

PORTUGAL 2022 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 both the presidential election in January 2021 and snap legislative elections held on January 30 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 matters, 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 reports members of the security forces committed some abuses.

There were no reports of significant human rights abuses.

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

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, and other Related Abuses

While the constitution and law prohibit torture and other cruel, degrading, or inhuman treatment or punishment, 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 2021 the Inspectorate General of Internal Administration (IGAI) received 1,174 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 (565) and the Republican National Guard (353). The IGAI investigated complaints. In 2021 the government initiated 41 disciplinary 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 for those tried and convicted.

Prison and Detention Center Conditions

There were some reports regarding prison or detention center conditions that raised human rights concerns.

Abusive Physical Conditions: 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.

Administration: Authorities investigated allegations of abuses and inhuman conditions and documented the results in a publicly accessible manner. The 2020 *Report to the Portuguese Government on the visit to Portugal carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)* noted no disciplinary actions against law enforcement personnel could be imposed until the conclusion of criminal proceedings against them, which often stretch out 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 his or her arrest or detention. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Individuals are normally arrested on a judicial warrant, but law enforcement officers and citizens may make an arrest without a warrant when there is probable cause a crime has been or is being committed, or when the person arrested is an escaped convict or suspect.

Authorities respected the requirement that a suspect must appear 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 criminal charge within that period, they must release the detainee. In cases of serious crimes such as murder, armed robbery, terrorism, violent or organized crime, and crimes involving more than one suspect, the investigating judge may decide to hold a suspect in detention for up to 18 months during the investigation, 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 2020 report noted most persons the CPT interviewed stated 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, 19.6 percent of the prison population was in pretrial detention, an increase of 1.6 percent from the previous year. Most pretrial detainees were incarcerated six months to a year. Observers, including media, business corporations, and legal observers, estimated a one-year backlog of cases awaiting trial. Extended pretrial detention was generally attributed 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.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens, foreign residents, and organizations may file lawsuits through domestic courts seeking damages for, or cessation of, a human rights violation, and they may appeal adverse decisions domestically and through regional human rights bodies, such as the European Court of Human Rights.

Property Seizure and Restitution

Holocaust-era restitution was not a significant problem. The government has laws

and mechanisms in place and is a signatory of the Terezin Declaration of 2009 and the *2010 Guidelines and Best Practices*. 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 (nongovernmental organizations) 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 2020, can be found on the Department's website: <https://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; unlike in 2021, there were no reports the government failed to respect these prohibitions.

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.

Freedom of Expression: The law criminalizes the denigration of ethnic or religious minorities, as well as Holocaust denial. Prison sentences for conviction of these crimes are between six months and eight years.

Libel/Slander Laws: By law defamation, including libel and slander, constitutes a

criminal offense. Conviction of defamation, defined as alleging a fact or formulating a judgment (or reproducing such) regarding a third person that is offensive to that person's honor or reputation, is punishable by up to six months in prison or a fine.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

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

e. 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, and other persons of concern. Experts raised concerns regarding the government's efforts to proactively identify trafficking victims.

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.

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: According to the Foreigners and Borders Service's *2021 Immigration, Borders, and Asylum Report*, the government provided temporary protection to individuals who may not qualify as refugees and provided it to 78 persons in 2021.

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 2021 and national legislative elections on January 30 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 officials convicted of corruption, 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 September 29, Judiciary Police carried out searches at the headquarters of the

Presidency of the Council of Ministers (PCM), the central government's department responsible for supporting the prime minister and his cabinet members. The main target of their operation was PCM Secretary General David Xavier, who was under suspicion of corruption and other crimes associated with the violation of public procurement rules. Xavier was suspected of obtaining personal benefits through bribery in the purchase of computer systems for the government from an unnamed company in the north of the country. The probe was led by the Public Prosecutor's Office and the Judiciary Police National Anti-Corruption Unit.

Section 5. Governmental Posture Towards 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 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 to parliament for approval.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law makes rape of a person, regardless of

gender, including spousal rape, illegal, with a penalty of three to 10 years' imprisonment if convicted. The government generally enforced the law when the survivor chose to press charges. The law provides for criminal penalties of up to 10 years' imprisonment for conviction 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 (GBV), including violence towards women.

GBV, including domestic violence, continued to be a problem. According to data from NGOs and media reports, in the first nine months of the year, there were 20 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 survivor protection against the abuser. The government's Commission for Equality and Women's Rights operated 39 safe houses and 28 emergency shelters for survivors 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.

Since March 2021 the government has conducted a 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 are scheduled to continue through June 2023. On July 19, the government announced it had reinforced domestic violence protection by opening 55 additional vacancies in its safehouse network. With this expansion, during the year the number of emergency vacancies for survivors of domestic violence at the national level grew by 10 percent and vacancies in shelters increased from 611 to 641.

On September 30, the government signed the Dublin Declaration, designed to promote gender equality to help prevent GBV, including domestic and sexual violence. The declaration identifies specific roles for men and boys in strategies to combat GBV; measures to achieve gender equality, nonstereotype role modelling,

and nonviolent conflict resolution at “all levels” in school and college curricula; and provides for in-service training of judicial system personnel in addressing prejudices that could obstruct effective protection of survivors.

Female Genital Mutilation/Cutting (FGM/C): By law FGM/C is a criminal offense punishable if convicted by two to 10 years’ imprisonment. The State Secretariat for Citizenship and Equality reported some communities practiced FGM/C on young girls, particularly Bissau-Guinean immigrants.

According to the government’s Healthy Practices Project to prevent and combat FGM/C, the country flagged 105 cases of possible FGM/C during the first six months of the year, compared with a total of 138 in 2021. According to the Commission for Citizenship and Gender Equality, these data may not indicate a rising incidence of GBV because cases from prior years were added due to improved capacity of health professionals to identify and report the incidence of GBV.

Sexual Harassment: Sexual harassment is a crime, with penalties for conviction ranging from one to eight years in prison. If perpetrated by a superior in the workplace, the penalty for conviction 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. On February 23, the Portuguese Association for Victim Support announced the results of a survey it conducted in December 2021 that revealed 36 percent of 824 men and women interviewed responded they or someone they knew had been a victim of sexual harassment in the workplace.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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

(See the Female Genital Mutilation/Cutting (FGM/C) subsection for additional

information.)

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 law provide the same legal status and rights for women as for 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. The government enforced the law effectively.

Systemic Racial or Ethnic Violence and Discrimination

The constitution and laws provide for the protection of members of racial and ethnic minority groups. These include 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, and political or ideological convictions. By law hate crimes include assault and murder motivated by racial or religious hatred, genocide, racial and religious discrimination and related intolerance, insults on grounds of religion and desecration of cemeteries.

On August 1, the president stated on his website, "any racist or xenophobic behavior is reprehensible and intolerable and should be punished." He noted, "unfortunately, there exist racist and xenophobic people among us," and he underscored, "this behavior should not be generalized as the behavior of Portuguese society." The president's statements were issued two days after Brazilian actor Giovanna Ewbank posted on social media that her children had been victims of racist abuse in a suburban Lisbon restaurant in Costa de Caparica by an intoxicated woman, who was later detained by authorities. A family of Angolan tourists at the restaurant was also subjected to racist abuse.

The Romani ethnic minority experienced local governmental and societal discrimination. 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, and 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.

The Commission for Equality and Against Racial Discrimination is a body mandated to combat racial discrimination. Its defined legal mission 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 commission received 408 complaints of discrimination in 2021, a decrease of 38 percent from 2020. Most complaints alleged discrimination in the service area or on social media.

In June the government released a national action plan to combat racism and discrimination. The plan outlined 10 areas of action, including information and knowledge to achieve a nondiscriminatory society; education and higher education; employment; housing; health and social action; justice and security; societal participation and representation; sports; and media.

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 provided on a nondiscriminatory basis.

Child Abuse: The constitution provides for basic rights of the child, and laws protect children against, among other things, physical abuse, sexual abuse, emotional abuse, and physical and emotional neglect; the government generally enforced the law. The Association for Victim Support reported 1,416 crimes against children in 2021. Traffickers continued to exploit children from Eastern

Europe, including Romani children, for forced begging and forced criminal activity in the country. A child-abuse database was accessible to law enforcement and child protection services. The government conducted awareness campaigns against child abuse and sexual exploitation. The government prohibits convicted child abusers from work or volunteer activities involving contact with children.

In July media reported the Public Prosecutor's Office was investigating alleged child sexual abuse by Roman Catholic clergy. It recorded the testimony of more than 350 individuals and had its own website and telephone line for survivors to report abuse. Additionally, it had access to historic files from dioceses. In April media reported investigators had evidence Roman Catholic clergy, including existing bishops whose names were not disclosed, tried to cover up abuse. Media reported Lisbon's patriarch, Cardinal Manuel Clemente, was aware of an alleged sexual-abuse crime that happened in the 1990s and met with the alleged survivor two decades later; however, he decided not to inform authorities and did not remove the accused from the priesthood. Cardinal Clemente acknowledged the alleged abuse and stated he was "fully available" to help authorities "find the truth."

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.

In February the government created a working group to raise awareness of key warning signs among public service professionals to prevent child, early and forced marriages. The working group is composed of representatives of the Attorney General's Office, the Judiciary Police, the SEF, the National Institute for Legal Medicine and Forensic Sciences, UNICEF Portugal, and civil society organizations.

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

The law also prohibits child sex trafficking. Although the government identified

five “presumed” child trafficking victims in 2020, it did not identify any “confirmed” child trafficking victims. Experts expressed concerns regarding gaps in the government’s efforts to proactively identify trafficking victims.

Antisemitism

Estimates placed the Jewish population at 3,000 to 4,000 persons. There were no known reports of antisemitic acts.

Trafficking in Persons

In March the Foreigners and Borders Service (SEF) took measures to prevent human trafficking, particularly among refugees from the war in Ukraine. SEF increased controls at the borders with Spain, at airports and other border points of entry and exit from and to Spain to prevent cases of human trafficking, particularly amongst refugees from the war in Ukraine. It also instituted “random mobile patrols” on the border area with Spain and required all unaccompanied minor children entering the country as refugees to register and document their identities to prevent cases of human trafficking. SEF also began inspecting all non-Schengen flights from Eastern Europe twice daily.

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: No laws criminalize consensual same-sex sexual conduct between adults.

Violence against LGBTQI+ Persons: The Portuguese chapter of the International Lesbian, Gay, Bisexual, Trans, and Intersex Association registered 161 complaints of discrimination targeting lesbian, gay, bisexual, transsexual, queer, or intersex (LGBTQI+) persons in 2019, including insults (75), bullying (14), attempted physical aggression (14), domestic violence (10), sexual violence (two), and dating violence (one).

Discrimination: 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, including a ban on nonconsensual sex assignment surgeries on intersex children.

Availability of Legal Gender Recognition: Adults may update their gender markers on identity documents through a simple administrative process with no other requirements, including medical interventions or psychological diagnoses. Children ages 16 and 17 may do the same with parental consent and a psychological opinion.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There is no existing ban on so-called conversion therapy practices, including talk therapy and the use of drugs or hormones.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no restrictions specifically targeting LGBTQI+ persons, organizations, or communities.

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 have access to education, health services, public buildings, and transportation on an equal basis with others. There are laws requiring such access; however, access was not always available. The Portuguese Association for the Disabled (APD) reported receiving daily complaints regarding lack of accessibility for persons with disabilities, such as buildings without ramps, excessively narrow and uneven sidewalks, transportation without elevator access, and public buses lacking wheelchair lifts. Urban public transport buses are equipped with lift platforms for seats, but these are not always operational. During election periods

the APD received complaints concerning polling stations that were inaccessible to persons with disabilities. In September media reported the head of the APD stated that some progress had been made in recent years, but that improvements happened at a very slow pace.

Media reported the government failed to implement the *National Strategy for the Inclusion of People with Disabilities*, which came into force in September 2021. The Ministry of Social Security stated it lacked the technical capacity to implement some of the strategy's innovative measures; of 170 prescribed measures, 70 had yet to be implemented. Strategy implementation provides for 30 partnerships with municipalities to improve access to public buildings for persons with disabilities, with a focus on eliminating architectural design impediments. Only one partnership was in effect at year's end.

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

While the law provides for freedom of association and collective bargaining, several restrictions limit these rights. 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 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 effectively enforced 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. Penalties were regularly applied against violators. 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 generally operated 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.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced and compulsory labor. The government effectively enforced the law. 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 male migrants 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.

According to the Portuguese Observatory on Trafficking in Human Beings, foreign victims of forced labor were exploited in agriculture, construction, and domestic service, while Portuguese victims were exploited in restaurants, agriculture, and domestic service.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all 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. Penalties were sometimes applied against violators.

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, based on race, religion, national origin, color, sex (including pregnancy), ethnicity, disability, age, sexual orientation or gender identity, HIV or AIDS status, or refugee or stateless status, and the government effectively enforced these laws. Penalties were commensurate with laws related to civil rights, such as election interference. Penalties were sometimes applied against violators. 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 13.3 percent lower than those of men.

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.

Occupational Safety and Health: Occupational safety and health (OSH) standards set by ACT were appropriate for the main industries and OSH experts actively identified unsafe conditions. ACT inspectors actively identified unsafe conditions, including lack of personal protective equipment against COVID-19, and responded to workers' OSH complaints. ACT reported 62 deaths from work-related accidents in the first seven months of the year, with the construction sector being the most affected (30 cases), followed by agriculture (eight cases) and manufacturing (seven 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.

Wage, Hour, and OSH Enforcement: ACT is responsible for enforcement of wage, hour, and OSH standards in the formal sector. The government effectively enforced the laws, and penalties for violations of laws were commensurate with those for crimes such as fraud or negligence and were sufficient to deter violations and to enforce compliance. Penalties were sometimes applied against violators for wage, hour, and OSH violations. Resources, inspections, and remediation were adequate. Inspectors had authority to conduct unannounced inspections and initiate sanctions and did not face moratoriums on inspections during the year.

Workers have the right to file 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. Workers in the informal sector, and part-time workers, are covered by labor laws, although there are reports that illegalities are more difficult to detect and control in the informal sector.