

[Covid-19] State of Emergency in Portugal - What does this mean?

Starting from the 18th of March 2020 (11 pm), Portugal implemented the State of Emergency in the country.

But what is a State of Emergency and which implications does it have?

Declaring a State of Emergency “confers to the corresponding authorities the right to take the necessary and adequate steps to reestablish the constitutional normality” as established by the Portuguese Constitution in its number 19.

It can be declared under cases of imminent or effective aggression by foreign forces, of great threat or disturbance of the democratic constitutional order or **public calamity**. The law that regulates the State of Emergency is 44/86 of 30 of September.

The State of Emergency, in any case, can not affect the right to life, personal identity and integrity, citizenship and can not affect the civil capacity of each person. In some cases, it **can determine the suspension of some rights, freedoms and guarantees susceptible to be suspended**, but always within some limits and under the principle of equity. It can **limit the right to freedom**. For example, isolation/quarantine **can** be mandatory, despite the recommendations given until now to be under voluntary quarantine. In case you don't comply with the mandatory one (in case it is imposed by the government) you incur in a disobedience crime, which can lead to up to a year of jail time.

The same can be applied to vehicle circulation, which **can be restricted**.

During this time, citizens continue to have access to courts, for the defence of their rights, freedoms and guarantees.

The State of Emergency needs to be well justified. It is declared by the President, after listening to the Government and an authorisation from the Assembly of the Republic.

When the State of Emergency is declared it is determined exactly which rights, freedoms and guarantees are suspended and which territorial scope it is applied to.

The maximum time for the State of Emergency is **15 days**, but it **can be renewed** at the end of that period.

*Which are the **measures taken by the Portuguese Government** on the 19/03/2020 for the State of Emergency in Portugal?*

These measures start to have effect on the 22nd of March 2020.

- People of 65+ y.o. will have two specific hours to go shopping;
- **Patients infected with COVID-19 or under isolation by order of the sanitary authorities have to be under mandatory quarantine**, and not doing so is incurring in a disobedience crime for violation of the mandatory isolation;
- For the remaining citizens, the ones that are not sick or under active surveillance, “the general duty of home collection” is imposed, having the **duty to avoid unnecessary displacements outside of the home premises**;
- During this period you should only go out for the following things:
 - To acquire goods and services;
 - To perform professional services (work) that can't be done at home as remote work;
 - To acquire the needed and essential tools to be able to do your job, when you are working remotely;
 - For health-related purposes, such as to get health care and transport people who need such care;
 - For other urgent matters, such as:

- Transportation when there is the need to host victims of domestic violence or human trafficking; Transportation of veterinarians, of pet owners for vet assistance, of care-takers from authorized facilities, volunteers from animal associations, that need to take care of such animals;
- For family matters, to assist vulnerable people, disabled people, kids, parents, elderly, among other dependent people;
- For other imperative family matters, such as complying with shared custody, as agreed by both parties or the court;
- To go to the bank or insurance agencies;
- For short-duration physical activity, as long as it isn't done by more than 2 people together;
- For short-duration walks for walking your pets;
- For people with a free-pass, due to their functions and legally signed;
- For diplomatic or consular missions and of the international organisations in Portugal, as long as they are related to official matters;
- To go back home;
- Other major force matters, as long as they are thoroughly justified;
- Personal vehicles can only circulate to do the aforementioned activities or for refuelling;
- The following activities are **NOT** suspended:
 - E-commerce activities, service provision activities that are provided remotely, without contact with the public, or that develop their activity through an electronic platform; Retail trade activities or service provision activities located along the motorway network and inside

railway, airport, river and hospital stations, unless the closure of those infrastructures has been or will be determined.

- In establishments (physical space), measures must be taken to ensure a **minimum distance of two meters between people, a stay for the time strictly necessary to purchase products and a ban on the consumption of products inside**. The provision of the service and the transportation of products must be carried out with respect for the necessary hygiene and sanitary rules defined by the health authorities; Establish that people with disabilities, pregnant women, people accompanied by infants, health professionals or other people who are in a situation of special vulnerability due to COVID-19 must be treated with priority;
- To determine that the provisions of this resolution do not apply to wholesale trade activities to the provision of services between economic operators and to the provision of services in the hotel sector, except with regard to restaurant services, nor to establishments wishing to maintain the respective activity exclusively for the purpose of home delivery, without prejudice to the need of the respective operators complying with hygiene rules and other recommendations of the health authority;
- **Public face-to-face services are suspended**, being these services maintained through digital media and contact centres with citizens and companies;
- Funeral services have a limit of people and **religious celebrations are prohibited**;
 - It is forbidden to hold religious celebrations and other worship events that involve an agglomeration of people and it is established that funerals are conditioned to the adoption of organisational measures that guarantee the absence of clusters of people and the control of safety distances, namely the establishment of a maximum attendance limit, to be determined by the local authority that exercises the management powers of the respective cemetery.

- Government may request medical facilities and medical supplies to fight COVID-19;
 - By decision of the health authorities or the Civil Protection authorities, any goods or services of companies of public or private law, which are necessary to fight the COVID-19 disease, may be requested, namely health equipment, respiratory protection masks or ventilators, which are in stock or will be produced between the date of entry into force of this resolution and the date on which the declaration of state of emergency is revoked.

- Establishments that will be closed:
 - Fado houses;
 - Clubs and Dance Saloons;
 - Bars;
 - Party Places;
 - Art Galleries and Exhibits;
 - Circus;
 - Amusement parks, fairs, and similar;
 - Water parks;
 - Zoos;
 - Recreational parks for children;
 - All the locations destined to leisure sports practices;
 - All the locations or installations similar to the previous ones;

- Cultural facilities that will be closed:
 - Auditoriums;
 - Cinemas;
 - Theatres;
 - Museums and National Monuments;

- Bullfighting related facilities;
- Congress areas;
- Concert halls;
- Conference rooms;
- Exhibition rooms;
- Multipurpose rooms and pavilions;
- Sports facilities that will be closed:
 - Football, rugby fields and similar;
 - Pavilions and closed places;
 - Futsal, basketball, handball, volleyball, roller hockey pavilions and similars;
 - Firing ranges;
 - Tennis and paddle courts and similars;
 - Skating and Ice hockey rinks and similar;
 - Pools;
 - Box rinks, martial arts and similar;
 - Permanent circuits for motorcycles, automobiles and similar;
 - Velodromes;
 - Racetracks and similar tracks;
 - Multi-sports pavilions;
 - Gyms;
 - Athletics tracks;
 - Stadiums;
- Open Spaces and Public Ways that will be closed:
 - Cycling, motorcycling, motoring and similar routes;
 - Nautical events and exhibitions;

- Aeronautical tests and exhibitions;
- Parades and popular festivals or folkloric or other manifestations of any nature;

- Games and Gambling facilities that will be closed:
 - Casinos;
 - Establishments of games of chance, such as bingo or similar;
 - Game rooms;
 - Recreational halls;
 - Any specific betting or comparable locations;

- Hospitality and catering activities, except for the provision of takeaway meals or home deliveries:
 - Taverns and cellars;
 - Cafeterias, bars and similar;
 - Chocolatiers, ice cream parlours, tea houses and similar;
 - Restaurants, self-service restaurants and similar;
 - Restaurant bars;
 - Hotel bars and restaurants;
 - Terraces.

Should you have any questions please contact communication@esnportugal.org