

Informal Translation into English for information purposes only

Decree of the President of the Republic no. 51-U / 2020

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- **SUMMARY**

Declares the state of emergency, based on the verification of a situation of public calamity

- **TEXT**

Decree of the President of the Republic no. 51-U / 2020

of November 6

Summary: Declares the state of emergency, based on the verification of a public calamity situation.

The evolution of the COVID-19 pandemic, as well as the lessons learned, justify reinforced guarantees of legal certainty of measures adopted or to be adopted by the competent authorities for the corresponding prevention and response, in areas such as the **convening** of human resources for screening, control of people's health status, freedom of movement and use of private and social or cooperative resources.

This reinforced guarantee requires the declaration of a state of emergency of a very limited scope and with largely preventive effects.

Under these terms, the President of the Republic decrees, under the terms of articles 19, 134, paragraph d), and 138 of the Constitution and [Law no. 44/86](#) , of 30 September, as amended by [the Organic Law no. 1/2011](#) , of November 30, and by [Organic Law no. 1/2012](#) , of May 11, under proposal and after hearing the Government and obtained the necessary authorization from the Assembly of the Republic, through the [Resolution of the Assembly of the Republic](#) [Republic No. 83-A / 2020](#) , of November 6, the following:

1st

A state of emergency is declared, based on the verification of a public calamity situation.

2nd

The declaration of a state of emergency covers the entire national territory, without prejudice to the provisions of paragraph a) of article 4.

3rd

The state of emergency lasts for 15 days, starting at 00:00 on 9 November 2020 and ending at 23:59 on 23 November 2020, without prejudice to possible renewals, under the terms of the law.

4th

The following rights are partially limited, restricted or conditioned:

a) Rights to freedom and movement: the necessary restrictions may be imposed by the competent public authorities to reduce the risk of contagion and implement measures to prevent and combat the epidemic, particularly in the municipalities with the highest risk level, as well as well as, to the extent strictly necessary and proportional, the ban on circulating on public roads during certain periods of the day or certain days of the week, the prohibition of travel that is not justified, namely by performing professional activities, obtaining health care, assisting third parties, attending educational establishments, producing and supplying goods and services, and for other ponderous reasons, in which case the Government shall specify the situations and purposes in which individual freedom of movement, preferably unaccompanied, is maintained;

b) Private, social and cooperative initiative: the resources, means and facilities for providing health care integrated in the private, social and cooperative sectors may be used by the competent public authorities, preferably by agreement, subject to fair compensation, depending on what is necessary to ensure the treatment of patients with COVID-19 or the maintenance of care activity in relation to other pathologies;

c) Workers' rights: any employee of public or private entities, from the social or cooperative sector can be mobilized by the competent public authorities, regardless of the respective type of bond or functional content and even if they are not health professionals, namely public servants in prophylactic isolation or covered by the exceptional regime for the protection of immunocompromised and chronically ill patients, to support the health authorities and services, namely in conducting epidemiological surveys, contact-tracing and following-up on people under active surveillance;

d) Right to free development of personality and negative aspect of the right to health: body temperature controls may be imposed, by non-invasive means, as well as diagnostic tests for SARS-CoV-2, namely for access to and permanence in the workplace or as a condition of access to public services or institutions, educational establishments and commercial, cultural or sports spaces, in the use of means of transportation or in relation to persons institutionalized or accommodated in residential structures, health establishments, prisons or educational centres and their workers.

5th

It is the responsibility of the Armed and Security Forces to support the health authorities and services, namely in conducting epidemiological inquiries, in tracking contacts and in monitoring people under active surveillance.

6th

The bodies responsible, under the terms of [Law No. 44/86](#), of September 30, for implementing the declaration of the state of emergency must keep the President of the Republic and the

Assembly of the Republic permanently informed of the acts in which such implementation consists.

7th

This Decree enters into force immediately, taking effect under the terms defined in article 3.

Signed on November 6, 2020.

To be published.

The President of the Republic, Marcelo Rebelo de Sousa.

Referendum held on 6 November 2020.

The Prime Minister, António Luís Santos da Costa.