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2009 Human Rights Report: Portugal

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2009 Country Reports on Human Rights Practices

March 11, 2010

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 September were free and fair. Civilian authorities generally maintained effective control of the security forces.

There were human rights problems in several areas. Police and prison guards occasionally beat or otherwise abused detainees and prisoners, incarcerated minors were not held separately from adults, prison conditions were poor, and persons detained by police did not have an effective right to an attorney. Other problems included violence against women and children, discrimination against women, and trafficking in persons for sexual exploitation and forced labor.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, according to media reports, security forces shot and killed at least two persons during the year.

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.

On March 19, the Council of Europe's Committee for the Prevention of Torture (CPT) released a report documenting findings of the CPT delegation that visited the country in January 2008. According to the report, the delegation received numerous allegations of mistreatment of detainees by law enforcement officials, consisting of slaps, punches, and blows with objects such as batons and telephone books; verbal intimidation; and a specific threat made with a firearm. The CPT reported finding a large number of nonstandard objects, such as baseball bats, a plastic pistol, telescopic batons, and

cudgels, in rooms used for interrogations. The report noted that there was no legitimate reason for prison authorities to keep such objects in interrogation areas. The CPT found that authorities had not maintained the positive trend noted by the CPT after its visits in 1999 and 2003, when the delegation received declining numbers of mistreatment allegations.

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There were credible reports, including in the media, of excessive use of force by members of the security forces. 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)--411 and 482 complaints, respectively, in 2008, the most recent year for which statistics were available. The IGAI investigated each complaint, and punishment for officers found to have committed abuses ranged from temporary suspension to prison sentences. During 2008 there were 1,018 investigations involving all security forces. Punishment included letters of reprimand, temporary suspension from duty, prison sentences, mandatory retirement with wage cuts, and discharge from the security forces.

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.

In its March 19 report, the CPT noted that it received a number of allegations of physical mistreatment of prisoners by custodial staff at the Monsanto High Security and Coimbra Central Prisons and somewhat fewer allegations of mistreatment at the Oporto Central Prison. The allegations involved punches, kicks, and blows with batons administered to prisoners after they had been brought under control. In some cases, injuries inflicted reportedly required medical treatment. In one case, a prisoner at the Monsanto High Security Prison alleged that he was assaulted in 2007 by four prison officers, who repeatedly hit his head against a wall until he was semiconscious. The CPT reported that notes by the prison doctor recorded injuries that were consistent with the prisoner's allegations.

There were high rates of HIV/AIDS and hepatitis C in the country's prisons.

According to the Directorate-General of Prison Services, on September 30, there were 10,916 prisoners and detainees in the country's prisons (94.4 percent men and 5.6 percent women), 90 of whom were between 16 and 18 years old (88 men and two women). The maximum number of prisoners that facilities could accommodate was 11,921. The prison system was operating at 91.6 percent of capacity. There was a youth prison in Leiria, but elsewhere juveniles were held at times with adults. In its March 19 report, the CPT stated that a minor had been held for eight months with adults in a dormitory at the Funchal Regional Prison on Madeira. Pretrial detainees were held with convicted criminals.

The government permitted visits by independent human rights observers, and prisons were visited during the year by the CPT, the Human Rights Committee of the Portuguese Bar Association, and news media.

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

During the year, as part of a five-year prison reform plan adopted in August 2008, the government approved construction of five new prisons throughout the country and started construction of a new prison in the Azores. The goal of the reform is to increase security, improve detainee conditions, rationalize financial and human resources, and improve working conditions of prison staff. On September 24, the government announced that all prisons now have in-cell toilet facilities.

On October 12, the new law for the enforcement of sentences went into effect. The law increases prisoners' rights, establishes an "open regime" where prisoners may earn the right to work outside of the prison and see their families on a regular basis, and reinforces the role of the Enforcement of Sentences **Court** (the court that oversees the enforcement of penal sanctions and is responsible for rehabilitation of prisoners).

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 Ministry of Internal Administration and the Ministry of Justice are primarily responsible for internal security. The Ministry of Internal Administration oversees the GNR, the Foreigners and Borders Service (SEF), and PSP. The SEF has jurisdiction over immigration and border problems. The PSP has jurisdiction in cities, and the GNR has jurisdiction outside cities. The Judiciary Police are responsible for criminal investigations and report to the Ministry of Justice.

An independent ombudsman chosen by parliament and the IGAI investigate 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 the Ministry of Internal Administration. Police corruption was an isolated problem.

Arrest Procedures and Treatment While in Detention

The constitution and law provide detailed guidelines covering all aspects of arrest and custody, and 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 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.

The investigating, or examining, judge is a central figure in the country's legal system. Investigating judges direct inquiries into severe crimes or complex cases. As members of the judiciary, they are independent and outside the domain of the executive branch. They are separate from the prosecutors of the Public Prosecutor's Office, who are supervised by the Ministry of Justice. 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. Investigative detention for most crimes is for 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, violent or organized crime, and of 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. A suspect in investigative detention must be brought to trial within 14 months of being formally charged. If a suspect is not in detention, there is no specified deadline for going to trial. Detainees have the legal right to access to lawyers from time of arrest, but police did not always inform detainees of their rights. The government assumes legal costs for indigent detainees.

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

In its March 19 report, the CPT stated that few detained persons have an effective right of access to a lawyer during police custody. While police registers seen by the CPT delegation indicated that detainees were informed of their right to an attorney, a considerable number of detained persons complained that they had not been informed of their rights. In some

police stations, the delegation found a "striking discrepancy" between the number of detainees who were recorded as having been informed of their rights and the number who actually exercised their rights. At the Andre Resende PSP station in Benfica (Lisbon), the delegation found that, of 438 persons detained in 2007, eight contacted a lawyer and 50 percent contacted a family member or third party.

Lengthy pretrial detention remained a problem. As of September, 2,126 individuals (19 percent of the prison population) were in preventive detention, an increase from the previous year. The average detention time was eight months; approximately 20 percent of preventive detainees spent more than one year in incarceration. Lengthy pretrial detention was usually due to lengthy investigations and legal procedures, judicial inefficiency, or staff shortages. If a detainee is found guilty, pretrial detention counts against a prison sentence. If found innocent, a detainee has the right to request compensation for detention.

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 the backlog of cases awaiting trial to be at least a year.

Trial Procedures

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. Jury trials are rare in criminal cases. When the crime in question is punishable by a prison sentence of more than eight years, either the public prosecutor or the defendant may request a jury trial. Juries consist of three judges and four public members. Civil cases do not have jury trials.

All defendants are presumed innocent and have the right to consult an attorney upon arrest, 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. Trials are public. These rights were generally respected in practice.

In 2008 the European Court on Human Rights (ECHR) found four violations by the country of the right to a fair trial and one violation concerning length of proceedings, as provided under Article 6 of the European Convention on Human Rights.

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. All persons in the country 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.

In 2008 the ECHR found one violation by the country of the right to an effective remedy, as provided under Article 13 of the European Convention on Human Rights.

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 in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. According to the European Federation of Journalists, the Journalist Statute requires journalists to hand over confidential information and disclose sources in criminal cases. Thus far, however, the statute has not been invoked and tested.

In 2008 the ECHR found two violations by the country of freedom of expression, as provided under Article 10 of the European Convention on Human Rights.

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 International Telecommunication Union statistics for 2008, approximately 42 percent of the country's inhabitants used the Internet.

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 in practice.

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. Religious groups that meet at least one of these tests 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.

Under an agreement with the Roman Catholic Church, the government 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.

On September 23, a new law went into effect allowing all religions to provide chaplains for the military, prisons, and hospitals. Previously these state-funded positions were open to Catholics only.

Societal Abuses and Discrimination

The Jewish community in the country was estimated at 3,000 persons. There were no reports of anti-Semitic acts during the year, in part because the government claimed not to collect such statistics.

Youths arrested in 2007 after allegedly vandalizing tombstones in Lisbon's Jewish cemetery were awaiting trial at year's end.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at www.state.gov/g/drl/rls/irf.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

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 country is a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. Its laws provide for the granting of asylum or refugee status, 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 on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government granted refugee status or asylum.

In addition to refugees and applicants for political asylum, the government also provided temporary protection to individuals who may not qualify as refugees. The country granted humanitarian protection to 73 persons in 2008 and to 36 persons in the first half of 2009. In 2008 the country granted asylum to 14 persons and, during the first half of 2009, to three persons.

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

The constitution and law provide citizens 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

On September 27, the country held national parliamentary elections that were considered free and fair. Political parties could operate without restriction or outside interference.

On June 7, the country also held elections to the European Parliament that were considered free and fair.

There were 56 women in the 230-member parliament and five women in the 17-seat cabinet. There was one member of a minority group in the parliament; there were none in the cabinet.

Section 4 Official Corruption and Government 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 three city mayors, Fatima Felgueiras, Valentim Loureiro, and Isaltino Morais. In November 2008 Felgueiras (Socialist Party) received a 39-month suspended prison sentence and lost her mandate as mayor of Felgueiras (name of mayor and city are, coincidentally, the same). She ran again for mayor in the October 11 municipal elections and lost. 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 was pending at year's end. He was reelected mayor of Gondomar on October 11. On August 3, Morais (PSD), mayor of Oeiras, was sentenced to seven years in prison for tax evasion, abuse of power, corruption, and money laundering. His appeal was pending at year's end. On October 11, he was reelected mayor of Oeiras.

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 5 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 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 such problems 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 problems. It drafts and submits bills and petitions for parliamentary approval. During the year new laws went into effect in areas including reinforcement of protection to crime victims, measures to combat discrimination against homosexual and bisexual blood donors, and amendments to the penal code regarding corruption.

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, and social status, and the government effectively enforced these prohibitions.

Women

The law makes rape, including spousal rape, illegal, and the government generally enforced these laws when the victim chose to press charges and the cases were not settled out of court through mediation by both parties' lawyers. During 2008, 193 cases of rape were reported to the Association for Victim Support (APAV), a nonprofit organization that provides confidential and free services nationwide to victims of any type of crime; 132 of the cases were linked to domestic violence. In 2007, 212 such cases were reported (160 linked to domestic violence).

Violence against women, including domestic violence, continued to be a problem. Penalties for violence against women range up to 10 years' imprisonment. 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. Legislation also allows third parties to file domestic violence reports.

During 2008 APAV received 16,832 cases of violence against women, 90 percent of which involved domestic violence. For the first six months of the year, APAV reported 8,496 domestic violence cases. According to NGOs and media reports, there were 25 deaths in the first eleven months of the year, compared with 43 deaths in the first eleven months of 2008.

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 Ministry of Justice, 1,157 individuals were convicted of domestic violence crimes in 2008, in a total of 2,430 domestic violence court cases.

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 felonies punishable by prison sentences of up to five years or up to eight years if the crime is aggravated by violence or a number of other offenses stipulated in the penal code.

Sexual harassment is a crime if perpetrated by a superior in the workplace. The penalty is two to three years in prison. Penalties for sexual harassment in the workplace range up to eight 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 to adjudicate, complaints of sexual harassment. During the year reporting of sexual harassment rose. During 2007 more than 300 cases of sexual harassment were reported to the Authority for Labor Conditions (ACT) of the Ministry of Labor and Social Solidarity; three of these resulted in the dismissal of the perpetrator.

Couples and individuals have the right to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, or violence. There was easy access to contraception, skilled attendance during childbirth, and women were diagnosed and treated for sexually transmitted infections, including HIV, equally with men. According to international organization estimates, there were 11 maternal deaths per 100,000 live births in the country in 2005, the most recent year for which this data was available.

The law gives women full legal equality with men; however, in practice women experienced economic and other forms of discrimination. According to National Statistics Institute data for the second quarter of the year, 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 new government resulting from the September parliamentary elections created the new cabinet-level position of State Secretary for Equality to address, among others, problems such as economic discrimination and the integration of women into the mainstream of society.

Children

Citizenship is derived by birth within the country's territory (*jus soli*) and from one's parents (*jus sanguinis*).

Child abuse was a problem. APAV reported 622 crimes against children under the age of 18 during 2008. Approximately 88 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 still pending final deliberations and a ruling at year's end.

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

The minimum age for consensual sex is 16. The penalty for sex with minors between the ages of 14 and 16 is up to two years' imprisonment or, if committed by a legal guardian of the minor, up to eight years' imprisonment. The penalty for sex with minors under 14 years of age is up to 10 years in prison. The law prohibits child pornography, and the penalty is up to three years' imprisonment.

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 a destination, transit, and source country for women, men, and children trafficked from Brazil and, to a lesser extent, from Ukraine, Moldova, Russia, Romania, and Africa for commercial sexual exploitation and forced labor. The country is primarily a destination and transit country for women, men, and children trafficked from Brazil. The majority of victims from Brazil were trafficked for the purpose of sexual exploitation. These 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 transit point to other EU destinations. Men from East European countries were reportedly trafficked for labor exploitation. According to a 2008 International Labor Organization (ILO) report, Portuguese men were trafficked to Western Europe for forced labor. Many of the trafficked minors were children of Romani parents who were used for street begging. Since 2008 authorities received 231 trafficking cases; 41 were confirmed, and the remaining cases were under investigation.

Moldovan, Russian, and Ukrainian organized-crime groups reportedly conducted most of the trafficking of East Europeans. Traffickers frequently demanded additional payments and a share of earnings following their victims' arrival in the country, usually under threat of physical harm. Other methods of controlling victims included stealing the victims' identification documents and threatening to harm family members who remained in the country of origin.

The law explicitly criminalizes labor and sex trafficking. The penalty for trafficking is up to 12 years in prison.

The government continued to cooperate with other European law enforcement agencies in trafficking investigations.

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 voluntarily. 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 to 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 Internal Administration assisted the government's antitrafficking efforts by monitoring trafficking.

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, and the provision of other state services. The government effectively enforced the law. The law also mandates access to public buildings for persons with disabilities, 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 social integration of persons with disabilities as well as for the enforcement of related legislation.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There were no reports of official or societal discrimination based on sexual orientation in employment, housing, access to citizenship, or access to education or health care.

Other Societal Violence or Discrimination

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

Section 7 Worker Rights

a. The Right of Association

The law recognizes workers' right to form and join independent unions of their choice without previous authorization or excessive requirements, and the workers exercised this right in practice; however, members of the armed forces and some police forces are exempt from this provision. 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 specified period. The government has rarely invoked this power. Police 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 law recognize and protect the right to bargain collectively and these laws were effectively enforced. Collective bargaining was freely practiced. There were no reports of antiunion discrimination.

There are two foreign trade zones in the island autonomous regions of Madeira and the Azores. There are no special laws or exemptions from regular labor laws in these 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 for commercial sexual exploitation and forced labor. Women, many from Brazil, were subjected to conditions of forced prostitution. Although many of them originally consented to working as prostitutes and entered the country legally, upon arrival they were harbored in rooms or apartments and their passports and travel documents were stolen. Men from Eastern Europe (typically from Ukraine, Moldova, Russia, and Romania) and African lusophone countries were, through fraud, coercion, and debt bondage, subjected to conditions of forced labor in the farming and

construction industries. Police and NGOs have also reported that family networks brought approximately 50 to 100 Romani children to the country and forced them to work as street beggars.

The law provides for punishment of five to 15 years in prison for enslavement and one to eight years for prostitution by force, fraud, or coercion. Trafficking for purposes of labor exploitation is punishable by a sentence of three to 12 years. Employers who confiscate passports or travel documents are subject to up to 15 years imprisonment, while those who switch contracts without a worker's consent or withhold salaries in order to keep a person in a state of servitude are liable for up to 12 years in prison.

d. Prohibition of Child Labor and Minimum Age for Employment

The government effectively enforced laws and policies to protect children from exploitation in the workplace.

The minimum working age is 16 years. The ACT registered four cases of child labor during the first six months of the year and six cases in 2008. In recent years there has been a greater social consciousness of child labor problems, increased awareness through government campaigns, and a reinforcement of investigations. However, there were reports that Romani parents used minor children for street begging. In 2008 the Committee of Experts of the ILO also noted that children who worked on streets were particularly vulnerable to other worst forms of child labor and that, although rare, cases of child pornography occurred.

The government's principal entity to investigate and respond to reports of illegal child labor is the ACT. The ACT sponsored and financed the Integrated Program for Education and Professional Training, whose goal was to return minors who were victims or at risk of child labor to school. During the year the program worked with 2,500 students, mainly boys (70.3 percent) aged 16-17 (51.2 percent) and 13-15 (45.8 percent). The Ministry of Labor and Social Solidarity is responsible for enforcing child labor laws and generally did so effectively.

e. Acceptable Conditions of Work

A national collective bargaining agreement between the government, employers' associations, and labor unions sets the monthly minimum wage. This minimum, which covers full-time workers, rural workers, and domestic employees who are 18 and older, was 450 euros (\$644) and did not provide a decent standard of living for a worker and family. However, widespread rent controls and subsidies on basic food and utility raised the standard of living. Most workers received higher wages; the Ministry of Labor and Social Solidarity calculated the average monthly salary of workers, excluding public servants, to be 1,063 euros (approximately \$1,520).

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. 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 hours or partial hours. The Ministry of Labor and Social Solidarity effectively monitored compliance through its regional inspectors. Excessive compulsory overtime is not a problem.

Employers are legally responsible for accidents at work and are required by law to carry accident insurance. The ACT develops safety standards in line with EU standards and is responsible for their enforcement. The ACT's inspectors sufficiently and regularly monitored these standards, both proactively according to regulations/advanced scheduling and reactively in response to complaints. Inspection findings were generally effectively enforced. Problems found were resolved, prosecuted, or fined. According to ACT, there were 53 deaths from work-related accidents in the first seven months of the year. Workers injured on the job rarely initiated lawsuits, as insurance policies covering medical and

compensation costs covered the majority of workers. Workers have the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment, and authorities effectively enforced this right.