

PORTUGAL 2016 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Portugal, which includes the archipelagos of the Azores and Madeira, is a constitutional semi-presidential representative democracy with a president, prime minister, and parliament elected in multiparty elections. National legislative elections, held in October 2015, and presidential elections held on January 24 were free and fair.

Civilian authorities maintained effective control over the security forces.

The biggest human rights problems included excessive use of force and abuse of detainees and prisoners by police and prison guards; poor, unhealthy, and overcrowded prison conditions; and violence against women and children.

Other problems included the incarceration of juveniles with adults, denial of legal counsel and family contact to detainees, disregard of detainees' rights by the Judiciary Police (PJ), lengthy pretrial detention, detention of asylum seekers, some government corruption, the practice of female genital mutilation and cutting (FGM/C) of girls in the Bissau-Guinean and other African communities, societal discrimination and exclusion against Roma, hindrances to labor organizing, trafficking in persons for sexual exploitation and forced labor, and a growing gap between pay for men and women.

The government investigated, prosecuted, and punished officials who committed human rights abuses.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

While the constitution and law prohibit such practices, there were credible reports of excessive use of force by police and of mistreatment and other forms of abuse of prisoners by prison guards.

In 2015 the Inspectorate General of Internal Administration (IGAI) received 717 reports of mistreatment and abuse by police and prison guards. Complaints of physical abuse included slaps, punches, kicks, and blows with truncheons to the body and/or head; threatening use of firearms; excessive use of force; illegal detention; and abuse of power. The complaints were against the Public Security Police (PSP), the Republican National Guard (GNR), and the Foreigners and Borders Service (SEF), with 403, 244, and 24 complaints, respectively. The IGAI investigated each complaint, and punishment for officers found to have committed abuses ranged from temporary suspension to prison sentences. In 2015, the latest year for which data are available, the government conducted 106 investigations of members of the security forces. Punishment included letters of reprimand, temporary suspension from duty, prison sentences, mandatory retirement with pension cuts, and discharge from duty.

Prison and Detention Center Conditions

There were reports that guards mistreated prisoners at some prisons. According to the Portuguese Refugee Council, the reception center for refugees in Lisbon remained overcrowded. Other problems included a general overcrowding, inadequate facilities, poor health conditions, and violence among inmates.

Physical Conditions: In 2015 the prison system operated at 110 percent of capacity. Overcrowding was greatest in the Ponta Delgada prison in the Azores Islands (156 percent), the prison in Porto (157 percent), and the prison in Lisbon (167 percent). While a youth prison exists in Leiria, authorities sometimes held juveniles with adults in other prisons. The prison system held pretrial detainees with convicted criminals.

The Council of Europe's Committee for the Prevention of Torture (CPT) reported in 2013 that conditions in the Pacos de Ferreira Prison were poor and the Lisbon Central Prison was dilapidated. There were no reports authorities made any improvements in either facility. The Directorate-General of Reintegration and Prison Services reported 67 deaths in prisons in 2015 (11 suicides, 54 due to

illness, and two homicides). Infectious diseases associated with drug abuse caused the majority of deaths due to illness.

The CPT reported in 2013 that police usually did not hold detainees overnight in police stations. The three basement cells in the Rua Capelo PSP holding facilities in Lisbon and the two cells at Benfica police station, however, had no access to natural light and were not equipped with mattresses (detained persons were provided only a blanket); the largest of the three ground-floor cells in operation (measuring approximately 183 square feet) was dilapidated. There were no reports authorities made any improvements in either facility.

Independent Monitoring: The government permitted visits by independent human rights observers and the CPT. In 2015 the IGAI, university researchers, and news media visited prisons. Local human rights and media groups were fully independent bodies. The CPT visited the country from September 27 to October 7, but the report of the visit has not yet been published.

Improvements: To address overcrowding, authorities added a new ward with a capacity for 114 additional persons to the Linho Prison in Sintra.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The Ministries of Internal Administration and Justice are primarily responsible for internal security. The Ministry of Internal Administration oversees the SEF, the PSP, and the GNR. The SEF has jurisdiction over immigration and border problems. The PSP has jurisdiction in cities, and the GNR has jurisdiction outside cities. The PJ are responsible for criminal investigations and report to the Ministry of Justice. The IGAI, responsible to the Ministry of Internal Administration, investigates security force killings and evaluates whether they occurred in the line of duty or were otherwise justifiable.

Civilian authorities maintained effective control over the SEF, the PSP, and the GNR, and the government has effective mechanisms to investigate and punish abuse and corruption. An independent ombudsman chosen by parliament and the IGAI investigates complaints of abuse or mistreatment by police.

Nongovernmental organizations (NGOs) criticized the slow pace of investigations and the lack of an independent oversight agency to monitor the IGAI and the Ministry of Internal Administration.

Arrest Procedures and Treatment of Detainees

The constitution and law provide detailed guidelines covering all aspects of arrest and custody, and authorities generally followed the guidelines. Persons may be arrested only on a judicial warrant; law enforcement officials and citizens may make warrantless arrests when there is probable cause that a crime has just been or is being committed, or that the person to be arrested is an escaped convict or a suspect who escaped from police custody.

Authorities may not hold a suspect for more than 48 hours without bringing him before an investigating judge. Under the law the investigating judge determines whether an arrested person should be detained, released on bail, or released outright. Authorities informed detainees promptly of charges against them.

Investigative detention for most crimes is limited to four months. If authorities do not file a formal charge within that period, they must release the detainee. In cases of serious crimes such as murder, armed robbery, terrorism, and violent or organized crime, and of crimes involving more than one suspect, the investigating judge may decide to hold a suspect in detention while the investigation is underway for up to 18 months and up to three years in extraordinary circumstances.

Bail exists, but authorities do not release detainees on their own recognizance. Depending on the severity of the crime, a detainee's release may be subject to various legal conditions.

Detainees have the right to legal counsel from the time of arrest, but police, in particular the PJ, did not inform detainees of their rights in many cases. If detained persons cannot afford a private lawyer, they only have access to an appointed lawyer at the court hearing before a judge up to 48 hours after the moment of apprehension. The government assumes legal costs for indigent detainees. In 2013 the CPT delegation also met a number of persons, including some detained by the PJ, who claimed they had not been able to inform a member of their family of their detention.

Pretrial Detention: Lengthy pretrial detention remained a problem. As of September 15, there were 2,172 individuals (17 percent of the prison population) in pretrial detention, a decrease from the previous year. Most pretrial detainees spent six months to a year in incarceration. Observers, including the media, business corporations, and legal observers, estimated the backlog of cases awaiting trial to be at least a year. Lengthy pretrial detention was usually due to lengthy investigations and legal procedures, judicial inefficiency, or staff shortages. Pretrial detention counts against a convicted detainee's prison sentence. A detainee found innocent has the right to request compensation for this time.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons arrested or detained, regardless of whether on criminal or other grounds, are entitled to challenge in court the legal basis or arbitrary nature of their detention and obtain prompt release and compensation if found to have been unlawfully detained.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence.

Trial Procedures

The constitution provides for the right to a fair public trial, and an independent judiciary generally enforced this right. The law presumes all defendants innocent and provides the right to be informed promptly and in detail of the charges (with free interpretation when necessary from the moment charged through all appeals). Trials are fair and public. Authorities must bring a suspect in investigative detention to trial within 14 months of a formal charge. If a suspect is not in detention, the law specifies no deadline for going to trial. When the crime is punishable by a prison sentence, the maximum limit of which is more than eight years, either the public prosecutor or the defendant may request a jury trial.

Defendants have the right to be present at their trial and to consult upon arrest with an attorney provided at government expense if necessary. Defendants have adequate time and facilities to prepare their defense. They have access to government-held evidence, may confront and question witnesses against them, and present witnesses and evidence on their own behalf. Defendants cannot be compelled to testify or confess guilt. Those convicted have the right of appeal. The law extends these rights to all defendants.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters. Citizens, foreign residents, and organizations have access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation, and they may appeal adverse domestic decisions to regional human rights bodies, such as the European Court of Human Rights. Besides judicial remedies, administrative recourse exists for alleged wrongs. The government complied with rulings against it in domestic judicial and administrative fora.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and laws prohibit such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and press. The law criminalizes the denigration of ethnic or religious minorities, as well as offensive practices such as Holocaust denial. Prison sentences for these crimes run between six months and eight years.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 30 percent of the population had fixed broadband subscriptions, and 69 percent of the population used the internet in 2015.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

The constitution and law provide for the freedoms of assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

Abuse of Migrants, Refugees, and Stateless Persons: Authorities reportedly kept in detention some asylum seekers who submitted their applications for international protection at border points. If asylum seekers appealed a negative decision, they could remain in detention for up to 60 days, and no alternatives existed.

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Safe Country of Origin/Transit: The government considers all other EU countries to be safe countries of origin or transit. It returned asylum seekers to their country of entry into the EU for adjudication of their applications.

Durable Solutions: The government acceded to the EU's relocation plan for refugees who entered the EU through Greece and Turkey and began receiving the refugees.

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees and provided subsidiary protection to approximately 105 persons in the first three quarters of the year.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In October 2015 the country held national legislative elections that observers considered free and fair. Observers also considered presidential elections on January 24 to be free and fair. Both elections took place in accordance with international standards, and there were no reports of abuses or irregularities.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were reports of corruption in the executive or legislative branches of the central government during the year.

Corruption: The media reported corruption involving central and local government officials. In early November an anonymous allegation of corruption involving military officers and noncommissioned officers operating mess halls triggered a joint investigation by the PJ and Military Judicial Police. "Operation Zeus" focused on 46 individuals suspected of inflating food orders and overcharging Air Force mess halls, causing losses estimated at 10 million euros (\$11 million). At least six military personnel were arrested. Forty other individuals, both military and civilian (business owners), were also suspected of active and passive

corruption, bribery, and document forgery. The investigation continued at year's end.

Financial Disclosure: The law requires appointed and elected officials to disclose their income and assets. The law also mandates the Constitutional Court to monitor and verify disclosures. The court's declarations are made available to the public, and for noncompliance there are criminal penalties of up to five years' incarceration or a fine equivalent to 600 days of the person's income and/or administrative sanctions including removal from office.

Public Access to Information: The constitution and law provide for public access to government information. The government implemented the law effectively.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Government Human Rights Bodies: The country has an independent human rights ombudsman appointed by parliament who is responsible for defending the human rights, freedom, and legal rights of all citizens. The Ombudsman's Office operated independently and with the cooperation of the government.

The ombudsman had adequate resources and published mandatory annual reports, as well as special reports on problems such as women's rights, prisons, health, and the rights of children and senior citizens.

Parliament's First Committee for Constitutional Issues, Rights, Liberties, and Privileges oversees human rights problems. It drafts and submits bills and petitions for parliamentary approval.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: The law makes rape, including spousal rape, illegal with a penalty of three to 10 years in jail. The government generally enforced the

law when the victim chose to press charges and the cases were not settled out of court through mediation. The law provides for criminal penalties of up to 10 years' imprisonment in cases of domestic violence by a spouse or by a person not the spouse. The judicial system prosecuted persons accused of abusing women.

Violence against women, including domestic violence, continued to be a problem. According to preliminary data from NGOs and media reports, in the first eight months of the year, there were 20 deaths related to domestic violence. Data showed 29 deaths in 2015.

According to data from the *Annual Internal Security Report*, in 2015 there were 22,469 reports of domestic violence, a decrease of 2.2 percent from 2014. According to the report, in 2015 police registered 375 reports of rape, an increase of one case from 2014. Decreasing cultural and social tolerance of violent behavior is gradually motivating women to use the judicial system.

The law allows third parties to file domestic violence reports. The government encouraged abused women to file complaints with the appropriate authorities and offered the victim protection against the abuser. The government's Commission for Equality and Women's Rights operated 14 safe houses for victims of domestic violence and maintained an around-the-clock telephone service. Safe-house services included food, shelter, health, and legal assistance. The government-sponsored Mission against Domestic Violence conducted an awareness campaign against domestic violence, trained health professionals, proposed legislation to improve legal assistance to victims, and signed protocols with local authorities to assist victims.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is a crime covered and punishable by the law. There were reports FGM/C was practiced on young girls in poor African communities, particularly by Bissau-Guinean immigrants. The government addressed the problem at various levels, and the third action plan to prevent and eliminate FGM/C was in effect during the year. The plan increased awareness of the problem and helped lead to the registration of 99 cases of FGM/C by the end of 2015, of which 56 were new reports in 2015. None of the FGM/C procedures was carried out in the country; approximately half of the procedures were performed in Guinea-Bissau, the others in Guinea and other countries.

Sexual Harassment: Sexual harassment is a crime with penalties ranging from one to eight years in prison. If perpetrated by a superior in the workplace, the penalty is up to two years in prison, or more in cases of aggravated coercion.

The Commission on Equality in the Workplace and in Employment, composed of representatives of the government, employers' organizations, and labor unions, examines, but does not adjudicate, complaints of sexual harassment. In 2015 the Association for Victim Support (APAV) received reports of 77 cases of sexual harassment.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children; manage their reproductive health; and have access to the information and means to do so, free from discrimination, coercion, and violence.

Discrimination: The constitution and the law provide women full legal equality with men. While the government enforced these in general, there were reports of economic, employment, and other forms of discrimination against women.

Children

Birth Registration: Citizenship is derived by birth within the country's territory and from one's parents. Authorities registered all births immediately.

Child Abuse: Child abuse was a problem. The APAV reported 1,084 crimes against children under the age of 18 in 2015. There were reports Romani parents used minor children for street begging. A child-abuse database is accessible to law enforcement and child protection services. The government prohibits convicted child abusers from work or volunteer activities involving contact with children. It also carried out awareness campaigns against child abuse and sexual exploitation.

Early and Forced Marriage: The minimum age for marriage is 18 for women and men, but both sexes may marry at 16 with the consent of both parents exercising parental authority; a guardian; or, in default of the latter, a court decision.

Female Genital Mutilation/Cutting (FGM/C): Information is provided in women's section above.

Sexual Exploitation of Children: Statutory rape is a crime with penalties ranging up to 10 years in prison, and authorities enforced the law. The minimum age for legal consensual sex is 16. The law prohibits child pornography. Penalties range up to eight years in prison.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

Estimates placed the Jewish community at 3,000-4,000 persons. On November 18, the restaurant Cantinho do Avillez was vandalized. The restaurant's owner, Jose Avillez, was participating in a dining festival in Tel Aviv at the time. The perpetrators, believed to be activists of the Boycott, Divestment, and Sanctions (BDS) movement against Israel, spilled red paint on the facade of the restaurant and posted signs reading: "Free Palestine," "Avillez collaborates with Zionist occupation," and "Entree: A dose of white phosphorus." The attack followed picketing opposite the restaurant by BDS activists over the participation of chef Avillez and at least 11 other chefs from dining establishments around the world in the festival from November 6-26. Although Avillez stated that he would not file a formal complaint, the PSP investigated the incident because vandalism is considered a public crime.

After the country passed a law in March 2015 granting descendants of Jews forced into exile centuries ago the right to citizenship, the government naturalized 292 applicants for citizenship, mostly from Turkey (50 percent) and Israel (31 percent). Each application was vetted by the institutions of the Jewish community in Lisbon or Porto, which are responsible for checking existing documentation of the applicants' ancestors and making recommendations to the government.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, the judicial system, and the provision of other government services. The government effectively enforced the law. Following the October 2015 parliamentary election, an electric ramp for wheelchairs was installed in the parliament to accommodate persons with

disabilities, including newly elected Member of Parliament Jorge Falcato. The law mandates access to public buildings, information and communications for persons with disabilities, and, while the government implemented these provisions, no such legislation covers private businesses or other facilities. The Lisbon municipal government continued to carry out a project to eliminate barriers that cause difficulty of movement to persons with physical disabilities.

National/Racial/Ethnic Minorities

The procedure to file a complaint of racial discrimination continued to be lengthy and complicated. The complaints system against police officers concerning racist or racially discriminatory acts was not functional, and there was serious underreporting.

The government estimated the Romani population to be between 40,000 and 50,000 persons. A large number of Roma continued to live in encampments consisting of barracks, shacks, or tents. Many settlements were in areas isolated from the rest of the population and often lacked basic infrastructure, such as access to drinking water, electricity, or waste-disposal facilities. Some localities constructed walls around Romani settlements. Reports of police harassment, misconduct, and abuses against Roma continued. Roma also suffered from discrimination in employment (see section 7.d.).

The government tried to provide integration and access to services for the Roma, including through a mediation program staffed by ethnic Romani mediators in the Office of the High Commission for Immigration and Intercultural Dialogue. The mediation project had local successes, but societal discrimination against ethnic Roma persisted.

On November 8, the PJ arrested 20 neo-Nazi Hammerskin Nation skinheads in the cities of Lisbon, Braga, and Albufeira following an investigation into racial, religious and sexual discrimination, murder, and robbery. The individuals were suspected of encouraging “violent actions” against blacks, gays, and other minorities. Using social media, the men allegedly incited “hatred, racial discrimination, persecution and physical violence.” According to Lisbon’s public prosecutors’ office, between November 2013 and September 2015, the suspects, “motivated by discrimination,” attacked various individuals and “tried to cause the death of another, as well as subjecting other individuals to violence and damage to property.” Some of those detained were suspected of involvement in an attack on a

group of anti-fascist communist activists in September 2015 following an anti-immigration rally in downtown Lisbon staged by ultranationalist groups.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The constitution and the law prohibit discrimination based on sexual orientation and gender identity. The law bars lesbian, gay, bisexual, transgender, and intersex couples and single women from receiving medically assisted reproductive health care from government-funded health-care providers.

On February 19, the president signed into effect a law giving same-sex couples the same adoption rights as heterosexuals.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of most workers to form and join independent unions, bargain collectively, and conduct legal strikes. The government generally respected these rights. The law prohibits antiunion discrimination and requires reinstatement of workers fired for union activity.

While the law provides for freedom of association and collective bargaining, several restrictions limit these rights. In addition to members of the armed forces, the rights of police officers in these areas are limited. The PJ, the SEF, and prison guards may strike; the PSP and the GNR may not. If a long strike occurs in a sector deemed essential such as justice, health, energy, or transportation, the government may order strikers back to work for a specified period. Unions considered the list of essential sectors to be overly broad. Unions reported that compulsory conciliation and arbitration as prerequisites to strikes, restrictions on the scope of strikes, and restrictions on the types of strike actions permitted could limit the effectiveness of strikes.

The law requires unions to represent at least 50 percent of workers in a sector for collective bargaining units to be extended beyond the enterprise level. Under new reforms, the coverage of collective bargaining agreements declined. Public-sector employees have the right to discuss and consult with their employers on conditions of work, but they do not have the right to negotiate binding contracts. There remains a lack of clarity regarding criteria for union representation in the

Permanent Commission for Social Partnerships, a tripartite advisory body. The law names specific unions, rather than giving participation rights to the most representative unions.

The government was generally effective in enforcing these laws. Resources, including inspections and remediation, were adequate. Penalties for violations range from fines equivalent to up to 120 days of the violator's daily salary, or imprisonment for up to one year and were sufficient to deter violations. Administrative and judicial procedures were subject to lengthy delays or appeals.

Authorities generally respected freedom of association and the right to collective bargaining. Worker organizations could generally operate free from government interference. Employers generally respected the right to bargain collectively. Requirements for enterprise-level bargaining by work councils sometimes prevented local union representatives from bargaining directly on behalf of workers. There were instances of employers undermining strikes using last-minute minimum-service requirements. Some workers received threats that union participation would result in negative performance reviews affecting their ability for promotion.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced and compulsory labor. On September 22, an amendment to the Labor Code to combat modern forms of forced labor entered into force. The amendment distributes responsibility for complying with legal provisions between temporary employment agencies and users of temporary workers. It provides that the contractor and the developer, company or farm, as well as the respective managers, administrators or directors, and companies with which they are connected are jointly liable for violations of the legal provisions relating to the health and safety of temporary workers and are responsible for entitlements, social security contributions, and the payment of the respective fines. Parliament approved the law on July 20.

Resources dedicated to prevention and enforcement of forced labor, including inspections and remediation, remained inadequate. Penalties ranged from three to 15 years' imprisonment, depending on under which article the charge was made, and were sufficiently stringent to deter violations. Convictions remained low, and convicted offenders frequently avoided imprisonment, undercutting enforcement efforts and victim protections. Government efforts to prevent and eliminate forced

labor during the year included a countrywide awareness campaign and training security forces to identify, flag, and direct victims to assistance services better.

Women and men were trafficked for forced labor primarily in restaurants, agriculture, and domestic service. Traffickers subjected children to forced labor (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The statutory minimum age for the employment of children is 16. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous. The Working Conditions Authority (ACT) in the Ministry of Solidarity, Employment, and Social Security has primary responsibility for enforcement of the minimum age law and enforced it effectively in major industries and the service sector.

Child labor occurred in very limited cases within the formal economy. Children from Eastern Europe, primarily of Romani descent, were subjected to forced begging and coerced to commit property crimes (see section 6, Children).

Resources and inspections were adequate. Penalties for violations included up to four years in jail, six years in jail for repeat offenders, and were sufficient to deter violations.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations prohibit discrimination with respect to employment and occupation on the basis of race, color, sex, religion, political opinion, national origin or citizenship, social origin, disability, sexual orientation and/or gender identity, age, language, or HIV-positive status or other communicable diseases. The government effectively enforced these laws. There were reports, however, of job advertisements for the national airline, TAP, which placed age limits for certain positions, including engineers (up to 35 years of age), flight attendants (21 to 26 years old) and pilots (21 to 40 years old).

The law requires equal pay for equal work. According to the Ministry of Solidarity, Employment, and Social Security, however, women's average salaries were approximately 27 percent lower than men's, and the gap was widening.

e. Acceptable Conditions of Work

The minimum wage, which covers full-time workers, rural workers, and domestic employees who are 18 years of age and older, was 505 euros (\$556) per month. The estimated poverty income level for 2010, the latest year available, was 421 euros (\$463) per month per adult.

The legal workday may not exceed 10 hours, and the maximum workweek is 40 hours. On June 1, the government approved a return to the public sector's traditional 35-hour working week, down from the current 40 hours that is standard in the private sector. There is a maximum of two hours of paid overtime per day and 200 hours of overtime per year, with a minimum of 12 hours' rest between workdays. Premium pay for overtime worked on a rest day or public holiday is 100 percent; overtime performed on a normal working day is paid at a premium of 50 percent for the first hour and 75 percent for subsequent time worked. Unions raised concerns regarding working hour provisions on flexibility schemes and time banking, which the government has noted were designed to make working hours more flexible and increase productivity. The International Labor Organization reiterated that working-time arrangements detrimental to workers' health or work-life balance could be inconsistent with international standards. Occupational safety and health standards set by ACT were current. Information identifying whether these laws apply to workers in the informal economy was not available.

ACT was responsible for enforcement of minimum wage, hours of work, and safety standards in the formal sector and effectively enforced these measures. Resources, inspections, and remediation were adequate. Penalties ranged from fines (the equivalent of up to 120 days of the violator's daily salary) to prison sentences of up to three years and were sufficient to deter violations. In 2014 the European Working Conditions Observatory reported 2 percent of the country's workers stated they had performed paid work undeclared to tax authorities in the previous year.

Workers have the right to lodge confidential grievances with ACT regarding hazardous conditions or circumstances they believe endanger their health. Inspectors have the right to conduct inspections at any private or public company at any time without warning, and may shut down a workplace or a business

permanently or temporarily if there is imminent danger to the workers' health or safety. Workers are registered with social security services, whose funds cover their mandatory insurance for occupational diseases and work-related accidents. ACT conducts studies on labor accidents, salaries, and working conditions. It may impose administrative penalties and file lawsuits against employers. It has the right to access company records, files and archives, and may provide mediation services to resolve individual or group labor disputes. Labor enforcement tended to be less rigorous in sectors such as construction and agriculture where most immigrant workers were employed. According to ACT, there were 142 deaths from work-related accidents in 2015. Preliminary data for 2016 showed 89 deaths during the first eight months of the year. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation.