

# PORTUGAL 2021 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 presidential elections in January and national legislative elections in 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. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included criminal libel laws and credible reports of crimes involving threats of violence targeting members of racial/ethnic minority groups.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses and corruption.

## **Section 1. Respect for the Integrity of the Person**

### **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.

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.

In response to the March 2020 killing of Ukrainian traveler Igor Homaniuk while in the custody of the country's immigration authority, the Foreigners and Borders Service (SEF), the government dismantled the SEF and replaced it with the Foreigners and Asylum Service (SEA). SEF operations and functions were reassigned to four different government agencies. The SEF retained only its document and database management functions. On May 10, a Lisbon court convicted three SEF border officers of inflicting serious bodily harm that led to Homaniuk's death. Two of the officers were sentenced to nine years in prison, and one was sentenced to seven years in prison. The court found that the officers had handcuffed, beaten, and left Homaniuk to asphyxiate on the floor of an airport detention center.

## **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. On September 15, Danijoy Pontes, a 23-year-old of Sao Tome e Principe origin, died in the Lisbon Prison Establishment. Black, antiracist, immigrant, and human rights organizations, as well as Pontes' family and friends, raised concerns about the circumstances that led to his death.

Authorities stated at the time that he had died in his sleep, but the family suspected that Pontes was given excessive medication by prison guards and called for the reopening of the investigation. The Attorney General's Office confirmed on November 23 that the Public Prosecutor's Office had reopened the investigation. In a report published in November 2020 on its ad hoc visit to the country in 2019, the Council of Europe's Committee for the Prevention of Torture (CPT) noted that it received a considerable number of credible allegations of mistreatment by police

officers. The alleged mistreatment consisted primarily of slaps, punches, and kicks to the body and head as well as beatings with batons and took place at the time of apprehension as well as during time spent in a police station. The CPT concluded that such mistreatment was not infrequent and was not the result of a few rogue officers. The CPT noted that persons of African descent, both Portuguese citizens and foreign nationals, appeared to be at greater risk of being mistreated.

In 2020 the IGAI received 1,073 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 (530) and the Republican National Guard (335). The IGAI investigated each complaint. In 2020 the government initiated 58 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 some reports regarding prison or detention center conditions that raised human rights concerns.

**Physical Conditions:** Several of the country's prisons were overcrowded. Other reported problems 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 November 2020 CPT report noted that certain prisons continued to operate at 120 percent or higher of their official capacity. The CPT found both decent and poor living areas in the prisons it visited. For example, induction cells in Wing D at the Lisbon Prison were particularly dilapidated and dirty, as were the induction dormitory and dormitory for prisoners sentenced or accused of sex offenses at Caxias Prison. Conditions at Caxias Prison were exacerbated by overcrowding (14 prisoners in 335 square feet of space) and confinement of prisoners to dormitories

for 22 hours a day. A similar situation was noted at Setubal Prison. The CPT report stated, “Such conditions could be considered as amounting to inhuman and degrading treatment.” The CPT noted that some facilities lacked sufficient lighting, heating, and sanitation.

**Administration:** Authorities investigated allegations of abuses and inhuman conditions and documented the results in a publicly accessible manner. The November 2020 CPT report noted that no disciplinary actions against law enforcement personnel can be imposed until the conclusion of criminal proceedings against them, which can often stretch out over many years.

**Independent Monitoring:** The government permitted visits by independent human rights observers that included the CPT, 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 and provide for the right of any person to challenge in court the lawfulness of their detention. The government generally observed these requirements.

##### **Arrest Procedures and Treatment of Detainees**

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. 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 of their choice from the time of arrest. The CPT's November 2020 report noted that most persons the CPT interviewed stated that they only met an ex officio lawyer at the court hearing before a judge. If detained persons cannot afford a private lawyer, the government appoints one and assumes legal costs.

**Pretrial Detention:** Lengthy pretrial detention remained a problem, but rarely equaled or exceeded the maximum sentence for the alleged crime. As of September 15, according to the Directorate General of Prison Services, 18 percent of the prison population was in pretrial detention, a decrease of 1.5 percent than the previous year. Most 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 of the charges, with free interpretation when necessary from the moment charged through all appeals. Defendants have the right to a fair, timely, and public trial. 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 of their choice or provided by the government 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.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

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.

### **Property Seizure and Restitution**

Holocaust-era restitution was not 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 in July 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; there was one report that municipal-level authorities failed to respect these prohibitions.

In June press outlets reported that Lisbon municipal authorities disclosed to Russian government officials the personal information of three Russian dissidents who had sought a permit to protest outside the Russian embassy in January. Lisbon officials apologized after significant public outcry and stated they would end this practice.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law provide for freedom of expression, including for members of the press and other media, 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 members of the media. 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.

**Libel/Slander Laws:** Defamation, including libel and slander, constitutes a criminal offense under Article 180 of the Criminal Code, which punishes the crime, defined as alleging a fact or formulating a judgment (or reproducing such) about a third person that is offensive to that person's honor or reputation, with up to six months in prison or a fine.

On May 24, a Lisbon court convicted Andre Ventura, leader of the populist far-right party *Chega!*, of offending the honor and good name of a family residing in the Jamaica neighborhood in the southern outskirts of Lisbon. The Afro-Portuguese family had filed a lawsuit against Ventura after he used a photograph,

in which they appeared next to President Marcelo Rebelo de Sousa, to say during a January 6 presidential election debate with Rebelo de Sousa that the president preferred to be with “thugs” than to visit the police officers involved in a previous incident of violence in that neighborhood. In the ruling, the court deemed that Ventura used the photograph “as a weapon of social segregation,” ordered him to publicly apologize to the family and to publish the apology in the same media where his statements were originally made. Ventura lost an appeal on September 21 and made the public apology on October 29. After the Supreme Court of Justice upheld on December 6 the lower court’s conviction of “racial segregation,” Ventura announced in a press conference the next day that he would take the case to the European Court of Human Rights.

### **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, save for those imposed due to COVID-19 containment measures.

### **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 and the Right to Leave the Country**

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.

## **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, returning refugees, asylum seekers, stateless persons, and other persons of concern.

**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 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 (called "subsidiary protection") to individuals who may not qualify as refugees, and provided it to 17 persons in 2020, according to SEF's 2020 *Immigration, Borders, and Asylum Report*.

## **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:** The most recent presidential election in January and national

legislative elections in 2019 were 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 isolated reports of corruption in the executive and legislative branches of the central government during the year.

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

On November 8, the Judiciary Police executed 100 search warrants and raided scores of addresses across the country in an investigation into allegations that Portuguese troops stationed with a UN peacekeeping force in the Central African Republic used military planes to smuggle diamonds, drugs, and gold into Europe. Ten persons were arrested in the operation. The criminal network with international connections was dedicated to obtaining illicit profits through diamond and gold smuggling, drug trafficking, counterfeiting, and passing counterfeit currency. Police were also looking into allegations of computer fraud and money laundering.

## **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

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 and Societal Abuses**

### **Women**

**Rape and Domestic Violence:** The law makes rape, including spousal rape, illegal, with a penalty of three to 10 years' imprisonment for violations. 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 committing gender-based violence, including violence towards women.

Gender-based violence, 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 14 deaths related to domestic violence.

The law allows third parties to file domestic violence reports. The government encouraged survivors of violence 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 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 survivors, and negotiated protocols with local authorities to assist survivors.

In March the government began a new training program for Public Administration workers on domestic violence to improve coordination among officials in different areas, such as health, law enforcement, and justice. The training courses were scheduled to continue through June 2023.

In June the government announced a new plan to reinforce the prevention and fight against domestic violence. Since then, the government launched social alert mechanisms and support to victims of domestic violence through an awareness campaign #EuSobrevivi (#ISurvived), an advice pamphlet, and information on local assistance contacts. Campaign materials were broadcast in the media and posted in police stations, hospitals, courts, citizens services shops, public transportation, gas stations, among other public locations.

**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 government's Healthy Practices Project to prevent and combat FGM/C, the country flagged 101 cases of possible FGM/C in 2020, down from 129 in 2019. Since authorities began collecting FGM/C statistics in 2014, there have been only three confirmed cases of FGM/C performed in the country. The remaining cases were performed in the immigrants' countries of origin.

On October 1, the government allocated 60,000 euros (\$69,000) to nine civil society organizations for new projects to prevent and combat FGM/C. The projects focus on encouraging girls and women to act against female genital mutilation.

On January 8, a Sintra court sentenced Rugui Djalo, a 21-year-old Bissau-Guinean citizen residing in the country, to three years in prison for the crime of genital mutilation of her then 18-month-old daughter. Djalo was the first person to be brought to trial in the country for the crime of FGM/C. In July the court of appeals

suspended the sentence for a period of four years on the grounds that taking the mother away from the child would punish the daughter a second time and that the censure of the practice of FGM/C and the threat of imprisonment already achieved the objective of deterring the practice. The court concluded that the mother travelled to Guinea-Bissau and requested the procedure but did not actually perform FGM/C herself.

**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. From January to April, the Inspectorate General of Finance received 28 reports of sexual harassment, and the Working Conditions Authority registered seven infractions during the same period.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities (see Female Genital Mutilation/Cutting (FGM/C), above, for additional information).

Vulnerable populations had the ability to provide informed consent to medical treatment affecting reproductive health, including for sterilization.

The government provided access to sexual and reproductive health services for survivors of sexual violence; emergency contraception was available as part of clinical management of rape.

**Discrimination:** The constitution and the law provide women full legal equality with men, including under family, religious, personal status, and nationality laws as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing businesses or property, and the government enforced the law.

## **Systemic Racial or Ethnic Violence and Discrimination**

The constitution bans discrimination and provides legal protection against discriminatory acts and practices. This protection covers discrimination on the grounds of ancestry, sex, race, age, disability, language, territory of origin, religion, political or ideological convictions, education, economic situation, social condition or sexual orientation, and any other reason. The scope of the country's law against discrimination is wider than EU law. There is a law against hate crimes, including murder and assault motivated by racial or religious hatred, genocide, racial and religious discrimination and related intolerance, insults on grounds of religion and profanation of cemeteries.

On March 24, the Council of Europe's commissioner for human rights, Dunja Mijatovic, released a memorandum to address "the increasing level of racism and the persistence of related discrimination" in the country. In the memorandum the commissioner noted a number of assaults during 2020 "on people of African descent and other persons perceived as foreigners, as well as against antiracist and other civil society activists" in the country. According to the memorandum, the incidents culminated in July 2020 with the murder of Bruno Cande, a Portuguese citizen of African descent, who was shot and killed in Lisbon. His killer reportedly shouted racist slurs before killing Cande. On June 29, a Lisbon court convicted Evaristo Marinho, 76, of homicide aggravated by racial hatred and sentenced him to 22 years and nine months in prison for killing Cande. Marinho, a veteran who served during the country's colonial war in Angola between 1963 and 1974, confessed to the murder at the trial.

In her March 24 memorandum, Commissioner Mijatovic noted that, in the same period, "racist slurs and swastikas appeared on the walls of several public buildings, including schools, and on the walls of premises of certain NGOs, in particular SOS Racismo" and that the organization's president, together with other persons belonging to civil society organizations, received death threats and warnings to leave the country within 48 hours in response to their public stance and work against racism. The threats reportedly also targeted trade unions and three members of the country's parliament, and in August, a "Ku Klux Klan-style" demonstration took place in front of the SOS Racismo premises.

The government estimated the Romani population to be between 40,000 and 50,000 persons. Many 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.

The March 24 Mijatovic memorandum also stated that “Roma have long been targeted by racist hate speech and continue to be routinely confronted with discriminatory practices, such as service denials, throughout Portugal” and that “widespread hostility has at times resulted in incidents of mob violence against Roma communities.” The memorandum noted, as an example, a series of incidents in 2017 that included threats, arson, and attacks against property targeting the Roma community that had occurred in a locality in the south of the country.

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.

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, CICDR received 655 complaints of discrimination in 2020, an increase of 50.2 percent from 2019, the vast majority related to alleged discrimination on social media (319 complaints, or 48.7 percent). CICDR explained that the increase might reflect greater social awareness of the problem of racial and ethnic discrimination as well as a growing knowledge and confidence in the commission and in the mechanisms available for the exercise of rights.

In June the government released its new national action plan to combat racism and

discrimination. The plan outlined 10 areas of action, including information and knowledge for a nondiscriminatory society; education; higher education; work and employment; housing; health and social action; justice and security; participation and representation; sports; and media and digital.

The media reported that a UN working group on Peoples of African Ancestry was “surprised and shocked” by reports on police brutality in the country. The group arrived in the country in late November at the invitation of the government to gather data on racial discrimination towards persons of African descent. During a press conference on December 6, the delegation said it was surprised by the amount of police intervention in African communities and by the prevalence of racial insults in public places. The group stated that what it observed “does not align with the rules of a country that claims to be open and progressive.”

## **Children**

**Birth Registration:** Citizenship is derived by birth within the country’s territory and from one’s parents. Birth registration is free and mandatory and was not denied or provided on a discriminatory basis.

**Child Abuse:** The constitution provides for basic rights of the child, and laws protect children against, among others, physical abuse, sexual abuse, emotional abuse, and physical and emotional neglect, and the government generally enforced the law. The Association for Victim Support reported 1,816 crimes against children younger than 18 in 2020. 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.html>.

## **Anti-Semitism**

Estimates placed the Jewish population at 3,000 to 4,000 persons.

In January a contestant in the country's version of the "Big Brother" reality show was expelled for repeatedly making Nazi salutes in front of his housemates. Helder Teixeira, 39, made the gesture and was repeatedly told to stop by the other contestants. Teixeira laughed and proceeded to mimic the Nazi march with his arm raised in the air, repeating the gesture days later. Following these episodes, the "Big Brother" host called all house members together and played a video of a Holocaust survivor talking about the Nazi persecution minorities faced during World War II, including Jews, Roma, and members of the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) community. After telling Teixeira that joking about the Holocaust risks downplaying or trivializing the subject and that the gesture symbolized "millions of deaths," the host expelled Teixeira from the show.

On February 7, Rodrigo Sousa Castro, one of the military generals who led the country's 1974 revolution, posted an anti-Semitic tweet suggesting that Jewish financial domination facilitated Israel's success in vaccinating for COVID-19. Castro tweeted that "the Jews, as they dominate global finance, bought and have all the vaccines they wanted. It's historical revenge of sorts. And I won't say anything more or the Zionist bulldogs will jump." In response, Israel's ambassador to Portugal tweeted, "As a proud Zionist bulldog, I can promise that if Israel develops a cure for COVID-19, Colonel Sousa e Castro will have access to it

if needed.” Sousa Castro came under immediate fire by numerous public authorities, including the Lisbon and Porto Israeli Communities, the Portuguesa Association for Israel, and the Social Democratic Party who adopted a draft resolution in parliament on February 9 that stated, “Portugal is seeing the propagation of anti-Semitic discourse with serious insinuations.” To be an advocate of the 1974 revolution, it added, “means to honor its values.” Sousa Castro later removed the tweet, stating he had committed an “error” by engaging in a “generalization” that was not “correct” and was “abusive,” adding that “many will have the right to have been offended.”

## **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).

## **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 and private buildings, information, and communication for persons with disabilities. Persons with disabilities can access education, health services, public buildings, and transportation on an equal basis with others. There are laws requiring such access, however, access is not always available. The Portuguese Association for the Disabled (APD) reported receiving daily complaints about lack of accessibility for the disabled, such as buildings without ramps, excessively narrow and uneven sidewalks, transportation without elevator access, and public buses without wheelchair lifts. Urban public transport buses are equipped with lift platforms for seats, but these are not always operational. During election periods, the APD receives complaints about polling stations that are inaccessible to the disabled. The head of the APD told media in September that some progress has been made in recent years, but that improvements happen at a very slow pace.

Children with disabilities attended school through secondary education at the same rate as other children, together with their nondisabled peers.

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

The constitution and the law prohibit discrimination by state and nonstate actors based on sexual orientation and gender identity, including with respect to essential goods and services such as housing, employment, and access to government services such as health care. The government generally enforced such laws effectively. The 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 who are 16 or 17 can also update their names and gender markers in the civil registry to reflect their gender identities, but they must present a clinical report.

### **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 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 2019 cabin crew members 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 workers for agriculture, construction, and domestic service. The government did not report investigating or prosecuting any labor recruitment agencies for fraudulent recruitment or trafficking. Most victims were from India, Moldova, Pakistan, and Romania, but victims also originated from West Africa, Eastern Europe, Asia, and Brazil.

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 violations, but convictions remained few. 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 2020 courts convicted and sentenced 24 traffickers, compared with 26 convictions in 2019.

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.

In May media outlets reported alleged cases of illegal immigration networks and slave labor in the Alentejo town of Odemira. The majority of the 9,600 legal immigrants living in Odemira were from Nepal and India, with several hundred additional from Bulgaria, Thailand, and Germany, according to data from the SEF. The SEF reported 32 investigations underway into human trafficking, hiring of illegal labor, document falsification, and fraudulent relations to obtain document legalization in Alentejo against 17 farm owners. In addition the Odemira Public Prosecutor's Office claimed it was conducting more than a dozen investigations into alleged aid for illegal immigration for exploiting labor. Since 2018 authorities arrested 11 suspects in connection to labor exploitation and identified 134 victims

of human trafficking in the Alentejo, according to the SEF.

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.

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**

**Wage and Hour Laws:** 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. The public sector has a 35-hour workweek. 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.

ACT was responsible for enforcement of minimum wage, which was above the poverty level, and for hours of work and safety standards in the formal sector. ACT 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 and to enforce compliance. Inspectors had authority to conduct unannounced inspections and initiate sanctions and did not face moratoriums on inspections during the year.

**Occupational Safety and Health:** Occupational safety and health standards set by ACT were current and appropriate.

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 37 deaths from work-related accidents in the first five months of the year, with the construction sector being the most affected (15 cases), followed by the manufacturing sector (10 cases). Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation.

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 were many small or family businesses and where most immigrant workers were employed, according to NGOs.

**Informal Sector:** Information on enforcement of the law in the small informal economy was not available.