

# PORTUGAL 2020 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Portugal, which includes the archipelagos of the Azores and Madeira, is a constitutional semipresidential representative democracy with a president, prime minister, and parliament elected in multiparty elections. Observers considered the national legislative elections in October 2019 to be free and fair.

The Ministries of Internal Administration and Justice have primary responsibility for internal security. The Ministry of Internal Administration oversees the Foreigners and Borders Service, Public Security Police, and Republican National Guard. The Foreigners and Borders Service has jurisdiction over immigration and border issues, the Public Security Police has jurisdiction in cities, and the Republican National Guard has jurisdiction in rural areas. The Judiciary Police is responsible for criminal investigations and reports to the Ministry of Justice. Civilian authorities maintained effective control over the security forces. Members of the security forces committed some abuses.

There were some reports of significant human rights abuses during the year: an incident in which a person was killed by Foreigners and Borders Service officers; overcrowding and other problems in prisons; corruption; and domestic violence, child abuse, and acts of violence against members of minority groups.

The government had mechanisms in place to identify and punish officials who may commit 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 was one report that the government or its agents committed arbitrary or unlawful killings.

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The Inspectorate General of Internal Administration (IGAI), in the Ministry of Internal Administration, operates independently, investigates deaths caused by security forces, and evaluates whether they occurred in the line of duty or were otherwise justifiable.

On September 30, the Public Ministry charged three Foreigners and Border Service (SEF) officers suspected of killing a Ukrainian man who attempted to enter the country illegally through Lisbon's airport on March 10. The alleged crime was committed at a SEF-run temporary detention center at Lisbon's airport. The victim was allegedly killed on March 12 after "causing disturbances" at the center. An autopsy revealed that the man likely had been strangled. The three SEF officers had been detained since March 30, and their trial for manslaughter was scheduled for January 2021. Although not believed to have been directly involved in the incident, the director and deputy director of Lisbon's SEF office resigned that same day. Cristina Gatoes, SEF director at the time of the incident, resigned on December 9, and the Coordinator of SEF's Inspection Office, Joao Ataide, also presented his resignation. On December 11, Interior Minister Eduardo Cabrita announced that the state would pay compensation to the victim's family.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **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 2019 the government-run IGAI received 950 reports of mistreatment and abuse by police and prison guards, the highest number since 2012. Complaints of physical abuse consisted primarily of slaps, punches, and kicks to the body and head, as well as beatings with batons. The complaints were mainly against the Public Security Police (PSP) (551) and the Republican National Guard (GNR) (306). The IGAI investigated each complaint. In 2018 the government conducted

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62 investigations of members of the security forces. Punishment ranged from letters of reprimand, temporary suspension from duty, mandatory retirement with pension cuts, discharge from duty, and prison sentences.

### **Prison and Detention Center Conditions**

There were no significant reports regarding prison or detention center conditions that raised human rights concerns. Nonetheless, media and nongovernmental organizations (NGOs) cited reports of mistreatment of prisoners by guards in some prisons.

**Physical Conditions:** Several of the country's prisons were overcrowded. Other reported issues included inadequate facilities, poor health conditions, and violence among inmates.

Authorities occasionally held juveniles in adult facilities, despite the existence of a youth prison in Leiria. The prison system held pretrial detainees with convicted criminals.

The Directorate-General of Reintegration and Prison Services reported 64 deaths in prisons in 2019 (11 suicides and 53 due to illness), an increase over the 54 deaths (11 suicides and 43 due to illness) in 2018. Infectious diseases associated with drug abuse were the leading cause of death in prison.

**Administration:** Authorities investigated allegations of inhuman conditions and documented the results in a publicly accessible manner.

**Independent Monitoring:** The government permitted visits by independent human rights observers that included the Committee for the Prevention of Torture, the IGAI, university researchers, and news media. Local human rights and media groups were fully independent bodies and had unrestricted access to the prisons.

### **d. Arbitrary Arrest or Detention**

The constitution and federal law prohibit arbitrary arrest and detention. Persons arrested or detained, whether on criminal or other grounds, are entitled to challenge in court the legal basis or arbitrary nature of their detention and any delay in

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obtaining judicial rulings. If the court finds persons to have been detained unlawfully, they are entitled to prompt release and compensation. The government generally observed these practices.

### **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. Individuals are normally arrested only on a judicial warrant, but 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 suspect.

Authorities must bring the suspect before an investigating judge within 48 hours of arrest. By law the investigating judge determines whether an arrested person should be detained, released on bail, or released outright. Authorities generally 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 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 generally 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 media reports cited instances when police, in particular the Judiciary Police, did not inform detainees of their rights. An attorney must accompany detainees appearing before a judge for the first hearing. If detained persons cannot afford a private lawyer, the government appoints one and assumes legal costs.

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**Pretrial Detention:** Lengthy pretrial detention remained a problem. As of September 1, according to the Directorate-General of Prison Services, 19.5 percent of the prison population was in pretrial detention, an increase of more than 18 percent than the previous year. The majority of pretrial detainees were incarcerated six months to a year. Observers, including media, business corporations, and legal observers, estimated the backlog of cases awaiting trial to be at least one year. The length of pretrial detention was usually due to lengthy investigations and legal procedures, judicial inefficiency, or staff shortages. Time in pretrial detention applies toward a convicted detainee's prison sentence. A detainee found not guilty has the right to compensation for this time.

### **e. Denial of Fair Public Trial**

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

#### **Trial Procedures**

The constitution provides for the right to a fair and public trial, and an independent judiciary generally enforced this right. The law presumes that all defendants are 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). 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 of eight years or longer, either the public prosecutor or the defendant may request a jury trial.

Defendants have the right to be present at their trials and to consult with an attorney, at government expense if necessary, from the time of arrest. Defendants have adequate time and facilities to prepare their defense. They 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.

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### **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.

### **Property Restitution**

Holocaust-era restitution was no longer a significant issue. The government has laws and mechanisms in place and is a signatory of the Terezin Declaration of 2009 and the Guidelines and Best Practices of 2010. The 1999 report commissioned by the government and chaired by the country's former president and prime minister Mario Soares, at the time a member of the European Parliament, found there was "no basis for additional restitution" following the payment made by the country in 1960 for gold transactions carried out between Portuguese and German authorities between 1936 and 1945. NGOs and advocacy groups, including the local Jewish community, reported no significant outstanding Holocaust-era claims, including for foreign citizens.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly on July 29, 2020, can be found on the Department's website: [www.state.gov/reports/just-act-report-to-congress/](http://www.state.gov/reports/just-act-report-to-congress/).

### **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**

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### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press. The law criminalizes the denigration of ethnic or religious minorities, as well as Holocaust denial, as an offensive practice. 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 that the government monitored private online communications without appropriate legal authority.

#### **Academic Freedom and Cultural Events**

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

### **b. Freedoms 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 <https://www.state.gov/religiousfreedomreport/>.

### **d. Freedom of Movement**

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

### **e. Status and Treatment of Internally Displaced Persons**

Not applicable.

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### **f. Protection of Refugees**

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, returning refugees, and other persons of concern.

**Abuse of Migrants, Refugees, and Stateless Persons:** According to NGOs and media reports, authorities kept in detention some asylum seekers who submitted their applications for international protection at border points. If asylum seekers appeal a negative decision, they can await the decision in housing provided by the Portuguese Refugee Council, the Social Emergency Bureau of Lisbon's Holy House of Mercy (almshouse), or the Salvation Army's shelter center.

**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. 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, or other persons of concern.

**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 fulfilled its commitment and received refugees under the EU's relocation plan for refugees who entered the EU through Greece and Turkey. It offered naturalization to refugees residing within the country's territory and other durable solutions, such as the right to work, education, access to health care, and housing support.

**Temporary Protection:** The government provided temporary protection to individuals who may not qualify as refugees, and it provided subsidiary protection to 113 persons in 2019, according to SEF's 2019 Immigration, Borders, and Asylum Report.



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### **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:** On October 25, the country held an election in the Autonomous Region of the Azores that observers considered free and fair. The most recent national elections in October 2019 were also considered free and fair.

**Participation of Women and Members of Minority Groups:** No laws limit the participation of women and members of minority groups 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 and legislative branches of the central government during the year.

**Corruption:** Media reported corruption involving central and local government officials.

On September 18, the Public Ministry charged 17 defendants for the practice of passive and active corruption, receipt of undue advantage, abuse of power, abuse of functions, falsification of documents, fiscal fraud, and money laundering. Among the accused were Rui Rangel, a former judge of the Lisbon Court of Appeals; Luis Vaz das Neves, the former president of Lisbon's Court of Appeals; and Luis Filipe Vieira, president of Benfica soccer club. The case, titled Operation Lex, had been under investigation for four years.

On September 25, the Sintra Court convicted 23 military personnel and 14 civilian business owners of corruption in a scheme of inflating food orders and

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overcharging Air Force mess halls. The convicted included an Air Force major general, colonel, lieutenant colonel, major, and five sergeants. An anonymous complaint triggered the massive joint investigation by the Judicial Police and Military Judicial Police. Operation Zeus involved 46 individuals suspected of inflating food orders and overcharging Air Force mess halls, causing losses to the state estimated at 1.7 million euros (two million dollars) between 2011 and 2016. The crimes included active and passive corruption, bribery, and document forgery. Sentences varied from the application of fines to six years in prison.

**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 available to the public. The criminal penalties for noncompliance are up to five years' incarceration or a fine equivalent to 600 days of the person's income. Administrative sanctions include removal from office.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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.

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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' imprisonment. The government generally enforced the law when the victim chose to press charges and if 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 other than 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 six months of the year, there were 16 deaths related to domestic violence. On March 7, declared a Day of Mourning for Domestic Violence Victims, buildings across the country flew flags at half-mast, and both parliament and the cabinet ministers observed a minute of silence in honor of domestic violence victims. The government called a day of mourning to rouse society to fight against domestic violence, after activists took to the streets in previous weeks calling for more government action and protesting against a number of lenient court decisions against attackers. The reinforced focus on domestic violence arose in 2017 after a Porto court upheld a reduced sentence for a woman's attacker on the grounds that the husband was motivated by the victim's "disloyalty and sexual immorality." Human rights groups called the verdict a "reflection of a culture and justice that promotes misogyny."

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

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for Equality and Women's Rights operated 39 safe houses and 28 emergency shelters for victims of domestic violence and maintained an around-the-clock telephone service. Safe-house services included food, shelter, health assistance, and legal assistance. The government-sponsored Mission against Domestic Violence conducted an awareness campaign, trained health professionals, proposed legislation to improve legal assistance to victims, and negotiated protocols with local authorities to assist victims.

**Female Genital Mutilation/Cutting (FGM/C):** FGM/C is a crime punishable under the law. The State Secretariat for Citizenship and Equality reported that some immigrant communities practiced FGM/C on young girls, particularly among Bissau-Guinean immigrants. According to the Healthy Practices Project, established by the government in 2018 to prevent and combat FGM/C, the country flagged 63 cases of possible female genital mutilation in 2018, although since the beginning of FGM statistics in 2014 there had been only three FGM/C cases confirmed in the country. In 2019, 129 FGM/C cases were flagged. Although flagged cases more than doubled from 2018 to 2019, State Secretary for Citizenship and Equality Rosa Monteiro considered this a positive development, since it pointed to greater vigilance and diagnostic capacity of the country's health professionals. The National Observatory of Violence and Gender estimated in 2015 that more than 6,500 women older than age 15 had been victims of FGM/C and 1,830 girls younger than 15 may have been victims or were at risk of becoming victims.

In July the Public Ministry accused a mother of subjecting her two-year-old daughter to FGM/C. Although the crime was committed in early 2019, the accused was free awaiting trial. The Attorney General's Office stated that this was "the first indictment for female genital mutilation in the country" and was therefore "the first case of FGM to be brought to court." Observers reported, however, that in 2019 the Public Ministry opened seven cases of FGM: in addition to the aforementioned case, five cases had been closed and another was under investigation.

On December 17, the Public Prosecutor's office requested an effective prison sentence for Rugui Djalo, the first defendant to be brought to trial in the country

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for the crime of female genital mutilation. At a hearing in the court of Sintra, the public prosecutor justified the request on the basis that the defendant, a Bissau-Guinean citizen resident in Portugal, “knew and consented to what was done” to her three-year-old daughter during a three-month stay in Guinea-Bissau. In the final allegations, the prosecutor justified the request for an effective prison sentence--even though the defendant, age 20, had no criminal record--with the “extreme gravity” of the crime, “human rights violation” for which “zero tolerance” is imposed. The reading of the sentence was scheduled for January 8, 2021.

**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 2019 the NGO Association for Victim Support received reports of 25 cases of sexual harassment.

**Reproductive Rights:** Couples and individuals have the right to decide the number, spacing, and timing of their children; to manage their reproductive health; and to have access to the information and means to do so, free from discrimination, coercion, or violence. The government, through the National Health Service, provides access to sexual and reproductive health services for survivors of sexual violence.

**Coercion in Population Control:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

**Discrimination:** The constitution and the law provide women full legal equality with men, and the government enforced the law.

### Children

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

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**Child Abuse:** Child abuse was a problem. The Association for Victim Support reported 760 crimes against children younger than 18 in 2019. According to the *2018 Annual Internal Security Report* (but not in the 2019 report), Romani parents exploited minor children in labor trafficking through forced street begging. A child-abuse database was 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.

**Child, 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, or a guardian, or, in default of the latter, a court decision.

**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 <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases>.

### Anti-Semitism

Estimates placed the Jewish population at 3,000 to 4,000 persons. There were no reports of violent anti-Semitic acts.

### Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/trafficking-in-persons-report](http://www.state.gov/trafficking-in-persons-report).

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### **Persons with Disabilities**

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government generally enforced the law effectively. The law mandates access to public buildings, information, and communication for persons with disabilities, but no legislation covers private businesses or other facilities. Children with disabilities attended school through secondary education at the same rate as other children, together with their nondisabled peers.

### **Members of National/Racial/Ethnic Minority Groups**

The Commission for Equality and Against Racial Discrimination (CICDR) is the dedicated body to combat racial discrimination. Its mission under law is to prevent and prohibit racial discrimination and to penalize actions that result in the violation of fundamental rights or in the refusal or constraint of the exercise of economic, social, or cultural rights by any person based on race, ethnic origin, color, nationality, ancestry, or territory of origin. According to its annual report, the CICDR received 436 complaints of discrimination in 2019, an increase of nearly 26 percent from 2018, including a finding of racism against a presidential candidate (who denied wrongdoing). The CICDR explained that the increase might have been due to the global Black Lives Matter movement, which led to greater awareness of racial and ethnic discrimination issues and improved understanding of the legal mechanisms available to victims.

The media reported several race-related crimes. On July 25, actor Bruno Cande Marques was killed. Cande was born in Lisbon, while his family is originally from Guinea-Bissau. Police arrested the suspect and handed the case over to the Judiciary Police, who determined the crime was not motivated by racism. The victim's family, however, considered the death "premeditated and racist." The family stated Cande had received death threats and racist insults from the suspect three days before the crime. SOS Racismo, a nongovernmental organization supporting antiracism work, condemned the killing and called it a hate crime.

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One human rights defender received death threats, which resulted in him leaving the country for one month. When he returned, the government provided him with police protection.

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. Media reports of police harassment, misconduct, and abuses against Roma continued.

In some localities the government provided integration and access to services for the Roma, including vaccination campaigns, monitoring of prenatal care, scholarship programs, assistance in finding employment, and a mediation program staffed by ethnic Romani mediators in the Office of the High Commission for Immigration and Intercultural Dialogue.

### **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity**

The constitution and the law prohibit discrimination based on sexual orientation and gender identity.

A 2018 gender identity law allows transgender adults to update their names and gender markers in the civil registry to reflect their gender identities without having to submit a medical certificate. Transgender minors ages 16 and 17 are also able to update their names and gender markers in the civil registry to reflect their gender identities, but they must present a clinical report.

In August 2019 the government issued a directive that allows children to make choices that correspond with their gender identity, including choosing a bathroom, wearing a girl's or boy's school uniform, or using a new gender name. The directive sets out administrative procedures stemming from the law that seeks to eliminate discrimination against transgender persons. The measure caused



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controversy among parents of school-age children, and disapproving opposition politicians called for the Constitutional Court to intervene.

### **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. The government effectively enforced applicable laws, and penalties were commensurate with those for other laws involving denial of civil rights, such as discrimination. While the law provides for freedom of association and collective bargaining, several restrictions limit these rights. The rights of police officers and members of the armed forces are limited. The Judiciary Police, the Foreigners and Borders Service, and prison guards may strike; the Public Security Police and the Republican National Guard 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. Public-sector employee unions 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 remained 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 to imprisonment and were commensurate with those for other

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laws involving denials of civil rights, such as discrimination. 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. 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. According to labor union representatives, some workers received threats that union participation would result in negative performance reviews. In September 2019 cabin crew at Ryanair airline went on strike to protest exploitation through low wages and job insecurity, and the company threatened workers with a freeze of career prospects. The government decreed that minimum services were required during the stoppage, which the union considered an attempt to eliminate the right to strike.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced and compulsory labor. The government effectively enforced the law, but penalties were not commensurate with those for other serious crimes. The law places responsibility for complying with legal provisions on temporary employment agencies and employers 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. Civil society, however, noted a need to strengthen monitoring and regulation of temporary employment and recruitment agencies, especially those employing and recruiting domestic workers. The government did not report investigating or prosecuting any labor recruitment agencies for fraudulent recruitment or trafficking.

Government resources dedicated to prevention of forced labor, including inspections and remediation, and enforcement of the law remained inadequate. Penalties ranging from three to 15 years' imprisonment were sufficient to deter

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violations, and convictions remained low. Convicted offenders frequently avoided imprisonment, undercutting enforcement efforts and victim protections, according to NGOs and media. 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. In 2019 courts convicted and sentenced three traffickers (a couple for sex trafficking of Brazilian women, and a Nigerian trafficker), compared with 25 convictions in 2018 (17 sex trafficking and eight forced labor).

According to the Portuguese Observatory on Trafficking in Human Beings, foreign labor trafficking victims were exploited in agriculture, construction, and domestic service, while Portuguese victims were exploited 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/trafficking-in-persons-report/](http://www.state.gov/trafficking-in-persons-report/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor. The statutory minimum age for employment is 16. The law prohibits the employment of persons younger than 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. The government effectively enforced the applicable laws and penalties were commensurate with those for other serious crimes. Resources and inspections were adequate.

Child labor occurred in very limited cases. Children of Romani descent were subjected to labor trafficking through forced begging and forced criminality by coercing them to commit property crimes (also see section 6, Children). Sub-Saharan trafficking networks increasingly used the country as a route into the Schengen area to exploit children in sex trafficking and forced labor.

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Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

### **d. Discrimination with Respect to Employment and Occupation**

Labor laws and regulations prohibit discrimination with respect to employment and occupation, and the government effectively enforced these laws. Penalties were commensurate with laws related to civil rights, such as election interference.

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 14.4 percent lower than those of men. On January 16, the government announced the "Equality Platform and Standard," a government project to combat inequalities between women and men in the workplace.

### **e. Acceptable Conditions of Work**

The minimum wage covers full-time workers, rural workers, and domestic employees who are at least 18 years of age and is above the poverty income level.

The legal workday may not exceed 10 hours, and the maximum workweek is 40 hours. In 2016 the government approved a return to the public sector's traditional 35-hour working week, down from the 40 hours that had become standard in the private sector. The maximum is 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 noted were designed to make working hours more flexible and increase productivity. Occupational safety and health standards set by ACT were current and appropriate.

Information on enforcement of these laws in the small informal economy was not available.

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ACT was responsible for enforcement of minimum wage, which was above the poverty level, and also for hours of work and safety standards in the formal sector, and it effectively enforced these measures. Resources, inspections, and remediation were adequate. Penalties ranged from fines to prison sentences, were commensurate with those for similar crimes, and were sufficient to deter violations.

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 they 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 it 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 there was a large number of small or family businesses and where most immigrant workers were employed, according to NGOs. The government effectively enforced occupational safety and health (OSH) laws, and penalties for violations of OSH laws were commensurate with those for crimes such as negligence. ACT reported 83 deaths from work-related accidents in 2019, a decrease of 37 percent from 2018. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation.