



The State Department web site below is a permanent electro information released prior to January 20, 2001. Please see [y](#) material released since President George W. Bush took offic This site is not updated so external links may no longer func [us](#) with any questions about finding information.

NOTE: External links to other Internet sites should not be c endorsement of the views contained therein.



U.S. Department of State

Portugal Country Report on Human Rights Practices for 1996

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1997.

PORTUGAL

The Republic of Portugal is a constitutional democracy with a president, an independent judiciary, a prime minister, and a legislative assembly freely elected by secret ballot in multiparty elections.

Internal security is primarily the responsibility of the Ministries of Justice and Internal Administration. Security forces are controlled by, and responsive to, the Government.

Portugal has a market-based economy and is a member of the European Union. An increasing proportion of the population is employed in services, while employment in agriculture continues to decline and has been static or declining slightly in the industrial sector.

Citizens enjoy a broad range of civil and other human rights which the Government generally respects. Civil rights are outlined in the Constitution with specific reference to the Universal Declaration of Human Rights. The principal human rights problem is the occasional beating of detainees or prisoners by police or prison personnel. Credible although infrequent reports of this problem continued, as did reports of poor conditions in prisons. Also, violence against women, child labor, and discrimination against Roma are problems.

RESPECT FOR HUMAN RIGHTS

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

a. Political and other Extrajudicial Killing

There were no reports of political killings.

A criminal suspect was killed while in police custody in a widely publicized incident in May. A Republican Guard officer confessed to the crime. A trial is pending.

b. Disappearance

There were no reports of politically motivated disappearances.

* A separate report on Macau, recognized by both China and Portugal as Chinese territory under Portuguese administration, follows this report.

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

The Constitution forbids torture, inhuman or degrading treatment or punishment, and the use of obtained under

torture in criminal proceedings. An independent Ombudsman, chosen by the Legislative Assembly (parliament), investigates complaints of mistreatment by police and prison authorities.

A recently appointed police inspector general has also begun examining cases of alleged mistreatment.

The Government and Amnesty International (AI) have continued their dialogue on allegations of police brutality. One case of mistreatment of two citizens by the National Republican Guard (GNR), which AI had been following since 1992, was finally resolved when the conviction and sentencing of several GNR soldiers to prison terms was upheld on appeal. The trial continued at year's end of six other GNR officers charged with assaulting another citizen in 1991. New credible complaints of police brutality continue to be lodged, including a widely publicized case in which a magistrate in the public prosecutor's office claimed to have been punched and kicked by GNR officers. AI continues to lament the delay in investigating such allegations.

The Council of Europe's Committee for the Prevention of Torture also continued its dialogue with the Government. In a November report, the Committee released the findings of its 1995 visit to prisons and police stations. The 1995 visit was a followup to a 1992 visit of the same facilities. The Committee's report cited improvements in prison conditions but criticized the continued high incidence of allegations of beatings of detainees at the time of arrest or while in police custody. The report further criticized the failure of police agencies to investigate allegations of mistreatment by their officers, or to adequately punish those found guilty of such offenses. It recommended that human rights training for the police receive increased emphasis, that allegations of mistreatment be fully investigated, and that persons alleging mistreatment be given a forensic medical examination for use in evidence. The Government announced plans in May to address problems of police mistreatment by sending veteran officers for training in human rights and proper police procedure. New recruits have been receiving such training for several years.

Prison conditions are poor. The Ombudsman submitted a critical report on prison conditions to the Government and parliament in June. He cited overcrowding, sanitation, medical care, security, and food quality as among the problem areas and recommended numerous corrective measures. Two new prisons opened during the year.

The Government permits prison visits by human rights monitors. Human rights organizations report no difficulties in gaining access to inmates at detention facilities.

d. Arbitrary Arrest, Detention, or Exile

Under the law, an investigating judge determines whether an arrested person should be detained, released on bail, or released outright. Persons may not be held more than 48 hours without appearing before an investigating judge. Investigative detention is limited to a maximum of 6 months for each suspected crime. If a formal charge has not been filed within that period, the detainee must be released. In cases of serious crimes, for example murder or armed robbery, or of more than one suspect, investigative detention may be for up to 2 years and may be extended by a judge to 3 years in extraordinary circumstances. A suspect in investigative detention must be brought to trial within 18 months of being formally charged. If the suspect is not in detention, there is no specified period for going to trial. A detainee has access to lawyers; the State assumes the cost if necessary.

Exile is illegal and is not practiced.

e. Denial of Fair Public Trial

The judiciary is independent and impartial. The court system, laid out in the Constitution, consists of a Constitutional Court, a Supreme Court of Justice, and judicial courts of first and second instance. There is also a supreme court of administration, which deals with administrative and tax disputes, and which is supported by lower administrative courts. An audit court is in the Ministry of Finance.

All trials are public except those which may offend the dignity of the victim, such as in cases of sexual abuse of children. The accused is presumed innocent. In trials for serious crimes, a panel of three judges presides. For lesser crimes, a single judge presides. At the request of the accused, a jury may be used in trials for major crimes; in practice, requests for jury trials are extremely rare.

The judicial system provides citizens with a fair legal process. It has been much criticized, however, for a large backlog of pending trials resulting from inefficient functioning of the courts.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Constitution forbids such practices, and the Government respects these provisions in practice. Violations are subject to effective legal sanctions.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Freedom of speech and the press is provided for in the Constitution, and the Government respects these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

b. Freedom of Peaceful Assembly and Association

The law provides for these rights, and the authorities generally respect these provisions.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution and laws provide for these rights, and the Government respects them in practice.

The Government cooperates with the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. Persons who qualify as refugees are entitled to residence permits. The issue of first asylum did not arise in 1996. There were no reports of forced expulsions of those having a valid claim to refugee status.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Portugal is a multiparty, parliamentary democracy. The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections on the basis of universal suffrage.

Women and minorities have full political rights. Women currently head 3 of 17 ministries: Health, employment, and environment. Women are represented in all major political parties but constitute only 13 percent of the deputies in the legislature, where 3 of the 15 committees are chaired by a woman. Race is rarely an issue in politics. Persons of minority origin have achieved prominence in politics.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of local and international human rights groups operate freely, investigating and publishing their findings on human rights cases. Government officials are generally cooperative, although most groups complain of slow investigations or remedial actions.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution forbids discrimination based on ancestry, sex, race, language, origin, religion, political or ideological convictions, education, economic situation, or social condition, and the Government enforces these prohibitions.

Women

The deaths of three women in March drew attention to the reportedly common but largely hidden problem of domestic and other violence against women. Hundreds of battered women seek help each year from the Portuguese Association for the Support of Victims. The law provides for criminal penalties in cases of violence by a spouse. Traditional societal attitudes discourage many battered women from recourse to the judicial system. In 1996 a shelter for battered women opened in Oporto, and a Lisbon shelter is planned. The judicial system shows no apparent reluctance to prosecute suspects accused of abusing women.

The Civil Code provides for full legal equality for women. Sexual harassment, an issue gaining public attention, is covered in the Penal Code as a sex crime, but only if perpetrated by a superior and in the workplace. As in the case of violence, socially ingrained attitudes discourage many women from taking

advantage of their legal protection.

The Commission on Equality in the Workplace and in Employment, made up of representatives of the Government, employers organizations, and labor unions, is empowered to examine complaints of sexual harassment but receives few. It does review numerous complaints of discrimination by employers against pregnant workers and new mothers, who are protected by law.

Women are increasingly represented in universities, business, science, and the professions. Traditional attitudes of male dominance persist but are changing gradually. The Commission for the Equality and Rights of Women, an official organization reporting to the newly-established High Commissioner for the Promotion of Equality and of the Family, is a leading and effective advocate of women's rights.

Children

Nine years of education are compulsory. The Government is increasingly committed to improving children's welfare and has convened an interministerial commission reporting to the High Commissioner for the Promotion of Equality and of the Family to study whether the Government should implement a "global policy on children." The quasi-independent Institute for the Support of Children and the University of Minho's Institute for the Study of Children contribute to efforts to improve conditions for children. The primary role of the former is to promote the Government's child welfare policies by advising local authorities and employers as to the legal rights of minors. The mission of the newly-created Institute for the Study of Children is to research children's issues and to improve child care. There is no societal pattern of abuse of children, although child labor remains a problem (see Section 6.d.).

People With Disabilities

There is no discrimination against disabled persons in employment, education, or the provision of other state services. Their access to public facilities is mandated by legislation, which is generally complied with. There is no such legislation covering private businesses or other facilities.

National/Racial/Ethnic Minorities

The principal minority groups are immigrants, legal and illegal, from Portugal's former African colonies. There is also a resident Romani population. The Government devoted significant police resources to investigating the 1995 skinhead street attack on persons of African origin in which one victim died. The investigation led to the prosecution of at least 15 persons believed to have been involved in planning or carrying out the attack. Racism was a suspected motive in another case in which a person of African origin died; the accused was acquitted, but the prosecutor has appealed the verdict. A new law designed to combat race-related crimes permits antiracism associations as well as victims to lodge criminal complaints and to participate by retaining their own lawyers and calling witnesses. The Government appointed a High Commissioner for Immigration and Ethnic Minorities, and, in order to reduce exploitation of illegal workers, passed a law to regularize the status of many illegal immigrants, particularly those of Lusophone African or Brazilian origin. When one local government, reportedly pressured by popular suspicion of criminal activity by Roma, demolished allegedly illegal residential structures in an apparent attempt to evict a Romani family, the civil governor of the district was actively involved in efforts to resolve the issue and to assist the dislocated family to find shelter in a more tolerant community nearby. The incident focused press and public attention on the hostile local attitudes encountered by Romani communities in some areas.

Section 6 Worker Rights

a. The Right of Association

Workers in both the private and public sectors have the right to associate freely and to establish committees in the workplace to defend their interests. The Constitution provides for the right to establish unions by profession or industry. Trade union associations have the right to participate in the preparation of labor legislation. Strikes are constitutionally permitted for any reason, including political causes; they are common and generally are resolved through direct negotiations. The authorities respect all provisions of the law on labor's rights.

Two principal labor federations exist. There are no restrictions on the formation of additional labor federations. Unions function without hindrance by the Government and are closely associated with political parties. There are no restrictions on the ability of unions to join federations or on federations affiliating with international labor bodies.

b. The Right to Organize and Bargain Collectively

Unions are free to organize without interference by the Government or by employers. Collective bargaining is provided for in the Constitution and is practiced extensively in the public and private sectors.

Collective bargaining disputes rarely lead to prolonged strikes. Should a long strike occur in an essential sector such as health, energy, or transportation, the Government may order the workers back to work for a specific period. This did not occur in 1996. The Government has rarely invoked this power, in part because most strikes are limited to periods of 1 to 3 days. The law requires a "minimum level of service" to be provided during strikes in essential sectors, but this requirement has been infrequently applied. When it has, minimum levels of service have been established by agreement between the Government and the striking unions, although unions have complained, including to the International Labor Organization, that the minimum levels have been set too high. When collective bargaining fails, the Government may appoint a mediator, at the request of either management or labor.

The law prohibits antiunion discrimination, and the authorities enforce this prohibition in practice. Complaints are promptly examined by the General Directorate of Labor.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced labor is prohibited and does not occur.

d. Minimum Age for Employment of Children

The minimum employment age is 15 years. It is to be raised to 16 years on January 1, 1997, to ensure that the Labor Code does not conflict with the decree mandating 9 years of compulsory education. The first students bound by the 9-year rule will complete 9 years of study in 1997.

The two main labor federations and observers from other European countries have charged that a number of "clandestine" companies in the textile, shoe, and construction industries exploit child labor. In September the Government created a new intergovernmental Commission to Combat Child Labor

(CNCTI) tasked with eradicating child labor. New measures that the CNCTI is charged with implementing include stiffer fines for employers with children on the payroll, subsidies for vulnerable families with children, and curriculum changes to keep children in school. The CNCTI is tasked with presiding over an upgrade of the Government's General Labor Inspectorate, which is responsible for enforcing child labor laws. An increase is planned in the Inspectorate's funding, the number of inspectors, and inspections. The Inspectorate reports that thousands of children under age 15 are employed illegally but believes the number is declining. Government statistics derived from labor inspections suggest the incidence of child labor has been greatly reduced in recent years. Nevertheless, the Inspectorate acknowledges that the transfer of work involving children from factories and workshops into the home and other settings beyond the reach of inspectors complicates the task of accurately measuring and stopping child labor violations.

Union observers agree that the number of illegally employed children is falling, but they attribute this development to the general rise in unemployment. Unions continued to form local alliances with church groups, citizens groups, and local government bodies to address the multiple social and economic causes of child labor. While some improvements have been made, the Government does not allocate enough resources to address the problem fully.

e. Acceptable Conditions of Work

Minimum wage legislation covers full-time workers, as well as rural workers and domestic employees age 18 or over. The monthly minimum wage of about \$360 (Esc 54,600), which came into effect on January 1, is generally enforced. Along with widespread rent controls, basic food and utility subsidies, and phased implementation of a guaranteed minimum income, the minimum wage affords a basic standard of living for a worker and family.

A new law adopted in July provides for phased reduction of the normal maximum workweek from 44 hours to 40 hours by December 1997. The new law limits regular work hours to 8 hours per day, with a maximum of 2 hours paid overtime per day and 200 hours of overtime per year, and with a minimum interval of 12 hours between normal working days. The law also introduces job flexibility--employers may assign workers tasks beyond those specifically included in their job category. Another new law provides for the phased reduction of the normal maximum workweek for all public sector employees from 40 hours to 35 hours by 1999, beginning with a reduction to 39 hours in 1996. These working hour limits are respected in practice. Workers receive 22 days of paid annual leave per year, plus vacation and Christmas ("13th month") bonuses.

The Ministry of Employment and Social Security monitors compliance through its regional inspectors.

Employers are legally responsible for accidents at work and are required by law to carry accident insurance. An existing body of legislation regulates safety and health, but labor unions continue to argue for stiffer laws. The General Directorate of Hygiene and Labor Security develops safety standards, and the General Labor Inspectorate is responsible for enforcement, but the Inspectorate lacks sufficient funds and inspectors to combat the problem of work accidents effectively. A relatively large proportion of accidents is in the construction industry. Poor environmental controls in textile production also cause considerable concern. While the ability of workers to remove themselves from situations where these hazards exist is limited, it is difficult to fire workers for any reason. Workers injured on the job rarely initiate lawsuits.

[end of document]

)



[Return](#) to 1996 Human Rights Practices report home page.

[Return](#) to DOSFAN home page.

This is an [official U.S. Government source](#) for information on the WWW. Inclusion of non-U.S. Government links does not imply endorsement of contents.