

# PORTUGAL 2018 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 presidential elections in 2016 and local government elections in 2017 free and fair.

Civilian authorities maintained effective control over the security forces.

There were no reports of egregious human rights abuses during the year.

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

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

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

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

#### **b. Disappearance**

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

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

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

In 2017 the government-run Inspectorate General of Internal Administration (IGAI) received 772 reports of mistreatment and abuse by police and prison guards. 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 against the Public Security Police (PSP), the Republican National Guard (GNR),

and the Foreigners and Borders Service (SEF), with 406, 288, and 22 complaints, respectively. The IGAI investigated each complaint. In 2017 the government conducted 102 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.

In June media reported extensively that a Colombian woman reported being attacked in Porto by a security guard working for the local public transit company. The woman accused the perpetrator of aggression and racism and said that PSP officers at the site of the incident did not assist her. The Commission for Equality and Against Discrimination referred the case to the attorney general, who opened an investigation. At the request of the IGAI, the PSP did the same to determine whether PSP officers had acted properly in the case.

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

Media and nongovernmental organizations (NGOs) cited reports of mistreatment of prisoners by guards in some prisons. Other reported issues included general overcrowding, inadequate facilities, poor health conditions, and violence among inmates.

Physical Conditions: Several of the country's prisons were overcrowded. As of December 1, the Directorate-General of Prison Services reported that the prison system overall was at 98.9 percent of capacity. Authorities sometimes held juveniles in adult facilities, despite the existence of a youth prison in Leiria. The prison system held pretrial detainees with convicted criminals.

In February the Council of Europe's Committee for the Prevention of Torture (CPT) published a report on its 2016 visit to the country. The report stated that during the visit the CPT delegation received "a considerable number of credible allegations" of mistreatment at the time of a suspect's apprehension and during police custody. It reported that living conditions within parts of the Caxias, Lisbon Central, and Setubal prisons "may amount to inhuman and degrading treatment." For instance, in the basement areas of Lisbon Central Prison, the cells were cold, dark, and damp, with crumbling plaster and rats entering the cells via the floor-level toilets. Prisoners at both Caxias and Setubal prisons were held in poor conditions with less than 32 square feet of living space each and confined to their cells for up to 23 hours a day. In response, government authorities provided detailed information on the steps being taken to reduce prison overcrowding and improve detention conditions, as well as numerous other actions designed to

address the recommendations made by the CPT, particularly in the area of health-care provision. CPT made the report and response public at the request of the Portuguese authorities.

The Directorate-General of Reintegration and Prison Services reported 69 deaths in prisons in 2017 (15 suicides and 54 due to illness). Infectious diseases associated with drug abuse were the leading cause of death in prison.

Independent Monitoring: The government permitted visits by independent human rights observers and the CPT. In 2017 the IGAI, university researchers, and news media visited prisons. Local human rights and media groups were fully independent bodies and had unrestricted access to prisons.

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

The constitution and federal law prohibit arbitrary arrest and detention. Persons arrested or detained regardless of whether on criminal or other grounds are entitled to challenge in court the legal basis or arbitrary nature of their detention and any delay in obtaining judicial rulings. If the court finds persons to have been detained unlawfully, they are entitled to prompt release and compensation. The government generally observed these practices.

#### **Role of the Police and Security Apparatus**

The Ministries of Internal Administration and Justice are primarily responsible for internal security. The Ministry of Internal Administration oversees the SEF, PSP, and GNR. The SEF has jurisdiction over immigration and border issues, the PSP has jurisdiction in cities, and the GNR has jurisdiction outside cities. The Judiciary Police is responsible for criminal investigations and reports to the Ministry of Justice. The IGAI, in the Ministry of Internal Administration, operates independently, investigates deaths caused by the security forces, and evaluates whether they occurred in the line of duty or were otherwise justifiable.

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

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

The constitution and law provide detailed guidelines covering all aspects of arrest and custody, and authorities generally followed the guidelines. Individuals are 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 a suspect who escaped from police custody.

Authorities must bring the suspect before an investigating judge within 48 hours after arrest. By law the investigating judge determines whether an arrested person should be detained, released on bail, or released outright. Authorities generally informed detainees promptly of charges against them.

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

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

Detainees have the right to legal counsel from the time of arrest, but media reports cited instances when police, in particular the Judiciary Police, did not inform detainees of their rights. An attorney must accompany detainees appearing before a judge for the first hearing. If detained persons cannot afford a private lawyer, the government appoints one and assumes legal costs.

Pretrial Detention: Lengthy pretrial detention remained a problem. As of November 1, according to the Directorate-General of Prison Services, there were 2,218 individuals (17 percent of the prison population) in pretrial detention, approximately the same number as the previous year. The majority of pretrial detainees spent six months to a year in incarceration. Observers, including media, business corporations, and legal observers, estimated the backlog of cases awaiting trial to be at least a year. Lengthy pretrial detention was usually due to lengthy investigations and legal procedures, judicial inefficiency, or staff shortages. Pretrial detention 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 all defendants innocent and provides the right to be informed promptly and in detail of the charges (with free interpretation when necessary from the moment charged through all appeals). Authorities must bring a suspect in investigative detention to trial within 14 months of a formal charge. If a suspect is not in detention, the law specifies no deadline for going to trial. When the crime is punishable by a prison sentence of eight years or longer, either the public prosecutor or the defendant may request a jury trial.

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

#### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

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

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

#### **Property Restitution**

Holocaust-era restitution is no longer a significant issue. The government has laws and mechanisms in place and is a signatory of the Terezin Declaration of 2009 and the Guidelines and Best Practices of 2010. The 1999 report commissioned by the government and chaired by the country's former president and prime minister Mario Soares, at the time a member of the European Parliament, found there was "no basis for additional restitution" following the payment made by Portugal 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 government has not responded to the 2016 European Shoah Legacy Institute's Immovable Property Restitution Study Questionnaire covering past and present restitution regimes.

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

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

### **Section 2. Respect for Civil Liberties, Including:**

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

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

#### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. According to the International Telecommunication Union, 74 percent of the population used the internet in 2017.

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

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

### **b. Freedoms of Peaceful Assembly and Association**

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

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

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

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

Abuse of Migrants, Refugees, and Stateless Persons: According to NGOs and media reports, authorities kept in detention some asylum seekers who submitted their applications for international protection at border points. If asylum seekers appealed a negative decision, they could remain in detention for up to 60 days, and no alternatives existed. According to the Portuguese Refugee Council, the reception center for refugees in Lisbon remained overcrowded.

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

### **Protection of Refugees**

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

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

Durable Solutions: The government fulfilled its commitment and received refugees under the EU's relocation plan for refugees who entered the EU through Greece and Turkey. It offered naturalization to refugees residing on Portuguese territory.

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees and provided subsidiary protection to approximately 136 persons in 2017, according to the Portuguese Refugee Council.

### **Section 3. Freedom to Participate in the Political Process**

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

#### **Elections and Political Participation**

Recent Elections: In 2016 the country held a presidential election that observers considered free and fair. The local government elections of October 2017 were also considered free and fair.

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

### **Section 4. Corruption and Lack of Transparency in Government**

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

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

The unresolved case of former Socialist Party (PS) leader and prime minister Jose Socrates remained the most high-profile corruption case. Socrates was charged in October 2017 with three counts of passive corruption while holding political office, 16 counts of money laundering, nine counts of forging documents, and three counts of tax fraud, all committed between 2006 and 2015. (Socrates was prime minister from 2005 to 2011.) The indictment, issued after a four-year investigation, accused the former prime minister of receiving millions of euros in a

scheme involving the disgraced former heads of the Espirito Santo banking empire (BES) and Portugal Telecom. Former BES chief executive officer (CEO) Ricardo Salgado was charged with paying Socrates to sway Portugal Telecom to follow a strategy defined by Salgado. Salgado was also accused of paying Portugal Telecom's former CEO Zeinal Bava and chairman Henrique Granadeiro--both of whom were also indicted. Socrates repeatedly denied wrongdoing and claimed the charges were politically motivated. The 4,000-page report that stated the formal accusation contained evidence from more than 200 witnesses, 200 searched premises, and the examination of 500 bank accounts to support the prosecution's case. The Socialist Party remained mostly silent on the case until May, when PS president Carlos Cesar and then-spokesman Joao Galamba, among other prominent party members, made public statements that the party felt "ashamed" and "dishonored" by accusations and suspicions of corruption against Socrates and his former minister of economy Manuel Pinho, who was also accused of passive corruption. Socrates considered the statements a "condemnation without trial" from former colleagues and friends, and turned in his party membership card.

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

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

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

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

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

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

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

### **Women**

Rape and Domestic Violence: The law makes rape, including spousal rape, illegal, with a penalty of three to 10 years' imprisonment. The government generally enforced the law when the victim chose to press charges and the cases were not settled out of court through mediation. The law provides for criminal penalties of up to 10 years' imprisonment in cases of domestic violence by a spouse or by a person other than the spouse. The judicial system prosecuted persons accused of abusing women.

In June an appeals court in Porto affirmed suspended sentences for two men found guilty of sexually assaulting an inebriated woman at a nightclub. The two judges, a man and a woman, ruled that the two nightclub workers were only "half to blame" for the assault on the woman after a night of heavy drinking and "mutual seduction." The ruling said no violence was used against the woman, who was unconscious in the nightclub's rest room at the time of the assault.

Violence against women, including domestic violence, continued to be a problem. According to preliminary data from NGOs and media reports, in the first 10 months of the year, there were 24 deaths related to domestic violence.

According to data from the government's *Annual Internal Security Report*, in 2017 there were 22,599 reports of domestic violence, a small decrease from 2016. In 2017 police registered 408 reports of rape, an increase of 73 cases from 2016.

The law allows third parties to file domestic violence reports. The government encouraged abused women to file complaints with the appropriate authorities and offered the victim protection against the abuser. The government's Commission for Equality and Women's Rights operated 39 safe houses and 26 emergency shelters for victims of domestic violence and maintained an around-the-clock telephone service. Safe-house services included food, shelter, health assistance, and legal assistance. The government-sponsored Mission against Domestic Violence conducted an awareness campaign, trained health professionals, proposed

legislation to improve legal assistance to victims, and negotiated protocols with local authorities to assist victims.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is a crime punishable under the law. The State Secretariat for Citizenship and Equality reported that FGM/C was practiced on young girls in some immigrant communities, particularly by Bissau-Guinean immigrants, although none of the FGM/C procedures were carried out in the country. In a September visit to Portugal, Fatumata Djau Balde, president of the Bissau-Guinean National Committee for the Abandonment of Traditional Practices Nefarious to the Health of the Woman and Child said there were mosque leaders in Portugal who claimed that FGM was an “Islamic recommendation” inscribed in the Quran in the name of girls’ “purity.” Several government bodies addressed the problem at various levels, and the government’s third action plan to prevent and eliminate FGM/C increased awareness of the problem.

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

The Commission on Equality in the Workplace and in Employment, composed of representatives of the government, employers’ organizations, and labor unions, examines, but does not adjudicate, complaints of sexual harassment. In 2017 the NGO Association for Victim Support received reports of 30 cases of sexual harassment.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

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

## **Children**

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

Child Abuse: Child abuse was a problem. The Association for Victim Support reported 810 crimes against children younger than 18 in 2017. According to the *2017 Annual Internal Security Report*, Romani parents used minor children for

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.

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.html>.

### **Anti-Semitism**

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

After the country passed a law in 2015 granting descendants of Jews forced into exile centuries ago the right to citizenship, the government received 12,610 requests, and naturalized 2,160 applicants for citizenship as of February 27. The largest numbers were from Turkey (1,239) and Israel (538). The institutions of the Jewish community in Lisbon or Porto vetted each application. These institutions are responsible for checking documentation of the applicants' ancestors and making recommendations to the government.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government generally enforced the law effectively. The law mandates access to public buildings, information, and communication for persons with disabilities, but no such legislation covers private businesses or other facilities.

### **National/Racial/Ethnic Minorities**

The Commission for Equality and Against Racial Discrimination (CICDR) is the dedicated body to combat racial discrimination. Its 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 his or her race, ethnic origin, color, nationality, ancestry, or territory of origin, under the terms of a law passed in 2017 establishing the legal regime for the prevention, prohibition, and combating of discrimination. According to its annual report, the CICDR received 179 complaints of discrimination in 2017, an increase of 50 percent in relation to 2016. The CICDR explained that this increase might have been due less to an increase in incidents than to greater awareness of racial and ethnic discrimination issues and an improved understanding of the mechanisms available to victims.

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

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

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

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

On July 31, the president approved a new gender identity law allowing transgender adults to update their name and gender marker in the civil registry to reflect their gender identity without having to submit a medical certificate. Transgender minors ages 16 and 17 are now also able to update their name and gender marker in the civil registry to reflect their gender identity, but must present a clinical report.

In September the government allotted 50,000 euros (\$57,500) to support NGOs working with the lesbian, gay, bisexual, transgender, and intersex community. The government announced the opening of bids for projects, each of which may receive up to 8,000 euros (\$9,200). These projects may include training courses, awareness-raising campaigns, and scientific investigations or studies. The initiative is part of the government's 2018-21 *Action Plan to Combat Discrimination Linked to Sexual Orientation and Gender Identity and Expression*.

## **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 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 sufficient to deter violations. Administrative and judicial procedures were subject to lengthy delays or appeals.

Authorities generally respected freedom of association and the right to collective bargaining. Worker organizations could generally operate free from government interference. 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 all forms of forced and compulsory labor. 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.

Government resources dedicated to prevention of forced labor, including inspections and remediation, and enforcement of the law remained inadequate, but penalties ranging from three to 15 years' imprisonment were sufficiently stringent to deter violations. Convictions remained low, and 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 2017 courts convicted and sentenced 11 traffickers for forced labor.

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

Traffickers subjected children to forced labor (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **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 sufficient to deter violations.

Child labor occurred in very limited cases. Children of Romani descent were subjected to forced begging and coerced to commit property crimes (see section 6, Children).

Resources and inspections were adequate. Penalties for violations included imprisonment and were sufficient to deter violations.

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

Labor laws and regulations prohibit discrimination with respect to employment and occupation, and the government effectively enforced these laws.

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 17 percent lower than those of men.

In September the government launched a seven million euro (\$ eight million) funding program for projects focused on reconciliation and gender equality under

the European EEA Grants 2014-21 financial mechanism. According to the Presidency of the Council of Ministers, the program is the responsibility of the State Secretariat for Citizenship and Equality and is operated by the Commission for Citizenship and Gender Equality. The program includes one million euros (\$1.15 million) in national funds, which is twice the amount of the previous program. The aim is to finance structural projects and initiatives in areas aligned with the *National Strategy for Equality and Non-Discrimination 2018-2030* “*Portugal + Equal.*”

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

The minimum wage, which covers full-time workers, rural workers, and domestic employees who are 18 years of age and older, was 580 euros (\$667) per month. The poverty income level for 2018 was 454 euros (\$522) per month per adult.

The legal workday may not exceed 10 hours, and the maximum workweek is 40 hours. In 2016 the government approved a return to the public sector’s traditional 35-hour working week, down from the 40 hours that had become standard in the private sector. There is a maximum of two hours of paid overtime per day and 200 hours of overtime per year, with a minimum of 12 hours’ rest between workdays. Premium pay for overtime worked on a rest day or public holiday is 100 percent; overtime performed on a normal working day is paid at a premium of 50 percent for the first hour and 75 percent for subsequent time worked. Unions raised concerns regarding working hour provisions on flexibility schemes and time banking, which the government noted were designed to make working hours more flexible and increase productivity. Occupational safety and health standards set by ACT were current and appropriate. Information on enforcement of these laws in the small informal economy was not available.

ACT was responsible for enforcement of minimum wage, hours of work, and safety standards in the formal sector, and effectively enforced these measures. Resources, inspections, and remediation were adequate. Penalties ranged from fines to prison sentences and were sufficient to deter violations.

Workers have the right to lodge confidential grievances with ACT regarding hazardous conditions or circumstances they believe endanger their health. Inspectors have the right to conduct inspections at any private or public company at any time without warning, and they may shut down a workplace or a business permanently or temporarily if there is imminent danger to the workers’ health or safety. Workers are registered with social security services, whose funds cover

their mandatory insurance for occupational diseases and work-related accidents. ACT conducts studies on labor accidents, salaries, and working conditions. It may impose administrative penalties and file lawsuits against employers. It has the right to access company records, files, and archives, and it may provide mediation services to resolve individual or group labor disputes. Labor enforcement tended to be less rigorous in sectors such as construction and agriculture, where most immigrant workers were employed, according to NGOs. ACT reported that there were 115 deaths from work-related accidents in 2017. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation.