



**PERMANENT REPRESENTATION OF PORTUGAL
TO THE OSCE**

Nr. 37 /13

VERBAL NOTE

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

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

Vienna, 12 November 2013.



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

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THE REPUBLIC OF PORTUGAL

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

LANGUAGE: ENGLISH
DATE TO BE EXCHANGED: YEAR 2013

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MINISTRY OF NATIONAL DEFENCE
DEFENCE POLICY DIRECTORATE

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LIST OF ACRONYMS

AF	Armed Forces
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 Supervising Council
ISSPR	Intelligence Services System of the Portuguese Republic
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
SDMIS	Strategic Defence and Military Intelligence Service
SEPNA	Environment and Nature Protection Service
SIED	Defence Strategic Intelligence Service
SIRP	Intelligence System of Portuguese Republic
SIS	Security Intelligence 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 co-operation 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).



Concerning the 12 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

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 4° 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 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 Code of Criminal Procedure.

The Decree Law 48/95, of March 15 made some changes over 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 amended through Law 65/98 of September 2, which led to a change in Article 240 (racial or religious discrimination), Article 275 (explosive 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.

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 31st 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 intelligence System (SIRP) - Law 30/84, 5th September, amended by the organic Law 4/2004, 6th 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 services) and according to the article 25º/2/e) of the Law 53/2008 of 29th August, the Portuguese Security Intelligence 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 5th September, altered and republished by the Organic Law 4/2004 of 6th November. Also SIED (the

external intelligence service), in the vast spectrum of is work, gathers and disseminates several information referent to terrorism.

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.

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 5th 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).

The Defence Strategic Concept/NDSC was implemented in 2002. 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. Although these missions are new to the military, they are able to carry out these tasks given the necessary means.

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, in a military level, the prevention and repression of terrorism. The prevention and repression of the terrorism has been seen as an “external threat” 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”.

The defence measures against maritime terrorism have been implemented nationally IAW correspondent declared alert state. They are part of general measures and mainly, they foresee the surveillance of suspected vessels crossing Portuguese areas of interest and

namely in territorial waters as well as the safety of shipping entering ports alongside in harbors, specially allied and friendly ships.

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 combat illegal maritime activities, such as drug trafficking, illegal immigration, weapons proliferation, piracy and, naturally, terrorism. Marine Forces are 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. However, it is the Navy that encompasses both the expertise, founded on the experience of law enforcement at sea, and the oceangoing assets able to perform such functions. 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 the terrorism. Although all the Army Forces can be trained to act in response to this kind of threats, 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 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;
- One Medical Task Force;
- One NBC Defense Element;
- One Bromatology and Biological Defense Lab;
- One Toxicology and Chemical Defense Lab

For the defence against civil aircraft used to perpetrate terrorist attacks, the **Air Force** keeps a 24/7 air surveillance system and quick reaction fighter aircraft at appropriate readiness state. Following the implementation of NATO Renegade concept, the Air Force developed procedures and arrangements to adapt the air command and control system and to streamline the political decision process. Additionally, procedures between the military air defence and the civil air traffic control have been developed and exercised in accordance with NATO and EUROCONTROL guidance.

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 Company.

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-mile zone, a Special Unit called Coastal Control Unit contributes to protect national territory against threats coming in by sea.

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) integrates a unit - "*Special Operations Group*" (GOE), created by Decree 506/79, of December 24th which is exclusively in charge of carrying out anti-terrorist actions. The Special Operations Group is called into action in case any terrorist or tactical incident takes place, such as high-jacking or kidnapping. GOE is supported by the Intervention Group (CI), Personal security Group (CSP), Explosive Device Inactivation Centre (EOD Teams) and the K9 Unit. The EOD Teams in the role on fight against terrorism has an exclusive mission on non – military guns and explosive control in national territory. The remaining staff of the PSP, especially the dedicated to criminal investigation, also develops preventive measures on counter-Terrorism.

In Portugal there is a Security Service – the **Criminal 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*".

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 22nd August 2003), the Counter-terrorism Act – which corresponds to the transposition of the Council Framework Decision number 2002/475/JHA dated 13th 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 4th 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 5th June (which corresponds to the transposition of the Council and Parliament Framework Decision number 2005/60/CE, dated 26th of October, and the Commission Directive number 2006/70/CE, dated 1st 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 3rd 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.”

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

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 Germany signed in Bonn on 29th April 1998 and entered into force on 25th June 2001.

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 27th 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.

According to the internal organic of PJ – previewed under the Decree Law 42/2009, that regulates the 37/2008 Act, dated 6th 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 25th 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, Security and Intelligence 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 15th March to 15th July 2004, the UCAT meetings were held on a daily basis, as a direct result of the Islamist terrorist attack in Madrid on the 11th 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 15th 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 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.

Since then, 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).”

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.”

- 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 and is responsibility of the Ministry of Defence. It is discussed at the level of Council of Ministers, approved and then submitted to Parliament, for approval, as a part of the **overall State budget**.

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?

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?

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 (MDAFL), 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 Department of the 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 the Ministry's competencies.

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.
- 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.
- 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:

In Chapter of intelligence it must be taken into account the reform that has taken place in SIRP giving an exclusive competence concerning the production of the necessary intelligence for safeguarding national independence and sovereignty, and for guaranteeing internal security. Since the approval of the Organic Law 4/2004, 6th November, that amended Law 30/84, 5th September,



and innovated the traditional methods of coordination between services by establishing the figure of the Secretary-General of SIRP, person in charge of directing the superior activity of production o

intelligence necessary to safeguard national independence and national interests, as well as ensuring the external and internal security of the Portuguese State through the two directors of the Portuguese intelligence services, SIED and SIS. The referred organic law also changed the nature of the SIED determining the loss of the military component and designation (it used to be SIEDM). To improve this reform, in 2007 the Portuguese parliament approved law 9/2007, 19th February, to develop other sensible aspects of the system.

Due to the events of March 11th 2004, the Portuguese Government decided to expand the UCAT. Nowadays, all Police Forces, including GNR and Intelligence and Security Services participate routinely in UCAT in order to exchange information and intelligence. The purpose is to fight such threats as terrorism with new means.

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. 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 military 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 43rd position among United Nations members (as of 19th March 2011 Portugal is involved with a total of 734 elements).

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 tranquillity, 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;
- 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.

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.

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 International Peacekeeping Operations and Civil Crisis Management and has already deployed 2.452 military officers in FPU/IPU/MSU and 268 Observers or Staff Officers.

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 ad guarantees:



- Promote the security terms that assure the regular running of the democratic institutions, as well as the prosecution 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.
- 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 formation and information in matters of citizen 'safety and security.
- Prosecute al 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 formation 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:

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

- Criminal Investigation:

- Prosecute 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: Embassy and ambassadors security, Diplomatic Missions and UN, ED 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.

Public Security Police is also involved in International Peacekeeping Operations, currently amounting to 3 elements. 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 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 1st, when it is investigating the facts by its own; and the 2nd, 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?

Military:

The Portuguese Armed Forces completed its transition period, from the Conscript System to the Professionalization Process of the Armed Forces, in September 2004.

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 14th).

The military service was compulsory for male citizens till 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.

Since 19 November 2004, Portugal has reached the goal of fully professionalized Armed Forces.



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-candidateship form to the contractual or volunteer regimens.

- Systematic Public Information Campaigns

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, Portugal has adopted the resolution of the Ministers' Council n° 71/2009 (13th August) as well as the National Action Plan for the Implementation of Security Council Resolution United Nations n° 1325 (2000) on " Women, Peace and Security." This Action Plan has a time horizon of five years. In addition to this plan, in terms of Gender Equality, Portugal has been implementing its IV National Plan for Gender Equality , approved by Resolution of the Ministers' Council n° 5/2011 , (18th January), by implementing several sector's plans . This Plan will end in December of 2013 and presently the next phase of this contextualizing document is being drafted. The Ministry of National Defense, through the 12th of December (2012) order of His Excellency the Secretary of State and National Defense, also approved the respective Sector Plan and is currently drafting an implementation report .

In the Portuguese Armed Forces women represent 11 % of the total military personnel, representing 7 % of the military that constitutes the permanent staff and 21 % of the military in a Volunteer / Contract regime. On March 31, 2013 there were 34 women in Humanitarian Missions and Peace, representing 5 % of the total 669 military staff in those missions.



Reinforcing the importance that Portugal gives to these matters, the Navy was also stressed the creation of an Office of Gender Perspective, within the Directorate of Personnel Services, by order n° 21/2013 of April 15 of the Navy Chief of Staff, in order to collect information and deal with issues related to the gender perspective in the Portuguese Navy.

Strategic Goals

Strategic Goal n° 1

- “Increase the women's participation and integrate the dimension of gender equality in all phases of peacebuilding missions”

Specific Goals	Activities
Increase the number of women in the Armed Forces (FA) and in the Security Forces and Services (FSS)	Progressively eliminate current infrastructure constraints.
	Improve campaigns that aim to increase the number of women in the FA and the FSS.
Promote the participation of women and the inclusion of a gender equality dimension in the missions to support of peace and security.	Conduct awareness raising and information activities for the female personnel in the FSS and FA in order to increase the applications to participate in the peacekeeping missions.



	<p>Hold conferences about the gender equality perspective in the peacekeeping missions.</p>
	<p>Promote the national and international importance of a focal point for gender equality in international missions.</p>
<p>Promote the elimination of logistic constraints inhibiting women's participation in peace and security support missions</p>	<p>Addressing the specific needs regarding the logistical aspects.</p>
<p>Promote the participation of women and the inclusion of a gender equality dimension in technical missions of peace-building and security as well as of strengthening good governance</p>	<p>Outreach the authorities and institutions regarding the importance of women's participation and inclusion of the gender equality topics in technical missions</p>
	<p>Insert the participation of women as a criteria for creating technical teams</p>
	<p>Integrate, in capacity building programs, concerns about the implementation of CEDAW and other relevant international instruments.</p>



Ensure that any external intervention in the state, bilateral, multilateral and EU level and, in particular, within bilateral cooperation programs approach the theme of "Women, peace and security"	Integrate in the State's external interventions, especially bilateral negotiations, dialogue and political debate on this issue.
Support the appointment of women for positions in international organizations that support peacebuilding and security.	Publicize regularly any vacant posts in EU bodies and international organizations, with express reference in the notices of this goal of the National Action Plan
Promote the appointment of women for higher positions in international organizations that support peacebuilding and security	Develop and maintain a database of potential female candidates for positions in international organizations on the site dedicated to the National Action Plan for the UNSCR 1325

Total Personnel in the Armed Forces

Chart 1 - the Evolution of Military Personnel in the Army

Military Personnel by Gender	2010			2011			2012		
	Male	Female	% Female ^o	Male	Female	% Female ^o	Male	Female	% Female ^o
Officials	3.421	418	11%	3.101	367	11%	2.879	342	11%
Sargeants	4.778	506	10%	4.537	431	9%	3.970	351	8%
Soldiers	9.587	2.336	20%	8.477	1.815	18%	9.231	1.633	15%
Total	17.786	3.260	15%	16.115	2.613	14%	16.080	2.326	13%



Total Personnel in the Armed Forces									
Chart 1 - the Evolution of Military Personnel in the Navy									
Military Personnel by Gender	2010			2011			2012		
	Male	Female	% Female	Male	Female	% Female	Male	Female	% Female
Officials	1.649	265	14%	1.602	260	14%	1.498	242	14%
Sargeants	2.623	183	6%	2.434	189	7%	2.269	195	8%
Soldiers	5.100	467	8%	4.714	433	8%	4.268	392	8%
Total	9.372	915	9%	8.750	882	9%	8.035	829	9%

Total Personnel in the Armed Forces									
Chart 1 - the Evolution of Military Personnel in the Air Force									
Military Personnel by Gender	2010			2011			2012		
	Male	Female	% Female	Male	Female	% Female	Male	Female	% Female
Officials	1.864	357	16%	1.741	345	16%	1.673	349	17%
Sargeants	2.421	242	9%	2.351	262	10%	2.240	275	11%
Soldiers	1.890	636	25%	1.639	551	25%	1.634	499	23%
Total	6.175	1.235	17%	5.731	1.158	17%	5.550	1.123	17%

Total Personnel in the Armed Forces									
Chart 1 - the Evolution of Military Personnel in the National Republican Guard									
Military Personnel by Gender	2010			2011			2012		
	Male	Female	% Female	Male	Female	% Female	Male	Female	% Female
Officials	717	32	3%	722	41	5%	743	46	6%
Sargeants	2.532	62	2%	2.495	80	3%	2.531	99	4%
Soldiers	19.204	929	4%	18.597	1.027	5%	18.735	1.050	5%
Total	22.453	1.023	4%	21.814	1.148	5%	22.009	1.195	5%



Total Personnel in the Armed Forces									
Chart 1 - the Evolution of Military Personnel in the Police									
Military Personnel by Gender	2010			2011			2012		
	Male	Female	% Female	Male	Female	% Female	Male	Female	% Female
Officials	677	70	9%	677	70	9%	677	70	9%
Sargeants	2.227	227	9%	2.227	227	9%	2.227	227	9%
Soldiers	16.998	1.261	7%	16.998	1.291	7%	16.998	1.261	7%
Total	19.902	1.558	7%	19.902	1.558	7%	19.902	1.558	7%

Chart 1 - the Evolution of Military Personnel in the Immigration Services									
Military Personnel by Gender	2010			2011			2012		
	Male	Female	% Female	Male	Female	% Female	Male	Female	% Female
Leadership	16	14	47%	20	13	39%	20	13	39%
Department Managers	37	13	26%	31	13	30%	31	13	30%
Total Inspectors	561	134	19%	564	135	19%	564	135	19%

Chart 1 - the Evolution of Military Personnel in the ANSR									
Military Personnel by Gender	2010			2011			2012		
	Male	Female	% Female	Male	Female	% Female	Male	Female	% Female
Total	26	45	63%	24	36	60%	34	49	59%



Strategic Goal nº 2

- "Ensure that the persons involved in the processes of peace building, get the proper training both on gender equality and gender violence as well as on other aspects relevant for the UNSCR nº1325 (2000) and 1820 (2008)"

Specific Goals	Activities
Promote the training and awareness of decision-making entities of the role of women in the building and maintenance of peace and security	Conduct awareness raising sessions, particularly for the INA courses
	Hold conferences about CEDAW and lessons of the ESDP
Constitute a group of experts on "Women, Peace and Security "	Identify experts on the subject of "women, peace and security."
Promote the harmonization of the contents about violence gender and on "women, peace and security" for the education of elements who will participate in international missions	Addressing the specific needs regarding the logistical aspects.



Promote the participation of women and the inclusion of a gender equality dimension in technical missions of peace-building and security as well as of strengthening good governance	Create a training manual on gender equality, including international law on human rights and protection of women and children, the issue of gender equality, sexual violence and violence gender, the Peaceful Resolution of Conflicts, CEDAW, the CRC and the Beijing Platform for Action
	Translate Gender & Security Sector Reform Kit into Portuguese.
Ensure training, about the role of women in the processes of construction and maintenance of peace, to people who participate in missions for peace and security	Conduct training activities on 'women, peace and security ', including specific actions on sexual violence and gender-based violence, namely for military personnel
	Hold conferences during the event
Integrate the gender equality topic in the training for cooperation agents as well as volunteers	Create a specific module on gender equality in training activities for cooperation agents and volunteers
Promote the exchange of experience between elements deployed in peacekeeping and security missions	Hold meetings to exchange experiences



Promote the introduction of the theme "Women, peace and security" in the continuous training of teachers dedicated to the subject of education for citizenship	Integrate the theme "Women, peace and security" in the actions of continuous training for teachers
Promote the integration of the theme "Women, peace and security" in education for citizenship in perspective of education for peace	Integrate the theme "Women, peace and security" in the area of citizenship education in schools

Strategic Goal nº 3

- "Promote and protect the human rights of women and girls in conflict zones and post-conflict situations, taking into account the need to:
 - a) Prevent and eliminate perpetrated gender violence against women
 - b) The promotion of women's empowerment"

Specific Goals	Activities
Promote a campaign in the Community of Portuguese Speaking Countries (CPLP) about gender violence	Develop approaches for the realization of this campaign.
Publicize existing codes of conduct for the elements that will integrate peacekeeping missions	Translate into Portuguese the existing international codes of conduct, including those of the EU, UN and NATO
Promote the respect of human rights, including those of women and girls, in the bilateral and multilateral political agendas	Include the discussion of human rights of women and girls in the bilateral and multilateral political dialogue about countries in conflict and post-conflict



<p>Incorporate the dimension of gender equality in the activities of development promotion</p>	<p>Achieve, when possible, the dimension of gender equality in activities of development promotion</p>
<p>Support the increased participation of women and girls and the protection of their human rights, power and influence</p>	<p>Empower whenever possible, groups of women that target the development of local activities of reconstruction, employment and income generating activities</p>
	<p>Promote, where possible, actions in favor of information and the empowerment of women and girls, including adult education</p>
	<p>Promote, where possible, actions education awareness of women and girls in health issues, especially with regard to HIV / AIDS</p>
<p>Encourage the implementation of cooperation activities that aim to promote and strengthen women's social networks</p>	<p>Support, where possible, projects that promote partnerships between civil society organizations, including women, youth, churches, women's section of political parties in third countries</p>



Strategic Goal n° 4

- “Deepen and spread information about the topic of "Women, peace and security”, including outreach sessions towards decision-making entities and the public”

Specific Goals	Activities
Create a website for the National Action Plan for the UNSCR 1325	Create and manage a website for the National Action Plan for the UNSCR 1325
Gather and regularly work data required by the indicator adopted by the EU's Employment and Social Policy Council (EPSCO) for the monitoring the implementation of the Beijing Platform for Action	Collect information that matches the indicators adopted after each mission
	Gather regularly, in each ministerial area, the information required by the indicators
Deepen and develop the area of "women, peace and security" in the framework of the	Create a working group, with the National Institute of Statistics, in order to identify possible indicators and



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National Statistical System	statistical data that can be analysed and integrated into the National Statistical System
Promote the increased support of the research related to the topic of "Women, peace and security" by the Foundation for Science and Technology (FCT)	<p>Integrate the theme "Women, peace and security" on the list of areas to be covered by the FCT's national competitions for funding scientific research</p> <p>Conduct a public presentation of the National Action Plan for the UNSCR 1325 with political participation civil society as well as EU, UN and IANSA presence</p>
Inform and sensitize the public on the theme "Women, peace and security"	Edit and publish the National Action Plan for the UNSCR 1325 in Portuguese and English
	Promote sessions targeted to the general public on the theme "Women, peace and security."
Outreach initiatives to the media about this topic	Produce a kit with relevant information on the topic for the media



Strategic Goal n° 5

- “Promote the participation of civil society in the implementation of the UNSCR n° 1325”

Specific Goals	Activities
Support projects that comply with Resolution n. ° 1325 (2000) and other international legislation on gender equality perspective	
Disseminate information on the activities of individuals and entities from civil society regarding the topic of Resolution n. ° 1325 (2000) in situations of conflict or post-conflict	Create an area reserved for civil society in the website
Include representatives of the Portuguese civil society in the evaluation of the implementation of the National Action Plan for the	Include civil society representatives in the working group for implementation, monitoring and evaluation of the National Action Plan for the UNSCR 1325



UNSCR 1325	
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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.

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 formation, 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 forming 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.

Formation 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 PPS organizes internships and promotion courses of police officers since 1977, granting the students:

oA technical and humanist formation that allows them to fulfill their duties with efficiency and civility.

oA high sense of duty and honor, integrity, discipline and responsibility necessary to their role.

oA 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.

This legal framework made it possible to implement a number of mechanisms that ensure the democratic political control of the Armed and Security Forces, namely:

- 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 courts level (it requires parliamentary approval);
- The Military Disciplinary Rule governs the civilian and military 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 branches 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.

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.

- 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.

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).

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.