

Portugal - Human Rights Scorecard ¹

Portugal, officially the Portuguese Republic, is a country on the Iberian Peninsula, in Southwestern Europe. It is the westernmost country of mainland Europe, being bordered by the Atlantic Ocean to the west and south and by Spain to the north and east. The Portugal–Spain border is 1,214 km (754 mi) long and considered the longest uninterrupted border within the European Union. The republic also includes the Atlantic archipelagos of the Azores and Madeira, both autonomous regions with their own regional governments.²

Official language: Portuguese

Ethnic groups: 96.3% Portuguese, 3.7% others

Government: Unitary semi-presidential republic

- President: Marcelo Rebelo de Sousa
- Assembly President: Eduardo Ferro Rodrigues
- Prime Minister: António Costa

Death penalty: Abolitionist for all crimes

Population: 10.8 millions

Life expectancy: 79.2 years

Under-5 mortality: 4 per 1000

Adult literacy: 95.7 percent



Section 1: Respect for the Integrity of the Person

Respect for the integrity of the individual is the most fundamental of human rights groupings. It guarantees protection of the person to ensure the right to life, and freedom from torture. It also prevents arbitrary detention, and disappearances, and ensures the right to a free and fair trial when accused.

Freedom from arbitrary or unlawful deprivation of life



Respected³

There are no reports of the government or its agents committing arbitrary or unlawful killings.

Freedom from disappearance



Respected⁴

There are no reports of politically motivated disappearances, abductions, or kidnappings.

Freedom from torture and other cruel, inhuman or degrading treatment or punishment



Partially respected⁵

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

Freedom from arbitrary arrest or detention



Respected⁶

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

Freedom from denial of fair public trial



Respected⁷

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

Freedom from arbitrary interference with privacy, family, home or correspondence



Respected⁸

The constitution and law prohibit such actions, and there are no reports of the government failing to respect these prohibitions.

Section 2: Respect for Civil Liberties

Civil liberties are a basic category of internationally recognized human rights. They include the freedoms of expression, assembly, association, education, and religion. These are inalienable rights which should not be breached by government, and should ensure the rights of all, including women and minority groups.

Freedom of speech and press (*Reporters Without Borders Press Freedom Index*)⁹



Score: 17.11, Rank: 26 / 180 – Mostly free, diverse and independent¹⁰

The constitution provides for freedom of speech and press, and the government generally respects these rights. An independent press, an effective judiciary, and a functioning democratic political system are combined to ensure freedom of speech and press.

Freedom from academic censorship



Respected¹¹

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

Freedom of peaceful assembly and association



Respected¹²

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

Freedom of religion



Respected¹³

The constitution protects the freedom of religion and prohibits religious persecution and discrimination. The government sponsors events to promote religious acceptance and organizes education for teachers and workers who interact with people of diverse religious backgrounds.

Protection of refugees and stateless persons



Respected¹⁴

The constitution provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respects these rights. The government cooperates with the UNHCR to provide protection and assistance to refugees, asylum seekers and stateless persons.

Overall protection of civil liberties (*FreedomHouse Civil Liberties Index*)^{15 16}



1 / 7 – Free¹⁷

Human Rights organisations report a general respect of civil liberties in Portugal, and a system which generally succeeds in protecting the civil liberties of citizens.

Section 3: Respect for Political Rights

Political rights ensure all members of society are able to influence the political process. The assessment of political rights includes an examination of the electoral process and the selection of representatives, the political empowerment of the general public, the tolerance of dissent, the accountability of government, etc..

Overall protection of political rights (*FreedomHouse Political Rights Index*)¹⁸



1 / 7 – Free¹⁹

The constitution and law provide citizens the ability to change their government through free and fair elections, and citizens exercise this right through elections based on universal suffrage. Political parties operate freely.

Section 4: Corruption and Lack of Transparency in Government

The civil, political, economic and social rights exercised within a country are often modulated by the degree of transparency and freedom from corruption. Various international metrics assess transparency and corruption, including the OECD anti-bribery convention, the Bribe Payers Index, and the Open Budget Index.

Transparency and freedom from corruption (*Transparency International Corruption Perceptions Index*)²⁰



Score: 63%, Rank: 28 / 168 – Limited corruption²¹

The law provides criminal penalties for corruption by officials, and the government generally implements these laws effectively. There were, however, reports of corruption in the executive or legislative branches of the central government during 2015.

Section 5: Governmental Response to Criticism

This section deals specifically with the response heads of state have to civil society or international human rights reports.

Governmental attitudes vis-à-vis independent investigations of alleged human rights violations



Respected²²

Several domestic and international human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views.

Section 6: Discrimination and Societal Abuses

Legal and social discriminatory practices related to sex, race, creed or sexual orientation, are violations of human rights. Countries with strong civil liberty traditions should have a fair legal system that ensures the rule of law, allows free economic activity, and ensures equality of opportunity for all.

Rights of women (World Economic Forum Gender Gap Index)²³



Score: 72.4%, Rank: 39 / 142 – Somewhat unequal rights²⁴

The law makes rape, including spousal rape, illegal, and the government generally enforces the law. However, violence against women continues to be a problem. While the law provides women full legal equality with men, they continue to experience discrimination, economic and otherwise.

Rights of Children (KidsRights Index Overall Score)²⁵



Score: 93%, Rank: 3 / 165 – Somewhat protected²⁶

Citizenship is derived by birth within the country's territory and from one's parents. However, despite a good ranking by KidsRights Index, some issues remain problematic, including child abuse and female genital mutilation among females within Portugal's immigrant community.

Rights of persons with disabilities



Respected²⁷

The law prohibits discrimination against persons with disabilities in employment, education, transportation, access to health care, etc. The government effectively enforces the law. Students with disabilities can attend all levels of schooling.

Rights of national/racial/ethnic minorities (e.g. discrimination, Islamophobia, anti-Semitism etc.)



Partially respected²⁸

Societal discrimination against ethnic Roma persists. The government tries to provide integration and access to services for the Romani population, with moderate success. Reports of police harassment, misconduct, and abuses against Roma continue.

Freedom from abuse and discrimination based on sexual orientation or gender identity



Respected^{29 30}

The constitution and the law prohibit discrimination based on sexual orientation and gender identity. However, the law bars LGBT citizens from receiving medically assisted reproductive health care from government-funded health-care providers.

Section 7: Workers' Rights

Workers' rights are a group of legal rights relating to labour relations between workers and their employers. At their core are things like the ability to negotiate pay, benefits, terms of employment, and safe working conditions. These rights often devolve from the right to unionize and access to collective bargaining.

Rights to freedom of association and to collective bargaining



Partially respected³¹

The law provides for the right of most workers to form and join independent unions, bargain collectively, and conduct legal strikes. The government generally respects these rights. However, several restrictions limit these rights.

Freedom from forced or compulsory labour



Largely disrespected³²

The law prohibits all forms of forced and compulsory labour. Nevertheless, such practices occur. The government is not effective in enforcing the law. Resources dedicated to prevention and enforcement of forced labour, including inspections and remediation, remain inadequate.

Freedom from forced labour for children, and a minimum age of employment



Partially respected³³

The minimum age for the employment is 16. Resources and inspections are adequate. Penalties for violations are sufficient to deter violations. Child labour occurred in very limited cases within the formal economy. Some children have been forced to beg or to commit property crimes.

Right to acceptable conditions of work



Respected³⁴

The occupational health and safety standards as well as minimum wage are up to European standards, and are effectively enforced in the formal sector. The ACT conducts studies on labour accidents, salaries, and working conditions, and can impose administrative penalties against employers.

Right to employment



16.9% - Extreme unemployment³⁵

In the past few years, the Portuguese economy has suffered a deep recession and rising unemployment. The outlook for future years is also grim, with the government proposing more tax increases and spending cuts in an effort to meet deficit reduction targets.

¹ A hybrid human rights and freedoms model, leveraging both legal principles and intuitive classifications, has been used for this human rights assessment. The CJPME Foundation has sought to integrate as many independent sources and metrics into its summary analysis as possible. In many cases, for qualitative material pertaining to the respect for a particular right in a country, the CJPME Foundation has drawn on material from Human Rights Watch and the US State Department country reports. Human Rights Watch (HRW) publishes a World Report which assesses the respect for human rights in each country. HRW uses a methodology of local reporting and interviewing, combined with research and analysis to assess the level of respect of human rights. The U.S State Department keeps an updated publication on the state of human rights internationally. Their system of research and accountability draws from the research of official US State Department officials, as well as local civil-society and international human rights organizations.

² Commonly-known information on the country is drawn from various Internet sources, including Google country pages, and Amnesty International. For death penalty see: "Death sentences and executions in 2013." Amnesty International. March 24, 2014. Accessed April 12, 2016.

³ <https://www.amnesty.org/en/documents/act50/001/2014/en/>.

³ "Country Reports on Human Rights Practices for 2014 Portugal." U.S Department of State. January 1, 2014. Accessed April 12, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

⁴ Ibid. U.S Department of State. For purposes of the present analysis, a "disappearance" is different than simple arbitrary detention because a "disappearance" is considered permanent.

⁵ Ibid. U.S Department of State.

⁶ Ibid. U.S Department of State.

⁷ Ibid. U.S Department of State.

⁸ Ibid. U.S Department of State.

⁹ The Press Freedom Index published by Reporters Without Borders ranks the level of freedom of information in 180 countries. This is determined through the polling of local NGOs and freedom of expression civil society organizations across the globe. This index is also determined by local correspondents and follow-up work done on reports of infringement to press freedom where ever it takes place. Their methodology looks at six different indicators: 1) Media pluralism, 2) Media independence, 3) Media atmosphere and self-censorship, 4) the Law around media, 5) Media transparency, and 6) Media infrastructure. The score from these six indicators is combined with a rating for the violence against journalists in the country to create an overall score. The CJPME Foundation classifies the Press Freedom Index as follows: 0 – 14.99 (16 countries), Largely free, diverse and independent; 15 – 24.99 (37 countries), Mostly free, diverse and independent; 25 – 29.99 (31 countries), Partially free, diverse and independent; 30 – 39.99 (39 countries), Partially controlled, limited or intimidated; 40 & higher (57 countries), Highly controlled, limited or intimidated.

¹⁰ "World Press Freedom Index." Reporters Without Borders: For Freedom of Information. January 1, 2014. Accessed April 12, 2016. <http://rsf.org/index2014/en-index2014.php>.

¹¹ "Country Reports on Human Rights Practices for 2014 Portugal." U.S Department of State. January 1, 2014. Accessed April 12, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

¹² Ibid. U.S Department of State.

¹³ "Portugal." International Religious Freedom Report for 2014. January 1, 2014. Accessed April 12, 2016.

<http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper>.

¹⁴ "Country Reports on Human Rights Practices for 2014 Portugal." U.S Department of State. January 1, 2014. Accessed April 12, 2016.

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

¹⁵ Freedom House is an internationally recognized NGO based in the U.S which documents and rates the quality of democratic practice in a given country. Freedom House splits its grading system between the two areas of civil and political rights in a country. On each scale, the Freedom House rating is 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free).

¹⁶ Freedom House's Civil Liberties index measures things such as a) freedom of expression and belief, b) associational and organizational rights, c) the rule of law, and d) personal autonomy and individual rights. Freedom House rates countries as 1-2.5 (free), 3-5.5 (partly free) and 6-7 (not free). Accessed April 12, 2016.

<https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

¹⁷ "Portugal." Freedom in the World 2015: Portugal. January 1, 2015. Accessed April 12, 2016. <https://freedomhouse.org/report/freedom-world/2015/Portugal>.

¹⁸ See footnote about the Freedom House organization above. The Freedom House Political Rights assessment looks at a) the electoral process, b) political pluralism and participation, and c) the functioning of government. Accessed April 12, 2016 <https://www.freedomhouse.org/report/freedom-world-2014/methodology#.VldwWzHF98F>

¹⁹ "Portugal." Freedom in the World 2015: Portugal. January 1, 2015. Accessed April 12, 2016. <https://freedomhouse.org/report/freedom-world/2015/Portugal>.

²⁰ Transparency International (TI) publishes a "Corruption Perceptions Index" annually, which is based on independent research and polling. The main categories of corruption are broken down within the index to provide particulars on issues including things such as perceptions of corruption, control of corruption, and financial secrecy. A country receives a score on 100; the higher the score, the less corrupt the society. The CJPME foundation has classified them into categories as follows: 80-100 (11 countries): Very limited corruption; 60-79 (27 countries): Limited corruption; 40-59 (41 countries): Some corruption; 20-39 (80 countries): Highly corrupt; 0-19 (15 countries): Extremely corrupt

²¹ "Portugal." Corruption by Country. January 1, 2014. Accessed April 12, 2016. <http://www.transparency.org/country#PRT>.

²² "Country Reports on Human Rights Practices for 2014 Portugal." U.S Department of State. January 1, 2014. Accessed April 12, 2016. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

²³ This metric is based on the World Economic Forum's Gender Gap Index. 0.00 denotes inequality between the sexes, and 1.00 denotes fully equality between the sexes. This index looks at four subdomains: economic participation and opportunity; educational attainment; health and survival; and political empowerment. Each country is given a percentage score; the higher the percentage, the better the protections. The CJPME Foundation classed the percentages as follows: 80-100% (5 countries): Almost equal rights; 70-79% (60 countries): Somewhat unequal rights; 0-69% (77 countries): Very unequal rights

²⁴ "Portugal." World Economic Forum. January 1, 2014. Accessed April 12, 2016. <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=PRT>.

²⁵ This metric is based on the KidsRights Index Overall Score. This index has five subdomains: life expectancy and maternal mortality; health; education; protection; and child rights environment. Each country is given a percentage score; the higher the percentage, the better the protections. KidsRights classes the countries according to these percentages, and the CJPME Foundation has given each class a term as follows: 70-100% (77 countries): Protected; 60-70% (29 countries): Somewhat protected; 45-50% (33 countries): Slightly vulnerable; 30-45% (12 countries): Highly vulnerable; Lower than 30% (11 countries): Extremely vulnerable

²⁶ "The KidsRights Index: Overall Ranking." The KidsRights Index. Accessed April 12, 2016. <http://www.kidsrightsindex.org/>

²⁷ "Country Reports on Human Rights Practices for 2014 Portugal." U.S Department of State. January 1, 2014. Accessed April 12, 2016. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

²⁸ Ibid. U.S Department of State.

²⁹ "ILGA World Map." International Lesbian Gay and Intersex Association. January 1, 2014. Accessed April 12, 2016. <http://ilga.org/>. See also Ibid. U.S Department of State.

³⁰ ILGA, the International, Lesbian, Gay, Bisexual, Trans and Intersex Association, was founded in 1978 on the principle of highlighting state sponsored homophobia where it exists around the world. ILGA annually publishes a map with an accompanying report on sexual and gender based harassment, which focuses on both the legal and non-legal acts of state sponsored discrimination.

³¹ "Country Reports on Human Rights Practices for 2014 Portugal." U.S Department of State. January 1, 2014. Accessed April 12, 2016. <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper>.

³² Ibid. U.S Department of State.

³³ Ibid. U.S Department of State.

³⁴ Ibid. U.S Department of State. See also a well-done Wikipedia comparison of wage, income and work week metrics across countries at http://en.wikipedia.org/wiki/List_of_minimum_wages_by_country

³⁵ "Global Employment Trends." International Labour Organization. January 1, 2013. Accessed April 12, 2016. http://www.ilo.org/global/research/global-reports/global-employment-trends/2014/WCMS_233936/lang--en/index.htm.