

## Portugal

**Country:**

Portugal

**Year:**

2016

**Freedom Status:**

Free

**Political Rights:**

1

**Civil Liberties:**

1

**Aggregate Score:**

97

**Freedom Rating:**

1.0

**Overview:**

Portugal held general elections in October 2015, after which Pedro Passos Coelho of the Social Democratic Party (PSD) returned to the prime ministerial office to head a minority conservative government. In November, the Passos Coelho government fell after an alliance of leftist parties blocked the passage of its legislative program. Socialist Party (PS) leader António Costa took office as the new head of government that month.

In spite of efforts to curb corruption, Portugal continued to face scandal in 2015, including suspected malfeasance surrounding a program for granting residence permits—so-called “golden visas”—to wealthy foreign investors.

**Political Rights and Civil Liberties:**

**Political Rights: 39 / 40 [Key]**

**A. Electoral Process: 12 / 12**

The 230 members of the unicameral Assembly of the Republic are directly elected every four years using a system of proportional representation. The president can serve up to two consecutive five-year terms. While the position is largely ceremonial, the president can delay legislation through a veto, dissolve the assembly to trigger early elections, and declare war as the commander in chief of the armed forces. The legislature nominates the prime minister, who is then confirmed by the president. The constitution was amended in 1997 to allow Portuguese citizens living abroad to vote in presidential and legislative elections, as well as in national referendums. Elections in Portugal are free and fair.

Portugal held general elections in October 2015. The governing Portugal Ahead coalition, comprised of the PSD and the Democratic Social Center–People’s Party (CDS-PP), won 107 of the 230 seats. The coalition failed to secure a majority and suffered losses compared with the 2011 elections, in which it took 132 seats, but remained the largest political force in the parliament despite its history of support for unpopular austerity measures. The PS won 86 seats; the Left Bloc (BE) took 19; the Democratic Unity Coalition, composed of the Communist Party (PCP) and the Greens (PEV), took 17; and the Party for People, Animals, and Nature (PAN) captured 1. Passos Coelho took office once again as prime minister, heading a minority government.

In November, leftist opposition legislators joined forces to block passage of the conservative government’s legislative program, leading the Passos Coelho administration to step down. President Aníbal Cavaco Silva tasked António Costa of the PS with forming a new government, and Costa took office later that month as head of a government consisting of the PS, the BE, and the PCP-PEV coalition.

## **B. Political Pluralism and Participation: 16 / 16**

Political parties operate freely. The main political parties are the center-left PS, the center-right PSD, and the Christian-democratic CDS-PP. Many smaller parties represent a range of social, political, and economic ideologies. The autonomous regions of Azores and Madeira—two island groups in the Atlantic—have their own political structures with legislative and executive powers.

Citizens are able to make political choices without undue interference, and vote in elections based on universal and equal suffrage. Voter turnout hit a record low in the October 2015 elections, with only 57 percent of registered voters casting ballots.

## **C. Functioning of Government: 11 / 12**

In April 2015, legislators strengthened several anticorruption laws to comply with recommendations from the Organisation for Economic Co-operation and Development (OECD), but the country continued to struggle with corruption scandals during the year. Portugal was ranked 28 out of 168 countries and territories surveyed in Transparency International’s 2015 Corruption Perceptions Index.

In 2014, police carried out a series of raids across the country as part of an investigation into corrupt practices in the handling of a program that grants residence permits to foreign investors. The raids led to the arrest of 11 officials, including the heads of the Portuguese border agency and notary institute, based on evidence that they facilitated the issuing of permits in return for personal enrichment. In July 2015, authorities suspended the program as a stricter immigration law went into effect, but a decree passed later that month reinstated it. Also in July, prosecutors announced that they would pursue charges against former interior minister Miguel Macedo, who along with the former head of Portugal’s border police faced allegations of money laundering involving the immigration program.

Investigations into former prime minister José Sócrates, arrested in 2014 for suspected tax fraud and money laundering, were ongoing in 2015. His case marked the first time in Portugal’s history that a former prime minister was detained. After nine months in prison, Sócrates was moved to house arrest in September 2015 but released the following month—with some restrictions, including a ban on international travel without prior permission—to await trial. Investigations into Ricardo Salgado, former president of Banco Espírito Santo, also continued during the year. In July, he was placed under house arrest on suspicion of fraud, corruption, and money laundering in connection to

the bank's collapse in 2014. Salgado was released from house arrest—also with a travel restriction—on \$3.4 million bail in October, and his case was ongoing at year's end.

Portuguese law provides for public access to government information, and state agencies generally respect this right. In an October 2014 report, the International Monetary Fund (IMF) stated that Portugal had significantly improved its fiscal transparency practices since the onset of the country's financial crisis in 2010.

## **Civil Liberties: 58 / 60**

### **D. Freedom of Expression and Belief: 16 / 16**

Freedom of the press is constitutionally guaranteed. Public broadcasting channels are poorly funded and face serious competition from commercial television outlets, which provide a wide range of information and viewpoints. Internet access is not restricted.

Portugal remains one of the few countries in Europe where defamation is still a criminal offense, and although prosecutions are uncommon, the European Court of Human Rights (ECHR) has regularly criticized Portugal for prohibiting freedom of expression through criminal defamation convictions. In June 2015, the International Press Institute released a report urging the Portuguese government to repeal several articles of the criminal code that curb free expression, to reform electoral law in order to facilitate televised debates, to repeal a religious insult law, and to revise right-of-reply legislation. In April, in a high-profile defamation case, a Lisbon judge ordered former police inspector Gonçalo Amaral to pay over €500,000 (\$540,000) in damages to the parents of Madeleine McCann, who went missing from a Portuguese resort town in 2007, due to claims in his book that McCann's parents were involved in her disappearance. Amaral planned to appeal the decision.

Media workers protested against a law on election coverage passed in June over its renewal of requirements that journalists submit schedules and plans for coverage to a special committee. Media rights groups also decried an injunction issued in October barring outlets owned by the Cofina Media from reporting on the investigation into Sócrates.

Media watchdogs have expressed concern about Angola's influence over Portuguese media, noting that it has increased in recent years as media owners have sought investments from the wealthy former Portuguese colony amid the economic slowdown. Powerful Angolans, for example, hold shares in Newshold, a media group that controls *So!*—Portugal's third largest weekly—and other major publications. There have also been repercussions for journalists who critique Angola, which has encouraged self-censorship.

Although Portugal is overwhelmingly Roman Catholic, the constitution guarantees freedom of religion and forbids religious discrimination. The Religious Freedom Act provides benefits for religions that have been established in the country for at least 30 years (or recognized internationally for at least 60 years), including tax exemptions, legal recognition of marriages, and respect for traditional holidays. Academic freedom is respected, and private discussion is open and vibrant.

### **E. Associational and Organizational Rights: 12 / 12**

Freedoms of assembly and association are honored, and national and international nongovernmental organizations (NGOs), including human rights groups, operate in the country

without interference. Fewer demonstrations took place in Portugal in 2015 than in previous years, although thousands of demonstrators gathered in Lisbon in March to protest austerity measures. The protest followed allegations published in local media that Passos Coelho had failed to make timely social security and tax payments in the past; the prime minister confirmed the accusations, but asserted that he had paid his debts and appropriate penalties.

Workers enjoy the right to organize, bargain collectively, and strike. Only 19 percent of the workforce is unionized. The 2012 labor code included changes making it easier for employees to dismiss workers. Although legislators revised the code in 2014 after a 2013 Constitutional Court ruling found certain provisions regarding dismissals unconstitutional, trade unions maintained that the code allowed excessive room for unfair hiring and termination practices. Unions have organized a large number of strikes in the wake of Portugal's financial crisis as well as in reaction to recent austerity measures.

#### **F. Rule of Law: 15 / 16**

The constitution provides for an independent judiciary, though staff shortages and inefficiency have contributed to a considerable backlog of pending trials. Human rights groups have expressed concern over unlawful police conduct toward detainees, particularly abuse and excessive use of force.

A 2012 investigation of Portugal's prisons and detention centers by the Council of Europe's Committee for the Prevention of Torture (CPT) found many cases of alleged ill-treatment of prisoners, including physical assaults, failure to give prisoners access to lawyers, poor conditions in detention cells, overcrowding, lack of programmed activities to reduce extended confinement, long periods of solitary confinement, accommodation of juveniles with adults, and inadequate numbers of staff. A CPT follow-up visit in 2013 found little improvement. Overcrowding in prisons remains a major problem, as do mortality rates, which are higher than the European average, according to the Council of Europe.

Equal treatment under the law is guaranteed by the constitution and various laws, which prohibit discrimination based on factors including sex, race, disability, gender identity, and sexual orientation. The government makes efforts to combat racism, including through initiatives to promote the integration of immigrants and Roma. Societal discrimination against certain sectors of the population, including the Roma minority, nevertheless persists.

#### **G. Personal Autonomy and Individual Rights: 15 / 16**

Freedom of movement and the right to choose one's residence are protected by the constitution and laws, and the government respects these rights in practice. The government does not interfere with the rights to own property, establish private businesses, and engage in commercial activity.

Portugal legalized same-sex marriage in 2010, and in November 2015, legislators approved a law extending adoption rights to same-sex couples. Domestic violence against women and children remains a problem, and the government continued efforts in 2015 to raise awareness of the issue and encourage victims to report abuse. Employment discrimination against women also persists. Women hold 61 of the 230 seats in the legislature.

Portugal is a destination and transit point for victims of human trafficking, particularly women from Eastern Europe and former Portuguese colonies in South America and Africa. In 2014, the government began implementing two three-year plans to combat human trafficking and sexual

violence. Although forced labor is prohibited by law, there have been some reports of the practice, especially in the agriculture, hospitality, and construction sectors. Immigrant workers are especially vulnerable to economic exploitation.

**Scoring Key: X / Y (Z)**

**X = Score Received**

**Y = Best Possible Score**

**Z = Change from Previous Year**

**Full Methodology**

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