

# PORTUGAL 2014 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Portugal, which includes the archipelagos of the Azores and Madeira, is a constitutional democracy with a president, prime minister, and parliament elected in multi-party elections. National parliamentary elections in 2011 were free and fair. They took place in accordance with international standards, and there were no reports of abuses or irregularities. Authorities maintained effective control over the security forces.

The most important human rights problems included excessive use of force and abuse of detainees and prisoners by police and prison guards; poor, unhealthy, and overcrowded prison conditions; and violence against women and children.

Other problems included the incarceration of juveniles with adults and pretrial detainees with convicted criminals, denial of legal counsel and family contact to detainees, disregard of detainees' rights by the Judiciary Police, lengthy pretrial detention, detention of asylum seekers, a growing gap between pay to men and women, the practice of female genital mutilation and cutting (FGM/C) in the Guinea-Bissauan community, societal discrimination and exclusion against Roma, a number of essential economic factors to hinder labor organizing, and trafficking in persons for sexual exploitation and forced labor.

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

### **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.

#### **b. Disappearance**

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

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

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

During the year the Inspectorate General of Internal Administration (IGAI) investigated reports of mistreatment and abuse by police and prison guards. Complaints of physical abuse included slaps, punches, kicks, and blows with truncheons to the body and/or head; threatening use of firearms; excessive use of force; illegal detention; and abuse of power. The majority of the complaints were against the Public Security Police (PSP) and the Republican National Guard (GNR), with 405 and 310 complaints, respectively, in 2012, 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. In 2012 the government conducted 817 investigations of members of the security forces. Punishment included letters of reprimand, temporary suspension from duty, prison sentences, mandatory retirement with pension cuts, and discharge from duty.

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

There were reports that guards mistreated prisoners at some prisons. Other problems included overcrowding, inadequate facilities, poor health conditions, and violence among inmates.

Physical Conditions: According to the Directorate-General of Reintegration and Prison Services (DGRSP), on November 15, there were 13,938 prisoners and detainees in the country's prisons (94 percent male inmates and 6 percent female inmates), 77 of whom were youths between 16 and 18 years of age (74 boys and three girls). The maximum number of prisoners that facilities were designed to accommodate was 12,591. During the year the prison system operated at 110.7 percent of capacity. There was a youth prison in Leiria, but elsewhere in the prison system authorities sometimes held juveniles with adults. The prison system held pretrial detainees with convicted criminals.

To counteract overcrowding, authorities added a new ward to the Linho Prison in Sintra, with a capacity for 114 additional detainees. The government also purchased 38 new security vehicles for the Center for Penitentiary Studies and

Training, in Caxias. The Council of Europe's Committee for the Prevention of Torture (CPT) reported in 2013 that conditions in the Pacos de Ferreira Prison were poor and the Lisbon Central Prison was dilapidated. There were no reports authorities made any improvements in either facility. In 2013, the latest data available, there were 62 deaths in the country's prisons. According to the DGRSP, illness caused 49 deaths and suicide accounted for 13 deaths. Infectious diseases associated with drug abuse caused the majority of deaths due to illness. Prisoners had access to potable water. Food, sanitation, and medical care were adequate.

The CPT reported in 2013 that police usually did not hold detainees overnight in police stations. The three basement cells in the Rua Capelo PSP holding facilities in Lisbon and the two cells at Benfica police station, however, had no access to natural light and were not equipped with mattresses (detained persons were provided only a blanket); the largest of the three ground-floor cells in operation (measuring approximately 183 square feet) was dilapidated. There were no reports authorities made any improvements in either facility.

Administration: Recordkeeping on prisoners was adequate. The DGRSP managed a publicly available website with constantly updated statistics on the country's prisons. Under the government's "open regime" system, prisoners may earn the right to work outside the prison and see their families at home on a regular basis. An ombudsman may advocate on behalf of prisoners and detainees to consider such matters as alternatives to incarceration for nonviolent offenders to alleviate overcrowding; address the status and circumstances of confinement of juvenile offenders; and improve pretrial detention, bail, and recordkeeping to assure prisoners do not serve beyond the maximum sentence for the charged offense.

Authorities permitted prisoners and detainees reasonable access to visitors and religious observance. Authorities permitted prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhuman conditions. Authorities investigated credible allegations of inhuman conditions and documented the results of such investigations in a publicly accessible manner. The government investigated and monitored prison and detention center conditions.

Independent Monitoring: The government permitted visits by independent human rights observers and the CPT. During the year university researchers and news media visited prisons. Local human rights and media groups were fully independent bodies.

#### **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 Internal Administration and Justice are primarily responsible for internal security. The Ministry of Internal Administration oversees the Foreigners and Borders Service (SEF), the PSP, and the GNR. 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. The IGAI, responsible to the Ministry of Internal Administration, investigates security force killings and evaluates whether they occurred in the line of duty or were otherwise justifiable.

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

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

The constitution and law provide detailed guidelines covering all aspects of arrest and custody, and authorities generally followed the guidelines. Persons may be arrested only 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.

Authorities may not hold a suspect for more than 48 hours without bringing him before an investigating judge. Under the law the investigating judge determines whether an arrested person should be detained, released on bail, or released outright. Authorities informed detainees promptly of charges against them.

Investigative detention for most crimes is limited to four months. If authorities do not file a formal charge within that period, they must release the detainee. In cases of serious crimes such as murder, armed robbery, terrorism, 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.

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

Detainees have the right to legal counsel from the time of arrest, but police, in particular the Judiciary Police, did not inform detainees of their rights in many cases. If detained persons cannot afford a private lawyer, they only have access to an appointed lawyer at the court hearing before a judge up to 48 hours after the moment of apprehension. The government assumes legal costs for indigent detainees. The CPT delegation also met a number of persons, including those detained by the Judiciary Police, who claimed they had not been able to inform a member of their family of their detention.

Pretrial Detention: Lengthy pretrial detention remained a problem. As of July 1, there were 2,363 individuals (16.5 percent of the prison population) in pretrial detention, a decrease from the previous year. Pretrial detainees spent an average of six months to a year in incarceration. Observers, including the media, business corporations, and legal observers, estimated the backlog of cases awaiting trial to be at least a year. Lengthy pretrial detention was usually due to lengthy investigations and legal procedures, judicial inefficiency, or staff shortages. Pretrial detention counts against a convicted detainee's prison sentence. If found innocent, a detainee has the right to request compensation.

Amnesty: In December the president granted revocations of the penalty of expulsion from the country for three foreigners. There were more than 1,200 requests.

#### **e. Denial of Fair Public Trial**

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

#### **Trial Procedures**

The constitution provides for the right to a fair trial, and an independent judiciary generally enforced this right. The law presumes all defendants innocent and provides the right to be informed promptly and in detail of the charges (with free interpretation when necessary). Trials are public and fair. Authorities must bring a suspect in investigative detention to trial within 14 months of being charged formally. If a suspect is not in detention, the law specifies no deadline for going to trial. Jury trials are rare in criminal cases. When the crime is punishable by a prison sentence whose maximum limit is 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.

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

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

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

There is an independent and impartial judiciary in civil matters. Citizens, foreign residents, and organizations have access to a court to bring lawsuits seeking damages for, or cessation of, a human rights violation, and they may appeal decisions to the European Court of Human Rights. Besides judicial remedies, administrative recourse exists for alleged wrongs. The government complied with rulings against it in domestic judicial and administrative fora.

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

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

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

**a. Freedom of Speech and Press**

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

**Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. According to statistics from the International Telecommunication Union, 62 percent of the population used the internet in 2013.

**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 the freedoms of assembly and association, and the government generally respected these rights.

**c. Freedom of Religion**

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

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

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and

assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

### **Protection of Refugees**

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

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

Refugee Abuse: Authorities reportedly kept in detention asylum seekers who submitted their applications for international protection at border points. If asylum seekers appealed a negative decision, they could remain in detention for up to 60 days, and no alternatives existed.

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

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

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

Recent Elections: On May 25, the country held elections for the European Parliament that observers considered free and fair. Observers also considered nationwide municipal elections in 2013 and national parliamentary elections in 2011 to be free and fair.

Participation of Women and Minorities: The law reserves to each gender a minimum of one-third of the places on electoral lists in national, local, and European parliamentary elections. There were 71 women in the 230-seat parliament and three women in the 12-member cabinet. Although one member of parliament was born in Angola, no minority person was in the cabinet.

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

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

Corruption: The media reported corruption involving central and local government officials. On September 15, former education minister Maria de Lurdes Rodrigues received a sentence of three and a half years in prison and a 30,000-euro (\$37,500) fine. The courts found Rodrigues guilty of misconduct in public office for directly hiring the brother of former labor and solidarity minister Paulo Pedroso as a legal advisor and failing to announce the position to public tender as required by law. In the same case, the former secretary-general of the Ministry for Education, Joao da Silva Batista, received a suspended jail sentence and a 30,000-euro (\$37,500) fine. Rodrigues, who was the country's education minister from 2005 to 2009 under a Socialist Party government, appealed the court's decision.

On November 13, police detained 11 persons, including the head of the country's immigration service, following an investigation into alleged corruption linked to the allocation of fast-track residence permits. Authorities accused the suspects of corruption, money laundering, influence peddling, and embezzlement. On November 17, Interior Minister Miguel Macedo resigned over the corruption probe, although public information about the investigation did not implicate him.

On November 21, authorities detained former Socialist prime minister Jose Socrates at Lisbon airport as he arrived on a flight from Paris, as part of an investigation into unexplained bank transfers, money laundering, tax fraud, and corruption. On November 24, a Lisbon judge ruled that Socrates be held in police custody while he awaited trial. Authorities arrested three others as part of the investigation. They ordered Socrates' driver and a businessman to remain in temporary custody and released a lawyer but forbade him from leaving the country.

On November 28, the courts convicted former Social Democrat Party (PSD) member of parliament Domingos Duarte Lima of fraud and money laundering, and sentenced him to 10 years in prison. This was the lengthiest prison sentence ever imposed on a politician in the country. The court also sentenced Victor Raposo, Lima's business partner and a former PSD member of parliament, to six years for aggravated fraud. Duarte Lima appealed the court's decision.

The Central Directorate for Combating Corruption, Fraud, and Economic and Financial Crime is the government agency responsible for combating corruption. The agency is responsible for prevention, investigation, and prosecution of cases;

and the development of anticorruption policy. It actively collaborated with civil society and operated effectively and independently.

Financial Disclosure: The law requires appointed and elected officials to disclose their income and assets. The law also mandates the Constitutional Court to monitor and verify disclosures. The court's declarations are made available to the public, and there are criminal and/or administrative sanctions for noncompliance.

Public Access to Information: The constitution and law provide for public access to government information. The Commission on Access to Administrative Documents provided access for citizens and noncitizens, including foreign media, and implemented the law effectively. Commission members received regular training on the implementation of the law.

### **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 generally were cooperative and responsive to their views.

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

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

Parliament's First Committee for Constitutional Issues, Rights, Liberties, and Privileges 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 such as data privacy, regulations for private security entities, transparency, and good governance.

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

The constitution and law prohibit discrimination based on race, gender, disability, sexual orientation, language, and social status, and the government effectively enforced these prohibitions. The law does not expressly make racist motivation an aggravating circumstance for all offenses. The procedure to file a complaint of racial discrimination continued to be lengthy and complicated. The current complaints system against police officers concerning racist or racially discriminatory acts was not functional, and there was serious underreporting.

## **Women**

Rape and Domestic Violence: The law makes rape, including spousal rape, illegal, and the government generally enforced the law when the victim chose to press charges and the cases were not settled out of court through mediation. Violence against women, including domestic violence, continued to be a problem. According to preliminary data from NGOs and media reports, during the first 11 months of the year, there were 39 deaths related to domestic violence.

According to data from the *Annual Internal Security Report*, in 2013 there were 27,318 reports of domestic violence, an increase of 2.4 percent from 2012. According to data from the report, in 2013 police registered 344 reports of rape.

The law provides for criminal penalties of up to 10 years' imprisonment in cases of violence by a spouse, and the judicial system prosecuted persons accused of abusing women. Decreasing cultural and social tolerance of violent behavior is gradually motivating women to use the judicial system.

The government encouraged abused women to file complaints with the appropriate authorities and offered the victim protection against the abuser. In addition the law allows third parties to file domestic violence reports. 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, health, and legal assistance. 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, and signed protocols with local authorities to assist victims.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is a crime covered and punishable by law.

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

The Commission on Equality in the Workplace and in Employment, composed of representatives of the government, employers' organizations, and labor unions, examines, but does not adjudicate, complaints of sexual harassment. In 2013 the Association for Victim Support (APAV) received reports of 69 cases of sexual harassment.

Reproductive Rights: Couples and individuals have the rights to decide freely the number, spacing, and timing of their children, to attain the highest standard of reproductive health, and to have the information and means to do so, free from discrimination, coercion, and violence.

Discrimination: While the law provides women full legal equality with men, women experienced economic and other forms of discrimination. According to 2013 data from Statistics Portugal, women made up 48 percent of the working population and increasingly were represented in business, science, academia, and the professions. The law requires equal pay for equal work. According to the Ministry of Solidarity, Employment, and Social Security, however, women's average salaries were approximately 27 percent lower than men's, and the gap was widening (see section 7.d.).

The secretary of state of parliamentary affairs and equality addresses, among other topics, problems such as economic discrimination and integration of women into the mainstream of society. The Business Forum for Gender Equality brings together companies that commit to incorporating into their management strategies the principles of equality between women and men, and to combatting all forms of gender discrimination in the workplace. The forum partnered with the government's Committee for Equality in the Workplace and was open to all businesses in the country.

## **Children**

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

Child Abuse: Child abuse was a problem. The APAV reported 974 crimes against children under the age of 18 in 2013, the most recent year for which data was

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

Early and Forced Marriage: The minimum age for marriage is 18 for women and men, but both sexes may marry at 16 with the consent of (1) both parents exercising parental authority; (2) a guardian; or (3), in default of the latter, a court decision. In 2012, the most recent year for which data is available, four girls and two boys younger than 17 years of age married; 660 girls and 145 boys ages 17 to 19 years married.

Female Genital Mutilation/Cutting (FGM/C): FGM/C is a crime covered and punishable by the law. There were reports FGM/C was practiced on young girls in poor African communities, particularly by Guinea-Bissauan immigrants. The government addressed the issue at various levels, and the third action plan to prevent and eliminate FGM/C was in effect during the year.

Sexual Exploitation of Children: Statutory rape is a crime with penalties ranging up to 10 years in prison, and authorities enforce the law. The minimum age for legal consensual sex is 16. The law prohibits child pornography. Penalties range up to eight years in prison.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see the Department of State's website at <http://travel.state.gov/content/childabduction/english/country/portugal.html>.

### **Anti-Semitism**

Estimates placed the Jewish community at 3,000 persons. There were no reports of anti-Semitic acts during the year. The government did not collect such statistics.

### **Trafficking in Persons**

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

### **Persons with Disabilities**

The constitution and law prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel

and other transportation, access to health care, and the provision of other state services. The government effectively enforced the law. The law mandates access to public buildings for persons with disabilities, and, while the government implemented these provisions, no such legislation covers private businesses or other facilities. The Lisbon municipal government continued to carry out a project to eliminate barriers that cause difficulty of movement to persons with physical disabilities.

Students with disabilities attended all levels of schooling (primary, secondary, and higher education). The government's policy is to integrate students with disabilities into mainstream schools. The Ministry of Solidarity, Employment, and Social Security 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.

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

The government estimated the Romani population to be between 40,000 and 50,000 persons. It tried to provide integration and access to services for the Romani population, including through a mediation program staffed by ethnic Romani mediators in the Office of the High Commission for Immigration and Intercultural Dialogue. The mediation project had local successes, but societal discrimination against ethnic Roma persisted. A large number of Roma continued to live in encampments consisting of barracks, shacks, or tents. Many settlements were in areas isolated from the rest of the population and often lacked basic infrastructure, such as access to drinking water, electricity, or waste disposal facilities. Some locales constructed walls around Romani settlements. Reports of police harassment, misconduct, and abuses against Roma continued. On July 18, the European Roma Rights Center (ERRC) alleged authorities evicted 15 Romani families from their homes in Vidigueira, where they had been living for approximately 30 years. They left Vidigueira for a few days and, when they returned on June 17, found their homes demolished. According to the ERRC, authorities did not give the families any prior notification of the demolition, consult them, or warn them to remove their belongings. Municipal authorities refused the request of the evicted families for a meeting.

Romani children attended schools with non-Romani children.

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

The constitution and the law prohibit discrimination based on sexual orientation and gender identity. The law bars lesbian, gay, bisexual, and transgender couples and single women from receiving medically assisted reproductive health care from government-funded health-care providers.

### **Section 7. Worker Rights**

#### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of most workers to form and join independent unions, bargain collectively, and conduct legal strikes. The government generally respected these rights. The law prohibits antiunion discrimination and requires reinstatement of workers fired for union activity.

Several restrictions limit these rights. The law excludes members of the armed forces from these provisions. The rights of police officers in these areas are limited. If a long strike occurs in a sector deemed essential such as justice, health, energy, or transportation, the government may order strikers back to work for a specified period. Trade groups considered the list of essential sectors to be overly broad. Negotiating unions must represent 50 percent of workers in the bargaining unit for agreements to be extended, forcing enterprise level bargaining. There is limited union bargaining coverage. Union groups noted a lack of clarity regarding criteria for union representation in the Permanent Commission for Social Partnerships. The law refers to the member groups of the commission and the Economic and Social Council by name and as such excludes other representatives from these entities.

The government was generally effective in enforcing these laws. Resources, including inspections and remediation, were adequate. Penalties for violations range from fines of up to 120 days or imprisonment of up to one year and were sufficient to deter violations. Administrative and judicial procedures were subject to lengthy delays or appeals.

Authorities generally respected freedom of association and the right to collectively bargain. Worker organizations could generally operate free from government interference. Employers generally respected the right to collectively bargain. Requirements for enterprise level bargaining by work councils sometimes limited

the local union representative from bargaining directly on behalf of workers. There were instances of employers undermining strikes using last-minute minimum service requirements. Some workers received threats that union participation would result in negative performance reviews affecting their ability for promotion.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced and compulsory labor. Nevertheless, such practices occurred.

The government was not effective in enforcing the law. Resources dedicated to prevention and enforcement of forced labor, including inspections and remediation, remained inadequate. Penalties ranged from three to 15 years' imprisonment, depending upon the article under which the charge was made, and were sufficiently stringent to deter violations. Convictions remained low, and convicted offenders frequently avoided imprisonment, undercutting enforcement efforts and victim protections. Government efforts to prevent and eliminate forced labor during the year included a countrywide awareness campaign and training security forces to better identify, flag, and direct victims to assistance services.

Women and men were trafficked for forced labor primarily in restaurants, agriculture, and domestic service. Traffickers subjected children to forced labor (see section 7.c.).

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

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The statutory minimum age for the employment of children is 16. The law also prohibits the employment of persons under the age of 18 at night, for overtime work, or in sectors considered hazardous. The Working Conditions Authority (ACT) in the Ministry of Solidarity, Employment, and Social Security has primary responsibility for enforcement of the minimum age law and enforced it effectively in major industries and the service sector.

Child labor occurred in very limited cases within the formal economy. Children from Eastern Europe, primarily of Romani descent, were subjected to forced begging and forced to commit property crimes (see section 6, Children).

Resources and inspections were adequate. Penalties for violations included up to four years in jail, six years in jail for repeat offenders and were sufficient to deter violations.

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

Labor laws and regulations prohibit discrimination in employment or occupation regarding race, sex, gender, disability, language, sexual orientation and/or gender identity, HIV-positive status or other communicable diseases, or social status. The government effectively enforced these laws and regulations. Discrimination in employment and occupation occurred with regard to gender (see section 6).

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

The minimum wage, which covers full-time workers, rural workers, and domestic employees who are 18 years of age and older, was 505 euros (\$631) per month. The estimated poverty income level for 2010, the latest year available, was 421 euros (\$526) per month per adult. 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' rest between workdays. Premium pay for overtime worked on a rest day or public holiday is 100 percent; overtime performed on a normal working day is paid at a premium of 50 percent for the first hour and 75 percent for subsequent time worked. Occupational safety and health standards set by ACT were current. Information identifying whether these laws apply to workers in the informal economy was not available.

ACT was responsible for enforcement of minimum wage, hours of work, and safety standards in the formal sector and effectively enforced these measures. Resources, inspections, and remediation were adequate. Penalties ranged from fines of up to 120 days to prison sentences of up to three years and were sufficient to deter violations. On June 10, the European Working Conditions Observatory reported 2 percent of the country's workers stated they had performed paid work undeclared to tax authorities in the previous year.

Workers have the right to lodge confidential grievances with ACT regarding hazardous conditions or circumstances they believe endanger their health. Inspectors have the right to conduct inspections at any private or public company at any time without warning, and may shut down a workplace or a business

permanently or temporarily if there is imminent danger to the workers' health or safety. Workers are registered with social security services, whose funds cover their mandatory insurance for occupational diseases and work-related accidents. ACT conducts studies on labor accidents, salaries, and working conditions. It may impose administrative penalties and file lawsuits against employers. It has the right to access company records, files and archives, and may provide mediation services to resolve individual or group labor disputes. Labor enforcement tended to be less rigorous in sectors such as construction and agriculture where most immigrant workers were employed. According to ACT, there were 91 deaths from work-related accidents between January and October. Workers may remove themselves from situations that endanger health or safety without jeopardy to their employment, and authorities effectively protected employees in this situation.