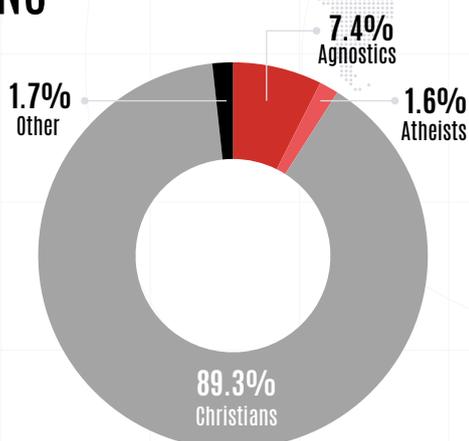




PORTUGAL

RELIGIONS



LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

In Portugal, the constitution¹ guarantees religious freedom. Article 41 (2) says: “No one shall be persecuted, deprived of rights or exempted from civic obligations or duties because of his convictions or religious observance.” Conscientious objection is guaranteed by law (Article 41, 6).

Under Article 41 (4), “Churches and other religious communities shall be separate from the state and free to organise themselves and to perform their ceremonies and their worship.”

Article 41 (5) goes on to guarantee, “Freedom to teach any religion within the denomination in question and to use appropriate media for the pursuit of its activities”.

According to Article 43 (2), the state “shall not lay down educational and cultural programmes in accordance with any philosophical, aesthetic, political, ideological or religious directives.” Paragraph 3 of the same article says, “Public education shall not be denominational.”

Article 51 (3) bans political parties from employing “names that contain expressions which are directly related to any

religion or church, or emblems that can be confused with national or religious symbols.”

The constitution also requires trade unions to “be independent of employers, the state, and religious denominations” (Article 55, 4).

Lastly, Article 59 (1) protects workers’ rights “Regardless of age, sex, race, citizenship, place of origin, religion and political and ideological convictions, every worker shall possess the right”.

Relations between the Portuguese Republic and the Holy See are regulated by the Concordat of 18th May 2004.² The relations with the other religious faiths are governed by the Religious Freedom Law (Law No. 16/2001), which envisages the possibility for the state to enter into different agreements with Churches and religious communities based in Portugal (Article 45).³

According to the aforementioned legislation, minority faith groups based in Portugal may, like the Catholic Church, celebrate religious marriages with the same effects as a civil marriage (Article 19, 1). Spiritual and religious assistance in the armed and security forces, prisons and public hospitals is also ensured by this law (Article 13, 1).

In certain situations, faith groups can obtain some tax ben-

efits. Taxpayers can choose to have five percent of their taxes devolved to a registered religious group.⁴ Although no Church or religion is funded by the state, the latter can support the construction of churches (and, occasionally, non-Catholic temples), as well as social and welfare works.

Under Article 52 of Law No. 16/2001, a Religious Freedom Committee (CLR) was created as an independent advisory body to both parliament and government to monitor the application of the law itself.

INCIDENTS AND DEVELOPMENTS

During the period under review, some incidents were reported in Portugal involving religious groups and places of worship. Some issues related to religion also gained prominence in Portuguese media.

In September 2018, the Church of São Sebastião in Cem Soldos, Tomar, was inappropriately used for a rock concert, which provoked criticism and led to an official reaction from the local diocese.⁵

Various places of worship were also vandalised. In December 2018, the nativity scene in São João da Madeira was damaged.⁶ In June 2019, the image of Our Lady of Fatima in the Parish Church of Campo Maior was vandalised. Acts of this kind continue to happen in Campo Maior.⁷ In July 2019, four of the 14 chapels of the Way of the Cross on the Shepherds' Way between Aljustrel and Cova da Iria were spray-painted yellow and defaced with obscene words.⁸ In November 2019, the niche of Our Lady of Graça, in Lagoa, Azores, was burnt.⁹

In September 2019, Sister Maria Antónia Guerra, 61, was murdered in São João da Madeira, sparking great outrage. Known as “the radical nun” for riding a motorbike and her work with the most disadvantaged, she was killed and raped by an ex-convict.¹⁰ Bishop D. Manuel Linda of Porto criticised the Portuguese judicial system for failing miserably in this case.¹¹ The Conference of Religious Institutes of Portugal (CIRP) issued a statement condemning the “unexpected and violent” death of the sister, a member of the Congregation of the Servants of Mary Ministers to the Sick.¹² The National Commission for Justice and Peace also expressed its sorrow and consternation for the news of the Sister’s violent death as well as the “painful silence” surrounding the case and the inefficiencies of the justice system that facilitated the crime.¹³ The culprit was

tried and given 25 years in prison, the maximum sentence under Portuguese law.¹⁴

Several issues have strained relations between religious groups, civil society organisations, and the authorities, at various levels.

In October 2018, the board of trustees (*fabrica ecclesiae*) of the Paço de Sousa Parish in Penafiel received a tax bill for additional municipal property tax (IMI), usually applied to luxury assets, after the authorities added in their estimate for the catechism rooms and the parish house as well as the 12 homes for the poor built by the parish priest. This is one of several such cases that occurred over the past few years.¹⁵

In December 2018, the Association for Secularism criticised Portugal’s public broadcaster RTP for giving the Catholic Church a “privilege incompatible with the secular nature of public service” when it aired the Christmas message of Cardinal Manuel Clemente, Patriarch of Lisbon.¹⁶ In a letter sent to the Minister of Culture, the non-profit association claimed that other programmes could have aired the same message. According to the association, RTP, which “is obliged” to respect the secular nature of the state and the public service, “must end” the broadcasting of messages outside these programmes.¹⁷

In January 2019, the Portuguese Atheist Association (AAP) slammed Portuguese President Marcelo Rebelo de Sousa for taking part in World Youth Day in Panama, considering it, “a serious attack on the religious neutrality of the secular State”.¹⁸ In a statement, the AAP said that it viewed the trip as official; “if this is the case, it deserves the utmost disapproval as it was done on behalf of the country.”¹⁹

In April 2019, the Archdiocese of Braga claimed that it incurred losses in an agreement with the municipality over the construction of social housing on land that it owned. To compensate the Archdiocese for the losses, the Municipal Council agreed to transfer land of lesser value, but this was never done.²⁰

In June 2019, the Jehovah’s Witnesses met in congress in Lisbon with 60,000 participants and more than 5,300 international delegates from 46 countries. The event was a particularly important milestone in the history of religious freedom in Portugal, according to Pedro Candeias, communications director of the Portuguese chapter of the Association of Jehovah’s Witnesses.²¹

Also in June, following the end of contracts between the

state and private schools in regions where the state is unable to provide education, the Jesuit school of the Immaculate Conception in Cernache, Coimbra, was forced to close, as were many other private educational establishments directly linked to the Catholic Church.²²

In July 2019, the Religious Freedom Commission proposed to the National Institute of Statistics to include Buddhist, Hindu, Jehovah's Witness as well as "believer without religion" as options in future censuses. Vera Jardim, head of the Religious Freedom Commission, said that more detailed knowledge of the religious life in Portugal should be sought.²³

In November 2019, the Observatory for Religious Freedom published a communiqué about three possible violations of religious freedom.²⁴ In one case, a Muslim female athlete was not allowed to practise her sport because she wore the hijab or Islamic veil, although this does not represent any technical-sporting constraint. For the Observatory, this is an attack on the principle of religious freedom. The second case refers to a Religious and Catholic Moral Education course in a school in Torrados. It was alleged that enrolling in this programme, and then not attending the sessions, would have excluded pupils from Church-related services such as catechesis, baptisms, first communion and other Catholic celebrations. In a statement, the Diocese of Porto rebuffed the claim saying it "does not reflect any guidance from the Church. The information is wrong and the Church legislation does not allow that."²⁵ The third case has to do with the complaint by a teacher at a public school in São Vicente, Madeira, who feared that her job performance would have been negatively evaluated after she refused to take part in a meeting with the Bishop of Funchal organised by the school for pupils because she thought it was of a religious nature. The Observatory stated that this is a case of a person being denied her right to have no religion.²⁶

Again in November 2019, there was a television debate on the topic of religious information and programming on RTP.²⁷ According to José Vera Jardim, head of the Religious Freedom Commission, the public broadcaster's devoting "airtime to the various religions is remarkable, and the way they are organised and accepted has contributed to the good understanding that exists in Portugal regarding coexistence between believers." However, some groups have questioned the support the state provides to the various religions on RTP. When journalist Dina Aguiar ended her programme, Portugal em Directo, she said "see

you tomorrow, God willing". This was also raised in this debate, in response to a viewer who expressed his "annoyance" at the expression used.²⁸

In January 2020, Portugal's Border Service (SEF) detained three Brazilian Evangelical pastors in Amadora on suspicion of human trafficking, after they housed about 30 of their compatriots, including some children, in warehouses in poor conditions. Most were irregular immigrants and were forced to donate a portion of their salary to their Church.²⁹

On 8th January 2020, the bell of the shrine of Our Lady of Viso, in Celorico de Basto, was stolen.³⁰ In June 2020, thieves removed the image of the Immaculate Heart of Mary from outside Our Lady of Lourdes Church in Montes Claros, Coimbra.³¹

In May 2020, one of the consequences of the coronavirus pandemic was the limitation of activities in public space, including churches and other houses of prayers. This led to some criticism.³²

In June 2020, the statue of Father António Vieira in Lisbon was damaged during a wave of anti-racist protests in several countries, Portugal included, over the death of George Floyd in the United States. Fr Vieira, a Jesuit, was a defender of indigenous peoples in 17th century Brazil.³³

In June 2020, Portuguese President Marcelo Rebelo de Sousa defended the need to respect the public dimension of religious freedom, besides the individual one. On the National Day for Religious Freedom and Interreligious Dialogue, he pointed out that "the dialogue between religions is an expression of religious freedom, but it is also the translation of culture, of one of the aspects of culture".³⁴

In October 2020, the Catholic Lawyers Association said it feared that "indifference to unjustified restrictions on fundamental freedoms" in the fight against the COVID-19 pandemic would contribute to devaluing constitutionally protected religious freedom.³⁵

In November 2020, a man disrupted Mass in the Church of the Holy Family in Entroncamento, which was being streamed live online. The man went up to the altar and said into the microphone: "You have to leave Africa. We don't want Christianity in Africa. We want to build our own Africa."³⁶

In January 2021, the Portuguese parliament approved a law decriminalising medically assisted euthanasia in certain circumstances by a majority of 136 votes in favour, 78

against, and four abstentions.³⁷

On the same day that euthanasia was approved in parliament, the Permanent Council of the Portuguese Bishops' Conference issued a statement in which it described the decision as an "unprecedented cultural regression" and urged the president to refer the law to the Constitutional Court.³⁸

On 15th March 2021, following a request for its opinion by President Marcelo Rebelo de Sousa, the Constitutional Court rejected the law that decriminalised medically assisted death, on the grounds that it included too many imprecise terms. This left open the possibility of reintroducing another version of this law in the future.³⁹

PROSPECTS FOR FREEDOM OF RELIGION

In the period under review, there were no significant cases of discrimination on religious grounds nor abuses of religious freedom that could be attributable to the state or to other government entities. However, some churches suffered thefts and acts of vandalism, and one nun was the victim of a brutal murder. What is more, certain phenomena in Western societies have reached Portugal, most notably the gradual marginalisation of religion in public life and the legalisation of certain practices, such as euthanasia, that are contrary to tenets of several religions. Whether such trends will continue remains to be seen. No other major social, economic or political tensions are expected to affect the prospects for religious freedom for the near future.

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