the administrative actions enacted by qualified authority that aim to prevent crime.
- Ensure people and assets safety.
- Ensure the attributions on penal matters.
- Ensure the road safety, namely on planning, supervision and regularization of traffic.
- Ensure the security of sports events and similar
- Ensure the general attributions on administrative licensing.
- Participate on port security, namely on sea and river shores, on the terms defined by the law.
- Ensure the security of rail road's.
- Aid the populations, assist the victims and support the risk groups.
- Participate in international missions, defined by the government.



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- Cooperate with other entities that have the same purposes.
- Gather crime information, find its agents, stop the consequences and develop related actions.
- Give contributions to training and information in matters of citizen 'safety and security.
- Fulfill all attributions defined by the law.

The PSP has the exclusive attribution, in all territory, of controlling the fabrication, storage, commerce, use and transportation of firearms, ammunitions, and explosive substances and similar that doesn't belong to the Armed Forces and other security services.

The PSP has the exclusive attribution, in all territory, of the assurance of personal security of government members, high rank entities, Portuguese or foreign, as well as other citizens when in serious threat situations.

The PSP has the special attribution, in matters of airport security, to adopt measures of prevention and repression of illegal actions against civil aviation.

The PSP has the attribution, in all territory, to license control and supervising the activities of private security and the respective training in cooperation with other police forces and services and with the General Inspection of the Internal Administration.

The PSP has the attribution to ensure a permanent contact point to exchange intelligence related to any sports activities with other countries.

The PSP main action areas are:

- Prevention:
  - o Crime prevention and prevention of all actions contrary to the law.
  - o Organized crime and terrorism prevention, in coordination with other police forces and services.
  - o Ensure the people and assets security.
  - o Ensure the road security, namely through management, supervision and traffic regulation.
  - o Ensure the security of sports events and similar.
- Criminal Investigation:



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- Fulfill all attributions defined by the penal law.
- Gather crime information, discover its agents, stop crime consequences and do all the connected actions.
- Public order:
  - Ensure the maintenance of public order and public tranquility.
- Administrative Police:
  - Ensure the accomplishment of administrative acts ordered by the competent authority that aim to prevent crime.
  - Prosecute the attributions in matters of administrative licenses.
- Exclusive competences:
  - Control of the fabrication, storage, commerce, use and transportation of firearms, ammunitions, and explosive substances and similar that doesn't belong to the Armed Forces and other security services.
  - Assurance of personal security of government members, high rank entities, Portuguese or foreign, as well as other citizens when in serious threat situations

Special competences:

- In matters of airport security, adopt measures that prevent and repress actions against civil aviation.
- International Missions: Embassies and ambassadors security, Diplomatic Missions and UN, EU and OSCE Missions.

Special Programmes:

- Safe School, Safe Elder, Safe Commerce, Safe Summer, Domestic Violence

The Public Security Police has also the Special Operations Group, a single nation-wide unit that specializes in anti-terrorist and tactical actions, as mentioned previously, in page 8, under “Question 1, (e)”.

As a criminal force, the Public Security Police acts under the control of the competent judicial authority, as set forth in the Code of criminal Procedure.



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Public Security Police is also involved in International Peacekeeping Operations. Public Security Police is member of the “Anti-terrorism Unit (UCAT).

The existing controls to make sure that police and security forces act solely within the constitutional framework:

It is important to stress that the Portuguese Police Forces are managed and controlled in a strong hierarchical system. Their members are, therefore, under the supervision of the managing directors, inspectors, and superintendents and under the disciplinary powers in which their superiors are vested when commanding a unit. Commanding officers are entitled, therefore, to take disciplinary proceedings and to inflict punishment in compliance with the post and function regulations. The disciplinary proceedings can be taken after direct acknowledgement or any claims or indictment of an infraction.

Disciplinary proceedings are only initiated by senior officers. Justice and Disciplinary Committees comprising skilled personnel have been set up for this purpose (this kind of committee is more developed in the Public Security Police).

The Military Disciplinary Rule was replaced by the National Republican Guard and the Public security Police discipline Regulation.

There is also a Directorate General of Internal Investigation for each police force:

- In the National Republican Guard, there is an Office composed of Inspectors and Administrators, accountable for the inspections to be conducted in units and services, namely in what concerns safety, inspection and operational, administrative, logistic and financial activities.
- In the Public Security Police, there is a General Inspector and Inspection Teams, who are entrusted to manage, co-ordinate and supervise the investigations and internal inspections as well as to take proceedings of disciplinary nature.

We may say that internal control is made on a permanent and regular basis; it is exercised by the different echelons of the command chain to the subordinated elements, either through patrols, or through examination of personal management and operational conducts.

Besides this internal control and the control exercised at a parliamentary level and by the Ombudsman as already mentioned in answer 4, there are still other forms of external control, such as the judicial control, which is exercised over the active members of the Force.

In Portugal, with the exception of crimes of military nature, the criminal and disciplinary proceedings are fully different. So, whenever an act constitutes a crime and a



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disciplinary infraction, two independent lawsuits are brought in different courts, the results of which are equally independent from each other. The judicial power is independent and in Portugal it is the Prosecuting Counsel who runs the investigation, even when the latter is conducted by members of the Police Force.

The criminal suit is public after the investigation phase and can be triggered by the Prosecuting Counsel who has the power to do so by itself or after being informed by indictment or claim.

Within this framework, it should be referred the external control exercised by the Inspectorate-General of Internal Affairs (IGIA).

This General-Inspection supervises all the services depending on or under the authority of the Ministry of Internal Affairs and the agencies that perform private security. However, the essence of this General-Inspection's action is mainly the control of the police forces.

Within the scope of its inspection, supervision and investigation actions, this Department is entrusted with the execution of ordinary and extraordinary inspections, audits for the appraisal of personal performance, valuation of claims, protests and indictments caused by violation of law, making official inquiries, regular inspections and expert inspections. On its own initiative or by ministerial decision, it can hold judicial inquiries or take disciplinary proceedings against police and security forces' behaviors that violate the essential rights of the citizens.

This IGIA intervenes on a selective basis, since it directly investigates the most serious cases and its way of acting comprehends two control modalities – direct and indirect ones: the 1<sup>st</sup>, when it is investigating the facts by its own; and the 2<sup>nd</sup>, when it is only aiding the internal police investigations within the scope, if needed, to propose to a higher level the revision of the disciplinary decision considered illegal by IGIA. It acts after direct or official acknowledgement and indictment brought by other authorities and by identified sources' indictment or claim.

Lastly, it should be stressed the informal control of the police and security forces that is exercised through different non-governmental organizations and media, namely through public indictment of situations that frequently require the intervention and investigation of the competent authorities.

### **3. Procedures related to different forces personnel**

#### **3.1. What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?**



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**Military:**

The Portuguese Armed Forces completed its transition period, from the Conscript System to the Professionalization Process of the Armed Forces, in September 2004. Since 19 November 2004, Portugal has reached the goal of fully professionalized Armed Forces.

The Law for the Military Service (LMS) (Nr.174/99), regulated since November 2000, defines that the military service is now, in peacetime, on a voluntary basis, with the possibility of exceptional recruitment in situations where volunteering proves to be inadequate to meet the needs of the Armed Forces. For non-permanent personnel, the law foresees two forms of rendering military service, between which citizens may freely choose: voluntary regimen, for a fixed period of one year, and contract regimen, for a minimum of two and a maximum of six years, or eighteen years for the most technical specialities (according to the Special Contract Regimen approved by the Law 130/2010, of December 14<sup>th</sup>).

The military service was compulsory for male citizens until 2004.

Between 1999 and 2004 there was a transitory period, and in 2004 the regime based on conscription ended and a new one began, based, in peacetime, on a voluntary basis for a military career or short-term service, to all eligible citizens. Nevertheless, in case of exceptional necessity, citizens – both men and women – can be called up to serve as conscripts. Reservists may be called-up for refreshment, training or exercise until the last day of the year they complete thirty-five years of age and during the six years following the end of their effective military service, for a maximum of two months.

The recruitment of personnel for service in the Armed Forces is the result of a global and consistent policy, based on four pillars:

- The National Defence Day

This military obligation for all eighteen years old citizens, male or female, under the principle of gender equality, which requires men and women to have the same military rights and duties, (Decree Law no. 52/2009 of March 2nd, alters the Regulation of the Law for the Military Service -LMS) has been contributing to inform young citizens about the aims of National Defence and the Armed Forces role and, consequently, to motivate the ones potentially interested in a military service. At the end of the National Defence Day, the citizens can, if they wish, fill a pre-candidatship form to the contractual or volunteer regimens.

- Systematic Public Information Campaigns





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The professionalization process of the Armed Forces is supported by promotional and informational events, which comprehends schools, fairs and other appearances,

concerning essentially recruitment and military obligations. Furthermore, information concerning Portuguese Armed Forces and MOD can be accessed true the respective websites.

- The improvement of the Military Recruitment Structure

Regarding the improvement of the present military recruitment centres, it was created the Centre for Information and Guidance for Training and Employment (CIOFE), in July

2008, in the capital, the first integrated military information centre, intended to support the military and former military personnel in their transition to civilian.

- Gender balance

Regarding Gender Equality, the Constitution of the Portuguese Republic enshrines the principle of gender equality and the promotion of equality between men and women as a fundamental task of the State. The main policy instruments regarding political and military aspects are the National Plan for Equality - Gender, Citizenship and Non-Discrimination, currently in its fifth edition (2014-2017), approved by the Resolution of the Council of Ministers no. 103/2013, 31 December, and the National Action Plan for the Implementation of the United Nations Security Council Resolution 1325 (2000) on Women, Peace and Security (II NAP 1325), in its second edition (2014-2018), approved by the Resolution of the Council of Ministers no. 50/2014, 26 August. The II NAP 1325 is also in accordance with the Strategic Concept for Portuguese Development Cooperation 2014-2020, as it reaffirms the promotion of the concept of human security, which considers the individual as a fundamental value. In this sense, the aim is to protect the individual against threats like poverty, hunger, disease, human rights' violations, sexual violence and human trafficking.



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**Strategic Goals**

**Strategic area 1 – Encouraging the participation of women in the processes of promotion and maintenance of peace and security**

<b>Measures</b>	<b>Goals</b>
1. To promote the increase of women serving in the military and security forces.	Developing campaigns targeting young people to strengthen women's participation in the military and security forces.
2. To promote the increase of women's participation in international missions for the promotion and maintenance of peace and security, for humanitarian aid and for crisis management.	Creating conditions to achieve a more equal participation of women and men in international missions for the promotion and maintenance of peace.
3. To regularly publish the vacant positions in international bodies, in order to encourage the appointment of more women to key positions, decision-making and other positions, in the international bodies that support the promotion of peace and security.	Encouraging the appointment of women to positions in the international bodies that support the promotion of peace and security.
4. To promote the appointment of women to EU, OSCE and CPLP election observation missions.	Increasing the number of women appointed to EU, OSCE and CPLP election observation missions.
5. To promote the integration of issues regarding gender equality and all forms of violence against women, young women and girls into the deployed forces, including in conflict and post-conflict settings, and into international missions for the maintenance of peace and security.	Appointing a gender focal point within the deployed forces. Ensuring the incorporation of a gender perspective into all the activities of the international missions and providing appropriate support to field operations.
6. To ensure access to psychological support for the staff and the respective families before, during and after their participation in peace and technical and military cooperation missions.	Acknowledging the possible traumatic effects on family relationships caused by the participation in situations of armed conflict and preventing the possible occurrence of family violence cases. Reducing the cases of post-traumatic stress disorder and family violence.



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Statistical Data

Total Personnel in the Armed Forces (31 <sup>st</sup> December)																		
Chart 1 - Military Personnel in the Navy (2013-2018) - Active Duty and Reserve Personnel.																		
Military Personnel by Gender	2013			2014			2015			2016			2017			2018		
	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female
Officers	1678	264	13,6	1.645	242	12,8	1643	256	13,5%	1680	267	15,9%	1700	297	14,9%	1777	376	17,5%
Sergeants	3053	208	6,4	3.060	219	6,7	2963	223	7,0%	2665	218	8,2%	2551	189	6,9%	2438	154	5,9%
Soldiers	4633	404	8,0	4.303	364	7,8	3987	341	7,9%	3939	341	8,7%	3853	329	7,9%	3792	343	8,3%
<b>Total</b>	<b>9364</b>	<b>876</b>	<b>8,6</b>	<b>9008</b>	<b>825</b>	<b>8,4</b>	<b>8593</b>	<b>820</b>	<b>8,7%</b>	<b>8284</b>	<b>826</b>	<b>9,1%</b>	<b>8104</b>	<b>815</b>	<b>9,1%</b>	<b>8007</b>	<b>873</b>	<b>9,8%</b>
Chart 1.1. - Military Personnel in the Navy (2013-2018) - Active Duty Personnel Only.																		
Military Personnel by Gender	2013			2014			2015			2016			2017			2018		
	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female
Officers	1 508	257	14,6%	1 468	241	14,1%	1463	252	14,7%	1493	266	15,1%	1546	296	16,1%	1615	370	18,6%
Sergeants	2 310	204	8,1%	2 316	218	8,6%	2247	221	9,0%	2138	218	9,3%	2083	189	8,3%	2026	154	7,0%
Soldiers	4 218	390	8,5%	3 927	363	8,5%	3510	338	8,8%	3474	341	8,9%	3372	329	8,9%	3356	340	9,2%
<b>Total</b>	<b>8 036</b>	<b>851</b>	<b>9,6%</b>	<b>7 711</b>	<b>822</b>	<b>9,6%</b>	<b>7220</b>	<b>811</b>	<b>10,1%</b>	<b>7105</b>	<b>825</b>	<b>10,4%</b>	<b>7001</b>	<b>814</b>	<b>10,4%</b>	<b>7027</b>	<b>864</b>	<b>10,9%</b>



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<b>Total Personnel in the Armed Forces (31<sup>st</sup> December)</b>																		
<b>Chart 2 - Military Personnel in the Army (2013-2018) - Active Duty and Reserve Personnel.</b>																		
Military Personnel by Gender	2013			2014			2015			2016			2017			2018		
	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female
Officers	3.376	322	8,7	3.272	278	7,8	2690	266	7,6%	2410	222	7,62%	2410	232	8,78%	3098	341	5,3%
Sergeants	5.145	333	6,1	4.933	285	5,5	4428	288	5,7%	4016	256	5,47%	4016	237	5,57%	4054	253	5,9%
Soldiers	9.104	1.452	13,8	8.336	1.190	12,5	6696	980	11,3%	5484	723	9,75%	5484	562	9,30%	5537	728	11,6%
<b>Total</b>	<b>17.625</b>	<b>2107</b>	<b>10,7</b>	<b>16.541</b>	<b>1.753</b>	<b>9,6</b>	<b>13814</b>	<b>1534</b>	<b>8,9%</b>	<b>11910</b>	<b>1201</b>	<b>8,00%</b>	<b>11910</b>	<b>1031</b>	<b>7,97%</b>	<b>15689</b>	<b>1322</b>	<b>7,8%</b>

  

<b>Chart 2.1. - the Evolution of Military Personnel in the Army (2013-2018) - Active Duty Personnel Only.</b>																		
Military Personnel by Gender	2013			2014			2015			2016			2017			2018		
	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female
Officers	2 829	320	10,2%	2 670	277	9,4%	2031	261	9,0%	1926	216	9,61%	1926	225	10,46%	2642	334	11,2%
Sergeants	3 973	331	7,7%	3 634	283	7,2%	3195	281	7,3%	3217	250	7,26%	3217	231	6,70%	3302	249	7,0%
Soldiers	9 103	1 452	13,8%	8 335	1 190	12,5%	6696	980	11,3%	5484	723	9,75%	5484	562	9,30%	5537	728	11,6%
<b>Total</b>	<b>15 905</b>	<b>2103</b>	<b>11,7%</b>	<b>14 639</b>	<b>1750</b>	<b>10,7%</b>	<b>11912</b>	<b>1522</b>	<b>9,9%</b>	<b>10627</b>	<b>1189</b>	<b>9,07%</b>	<b>10627</b>	<b>1018</b>	<b>8,74%</b>	<b>11481</b>	<b>1311</b>	<b>10,2%</b>



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Total Personnel in the Armed Forces (31 <sup>st</sup> December)																		
Chart 3 - Military Personnel in the Air Force (2013-2018) - Active Duty and Reserve Personnel.																		
Military Personnel by Gender	2013			2014			2015			2016			2017			2018		
	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female
Officers	1474	315	17,61%	1408	303	17,71%	1398	313	18,29%	1504	340	18,44%	1502	371	19,81%	1794	404	18,4%
Sergeants	2219	288	11,49%	2201	298	11,92%	2223	308	12,17%	2187	318	12,69%	2234	321	12,56%	2521	348	12,1%
Soldiers	1664	433	20,65%	1492	323	17,80%	1484	285	16,11%	1409	257	15,43%	1277	188	12,83%	1202	189	13,6%
<b>Total</b>	<b>5357</b>	<b>1036</b>	<b>16,21%</b>	<b>5101</b>	<b>924</b>	<b>15,34%</b>	<b>5105</b>	<b>906</b>	<b>15,07%</b>	<b>5100</b>	<b>915</b>	<b>15,21%</b>	<b>5013</b>	<b>880</b>	<b>14,93%</b>	<b>5517</b>	<b>941</b>	<b>14,6%</b>
Chart 3.1. - Military Personnel in the Air Force (2013-2018) - Active Duty Personnel Only.																		
Military Personnel by Gender	2013			2014			2015			2016			2017			2018		
	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female	Male	Female	% of Female
Officers	1431	315	18,04%	1367	303	18,14%	1355	312	18,72%	1467	340	18,82%	1466	371	20,20%	1544	400	20,6%
Sergeants	2198	288	11,58%	2178	298	12,04%	2195	307	12,27%	2174	318	12,76%	2220	321	12,63%	2117	347	14,1%
Soldiers	1660	433	20,69%	1490	323	17,82%	1482	285	16,13%	1409	257	15,43%	1277	188	12,83%	1201	189	13,6%
<b>Total</b>	<b>5289</b>	<b>1036</b>	<b>16,38%</b>	<b>5035</b>	<b>924</b>	<b>15,51%</b>	<b>5032</b>	<b>904</b>	<b>15,23%</b>	<b>5050</b>	<b>915</b>	<b>15,34%</b>	<b>4963</b>	<b>880</b>	<b>15,06%</b>	<b>4862</b>	<b>936</b>	<b>16,1%</b>



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**Strategic area 2 – Ensuring training for the people involved in processes for the promotion and maintenance of peace and security**

Measures	Goals
7. To conduct training programmes on gender equality and violence against women and young women, including sexual violence, gender-based violence and trafficking in human beings, for executive and technical staff in the fields of justice, armed forces and security forces.	Capacity building of professionals for the identification and criminal investigation of human rights violations committed against women, including sexual abuse, domestic violence, gender-based violence and trafficking in human beings, in conflict and post-conflict situations.
8. To conduct training programmes on gender equality and violence against women and girls, including sexual violence, gender-based violence and trafficking in human beings, for personnel in the fields of justice, armed forces and security forces assigned to international missions for the promotion and maintenance of peace and security.	Raising awareness among personnel deployed for peace and security missions about the issues addressed by the resolutions on women, peace and security, before and during the missions.
9. To promote the exchange and dissemination of lived experiences among the personnel assigned to international missions for the promotion and maintenance of peace and security.	Exchange of experiences among deployed personnel. Promoting women's participation in international missions.
10. To elaborate a report on women's participation in the armed forces in peace missions between 2008/2013 and to promote the dissemination of the findings.	Contributing to the knowledge about women's participation in peace missions.
11. To develop a Code of Conduct for personnel involved in crisis management tasks and in peacekeeping operations, as well as the respective monitoring mechanisms.	Ensuring, within the framework of UNSCR 1820, a zero tolerance policy regarding sexual abuse within the (national and international) peacekeeping contingent and between peacekeepers and local populations supported in the operational environment.



**Strategic area 3 – Promoting the goals of United Nations Security Council Resolution 1325 (2000) in the external action of Portugal**

Measures	Goals
12. To integrate the «women, peace and security» theme into the bilateral and multilateral technical and military cooperation actions.	Contributing to the understanding of the relationship between gender issues, including women’s needs and perspectives in conflict/post-conflict situations, and the defence structures.
13. To include the «women, peace and security» theme in the cooperation in matters of justice and security with others States, namely aiming to the implementation of Resolution 2106, adopted by the UNSC.	Ensuring that measures are taken so that women, young women and girls victims of violence, including sexual violence, have the right to protection and reparation, and that the perpetrators are punished.
14. To integrate the issues regarding gender and violence against women and girls, including domestic violence, harmful traditional practices and trafficking in human beings, as well as the issues regarding the need to protect the victims and the punishment of the perpetrators, into the context of the technical and legal cooperation with the ministries of the justice, courts and criminal investigation entities of the partner countries.	Strengthening the guidance to partner countries on their obligations under UNSCR 1325, international humanitarian law and the human rights, including supporting the elaboration and enforcement of gender-sensitive legislation.
15. To promote the integration of the «women, peace and security» theme into the United Nations, EU, CPLP, OSCE and NATO documents.	Introduction of the perspective (mainstreaming) of the women, peace and security theme into the United Nations, EU, CPLP, OSCE and NATO systems.
16. To actively participate in the EU task force for the implementation of UNSCR 1325.	Contributing to stimulate the task force and the implementation of UNSCR 1325 at the EU level.
17. To promote the goals of UNSCR 1325 in CSDP missions of the European Union, namely to increase women’s participation and to conduct training on UNSCR 1325, including on sexual violence in conflict situations, on HIV/AIDS and on women’s health.	Increasing the number of women in CSDP missions. Ensuring training on UNSCR 1325 for personnel involved in CSDP missions.
18. To make recommendations to other States on the implementation of UNSCR 1325 in the national reports submitted to the Universal Periodic Review of the United Nations Human Rights Council.	Promoting the implementation of UNSCR 1325 in other States.
19. To regularly contribute to the United Nations Indicators to Track Implementation of UNSCR 1325.	Contributing to measure the implementation of UNSCR 1325 at the international level.



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20. To support the strengthening of the participation of women, young women and girls and the defence of their human rights, power and influence in development cooperation projects.	Supporting projects that promote the participation and empowerment of women, young women and girls in the development process.
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**Strategic area 4 – Deepening and dissemination of knowledge about the «women, peace and security» theme, and raising awareness among decision-making stakeholders and the community**

Measures	Goals
21. To disseminate the II PNA 1325.	Dissemination among national and international partners, and the general public, of the II PNA 1325. Involving the major sectors in the execution of the II PNA 1325.
22. To include the subject of «women, peace and security» in courses conducted by the IDN.	Deepening the knowledge about the women, peace and security theme.
23. To manage and update the women, peace and security website.	Improving access to information and disseminating among the general public the main national and international initiatives regarding matters of women, peace and security.
24. To conduct debates on the «women peace and security» theme.	4 debates.
25. To disclose documents and international guidelines regarding matters of women, peace and security.	Making known to the general public the international guidelines regarding matters of women, peace and security.
26. To promote awareness raising programmes on health and human rights issues, including on sexual violence and gender-based violence, according to the goals set out in the plan, for higher education students.	1 awareness raising programme per year.





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**Strategic area 5 – Promoting the participation of the civil society in the implementation of the United Nations Security Council Resolution 1325 (2000) on Women, Peace and Security (2014-2018)**

Measures	Goals
27. To promote meetings with representatives of the civil society for the implementation, follow-up and assessment of the II PNA 1325.	2 meetings per year.
28. To cooperate with civil society organizations in the exchange of expertise within the framework of gender-based issues, in the operational environment and international missions for the maintenance of peace, civil crisis management and emergency management within civil protection.	Enhancing the work of all stakeholders in this field, through facilitating dialogue between the various stakeholders operating in the field.
29. To support cooperation projects promoted by civil society organizations within the intervention scope of this plan.	Contributing to improve and enhance the work of civil society organizations in this field. Promoting gender equality, women's empowerment and participation and the combat of all forms of violence against women, young women and girls in third countries.

**Paramilitary:**

There are no paramilitary forces.

**Security Forces:**

In Portugal, concepts such as “mobilization” or “duty calls” do not apply. Members of the police forces are volunteers.

As a consequence of Law for the Military Services (Nr. 174/99), the general conditions for admittance to the National Republican Guard were enlarged, in two fields: the recruitment is no longer based exclusively on the personnel who have done the military compulsory service; and, consequently, the inclusion of Volunteer Military Service and feminine personnel.

The initial training of National Republican Guard elements covers a wide range of subjects with special focus on laws and technical police duties, on military training in general and on vocational and physical training.

Officers' initial training is more demanding and takes place in the Military Academy - a college offering a Master degree in military sciences.



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Besides their initial training, they periodically attend a number of training courses aimed to develop know-how and skills in the field of human rights, liberties and guaranties of the citizens, in police and professional ethics and in issues regarding immigrants and ethnic minorities.

In what concerns admissions in the Public Security Police, candidates may apply to the Higher Institute of Police Sciences and Internal Security / ISCPSI (only for Officers) or to the Police Training College (for categories below). The ISCPSI was created in 1982. Back then it was called Superior School of Police. It started the curricular activities in 1984. In matters of training, the Institute provides, since then, the senior police officers course, based on 5 fundamental areas:

- Ethics
- Humanist
- Scientific
- Technical
- Technological

The Higher Institute of Police Sciences and Internal Security (ISCPSI) is a higher institute on police matters that has the mission of training the senior police officers, promote the permanent improvement, coordinate and collaborate in investigation projects and development in the homeland security issues. The Institute provides the academic degrees, according to the law, in areas that are relevant to the Homeland security. The

applications are made by public announcement. The number of vacancies is determined every year by the Internal Affairs Ministry, and published on the II series of the Republic Diary.

Training of police officers (beat/patrol Officers) and mid-rank police officers (sergeant):

- The Police Practical School is an academy of police training on the dependence of the PSP National Director; and has the mission to provide all kinds of training (basic, specialization and improvement) to police officers and mid-rank police officers.
- The PSP organizes internships and promotion courses of police officers since 1977, granting the students:
  - A technical and humanist training that allows them to fulfill their duties with efficiency and civility.
  - A high sense of duty and honor, integrity, discipline and responsibility necessary to their role.
  - A physical training that allows them to face all kind of adversities with vigour.



- The applications are made by public announcement.
- The number of vacancies is determined every year by the Internal Affairs Ministry, and published on the II series of the Republic Diary.

After the initial training, police officers must take regular tests and specific training courses, according to the areas they intend to work in.

### **3.2. What kind of exemptions or alternatives to military service does your State have?**

The Law for objectors as a matter of conscience (Law 7/92, May 12, ruled by Decree 191/92, Sep 8) no longer deals with the alternative to the compulsory military service, that ended in 2004. However the objectors can use it in case of exceptional recruitment and to justify their absence to the National Defence Day. For that purpose, they have to present to the National Committee for Objectors a declaration stating that condition. As a consequence, after confirmation by that committee, the name of the objector is included in an objector's list, registered in the Cabinet of Civic Service for Objectors of Conscience, making him eligible for the community service instead of the exceptional military service with equivalent duration. The educational level and professional ability are taken into consideration, once the educational training is completed, with a view to deciding upon the proper assignment.

The article 38 of Law 174/99 of September 26 (Law for the Military Service) exempts the descendants of killed or deficient militaries from Armed Forces.

### **3.3. What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?**

In Portugal, the military personnel are ruled by special statutory legislation, but in specific subjects, as maternity, holidays, they follow civilian rules, although their military status may impose certain restrictions to such rights.

The democratic political control is exercised through a set of appropriate legislative documents that includes:

- The Portuguese Republic Constitution;
- The National Defence Law;
- The Law on Organizational Aspects of the Armed Forces;
- The Internal Security Law;
- The Decrees related to the organization of each Service and for the General Staff.



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- The Military Personnel Statute altered by the Decrees Law 25/2000 of August 23, 197-A/2003 of August 30, 70/2005 of March 17, 166/2005 of September 23, 310/2007 of September 11, 330/2007 of October 9, which is subject to Parliament approval, regulates (art. 18 through 25) the civic capacity of the military personnel including the right to vote and the right to participate in activities of political nature, while not in active duty. By the Organic Law 3/2001, of August 29, the Parliament consecrated, with restrictions, the “right of professional association” concerning the military. The rights of the military associations are clearly stated in the Law and from the exercise of the related rights cannot result any kind of harm to the duties and the tasks legally conferred to the military.
- The Legal Regime for the Ombudsman (elected by the Parliament) covers his prerogatives related to the National Defence and Armed Forces;
- The Military Code of Justice, which is applicable at the court level (it requires parliamentary approval);
- The Military Disciplinary Rule governs at civilian and military level the behavior of military personnel in active duty, reserve or retired situation. It includes a chapter related to rights and guarantees;
- The Law for the Military Service addresses the management of the human resources for the Armed Forces and the recruitment/call up of personnel for active duty;
- The Law for objectors as a matter of conscience no longer deals with the alternative to the compulsory military service that ended in 2004. However the objectors can use it in case of exceptional recruitment and to justify their absence to the National Defence Day.
- Both GNR and PSP Disciplinary Rules are applicable to all their police officers. Civilians working for both GNR and PSP are governed by the Civil Servants Rules.

#### **4. Implementation of other political norms, principles, decisions and international humanitarian law**

##### **4.1. How does your State ensure that International Humanitarian Law and Law of Wars are made widely available, e.g., through military training programmes and regulations?**

The translation and publication of the Code was carried out to make possible a rather wide circulation. It was decided to recommend, to the three services of the Armed Forces, the inclusion of the Code of Conduct in the curricula of the several courses which are taking place in the Navy, Army and Air Force, not only at the level of Military Academies but also of staff Courses.



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It has also been decided that, besides the Institutes and Academies, the Code of Conduct should also circulate within the several Commands, mainly through its introduction in the teaching/military training programmes.

The GNR also includes in their courses – from the category of privates to officers – a training in the area of the international law: the Conventions of Human Rights, the Conventions adopted by the United Nations and to which Portugal is committed, as well as the Conventions within the framework of the European Union and European Council.

The PSP, in its various Training and promotion courses (Agents, Chiefs and officers), includes Constitutional Law Subjects, Ethics, International Law and Human Rights, including the study of their Standards, Regulations and Conventions;

In addition and in obedience to the framework defined by UN, the PSP created a Training Centre for International Missions, where the following courses are provided, with the highest international standards of international humanitarian law as frame of reference:

- Joint Training Course for International Missions – provided to all police officers who are to integrate an international mission;
- International Mission Command Course – directed to senior police who aim to perform key position within the missions;
- Preparation Course for International Missions (PCIM) – addressed to police officers already appointed for a specific IM, standing by for deployment.

#### 4.2. What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

The system implies that almost every decision on defence issues is to be taken with the participation of more than one body. The main purpose of that system is to have defence issues or defence policy out of the political struggle. Once objectives of defence policy have higher national dimension, that policy should not be subjected to instability. The Portuguese system considered that the better way to assure stability to defence policy was to share responsibilities and competences between State bodies, calling all of them to participate on it.

The Armed Forces military personnel receive instruction/formation aiming to provide awareness of the limits and caveats of their area of activity, regarding potential violations of the Human Rights, the Humanitarian Law and the Law of Armed Conflicts. This awareness is further increased and refreshed each time any military goes on an overseas mission, during the specific training and preparation program prior to deploy. Commanders are accountable for the actions of their staff and exercise supervision to ensure no disrespectful actions occur.



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4.3. How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

All the doctrinaire references applicable to the Armed Forces in the field of Policy, Rights and International Relations rules, War and Humanitarian Laws, are included in the training and educational programmes in a proportion ranging from 10 to 15% for the higher educational levels.

4.4. What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?

Very specific actions were taken to assure the implementation process of the Code of Conduct, in conformity with the traditional Portuguese military training related with the legal aspects involving armed conflicts.

4.5. How does your State ensure that its defence policy and doctrine are consistent with international law?

In general, the school programmes aim at acquainting the officers and non-commissioned officers (NCOs) with a set of generic concepts regarding the Code of Conduct. These are viewed within the context of the new conditions of the international political scenario, which is currently favorable for initiatives of multilateral co-operation with the purpose of achieving an improved security environment in an increasing democratic space.

The efforts that the Portuguese police and security forces under the authority of the Ministry of Internal Affairs have been making to enhance training of their regular personnel should be stressed out. For the Public Security Police, the main concern has been the education on "Human Rights" matters, - both at training centers and in operational units - on doctrines specifying the limits of police power in the context of international law-abiding texts Portugal is committed to.

Resulting from Portugal's membership of the North Atlantic Alliance, the Armed Forces follows NATO's operational doctrine. The Alliance discusses all its operational doctrine among the 29 independent member countries, before national ratification, ensuring its consistency with the international Law.



### **Section III: Public access and contact information**

#### **1. Public access**

##### **1.1. How is the public informed about the provisions of the Code of Conduct?**

The main entity responsible for the promotion of the Code of Conduct is the National Defence Institute, through the annual National Defence Course, the Defence Course for Young People, and the Defence Course for Journalists’.

##### **1.2. What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?**

The Government promotes the dissemination of information related to the Code of Conduct through the OSCE website, and references on academic papers and conferences.

##### **1.3. How does your State ensure public access to information related to your State’s armed forces?**

The Portuguese Government aims to keep the general public informed about the Portuguese Armed Forces in several aspects. This dissemination of information is made mainly through the Armed Forces websites, through conferences and courses – especially the ones offered by the National Defence Institute: the National Defence Course, the Defence Course for Young People, the Defence Course for Journalists’, among others), through participation in exhibitions and through the National Defence Day (the latter aiming at reaching the younger population).

The Armed Forces maintain a proactive Public Information posture, using the electronic media platforms, to keep the wide public informed of its activities. Furthermore, the Armed Forces promote: Military Units facilities Open Days to the local community; embedded conventional media (journalists) opportunities; Aviation Spotter events; visits to schools (together with the recruitment branch) and youth events; etc. All these planned events aim to ensure the public support of Armed Forces activities, both internally and abroad.

The Air Force has a military radio station (Radio Lajes) transmitting from Lajes Air Base in the Azores, but available on the internet. The station has a strong audience among the Portuguese/Azorean diaspora (especially in the United States) via internet.



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Radio Lajes is also used to promote the moral and welfare for deployed Air Force personnel, when in mission in other parts of world.

2. Contact information

2.1. Provide information on the national point of contact for the implementation of the Code of Conduct.

The coordinating entity of the contact procedures with the departments responsible for filling out the Code of Conduct questionnaire is the National Defence Policy Directorate of the Ministry of National Defence, who, after receiving all the contributions, forwards them to the Ministry of Foreign Affairs.

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