Portugal, including the Azores and Madeira islands, has a population of approximately 10.7 million and is a constitutional democracy with a president, a prime minister, and a parliament elected in multiparty elections. National parliamentary elections in 2005 were free and fair. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, there were problems in some areas. Police and prison guards occasionally beat or otherwise abused detainees, and prison conditions remained poor. Violence against women and children was a problem. There was discrimination against women as well as trafficking for forced labor and for sexual exploitation.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings; however, on April 25, an off-duty police officer shot and killed a 53-year-old man. The victim allegedly had approached the officer and his female companion on a deserted beach in the municipality of Leiria at 2:00 a.m. The officer turned himself in, and at year's end the case was being investigated by the Judicial Police.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices; however, there were credible reports of excessive use of force by police and of mistreatment and other forms of abuse of detainees by prison guards.

During the year the Inspectorate General of Internal Administration (IGAI) investigated reports of mistreatment and abuse by police and prison guards. Complaints included physical abuse, threatening use of firearms, excessive use of force, illegal detention, and abuse of power. The majority of complaints were against the Public Security Police (PSP) and the Republican National Guard (GNR)--118 and 76, respectively, in 2005, the most recent year for which statistics were available. Each complaint is investigated by the IGAI, and punishments for officers found to have committed abuses ranged from temporary suspension to prison sentences.

There were also media reports that members of the security forces committed human rights abuses.
Prison and Detention Center Conditions

Prison conditions remained poor, and there were reports that guards mistreated prisoners. Other problems included overcrowding, inadequate facilities, poor health conditions, and violence among inmates.

Most of the guidelines and legislative proposals the government adopted in 2004 to reform the prison system had not been applied in practice. However, some improvements were made during the year, including a decrease in prison overcrowding and continued personnel training.

According to a 2007 university study, "Drugs and Portuguese Prisons," approximately 10 percent of the total prison population was infected with HIV/AIDS and approximately 15 percent was infected with hepatitis C.

There was a youth prison in Leiria, but elsewhere in the prison system juveniles were sometimes held with adults. Pretrial detainees were held with convicted criminals.

The government started construction of a new prison in the Azores as part of a five-year prison reform plan. The goal of the reform is to increase security, improve detainee conditions, rationalize financial and human resources, and improve working conditions of prison staff.

The government permitted visits by independent human rights observers, and prisons were visited during the year by the Council of Europe's Committee for the Prevention of Torture, the Human Rights Committee of the Portuguese Bar Association, and news media.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

There were approximately 50,000 law enforcement officials, including police and prison guards. The Ministries of Justice and Internal Administration are primarily responsible for internal security. The GNR has jurisdiction outside cities, and the PSP has jurisdiction in cities. The Judicial Police are responsible for criminal investigations. The Aliens and Borders Service has jurisdiction over immigration and border issues.

An independent ombudsman chosen by the parliament and the IGAI investigates complaints of abuse or mistreatment by police; however, nongovernmental organizations (NGOs) criticized the slow pace of investigations and the lack of an independent oversight agency to monitor the IGAI and Ministry of Interior. Police corruption was an isolated problem.

Arrest and Detention

The constitution and law provide detailed guidelines covering all aspects of arrest and custody, and the authorities generally followed the guidelines. Persons can be arrested only based on a judicial warrant, except that law enforcement officials and citizens may make warrantless arrests where there is probable cause that a crime has been or is being committed or that the person to be arrested is an escaped convict or a suspect who escaped from police custody.

Under the law an investigating judge determines whether an arrested person should be detained, released on bail,
or released outright. A suspect may not be held for more than 48 hours without appearing before an investigating judge. Changes in the penal code went into effect in September 2007, under which investigative detention for most crimes is limited to a maximum of four months; if a formal charge is not filed within that period, the detainee must be released. In cases of serious crimes, such as murder, armed robbery, terrorism, and violent or organized crime, or crimes involving more than one suspect, investigative detention may last up to 18 months and may be extended by a judge to three years in extraordinary circumstances. A suspect in investigative detention must be brought to trial within 14 months of being charged formally. If a suspect is not in detention, there is no specified deadline for going to trial. Detainees have access to lawyers from time of arrest, and the government assumes legal costs for indigent detainees.

Lengthy pretrial detention remained a problem, although the authorities made some progress reducing the length of time persons were detained before trial. At year’s end 1,164 individuals (16 percent of the prison population) were in preventive detention, a decrease from the previous year. The average detention time was eight months; approximately 20 percent of preventive detainees spent more than one year in incarceration.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence in practice.

Critics, including the media, business corporations, and legal observers, estimated that the backlog of cases awaiting trial was at least a year.

Trial Procedures

Jury trials can be requested in criminal cases but were rare. Civil cases do not have jury trials. Defendants are presumed innocent and have the right to consult with an attorney in a timely manner, at government expense if necessary. They have the right of appeal. They can confront and question witnesses against them, present evidence on their own behalf, and have access to government-held evidence. These rights were generally respected in practice.

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 have access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation. There are administrative as well as judicial remedies for alleged wrongs.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:
a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press, and the government generally respected these rights. An independent press and judiciary and a functioning democratic political system combined to ensure freedom of speech and of the press. In September 2007 the parliament enacted a law known as the Journalist Statute. According to the European Federation of Journalists, the law will require journalists to hand over confidential information and disclose sources in criminal cases. Thus far, the Journalist Statute has not been invoked.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including e-mail. According to the National Statistics Institute, 41.9 percent of the population between the ages of 16 and 74 used the Internet; the rate increased to 86.9 and 90.5 percent for high school and university graduates, respectively.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right.

The law provides a legislative framework for religious groups either established in the country for at least 30 years or recognized internationally for at least 60 years. Qualifying religious groups receive benefits including full tax-exempt status, legal recognition to perform marriages and other rites, permission for chaplain visits to prisons and hospitals, and recognition of their traditional holidays.

The Roman Catholic Church maintains an agreement with the government that recognizes the legal status of the Portuguese Episcopal Conference and allows citizens to donate 0.5 percent of their annual income taxes to the Roman Catholic Church.

Societal Abuses and Discrimination

The Jewish community was estimated at 3,000. The youths who were arrested in September 2007 after allegedly vandalizing tombstones in Lisbon’s Jewish cemetery were still awaiting trial at year’s end.


The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and
repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened. The government granted refugee status or asylum.

The country's system for granting refugee status was active and accessible. In addition to refugees and applicants for political asylum, the government also provides temporary protection to individuals who may not qualify as refugees under the 1951 convention and its 1967 protocol. In 2007 the country granted humanitarian protection to 25 persons and asylum to two persons.

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

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

Elections and Political Participation

Free and fair national parliamentary elections were held in 2005. Political parties could operate without restriction or outside interference.

There were 66 women in the 230-member parliament and two women in the 17-seat cabinet. There was one member of a minority group in the parliament; there were none in the cabinet.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented these laws effectively. There were no reports of corruption in the executive or legislative branches of the central government during the year; however, there were media reports of corruption involving local government officials. The highest profile corruption cases involved mayors Fatima Felgueiras, Valentim Loureiro, and Isaltino Morais. Felgueiras (Socialist Party), who went abroad from 2003 to 2005 to escape arrest, was accused of embezzlement and abuse of power. On November 7, she was sentenced to a three-year-and-three-month suspended prison sentence and lost her mandate as mayor of Felgueiras (name of mayor and city are, coincidentally, the same). Loureiro, the Social Democratic Party (PSD) mayor of Gondomar and chairman of the board of the country's professional soccer league, was accused of corruption and influencing soccer referees. On July 18, he was sentenced to a suspended prison term of three years and two months. His appeal of the decision was pending at year's end. Morais (PSD), mayor of Oeiras, was accused of tax evasion, corruption, and money laundering, and was awaiting trial at year's end.

Public officials were subject to financial disclosure laws. The Central Directorate for Combating Corruption, Fraud, and Economic and Financial Crime is the government agency responsible for combating corruption.

The constitution and law provide for public access to government information, and the government provided access...
in practice for citizens and noncitizens, including foreign media.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations 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 were generally cooperative and responsive to their views.

The country has an independent human rights ombudsman who is responsible for defending human rights, freedom, and the legitimate rights of all citizens. The ombudsman had adequate resources and published mandatory annual reports as well as special reports on such issues as women's rights, prisons, health, and the rights of children and senior citizens.

The parliament's First Committee for Constitutional Issues, Rights, and Liberties and Privileges exercises oversight over human rights issues. It drafts and submits bills and petitions for parliamentary approval. During the year new legislation went into effect in such areas as protection of data privacy and intellectual property, increased protection of trial witnesses, and establishment of the Corruption Prevention Council.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, and social status; however, discrimination against women persisted.

Women

The law makes rape, including spousal rape, illegal, and the government generally enforced these laws. In the first six months of the year, 103 cases of rape were reported to the Association for Victim Support (APAV); 68 of the cases were linked to domestic violence. (APAV is a nonprofit organization that provides confidential and free services nationwide to victims of any type of crime.) In 2007, 212 such cases were reported (160 linked to domestic violence). According to the Justice Ministry, of the 80 cases of rape tried in court in 2006, 57 defendants were convicted.

Violence against women, including domestic violence, continued to be a problem. Penalties for violence against women range up to 10 years' imprisonment. Similarly, penalties for sexual harassment in the workplace range up to eight years. The government-sponsored Mission against Domestic Violence conducted an awareness campaign against domestic violence, trained health professionals, proposed legislation to improve legal assistance to victims, increased the number of safe houses for victims of domestic violence, and signed protocols with local authorities to assist victims. The government encouraged abused women to file complaints with the appropriate authorities and offered the victim protection against the abuser. In addition, recent legislation allows third parties to file domestic violence reports.

During the first six months of the year, 7,391 cases of violence against women were reported to APAV; more than 89 percent of these cases involved domestic violence.

The law provides for criminal penalties in cases of violence by a spouse, and the judicial system prosecuted persons accused of abusing women; however, traditional societal attitudes effectively discouraged many abused women from using the judicial system. According to the head of the Mission Against Domestic Violence, approximately 10 percent of cases were brought to trial, while the vast majority were resolved outside the court system by lawyers...
who mediated between the parties. In 2006, according to the Ministry of Justice, there were 1,033 court cases related to domestic violence and 525 convictions.

The government's Commission for Equality and Women's Rights operated 14 safe houses for victims of domestic violence and maintained an around-the-clock telephone service. Safe-house services included food, shelter, and health and legal assistance.

Prostitution was legal and common; there were reports of violence against prostitutes. Pimping and running brothels are punishable offenses. The penalty for sex with minors between the ages of 14 and 18 is up to three years' imprisonment.

Sexual harassment is a crime if perpetrated by a superior in the workplace. The penalty is two to three years in prison.

The Commission on Equality in the Workplace and in Employment, composed of representatives of the government, employers' organizations, and labor unions, is empowered to examine, but not adjudicate, complaints of sexual harassment. Reporting of sexual harassment was on the rise. During 2007 more than 300 cases of sexual harassment were reported to the Inspectorate General for Labor; three of these resulted in the dismissal of the perpetrator.

The civil code provides women full legal equality with men; however, in practice women experienced economic and other forms of discrimination. Of the 376,917 students enrolled in higher education in the 2007-08 school year, 53.5 percent were women. According to the National Statistics Institute, women made up 47 percent of the working population and were increasingly represented in business, science, academia, and the professions, but their average salaries were about 23 percent lower than men's.

The constitution and law prohibit discrimination by employers against pregnant workers and new mothers; nevertheless, it was generally regarded as a problem.

Children

The government was strongly committed to children's rights and welfare.

Child abuse was a problem. APAV reported 291 crimes against children under the age of 18 during the first six months of the year. Approximately 85 percent of the cases involved domestic violence.

The high-profile trial that began in 2004 of persons accused of involvement in a pedophilia operation at the Casa Pia children's home in Lisbon was drawing to a close at year's end, with final rulings expected early in 2009. The eight accused reportedly abused 46 children and faced charges that included procurement, rape, sexual acts with adolescents, and sexual abuse of minors.

There were reports that Romani parents often used minor children for street begging.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to, from, and within the country.

The country is primarily a destination and transit country for women, men, and children trafficked from Brazil,
Eastern Europe, and, to a lesser extent, Africa. Some victims were trafficked to the country for forced labor. The majority of victims from Brazil were trafficked for the purpose of sexual exploitation. These latter victims were typically women with a low educational level, between the ages of 18 and 24; the majority were legal immigrants, with their documents in order and valid visas. Traffickers of these women often used the country as a springboard to other European Union destinations. Many of the trafficked minors were the abovementioned children of Romani parents who were used for street begging.

Many trafficked persons lived in hiding and in poor conditions. Some trafficked workers were domiciled within a factory or construction site, and some were not paid. Moldovan, Russian, and Ukrainian organized crime groups reportedly conducted most of the trafficking of East Europeans. The traffickers frequently demanded additional payments and a share of earnings following their victims' arrival in the country, usually under threat of physical harm. They often withheld the identification documents of the trafficked persons and threatened to harm family members who remained in the country of origin.

The government increased its antitrafficking efforts and reported that it actively dismantled trafficking networks during the year and reduced their overall presence in the country. The government continued to cooperate with other European law enforcement agencies in trafficking investigations.

All forms of trafficking are illegal. The revised penal code in effect since September 2007 explicitly criminalizes labor and sex trafficking and increases penalties for both types of trafficking offenses. The penalty for trafficking is up to 12 years in prison, but during the year the majority of traffickers' sentences were suspended.

The government provided subsidies for victims to obtain shelter, employment, education, access to medical services, and assistance in family reunification. The government also provided legal residency to many trafficking victims, although most victims were repatriated. Some NGOs assisted the government in tracking and providing legal, economic, and social assistance to trafficking victims. Victims who initially were detained were later transferred to NGOs for protection and assistance. Trafficking victims had access to government-operated national immigrant support centers in Lisbon and Oporto and 78 local centers throughout the country where they could obtain multilingual information and assistance.

The government sponsored antitrafficking information campaigns and public service announcements throughout the year. It broadcast various programs on state-run channels to educate and inform the general public, including potential trafficking victims and consumers. A statistics-gathering unit within the Ministry of Interior was established in January 2007 to assist the government's antitrafficking efforts by monitoring trafficking more effectively.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

The constitution and law prohibit discrimination against persons with disabilities in employment, education, access to health care, or the provision of other state services, and the government effectively enforced the law. The law also mandates access to public buildings for such persons, and the government enforced these provisions in practice; however, no such legislation covers private businesses or other facilities.

The Ministry of Labor and Social Solidarity oversees the National Bureau for the Rehabilitation and Integration of Persons with Disabilities, which is responsible for the protection, professional training, rehabilitation, and integration of persons with disabilities, and for enforcement of related legislation.
National/Racial/Ethnic Minorities

On October 3, a Lisbon court convicted 31 of 36 defendants of racism and crimes of a racist nature. The court sentenced six defendants to prison terms of up to seven years; the others received suspended prison sentences, were charged fines, or were ordered to provide community service. The defendants had been active in the right-wing Hammerskin Nation organization. Charges against them included threats, harassment, physical attacks, kidnapping, illegal possession of weapons, and incitement to crime through the circulation of racist, xenophobic, and anti-Semitic messages. This was the first time that the country's courts handed down mandatory prison sentences for hate crimes.

Other Societal Abuses and Discrimination

There were no reports of societal violence or discrimination based on sexual orientation.

There were no reports of societal violence or discrimination against persons with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

The law gives workers the right to form and join independent unions of their choice without previous authorization or excessive requirements, and they exercised this right in practice. Approximately 35 percent of the workforce was unionized. The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides for the right to strike, and workers exercised this right in practice. If a long strike occurs in an essential sector such as justice, health, energy, or transportation, the government may order strikers back to work for a specific period. The government has rarely invoked this power. Police officers and members of the armed forces have unions and recourse within the legal system, but they may not strike.

b. The Right to Organize and Bargain Collectively

The constitution and the labor code recognize and protect the right to bargain collectively. The International Trade Union Confederation stated in its annual survey of violations of trade union rights that in practice collective bargaining and trade union meetings in the public sector were "often hampered" and that private employers "often try to sabotage collective bargaining." There were no reports of antiunion discrimination.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced and compulsory labor, including by children; however, there were reports that women, men, and children were trafficked to the country for labor, and women were trafficked for sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment

The government effectively implemented laws and policies to protect children from exploitation in the workplace. The minimum working age is 16 years. Instances of child labor were concentrated geographically and by sector; the greatest problems were reported in Braga, Porto, and Faro, and tended to occur in the clothing, footwear, construction, and hotel industries.
There were reports that Romani parents often used minor children for street begging.

The government’s principal program to investigate and respond to reports of illegal child labor is the Plan for the Elimination of Exploitation of Child Labor. The Ministry of Labor and Social Solidarity is responsible for enforcing child labor laws, and generally did so effectively.

e. Acceptable Conditions of Work

The monthly minimum wage, which covers full-time workers, rural workers, and domestic employees ages 18 and older, was 426 euros (almost $600) and did not provide a decent standard of living for a worker and family. However, widespread rent controls and basic food and utility subsidies raised the standard of living. Most workers received higher wages; the Ministry of Labor calculated the average monthly salary of workers, excluding public servants, to be 1,063.38 euros (almost $1,500).

The legal workday may not exceed 10 hours, and the maximum workweek is 40 hours. 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 between workdays. The Ministry of Labor and Social Solidarity effectively monitored compliance through its regional inspectors.

Employers are legally responsible for accidents at work and are required by law to carry accident insurance. The General Directorate of Hygiene and Labor Security develops safety standards in line with European Union standards, and the general labor inspectorate is responsible for their enforcement. According to the Inspectorate General for Labor, there were 114 deaths from work-related accidents during the year. Workers injured on the job rarely initiated lawsuits. Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their employment, and the authorities effectively enforced this right.