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Portugal

Country:

Portugal

Year:

2018

Freedom Status:

Free

Political Rights:

1

Civil Liberties:

1

Aggregate Score:

97

Freedom Rating:

1.0

Overview:

Portugal is a stable parliamentary democracy with a multiparty political system and regular transfers of power between the two largest parties. Civil liberties are generally protected. Ongoing concerns include corruption, certain legal constraints on journalism, and poor or abusive conditions for prisoners. Prosecutors have pursued corruption cases against top officials in recent years.

Political Rights and Civil Liberties:

POLITICAL RIGHTS: 39 / 40

A. ELECTORAL PROCESS: 12 / 12

A1. Was the current head of government or other chief national authority elected through free and fair elections? 4 / 4

In Portugal's parliamentary system, most executive power lies with the prime minister, though the directly elected president can delay legislation through a veto and dissolve the parliament to trigger early elections. The president serves up to two five-year terms. In the 2016 presidential election, a center-right candidate supported by the opposition Social

Democratic Party (PSD) and its allies, Marcelo Rebelo de Sousa, won with 52 percent of the vote, easily defeating a leftist candidate backed by the ruling Socialist Party (PS), António Sampaio da Nóvoa, who took less than 23 percent.

Prime Minister António Costa of the PS took office in November 2015 as the head of a new government consisting of the PS, the Left Bloc (BE), the Communist Party (PCP), and the Greens (PEV). A minority government headed by the PSD had formed after the previous month's parliamentary elections, but it quickly collapsed when the leftist parties blocked its legislative program.

A2. Were the current national legislative representatives elected through free and fair elections? 4 / 4

The 230 members of the unicameral Assembly of the Republic are directly elected every four years using a system of proportional representation in 22 multimember constituencies. In the October 2015 elections, the incumbent Portugal Ahead coalition, comprising the PSD and the Democratic Social Center–People's Party (CDS-PP), won 107 of the 230 seats. It remained the largest single force, but suffered losses compared with the 2011 elections, in which it took 132 seats. The PS, then in opposition, won 86 seats; the BE took 19; the Democratic Unity Coalition, composed of the PCP and PEV, took 17; and the Party for People, Animals, and Nature (PAN) captured 1.

A3. Are the electoral laws and framework fair, and are they implemented impartially by the relevant election management bodies? 4 / 4

Elections in Portugal are generally free and fair. The constitution was amended in 1997 to allow Portuguese citizens living abroad to vote in presidential and legislative elections, as well as in national referendums.

B. POLITICAL PLURALISM AND PARTICIPATION: 16 / 16

B1. Do the people have the right to organize in different political parties or other competitive political groupings of their choice, and is the system free of undue obstacles to the rise and fall of these competing parties or groupings? 4 / 4

Political parties operate freely. The main parties are the center-left PS, the center-right PSD, and the Christian democratic CDS-PP. There is no legal vote threshold for representation in the parliament, meaning smaller parties can win a seat with little more than 1 percent of the overall vote in practice.

B2. Is there a realistic opportunity for the opposition to increase its support or gain power through elections? 4 / 4

Portugal has established a strong pattern of peaceful power transfers through elections since it returned to democracy in the late 1970s. The PS and PSD have rotated in and out of government several times in recent decades, most recently in 2015.

B3. Are the people's political choices free from domination by the military, foreign powers, religious hierarchies, economic oligarchies, or any other powerful group that is not democratically accountable? 4 / 4

Both voters and politicians are free from undue interference by forces outside the political system.

B4. Do various segments of the population (including ethnic, religious, gender, LGBT, and other relevant groups) have full political rights and electoral opportunities? 4 / 4

Women and minority groups enjoy full political rights and are able to participate in the political process in practice. Women hold more than a third of the seats in the parliament. The autonomous regions of Azores and Madeira—two island groups in the Atlantic—have their own political structures with legislative and executive powers.

C. FUNCTIONING OF GOVERNMENT: 11 / 12

C1. Do the freely elected head of government and national legislative representatives determine the policies of the government? 4 / 4

Elected officials are free to determine and implement laws and policies without improper interference by unelected groups.

C2. Are safeguards against official corruption strong and effective? 3 / 4

The country has struggled with major corruption scandals in recent years. While high-ranking politicians, officials, and businesspeople have been duly prosecuted, international monitors including the Council of Europe have urged Portugal to strengthen mechanisms that would help prevent corruption.

One ongoing case involved Manuel Vicente, who served as Angola's vice president from 2012 until September 2017 and was previously the head of the African country's state oil company. Documents leaked during 2017 named Vicente's relatives along with other Angolan and Brazilian figures who may have used the proceeds of corruption to obtain permanent residency in Portugal through an investor visa program. In February, prosecutors announced that Vicente had been charged for allegedly bribing a Portuguese magistrate to suspend an investigation of his financial activities. In June, a judge confirmed that Vicente must stand trial in Portugal rather than have the case transferred to Angola. The trial was scheduled to start in 2018.

In October, former prime minister José Sócrates was formally indicted on corruption charges as part of a wide-ranging investigation that began in 2013. The case overlapped with that of Ricardo Salgado, former head of the defunct Banco Espírito Santo, who was accused of bribing Sócrates through middlemen to secure favorable decisions and commercial benefits. Both investigations were ongoing at year's end.

C3. Does the government operate with openness and transparency? 4 / 4

Portuguese law provides for public access to government information, and state agencies generally respect this right.

CIVIL LIBERTIES: 58 / 60

D. FREEDOM OF EXPRESSION AND BELIEF: 16 / 16

D1. Are there free and independent media? 4 / 4

Freedom of the press is constitutionally guaranteed. Public broadcasting channels are poorly funded and face strong competition from commercial television outlets, which provide a wide range of information and viewpoints. Internet access is not restricted.

Portugal remains one of the few countries in Europe where defamation is still a criminal offense, and although prosecutions are uncommon, the ECtHR has repeatedly ruled against Portuguese authorities for their handling of both civil and criminal defamation cases. In January 2017, the European court ordered compensation for journalist José Manuel Fernandes, whom the Portuguese courts had ordered to pay €60,000 (\$68,000) for defamation over a 2006 editorial that criticized the president of the Supreme Court at the time.

Also in January, the Supreme Court upheld a 2016 decision by an appellate court to overturn a large defamation award against former police inspector Gonçalo Amaral, who claimed in a book that the parents of a missing British child were involved in her disappearance. He had originally been ordered to pay over €500,000 (\$570,000) in damages to the parents of Madeleine McCann, who went missing from a Portuguese resort town in 2007 and became the subject of intense media attention.

D2. Are individuals free to practice and express their religious faith or nonbelief in public and private? 4 / 4

Portugal is overwhelmingly Roman Catholic, but the constitution guarantees freedom of religion and forbids religious discrimination. The Religious Freedom Act provides benefits for religions that have been established in the country for at least 30 years or recognized internationally for at least 60 years, including subsidies and legal recognition of religious marriages. However, other groups are free to register as religious corporations and receive benefits such as tax-exempt status, or to practice their faith without registering.

D3. Is there academic freedom, and is the educational system free from extensive political indoctrination? 4 / 4

Academic freedom is respected. Schools and universities operate without undue political or other interference.

D4. Are individuals free to express their personal views on political or other sensitive topics without fear of surveillance or retribution? 4 / 4

There are no significant restrictions on private discussion or the expression of personal views.

E. ASSOCIATIONAL AND ORGANIZATIONAL RIGHTS: 12 / 12

E1. Is there freedom of assembly? 4 / 4

Freedom of assembly is upheld by the authorities, and demonstrations have often been organized to protest austerity measures over the past decade. In October 2017, protesters gathered to criticize the government's handling of deadly forest fires that year.

E2. Is there freedom for nongovernmental organizations, particularly those that are engaged in human rights– and governance-related work? 4 / 4

Freedom of association is respected. National and international nongovernmental organizations, including human rights groups, operate in the country without interference.

E3. Is there freedom for trade unions and similar professional or labor organizations? 4 / 4

Workers enjoy the right to organize, bargain collectively, and strike, though there are some limits on the right to strike in a wide range of sectors and industries that are deemed essential.

F. RULE OF LAW: 15 / 16**F1. Is there an independent judiciary? 4 / 4**

The judiciary is independent, but staff shortages and inefficiency have contributed to a considerable backlog of pending trials.

F2. Does due process prevail in civil and criminal matters? 4 / 4

The authorities generally observe legal safeguards against arbitrary arrest and detention, though court backlogs result in lengthy pretrial detention for some defendants. Due process rights are guaranteed during trial.

F3. Is there protection from the illegitimate use of physical force and freedom from war and insurgencies? 3 / 4

Human rights groups have expressed concern over unlawful police conduct, particularly abuse of detainees and excessive use of force. Overcrowding in prisons remains a problem, as do poor health and safety conditions. In July 2017, prosecutors charged 18 police officers with physically abusing six men of African descent in 2015. The case was ongoing at year's end.

F4. Do laws, policies, and practices guarantee equal treatment of various segments of the population? 4 / 4

Equal treatment under the law is guaranteed by the constitution. Various laws prohibit discrimination based on factors including sex, race, disability, gender identity, and sexual orientation. Nevertheless, some problems persist with respect to gender bias in employment and societal discrimination against certain minority groups, including Roma and people of African descent.

G. PERSONAL AUTONOMY AND INDIVIDUAL RIGHTS: 15 / 16

G1. Do individuals enjoy freedom of movement, including the ability to change their place of residence, employment, or education? 4 / 4

Freedom of movement and associated rights are protected by the constitution and laws, and the government respects these rights in practice.

G2. Are individuals able to exercise the right to own property and establish private businesses without undue interference from state or nonstate actors? 4 / 4

The government does not interfere with the rights to own property, establish private businesses, and engage in commercial activity.

G3. Do individuals enjoy personal social freedoms, including choice of marriage partner and size of family, protection from domestic violence, and control over appearance? 4 / 4

There are no major restrictions on personal social freedoms. Portugal legalized same-sex marriage in 2010 and extended adoption rights to same-sex couples in 2015. Domestic violence remains a problem despite government efforts aimed at prevention, education, and victim protection.

G4. Do individuals enjoy equality of opportunity and freedom from economic exploitation? 3 / 4

Portugal is a destination and transit point for victims of human trafficking, particularly women from Eastern Europe and former Portuguese colonies in South America and Africa. Although forced labor is prohibited by law, there have been some reports of the practice, especially in the agriculture, hospitality, and construction sectors. Immigrant workers are especially vulnerable to economic exploitation.

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