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FLASH REPORT

Country:	Portugal
Title:	Annual report of the National Institute for Rehabilitation on discrimination acts on the grounds of disability or aggravated health risk
Date:	8 October 2020
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<u>Context</u>	
Issue at stake:	Report of the National Institute for Rehabilitation describing that complaints concerning disability discrimination increased 30 % compared to the previous year
Grounds of discrimination:	Disability
Field of application:	Employment
Source:	Policy development
Applicable law:	Law 46/2006, 28 August that prohibits and punishes discrimination based on disability and on a pre-existing risk to health; Decree-Law 34/2007, 15 February, which regulates Law 46/2006; UN Convention on the Rights of Persons with Disabilities

Content

The National Institute for Rehabilitation has just published its 2019 annual report on discrimination acts on the grounds of disability or aggravated health risk. The report gathers statistical and administrative data related to disability discrimination, presenting the main trends and developments on the subject for the past year.

According to Decree-Law 34/2007, any natural or legal person who is aware of a situation that could be considered discriminatory practice shall report it to one of the entities provided for (Article 5(1)), in which the National Institute for Rehabilitation is included. The complaints shall be sent to the competent authorities which proceed with the administrative procedures (Article 5(2)). When the handling of administrative procedures is finished, the competent authorities inform the National Institute for Rehabilitation of the decisions on complaints (Article 3(2)).

During 2019, the National Institute for Rehabilitation registered 1274 complaints, most of which were reported by the Ombudsman (478) and by ASAE - Safety Alimentary and Economic Authority (425). This represented a 30 % increase compared to the previous year (2018).

Complaints about accessibility issues were the most frequent (44 %), followed by situations related with limitation of rights by companies or agents of the State (33 %). No significant gender differences were observed.

Only 3 % of the complaints were related to situations of discrimination on the ground of aggravated health risk. The prevailing ground of discrimination was disability.

Of the complaints registered by the National Institute for Rehabilitation, 420 were archived, while others were forwarded to the competent authorities (486) or are still pending (367). Among the first, the majority (46 %) was archived because the situations had been resolved and 22 % were archived due to lack of evidence. Only one of the complaints registered in 2019 was upheld as an administrative offense and led to the imposition of a fine.

These numbers show a mismatch between, on the one hand, the increasing awareness of non-discrimination issues revealed by the intensification of the number of complaints and, on the other hand, the lack of effectiveness and promptness of public action in investigating and prosecuting them. While the administrative authorities handling the complaints bear the formal burden of gathering all the information relevant to proving them, in practice the burden of proof falls upon the claimants in most cases, due to the lack of effective investigation by the authorities.

Internet link source:

<https://www.inr.pt/documents/11309/380827/Relat%C3%B3rio+-+Lei+da+N%C3%A3o+Discrimina%C3%A7%C3%A3o+2019/2621a2dc-b704-4056-9e21-fa893284a4cb>.