

**RELATÓRIOS APRESENTADOS POR PORTUGAL AOS ÓRGÃOS DE CONTROLO DA APLICAÇÃO
DOS TRATADOS DAS NAÇÕES UNIDAS EM MATÉRIA DE DIREITOS HUMANOS**

**REPLY TO LIST OF ISSUES : PORTUGAL. 25/04/2000. HR/CESCR/NONE/2000/2. (REPLY TO
LIST OF ISSUES)**

**COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS
TWENTY SECOND SESSION, GENEVA, 25 APRIL-12 MAY 2000**

ITEM 6 OF THE PROVISIONAL AGENDA

I. GENERAL INFORMATION

1. In the light of the Committee's decision to give effect to its follow-up procedure in the framework of the consideration of reports, the Committee would appreciate information on the specific measures the Government of Portugal has taken to implement the recommendations contained in the concluding observations of the Committee on the State party's previous reports.

1.1. The Committee's recommendations (E/C.12/1995/4, paras. 12, 13, 14, 15) concerned equality between men and women, a gradual increase in the minimum wage, a guarantee of the right to housing and access to secondary and higher levels of education for persons from lower-income families.

1.2. Portugal is trying to promote and attain these objectives. Some of the recommendations may have been addressed in the report on the basis of which the present questionnaire has been drawn up. Further details will most certainly emerge from the replies to the questions it contains.

2. Breakdown of government spending for social security, education and culture.

2.1. The creation of conditions for a competitive, employment-generating economy, the promotion of social solidarity and respect for a culture of civic responsibility have formed the basis of the broad policy options of the Plan for the last four years.

2.2. Many reforms are under way to implement these objectives, entailing far-reaching changes in the institutional, social and economic spheres. These reforms will require a new attitude and different forms of intervention and organization on the part of the State, economic agents and the Portuguese people.

2.3. The progress of the structural reforms in social security, health, housing, public administration and taxation has been paralleled by matching efforts in the financial sphere, consisting of increased budget allocations for these areas, and measures required for firm management of public expenditure and tighter financial control.

2.4. In terms of the functional allocation of public expenditure, the budget is divided among general government (including the social services of public administration, national defence and public safety and order); social services proper (education, health, social security and welfare, housing and the provision of cultural recreational and religious services); economic functions (agriculture, industry and energy, transport and communications, commerce and tourism and other economic functions) and other functions (public debt operations, transfers between public administrations and miscellaneous).

2.5. The budget allocations for 1996 were as follows: 727,207.978 million escudos for general government and 2,360,431.004 million for social services (education 840,283.369 million; health 708,498.378 million; social security and welfare 621,466.211 million; housing and collective services 120,708.752 million; and cultural, recreational and religious services 70,104.294 million).

2.6. In 1997, social services had a budget of 2,591,915.064 million escudos, distributed as follows: education 923,101.616 million; health 758,611.156 million; social security and welfare 708,241,836 million; housing and collective services 135,658.062 million; cultural, recreational and religious services 66,302.394 million.

2.7. The 1998 budget for social services was 2,858,130.606 million escudos, distributed as follows: education 1,028,132.024 million; health 837,921.982 million; social security and welfare 766,206.127 million; housing and collective services 138,504.026 million; cultural, recreational and religious services 87,366.447 million.

2.8. In 1999 the budget allocated 863,473.571 million escudos for general government; 3,078,265.322 million for social services (distributed as follows: education 1,098,472.823 million; health 891,716.104 million; social security and welfare 836,069.462 million; housing and collective services 164,069.220 million; cultural, recreational and religious services 87,937.713 million); 485,177.463 million for economic functions; and 4,321,674.647 million for other functions, including 3,506,304.727 million for public debt operations.

2.9. In 1999, the social security budget provided for income of 1,622 billion escudos and expenditure of 1,936,815.671 million. Expenditure was divided as follows: 188,115 million for children and youth; 271,825 million for the economically active population (health care, births, work-related illnesses and employment-related subsidies such as unemployment benefit); 270,022.671 million for the family and the community; 243,525 million for invalidity and rehabilitation; and 901,373 million for the elderly.

2.10. Ministry of Culture expenditure grew every year between 1995 and 1999. From 29,177.849 million escudos in 1995 it rose to 30,799.060 million in 1996, 32,938.106 million in 1997, 40,398.999 million in 1998 and 44,490 million in 1999.

2.11. On 1 July 1997, the guaranteed minimum wage entered fully into force as a right for Portuguese nationals who meet the required conditions. In that year, a transfer of 25.3 billion escudos from the State budget to the social security budget was authorized by joint Order No. A-11/97-XIII in order to fund that benefit. The same procedure was followed in 1998 (34.5 billion escudos) and 1999 (37.5 billion).

2.12. By implementing the provisions of the social security outline law in this way, the State has ensured that the social security budget has remained in credit.

2.13. In addition, during the term of the legislature which ended on 10 October 1999, the social welfare budget increased by around 16 per cent per year. This year (1999), it is expected to increase by 18 per cent, which will make it possible to improve the quality of life of the potentially most vulnerable target groups - the elderly and children at risk - and to provide better protection for the sectors traditionally targeted by social welfare.

2.14. Trends in total social welfare expenditure by areas of action between 1993 and 1999 (budget allocation) are shown in annex I.

3. Please indicate the position of the Government of Portugal with regard to the recommendation of the World Conference on Human Rights concerning the preparation of an optional protocol to the International Covenant on Economic Social and Cultural Rights.

3.1. The Portuguese authorities have on successive occasions expressed views on the preparation of an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

3.2. Portugal is in favour of the adoption of a protocol to the Convention on the Elimination of All Forms of Discrimination against Women, a protocol to the Convention against Torture and a protocol to the International Covenant on Economic, Social and Cultural Rights making it possible for the Committees to receive individual complaints concerning State actions.

3.3. The admissibility of a mechanism allowing individual complaints for violation of a right mentioned in the Government is based on Portugal's recognition and affirmation of the principle of the universality of human rights.

4. Please provide information as to whether non-governmental organizations were consulted in the process of drafting the report.

4.1. On completion of the third report of Portugal concerning the implementation of the International Covenant on Economic, Social and Cultural Rights, the text was sent on 10 November 1997 to Portuguese NGOs working in fields relating to the rights recognized by the Covenant, with a request for their comments. To the Portuguese Government's knowledge, of the NGOs contacted (Caritas Portugal, the Standing Committee of Non-Governmental Organizations for Cooperation and Development, the Portuguese League for the Protection of Nature, the Study Group on Territorial and Environmental Planning (GEOTA), the General Workers' Union (UGT), the General Confederation of Portuguese Workers (CGTP), the Union of Portuguese Mutual Benefit Societies, the Union of Private Social Solidarity Institutions, the Union of Religious Charitable Institutions, the National Confederation of Family Associations and the Platform of NGOs in the Advisory Council of the Commission on Equality of Rights for Women) only the last-named made any comments; these were communicated to the Office of the United Nations High Commissioner for Human Rights (OHCHR).

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (ARTS. 1-5)

ARTICLE 1. SELF-DETERMINATION

5. What progress has been made in the diplomatic negotiations with Indonesia regarding the self-determination of East Timor?

5.1. The people of East Timor exercised their right to self-determination on 30 August 1999.

5.2. Remarkable progress has been made on the East Timor issue in the last 17 years, since the General Assembly requested the Secretary-General to enter into consultations with all the parties directly concerned in order to seek a solution to the problem. At the heart of the process begun in East Timor is the 5 May Agreement, concluded through the Secretary-General's good offices (A/53/951 and S/1999/513, of 5 May 1999).

5.3. Under the terms of this Agreement, the Secretary-General was asked to consult the East Timorese people on the status of the territory by means of a direct, secret ballot on the basis of universal suffrage. This marks the culmination of the lengthy efforts made by the international community, and in particular by Portugal, to guarantee the Timorese people's right to determine their own future. Under the tripartite 5 May Agreement regarding the modalities for the popular consultation in East Timor, Indonesia was given responsibility for security in the territory in order to enable the referendum to be held.

5.4. The referendum that took place on 30 August, in which 98.6 per cent of the registered voters participated, was the culmination of the struggle of the Timorese people themselves, who have never surrendered their right to decide their own destiny. It can only be deplored that they were unable to do so under all the conditions necessary for a decision of such importance, as even before the referendum process got under way, the militias carried out a campaign of terror and intimidation as members of the Indonesian armed forces and police looked on, in order to hinder voting.

5.5. The results of the referendum (78.5 per cent rejected the Indonesian proposal for autonomy, thereby opening the way to independence) immediately unleashed acts of terror and systematic violations of human rights, which had an impact on all East Timorese. Some managed to take refuge in the mountains, where they lived in frightful conditions, while others were obliged to leave the territory and are now in refugee camps.

5.6. In the face of such barbarity, Portugal requested the United Nations to intervene. Measures were taken, in particular the adoption of Security Council resolution 1264, and the Indonesian Government accepted deployment of an international force in East Timor (INTERFET).

5.7. During the tragic events in East Timor, all human rights, including the right to life, were systematically violated, and the humanitarian situation is catastrophic.

5.8. The Government of Portugal then requested the convening of a special session of the Commission on Human Rights in order to consider the human rights situation in East Timor, in a letter dated 9 September 1999 addressed to the United Nations High Commissioner for Human Rights. Portugal welcomes the adoption of Commission on Human Rights resolution 1999/S-4/1 (adopted at its fourth special session) on the human rights situation in East Timor, in which it "Calls upon the Secretary-General to establish an international commission of inquiry [...], to gather and compile systematically information on possible violations of human rights and acts which may constitute breaches of international humanitarian law committed in East Timor since the announcement in January 1999 of the vote and to provide the Secretary-General with its conclusions [...]."

5.9. Portugal hopes that the international commission of inquiry will be able to gather evidence and information on violations of international humanitarian law in East Timor, in order to make it possible for the perpetrators of such violations to be brought to justice.

ARTICLE 2.2. NON-DISCRIMINATION

6. Paragraphs 98, 99 and 100 show clearly that the concept of race applied in the legal and administrative systems in Portugal is quite incorrect from both the anthropological and legal standpoints.

6.1. Under the section on article 5 in the report of Portugal, reference is made to the "concept of race" and the case law of the Constitutional Commission and the Constitutional Court (paras. 98-100), seeking to define the concept.

6.2. The definition is certainly unfortunate. It has, however, been of use in regulating the behaviour of the police and the rural police (National Republican Guard) forces towards the Gypsy populations.

6.3. Nevertheless, this "concept of race" is not a concept that is currently applied in the Portuguese legal order. It is an old legal concept that has not been applied since 1989 and will probably not be reincorporated into case law, since the legislation and praxis adopted in the intervening period have changed the Portuguese legal order.

6.4. It follows then that the concept of race referred to is not an official concept and that it has never been used outside the specific legal framework of the case in point within which it first arose.

ARTICLE 3. EQUALITY BETWEEN MEN AND WOMEN

7. Cooperation between the Commission on the Equality and Rights of Women (CIDM) and national organizations.

7.1. The tasks of the Commission on the Equality and Rights of Women (CIDM) are:

- To participate in global and sectoral policy formulation, particularly in connection with the situation of women and equal rights as between men and women;
- To contribute to any legislative changes deemed necessary in the various fields by proposing measures, issuing opinions on draft laws and proposals for legislation and encouraging the creation of mechanisms necessary for the effective observance of the law;
- To promote measures for broader participation by women in development and in political and social life;
- To promote measures to make women and society at large aware of the discrimination against women which still exists;
- To conduct and stimulate interdisciplinary research into issues pertaining to the equality and situation of women. This aim should be achieved in particular by making the competent bodies aware of the need for statistics on the situation of women in matters within their purview and of the need to publicize research;
- To inform the public through the media;
- To take a stance on issues affecting equality of rights and opportunities, the situation of women and compatibility between family and occupational responsibilities;
- To cooperate with international and foreign organizations with objectives similar to those of the Commission.

7.2. Only the last of these tasks has an international dimension. All the others necessarily entail collaboration with national institutions.

8. What measures has the Government taken to reduce the imbalance between men and women in the number of managerial posts and promotions in the civil service, as referred to in paragraph 202?

8.1. Under Council of Ministers resolution No. 49/97 of 24 March, the Comprehensive Equal Opportunity Plan was approved, covering all economic, social and cultural policies.

8.2. Under Objective 1, the ministries participating in the Plan (the Office of the Prime Minister, the Ministry of Internal Affairs, the Ministry of Territorial Supply, Planning and Administration, the Ministry of Justice, the Ministry of Economic Affairs, the Ministry of Agriculture, Rural Development and Fisheries, the Ministry of Education, the Ministry of Health, the Ministry of Skills and Employment, the Ministry of Solidarity and Social Security and the Ministry of Science and Technology) are responsible for:

1. Preparing and gathering information on the national and Community rules relating to measures to obtain equality between men and women and taking steps to ensure that they are publicized by, in

particular, civil servants and employees of bodies directly or indirectly managed by the public authorities (central, regional and local), autonomous administrations, solidarity and social security bodies and educational establishments. It is the task of the Commission on the Equality and Rights of Women (CIDM) to implement this measure, and it should be provided with the necessary resources;

2. Encouraging the inclusion of topics relating to equality of opportunity between men and women in the courses and training measures for all persons employed in central, local and regional administrations;
3. Encouraging the inclusion of topics relating to gender issues and equality of opportunity in school curricula and in the initial and in-service training imparted to teaching staff and other education professionals, including those involved in training within the labour market;
4. Incorporating a requirement for gender disaggregation in all evaluation instruments and statistical data from public bodies that produce statistical information, so as to improve planning and the implementation of various sectoral policies. To that end, a representative of the Office of the High Commissioner for the Promotion of Equality and the Family has been appointed to the Statistics Board;
5. Taking account of gender issues in studies relating to the impact of various measures and programmes of all government departments, with a view to assessing their effect on the living conditions of men and women;
6. Finding ways of incorporating the principle of equality in the implementation of the programmes of the community support structure, in particular at the level of vocational training and job creation, by introducing specific measures designed to promote equality of opportunity into the rules for the various programmes;
7. Incorporating specific measures to promote equality of opportunity into the agreements reached in the Standing Council for Social Dialogue and including a specific point on progress in the area of equality in the relevant follow-up reports. To that end, a representative of the Office of the High Commissioner for the Promotion of Equality and the Family has been appointed to the Standing Council for Social Dialogue in order to monitor the implementation of these measures;
8. Fostering equality between men and women in sports policy;
9. Introducing measures to support and encourage associations and NGOs engaged in the defence of human rights generally and of the principle of equality of opportunity.

8.3. Objective 2 of the Plan relates to the prevention of violence and ensuring adequate protection for women victims of crimes of violence.

Objective 3 relates to the promotion of equality of opportunity in employment and in employer-employee relations.

THIS INVOLVES:

1. Stepping up monitoring of the implementation of the rules defined in Decree-Laws Nos. 392/79 of 20 September and 426/88 of 18 November by the Commission for Equality in Labour and Employment and the Inspectorate-General of Labour, whose officials should be trained for that purpose;
 2. Establishing within the Commission for Equality in Labour and Employment an observatory to monitor equality concerns in collective labour agreements, particularly in terms of detection and prevention of direct or indirect discrimination, and to encourage the introduction of positive measures and a culture of equality in the context of the enterprise; awareness should be promoted among trade union and employer negotiators;
 3. To promote the dissemination in all bodies forming part of the public administration of documents containing proposals designed to ensure equality of opportunity within those bodies and to create machinery for the implementation and enforcement of the measures proposed;
 4. To ensure compliance with the provisions of Decree-Law No. 440/91 of 4 November, regulating home work and work performed in a collective workshop, by means of awareness promotion campaigns directed at women working in these circumstances;
 5. To encourage enterprises to adopt positive measures, such as the recruitment of women who have been unemployed for long periods or are over age 40, the integration of women into occupational branches in which they are insufficiently represented or the admission of young persons to practical training imparted at the workplace and enabling them to enter working life;
 6. In the sphere of social consultation, to promote the adoption of concrete positive measures during the negotiation of collective labour agreements;
 7. To establish a specific status for women farmers and the spouses of men farmers by introducing a mandatory scheme of substitution, taking into account the specific nature of the conditions of farming;
 8. To encourage women to take up entrepreneurial activity by the promotion of specific forms of support of a financial and technical nature for their efforts to start enterprises and to undertake the widespread dissemination of those programmes;
 9. To promote the participation of women in vocational training and to increase the opportunities open to them to acquire new skills and enter new occupational sectors in which they are underrepresented, and also to gain access to managerial posts;
 10. To promote the development of their occupational careers, in particular by the inclusion in the rules governing programmes financed by the European Social Fund of priorities or additional payments in respect of measures directed to the pursuit of these objectives.
- 8.4. Objective 4 of the Plan relates to compatibility between private life and life at the workplace; Objective 5 to the social protection of the family and maternity; Objective 6 to the promotion of women's health; and Objective 7 to education, science and culture.
- 8.5. Law No. 105/97 of 13 September guarantees the right to equal treatment at the workplace. Article 1 of the law defines its scope; it is applicable to all public or private entities and is designed to guarantee the effective implementation of the right of persons of both sexes to equality of treatment at the workplace and in employment.
- 8.6. Article 2 defines as indirect discrimination any measure, criterion or practice which, although apparently neutral, causes severe prejudice to individuals of one sex (specifically, by reference to civil or family status) without objective justification based on a mandatory reason or condition unrelated to sex.
- 8.7. Article 3 specifically stipulates that a considerable disparity between the proportion of workers of one sex in the service of an employer and the proportion of workers of the same sex employed in that particular branch of activity is indicative of discrimination.
- 8.8. The other provisions of the law specify the means of enforcing the right to equality of treatment between persons of the two sexes.

ARTICLE 4. LIMITATIONS OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

9. What has been the significance of the activities of the terrorist association Fuerza Popular 25, mentioned in paragraph 80?

9.1. Two judgements have been handed down on cases of terrorism in Portugal concerning the activity of FP-25.

9.2. The judgements in question are: the judgement of the Supreme Court of Justice dated 22 June 1988 in case No. 39,596 (published in Ministry of Justice Bulletin No. 378, July 1988, pp. 355 ff.) and the judgement of the Supreme Court of Justice dated 19 December 1990 in case No. 40,825 (published in Ministry of Justice Bulletin No. 402, January 1991, pp. 347 ff.).

9.3. According to those judgements, the accused had alleged the establishment of a political organization for the pursuance of the strategic and general objective of socialism within the historical and concrete context of the socialist revolution in Portugal. That intent had been under discussion, in which individual citizens and political organizations had participated, since 1977 within the framework of a "Global Project".

9.4. Terrorist activity had developed with the FP-25 groups, some of the members of which were militants within the Global Project. Those individuals, as members of FP-25, had committed terrorist acts. The FP-25 groups constituted the armed wing of the Global Project; they were also known as the "Armed civil structure" (ECA).

9.5. Terrorist activity began at the end of 1979 and the beginning of 1980. It consisted of seizures of weaponry, the perpetration of acts giving rise to the death, wounding and intimidation of individuals and the seizure or destruction of objects belonging to others. To that end, bombs, grenades, firearms, explosive devices, mortars and war material (and specifically machine guns) were used.

9.6. The two judgements upheld the sentences given at first instance level. An application for a ruling was addressed to the Constitutional Court, and the accused appealed to the European Court of Human Rights. In both cases the accused lost, i.e., their appeals were rejected. However, in 1996 an amnesty law was voted under which they recovered their freedom. The reason given was that the movement had vigorously identified itself with the revolution of 25 April 1974, which restored democracy in Portugal.

10. Is there a law or regulation governing the length of time during which documents may remain classified?

10.1. Under the terms of articles 4, 5 and 6 of Law No. 6/94, of 7 April, concerning State secrets, documents classified as State secrets are declassified when classification has been mistakenly ordered or when changes in circumstances permit.

10.2. Orders to classify or declassify documents must be substantiated; a classification order must specify the period of classification and the time limit within which classification must be reviewed. The period of classification as a State secret and within which a review of classification must take place may not exceed four years.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (ARTICLES 6 TO 15)

ARTICLE 6. THE RIGHT TO WORK

11. Tables 4 to 6 in the report show that unemployment increased steadily from 4.2 per cent in 1992 to 7.3 per cent in 1996. What measures has the Government taken to deal with this problem?

11.1. Since 1997 the rate of unemployment has been steadily falling. In continental Portugal (i.e. not including the Azores and Madeira) it declined from 7.3 per cent in 1996 to 6.7 per cent in 1997, 5.0 per cent in 1998 and 4.8 per cent in the first quarter of 1999.

11.2. This decline is due primarily to the expansion which Portugal has enjoyed since 1995; during that period actual production has grown faster than production capacity. This reflects the extent to which, in view of its historical profile, the economy can grow in a year without requiring more labour than during the preceding year.

11.3. In addition to the measures mentioned in the report, a number of active employment policy measures have been adopted. Mention may be made of the following:

- Order No. 476/94 of 1 July 1994 concerning the promotion of self-employment among unemployed persons receiving unemployment benefit. The purpose of that order is to encourage the persons concerned to apply for the payment of those benefits as a lump sum to set themselves up as self-employed persons. The assistance given to that end consists of the payment of all unemployment benefits due as a lump sum; in addition, on application and in justified cases, a money grant not exceeding 12 times the amount of the monthly minimum wage may also be awarded.

- Decree-Law No. 22/97, of 23 January, as amended by Council of Ministers resolution 58-A/98 of 4 May, established a scheme for the support of young entrepreneurs. Its purpose is to provide support for projects aimed at the creation, expansion and modernization of enterprises whose majority owners are young entrepreneurs aged between 18 and 35 years. The support scheme for young entrepreneurs (SAJE) provides for a number of forms of support. These consist of investment grants, grants for the creation of jobs, the provision of venture capital, bank loans, mutual guarantees and networks of enterprises. The amounts of the grants for investments and the creation of jobs are increased where the majority or all of the promoters are young persons who are unemployed or first-time job seekers and possess a minimum level of education (grade 3 or higher), recipients of the guaranteed minimum wage, handicapped persons or women.

- Law No. 72/98 of 3 November introduced tax incentives for the creation of jobs for young people. Under this law expenditure on the creation of completely new jobs for workers under 30 years of age and recruited under contracts of indefinite duration are treated as cost items at a rate of 150 per cent of actual expenditure for a period of five years, subject to a ceiling of monthly expenditure of 14 times the minimum monthly wage for each job created.

- Council of Ministers resolution No. 91/99 of 12 August established a programme of support for private welfare initiatives aimed at bringing about qualitative and quantitative improvements in services designed for the elderly. This programme (PAIPS) provides for support for investment, the creation of new jobs and training. Support for the creation of new jobs is given where those jobs are taken up by unemployed persons; the amount of support is increased where the jobs are taken up by persons receiving the minimum guaranteed wage, young persons between ages 18 and 30 seeking work for the first time, the long-term unemployed or handicapped persons. An equal opportunity bonus is payable when at least five jobs are created and not more than 60 per cent of those jobs are occupied by persons of the same sex.

- Order No. 1191/97 of 21 November, concerning the establishment of centres for the support of the creation of enterprises (CACE), is designed to promote the creation of new enterprises in the geographical areas covered by the different centres; the latter provide these enterprises with physical and technical resources with a view to the creation of jobs.

- Within the framework of the Social Employment Market (Council of Ministers resolution 104/96 of 9 July), and under the terms of Order No. 192/96 of 30 May (job promotion activities), a number of orders have been issued jointly by the Ministry of Labour and other ministries and protocol agreements have been concluded between the Employment and Vocational Training Institute and certain ministerial departments. Among these, mention should be made of the following:

- Joint Order No. 132-A/Ministry of Education/Ministry for Skills and Employment/96 of 29 July establishes a programme of leisure-time occupations for juveniles and children in basic and secondary education; the programme is also open to unemployed persons registered at job centres;

- Joint Order No. 612/Ministry of Labour and Solidarity/Ministry of the Environment/98 of 1 September established a programme of support for specific training and the development of occupational activity on the premises of services responsible for cleaning, the clearing of watercourses and the maintenance and operation of the hydrographic network for unemployed persons registered at job centres;

- Joint Order No. 449/Ministry of the Economy/Ministry of Labour and Solidarity/98 of 10 July established a programme of support for specific training and the development of occupational activity in the fields of tourism promotion, with a view to the development of the nation's historical, cultural and natural heritage, for unemployed persons registered at job centres;

- Joint Order No. 464/Ministry of the Interior/Ministry of Labour and Solidarity/98 of 16 July is designed to incorporate unemployed persons registered at job centres in the teams clearing scrub-covered areas (maquis) in order to prevent forest fires;

The protocol concerning cooperation between the Employment and Vocational Training Institute and the Directorate-General for Health established a new category of job: that of health auxiliary. Health

auxiliaries are to assist in the provision of care to aged persons who are sick but do not require institutional care.

Order No. 348-A/98 of 18 June provides for the promotion of "integration enterprises" (non-profit-making bodies) within the framework of the social employment market. The objectives of these enterprises are:

- To combat poverty and social exclusion by integration or reintegration into working life;
- To promote the acquisition and development of personal, social and occupational skills sufficient for the exercise of an activity;
- To create jobs in order to meet social needs not met by the normal functioning of the market and for the promotion of local social development.

The scheme is designed to assist the long-term unemployed and unemployed persons in a disadvantageous situation in the labour market. It comprises support for investment; assistance with running costs during the training of workers in the course of integration; and integration bonuses payable to employers who agree to offer contracts of indeterminate duration to persons in the course of their reintegration once the process has been completed.

The Training for Employment programme was established by prescriptive Order No. 52/93 of 8 April, the text of which was subsequently amended by prescriptive Order No. 54/97 of 29 August and, more recently, by Order No. 763/99 of 27 August.

Training schemes within this programme combine an element of theoretical training with an element of practical training in a real working environment. It offers level II skills and is designed for unemployed persons aged 16 or over who have completed their compulsory schooling and are registered at job centres. Trainees are entitled to training bursaries, subsistence allowances and insurance against personal accidents; allowances are payable to training coordinators and technical tutors, and the cost of trainers is also paid. Beneficiary bodies which conclude contracts of indeterminate duration with trainees at the end of their training and thus create new jobs are entitled to integration bonuses.

Decree-Law No. 51/99 of 20 February established a scheme for the provision of employment and training in rotation. Under this scheme an enterprise can offer its employees an opportunity to obtain continuing training and at the same time enable unemployed persons to obtain occupational experience within the framework of the duties performed by the workers undergoing such training. The forms of support available consist of a contribution towards the remuneration of the replacement worker, payment of the costs arising from the obligation of the employer to pay social security contributions, sharing of the cost of teachers and exemption from payment of obligatory contributions in respect of the workers replaced.

The Life and Employment programme was established by Council of Ministers resolution No. 136/98 of 4 December. Its aim is to permit the social and occupational reintegration of drug addicts who are following or have completed courses of treatment. The scheme provides for the following specific measures: mediation for purposes of training and employment; a period of practical training for social and occupational integration; a bonus on achievement of social and occupational integration; and support for employment and self-employment.

The cooperative development programme (PRODESCOOP) was established by Order No. 52-A/99 of 22 January. It includes support for investment, the creation of new jobs and technical assistance in connection with the establishment of new cooperatives, the development of new activities within existing cooperatives and new unions, federations and confederations.

Law No. 19-A/96 of 29 June established an integration scheme associated with the award of the guaranteed minimum wage. In that connection mention must be made of the Fund for Support of Integration in New Activities (FAINA), established by Order No. 11749/97 of 26 November, issued by the Minister of Solidarity and Social Security. That fund was established to give financial support in respect of the costs of investment and setting up in self-employment (including preparation for self-employment) incurred by persons receiving the minimum guaranteed income.

11.4. Mention must also be made of the important agreement obtained during the Luxembourg jobs summit held in November 1997 concerning the objectives underlying the priority given to employment in the Amsterdam Treaty and the process of giving operational effect to that priority.

11.5. That agreement highlights the need to link the coordination of macroeconomic policies with the mobilization of Community policies within a strategy for the creation of secure employment in Europe.

11.6. The priority given to employment is supported by a joint dynamic of Community and national plans designed in such a way as to ensure that the formulation of European objectives is compatible with their translation into concrete terms at national level within a framework of autonomy and respect for the specificity of situations in each country.

11.7. Thus guidelines for employment policies have been framed around four main pillars, namely (1) improvement of employability; (2) development of entrepreneurial spirit; (3) promotion of greater adaptability among enterprises and workers; (4) strengthening of equal opportunity policies. A set of objectives, both qualitative and quantitative, has been established to assist efforts at national level to implement those guidelines and to make progress towards the coordination of employment policies.

11.8. Following the above-mentioned agreements, the National Plan for Employment was adopted in 1998; it is subject to annual review. The plan has given rise to the adoption of a number of measures in addition to some of those mentioned earlier. The measures taken include:

- The launching of the INSERJOVEM initiative, designed to give all young people a fresh chance before they complete six months of unemployment. The initiative comprises training, retraining, occupational and employment experience and all other measures of a nature to facilitate their integration into working life. It was launched in 1998 in pilot zones and is to be extended to the whole country by the end of the year 2000;
- The launching of the REAJE initiative, which aims to give all unemployed adults a fresh chance before they complete 12 months of unemployment. It comprises the elements already mentioned; alternatively, it offers individual vocational guidance. This initiative was launched in 1998 in pilot zones and is to be extended to the entire country by the end of the year 2000;
- The extension of the REAJE initiative to cover the long-term unemployed;
- The expansion of training facilities for the employee population; the objective is to have 10 per cent of the total employee population in training by the year 2002, with a balance between the two sexes;
- Plans to double the number of young people in apprenticeship (sandwich-type training) by the year 2002;
- A strengthening of training-in-employment programmes; a target of 15,000 placements in 1999 has been set;
- The time necessary to constitute an enterprise is to be reduced from approximately six months to three weeks. To that end seven centres to handle the formalities of enterprise creation and two extensions will have been established by the end of 1999.

12. To what does the Government attribute the alarming decline in youth employment (by 20 per cent between 1992 and 1996, according to paragraph 142) and what measures has it taken to change this trend?

12.1. The decline of about 20 per cent in the numbers of young persons employed between 1992 and 1996 paralleled, but with a greater order of magnitude, the decline in the total number of persons employed during the same period.

12.2. Both declines were due to the recession which Portugal experienced between 1991 and 1995, a period during which the actual growth of production fell short of the growth of production capacity.

12.3. The steeper decline observed among young workers is to be attributed to the higher proportion of atypical and insecure jobs - which are more vulnerable during recessions - held by workers in that age group.

12.4. In addition, the downward trend in the rate of youth employment is common to all countries in the Europe of 15.

12.5. Although the trend has been more pronounced in Portugal, our rate of youth employment is still above the average rate of youth employment in the European Union.

TABLE I

Employment rate (15-24 age group)	1985	1997
Europe of 15	44.3	48.2
Portugal	35.9	37.9

Source: EUROSTAT, Labour force survey.

12.6. The decline is certainly related to the extension of the period of schooling and/or the frequency of training (even part-time) not related to a job.

12.7. Since 1997 the youth unemployment rate has been steadily declining.

TABLE II**CONTINENTAL PORTUGAL**

Unemployment rate	1996	1997	1998*	1999* (first quarter)
15-24 age group	16.7	14.8	10.3	9.8

Source: National Statistical Institute (INE) (IE).

* Figures calculated in accordance with the method used in series IE-98.

12.8. In addition, the percentage of young persons totally unemployed has been steadily declining for a number of years.

TABLE III

.	1992	1993	1994	1995	1996	1997	1998*	1999* (first quarter)
Percentage of young persons totally unemployed	40.5	36.4	33.1	32.9	33	31.3	31.3	30.6

Source: INE (IE)

* Figures calculated in accordance with the method used in series IE-98.

12.9. It can also be observed that, again from 1997 onwards, the numbers of young persons in employment have been steadily rising.

TABLE IV

CONTINENTAL PORTUGAL

	1996	1997	1998*	1999* (first quarter)
Numbers of young persons in employment	549.1	564.7	652.7	650.7

Source: INE (IE)

* Figures calculated in accordance with the method used in series IE-98.

12.10. The declines observed and the above-mentioned increase are primarily due to the expansion which the economy has experienced since 1995; during these years actual production has grown faster than production capacity.

12.11. The set of active employment policy measures currently in force, the measures referred to in the report and those described in the earlier reply have also contributed to this situation. Young persons are always potential beneficiaries (and sometimes sole beneficiaries) of these measures.

13. Which national groups of migrant workers are discriminated against in Portugal?

13.1. No statistics have been found on this subject in Portugal. However, cases of discrimination do certainly exist, and Parliament has adopted Law No. 20/98 of 12 May to address them.

13.2. The new law on employment of non-nationals abolishes the quantitative restrictions on the recruitment of foreign workers established by Decree-Law No. 97/77 of 17 March, which provided that, in businesses with over five workers, 90 per cent must be Portuguese.

13.3. Under article 2, foreign citizens legally resident in Portuguese territory enjoy the same working conditions, and on the same terms, as workers of Portuguese nationality in the exercise of their occupational activities.

13.4. Article 3 governs working conditions. Thus an employment contract concluded between a foreign citizen and an employer operating in Portuguese territory, when the contract is to be executed in Portugal, has to be in writing, to be signed by both parties and to include the following information:

(a) the identity of the parties, the branch of activity of the recruiting body and details of the worker's temporary or permanent permit to reside in Portuguese territory;

(b) the place of work or, where there is no fixed or principal place of work, an indication of the fact that the worker has to perform his duties at different sites and details of the headquarters or registered address of the employer;

(c) the category of work or the functions to be performed;

(d) the amount and frequency of remuneration and the form in which it is to be paid;

(e) the normal length of the working day or week;

(f) the dates on which the contract is concluded and enters into effect.

13.5. A fixed-term contract must comply with the rules laid down in Decree-Law No. 64-A/89 of 27 February.

13.6. Under article 4, before the work begins, the employment contract has to be submitted to the relevant section or sub-section of the Institute for the Improvement and Inspection of Working Conditions (IDICT).

13.7. One copy remains on file with IDICT and two copies are given back to the employer, who must give one to the worker.

13.8. If an employment contract is terminated, the employer must inform IDICT of the fact within two weeks.

13.9. Penalties are provided for in article 7 for cases of failure to discharge any of the obligations set forth in the present law.

13.10. Nationals of countries in the European Union receive absolutely identical treatment to that of Portuguese nationals and are exempted from the formal requirements of article 5. For nationals of countries that ensure equality of treatment, which are in the majority, the article 5 formalities referred to above are applicable. However, a notice concerning the employment of non-nationals in Portuguese territory, published in the Labour and Employment Bulletin, No. 17, of 18 May 1999 (1st series), exempts most workers from the obligation to conclude an employment contract in writing, thus putting them on a par with Portuguese workers.

13.11. The formal requirements under article 5 are still imposed where nationals of other countries or stateless persons are concerned.

13.12. The absence of formal requirements means that the general rules for employment contracts apply to all workers concerned: an unwritten commitment is equivalent to a contract of indeterminate duration, while a fixed-term contract must comply with the formal requirements of Decree-Law No. 64-A/89 of 27 February.

14. Please provide comparative statistical tables for the past five years for unemployment, disaggregated by economic sector, gender and age.

14.1. We venture to include here some tables that we feel will be clearer than any commentary.

TABLE V

POPULATION IN EMPLOYMENT, BY ECONOMIC SECTOR

CONTINENTAL PORTUGAL

.	1994	1995	1996	1997	1998*`
TOTAL	4 251.5	4 225.1	4 250.5	4 331.8	4 526.4
Agriculture, forestry and fisheries	490.2	477.5	518.1	589.0	604.8
Industry, construction, energy and water	1 393.4	1 363.6	1 334.8	1 369.1	1 634.7
Services	2 367.9	2 384.0	2 397.6	2 373.7	2 287.0

Source: INE (IE)

* Figures calculated in accordance with the method used in the IE-98 series.

TABLE VI

POPULATION IN EMPLOYMENT, BY AGE GROUP

.	1994	1995	1996	1997	1998*
TOTAL	4 251.5	4 225.1	4 250.5	4 331.8	4 526.4

15-24 years	604.4	559.7	549.1	564.7	652.7
25-34 years	946.4	923.7	931.6	930.9	1 171.2
35-44 years	1 084.2	1 087.7	1 064.2	1 047.7	1 075.1
45-54 years	909.5	941.9	932.6	972.3	865.1
Over age 54	706.9	712.2	772.9	816.3	762.4

Source: INE (IE)

* Figures calculated in accordance with the method used in the IE-98 series.

TABLE VII
POPULATION IN EMPLOYMENT, BY SEX

CONTINENTAL PORTUGAL

.	1994	1995	1996	1997	1998*
TOTAL	4 251.5	4 225.1	4 250.5	4 331.8	4 526.4
Men	2 352.2	2 331.1	2 342.4	2 379.8	2 501.6
Women	1 899.3	1 894.1	1 908.1	1 952.0	2 024.9

Source: INE (IE)

* Figures calculated in accordance with method used in IE-98 series.

ARTICLE 7: THE RIGHT TO JUST AND FAVOURABLE CONDITIONS OF WORK

15. What measures has the Government taken to improve the situation of working individuals, in particular women, who have children or elderly persons as dependents?

15.1. In addition to the Government Programme (Programme of the Thirteenth Constitutional Government, in Diário da Assembleia da República, II Series-A, No. 2, of 8 November 1995), which in its Part Four - Social Policies - includes under the heading of Solidarity and Social Security an item 1.2, "Supporting the family and fostering equality between men and women", there are other programme instruments designed to create measures aimed at improving the living and working conditions of workers with family responsibilities.

15.2. Both the Comprehensive Equal Opportunity Plan (annexed to Council of Ministers resolution 49/97 of 24 March), whose goal is to achieve full and effective equality between men and women in all economic, social and cultural policies, and the Plan for a Comprehensive Family Policy (annexed to Council of Ministers resolution No. 7/99 of 9 February), which aims to guarantee better living conditions and better human relations within families, include among their social measures elements whose objective is:

- to promote among the social partners within the Standing Council for Social Dialogue the idea of sharing responsibility for conciliation of private, social and family life, particularly through the introduction of new ways of organizing work time and the creation of incentives for enterprises, such as the award of a prize or the adoption of awareness-raising measures, so that they will take such steps as allowing more flexible working hours and working through the day without a break or adopting other family protection measures, where shift work, or family group work is practised, so as, for instance, to ensure that one of the parents can take care of the children;
- to set up institutions providing child care (creches and kindergartens), care for the elderly (home help and day-care centres) and for the disabled (recovery and rehabilitation centres), and to endeavour to make these institutions' working hours flexible, while ensuring the presence of qualified staff;
- to make it easier to resume professional activities after an interruption for family reasons, notably by on-going vocational training and retraining schemes;
- to promote special social protection measures for lone women and men with responsibility for handicapped persons;
- to define a legal framework to cover housework and care for family members;
- to adopt measures in transport and urban rehabilitation policies aimed at shortening the distance between the workplace and the home.

15.3. The report of March 1998 from the Office of the High Commissioner for the Promotion of Equality and the Family assesses the measures set forth in the Comprehensive Equal Opportunity Plan (the assessment of the policies developed within the Plan for a Comprehensive Family Policy will be presented to the Council of Ministers in 2001).

15.4. In this context, the following measures should be mentioned:

- the holding of courses and training activities for all central, local and regional administration officials, in which themes linked to equal opportunities for men and women have been included;
- the adaptation by the Department of Educational Resources Management of the Ministry of Education maximum period of time off provided by law, in terms of the school timetable, in cases where teachers in the second and third primary and secondary teaching cycles are breast-feeding twins, to be extended subsequently to kindergarten and first-cycle primary school teachers;
- the preparation by the Secretary of State for Public Administration of a draft decree-law which will permit a new form of work organization and greater flexibility of working hours;
- the selection of the agency that is to mount public opinion campaigns to enhance awareness of the importance of sharing family responsibilities if family equilibrium is to be maintained and the development of children and young people ensured;
- the study of a draft legal instrument for the establishment of reception centres in special cases of inability to obtain housing (lone-parent families, populations at risk, the elderly, etc.);
- introducing new social solutions, through the social job market, to improve the quality of family life, especially for women;
- a study to establish the principle of joint postings for married couples in the context of appointments within the public administration.

15.5. Another report was prepared in March 1999 by the Study Centre on Social Intervention (CESIS) - a private, non-profit association set up in 1992, doing research in the social field. This report also assesses the implementation of the Comprehensive Plan.

15.6. In the report, which covers the period from March to November 1998, we see that, out of the 52 measures contained in the Comprehensive Equal Opportunity Plan, only four have not yet been implemented.

15.7. The report mentions the following developments with regard to the measures advocated:

- the drafting of a legal instrument that would introduce a new way of organizing work and allow more flexible working hours;
- the drafting of a legal instrument on reception centres;
- the initiation of a study on the division of time between paid and unpaid activities performed by men and women, as part of the planned measure for the definition of a legal framework to cover housework;

- the preparation by the Ministry of Education of facilities for adolescent mothers in school, with a view to their protection;

- a public opinion awareness campaign with the slogan "Couples who share the work increase the quality of life". This included a television spot entitled "Ana Cristina", a radio spot, two-page advertisements in newspapers and magazines and posters in the public transport system and in the Regional Directorates of Health. (The campaign ran from 15 September to 15 November 1998 and was co-financed by the European Social Fund.)

15.8. A national campaign for the reconciliation of work and family life began in March 1999. The High Commissioner for the Promotion of Equality and the Family, the Coordinator of the European Social Fund in Portugal and the Chairpersons of the Commission on the Equality and Rights of Women and the Commission on Equality in Employment coordinated their efforts with a view to extending the period of commemoration of International Women's Day throughout the whole of the month of March, publicizing the theme "Working life and the family: we need to reconcile them" to ensure that the issue would be taken up all over the country.

15.9. The campaign included training for women municipal councillors and officials with decision-making powers in local communities (about 40 municipalities took part in the campaign). The second stage of the publicity campaign on the sharing of household tasks ran from March to April on the same basis as the first, but with a televised spot entitled "Francisco".

15.10. A sticker about the campaign was also distributed to all ministries and throughout the civil service for use on correspondence.

15.11. Seminars were held in March on the same topics.

15.12. A series of 12 programmes on reconciling family and working life was sent to local radio stations throughout the country. The programmes approached the subject from various angles: couples who share their responsibilities, local communities that use local infrastructure to facilitate such sharing, businesses that encourage it among their workers and plans to spread news of good practice in this regard.

15.13. With a view to disseminating good practice in reconciling working and family life, the Commission on Equality in Employment has issued a handbook for businesses on the subject.

16. Has the Government taken special measures to arrest the loss of purchasing power of the minimum wage referred to in paragraph 215?

16.1. The principle of an annual review of the minimum wage is established by Decree-Law No. 69-A/87 of 9 February. However, the review of the level of the minimum wage has basically been annual and, since the updating of 1977, there has been reference to the need to review the minimum wage every year (Decree-Law No. 49-B/77 of 12 February in article 7 expressly states, referring to the updating of guaranteed minimum wages, that those minima will be reviewed in December of each year).

16.2. Although the review of the level of the minimum wage has basically been annual, with the date of entry into force being generally 1 January each year, there have been occasional situations where:

- there was no updating during the year in question (1976 and 1982);

- the date of entry into force did not coincide with the beginning of the year (1975, for example);

- the updating remained in force for over twelve months (between April 1978 and September 1979, for example);

- or the updating occurred at some point in the course of the year (1989, in July).

16.3. In Portugal the minimum wage is not automatically index-linked either to inflation or to average earnings. In practice, the updating of the minimum wage is part and parcel of the incomes policy and the employment policy defined by the Government and takes account of expected inflation (or, before the 1990s, of actual inflation) and of expected gains in overall and sectoral productivity in the economy, while seeking to ensure real increases in the minimum remuneration and to maintain employment levels, always bearing in mind principles of equity, justice and social solidarity and endeavouring to attenuate wage distortions.

16.4. For the period 1997-1999 an agreement was signed on strategic cooperation, on the model of the Social Dialogue, which stipulates that minimum remuneration, understood as the statutory minimum wage, "taking into account its social function and also its contribution to employment promotion, must be updated annually, taking as reference the rate of inflation in tradeable goods and productivity gains in the exposed sectors of the economy, and must show a greater rise than the average wage".

16.5. In 1999 the updating of the minimum wage formed part of "the Government's defence in recent years of that instrument's economic and social importance", as a guarantee of a minimum value for the wage income of those who receive it and as a point of reference for the movement of wages and various social benefits (Decree-Law No. 49/99 of 16 February).

16.6. Over the last five years the statutory minimum wage has risen faster than inflation, thereby guaranteeing workers' purchasing power (table VIII).

TABLE VIII

Continental Portugal	1992	1993	1994	1995	1996	1997	1998	1999	.
Average earnings (1)	13.8	6.4	5.9	6.2	6.3	5.1	4.8	4.3	(2)
Wages under collective agreements (3)	10.9	7.9	5.1	5.0	4.5	3.6	3.3	3.2	(4)
Statutory minimum wage (5)	11.0	6.5	4.0	5.5	5.0	3.8	3.9	4.1	.
Employment	0.9	-2.0	-1.0	-0.2	0.6	1.9	2.3	0.7	(7)
Inflation	9.5	6.8	5.4	4.2	3.1	2.3	2.8	2.8	(6)
Minimum wage in real terms	1.4	-0.3	-1.3	1.2	1.8	1.5	1.1	1.3	(6)
Labour productivity	1.0	0.6	3.4	3.1	2.6	1.9	1.7	2.8	(7)

Sources/Notes:

(1) MTS/DEPP (estimates)

(2) Increase in average earnings in industry and electricity, gas and water supplies in the first quarter of 1999 over levels during the same period in 1998.

(3) MTS/DGCT

(4) Annualized average variation for first quarter of 1999.

(5) National minimum wage for workers aged 18 or over (excluding persons in domestic service).

(6) Variation for first quarter of 1999 compared to same period in 1998.

(7) Forecast.

TABLE IX**MOVEMENT OF MAIN MACRO-ECONOMIC INDICATORS**

Main Magnitudes	1990	1991	1992	1993	1994	1995	1996	1997	1998
Real annual movement in GDP pm	4.8	2.3	1.9	-1.4	2.4	2.9	3.2	3.8	4.0
Private consumption	5.9	3.9	3.6	-0.6	2.4	1.6	2.5	2.8	4.5
Public consumption	5.3	10.6	2.0	1.1	2.0	2.2	2.0	1.9	3.2
FBCF	8.3	3.5	4.8	-5.8	3.4	4.6	5.7	13.0	8.9
Exports	10.6	0.9	5.3	-1.5	10.6	10.3	10.2	8.4	9.3
Imports	14.0	7.1	10.7	-4.6	10.0	7.2	7.5	10.8	12.1
Inflation (GDP implicit price index)	12.4	12.2	10.6	7.0	6.1	5.0	3.1	2.7	3.4
Consumer price index (excl. rent)	13.6	12.0	9.5	6.8	5.4	4.2	3.1	2.3	2.8
Employment (a)	1.7	2.8	0.9	-2.0	-1.0	-0.2	0.6	1.9	2.3
Productivity	3.0	-0.5	1.0	0.6	3.4	3.1	2.6	1.9	1.7

Source: INE: annual accounts, consumer price indices and employment survey

Ministry of Finance: assessments for 1997 and 1998, with 1998 spring review

(a) Series constructed on the basis of the annual national accounts up to 1995 (corrected in 1992) and the employment survey after 1995.

ARTICLE 9. THE RIGHT TO SOCIAL SECURITY

17. Do foreign workers have the same rights to social security as Portuguese workers?

17.1. Article 15 of the Constitution lays down the principle of the equality of Portuguese citizens and non-nationals.

17.2. The legislation on employment of non-nationals and labour legislation in general, as well as the legislation on social security, stipulate equality between non-national and Portuguese workers (the Social Security Framework Law lays down the principle of reciprocity: non-nationals will receive equal treatment if the legislation of their country of origin establishes the same treatment for Portuguese nationals). One may thus affirm that foreign workers in Portugal whose papers are in order enjoy the same rights to social security (hence the two campaigns for special regularization of citizens whose papers were not in order launched in 1992 and 1996).

18. In paragraphs 242 and 243 on contractual relations, no mention is made of collective contracts. What is the significance of this omission?

18.1. This question concerns the definition of contractual relations, which has been extended by Decree-Law No. 418/93 of 24 December to cover broader situations than that of the individual contract of employment, even though the right to unemployment benefits was subject to the existence of a contract of employment in the past.

18.2. Collective contracts are not mentioned because they are concluded between a trade union and one or several enterprises or between several trade unions and several enterprises, there being many possible combinations, and are intended to apply to workers who are already subject to individual employment contracts or other forms of employment relationship. They are not intended to create new posts. In other words, collective employment contracts are not employment generators under Portuguese labour law. They stipulate improvements in the working conditions of persons who are already in employment relationships. That is why they were not referred to. This does not mean that the law is intended to exclude them from its area of application. If a collective contract were able to give rise to an employment relationship, it would certainly be included among the forms that fall outside the definition of an individual employment contract.

19. Paragraphs 292 and 297 of the report refer to concerns about the stability of the social security system and proposals for its reform. However, the report is not explicit about funding problems or the main objectives of the reform. Please provide more information on this issue.

19.1. The Social Security White Paper Board has the task of studying social security reform in the terms set forth in the report. The fears expressed about the stability of the social security system certainly centre on the issue of an aging population, which raises a possible problem of funding for the system, since the present and future contributions of the active population may not be sufficient to meet the needs of those who have come to the end of their working lives (retirement). The aim of any reform would certainly be to find alternative or additional funding without reducing the number of beneficiaries or the amount of the benefits.

ARTICLE 10. PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

20. Please discuss the provisions of articles 140, 141 and 142 of the Criminal Code and the legal status of abortion in Portugal.

20.1. Articles 140, 141 and 142 are part of chapter III (Crimes against intra-uterine life) of Title I (Crimes against persons) of the Portuguese Criminal Code.

20.2. Article 140 of the Criminal Code stipulates that:

(a) any person who, by whatever means and without the consent of the pregnant woman, causes her to abort is punishable by imprisonment for between two and eight years;

(b) Any person who, by whatever means and with the consent of the pregnant woman, causes her to abort is punishable by imprisonment for up to three years;

(c) a pregnant woman who gives her consent to an abortion performed by a third party or causes herself to abort by other means is punishable by three years' imprisonment.

20.3. Article 141 of the Criminal Code, on aggravated abortion, stipulates that:

(a) if the abortion or the means employed have as a consequence the death of, or serious injury to the body or the health of, the pregnant woman, the maximum penalty shall be increased by one third;

(b) the same increase in the penalty shall be applied in the case of an offender who habitually performs abortions punishable under the terms of article 140 of the Criminal Code or who does so for financial gain.

20.4. Finally, article 142 of the Criminal Code, on non-punishable termination of pregnancy, stipulates that:

20.5. The termination of a pregnancy performed by a doctor at an official or officially recognized health centre with the consent of the pregnant woman is not punishable in cases where:

(a) it is the only way to avert the danger of death or of serious or irreversible injury to the body or the physical or mental health of the pregnant woman;

(b) termination of the pregnancy is the indicated way of avoiding the danger of death or of serious or lasting injury to the body or the physical or mental health of the pregnant woman and is performed during the first twelve weeks of pregnancy;

(c) there are reliable grounds to suppose that the child-to-be will suffer incurably from a serious disease or malformation and the abortion is performed during the first sixteen weeks of pregnancy;

(d) there is serious evidence that the pregnancy was the result of a crime against sexual self-determination and the abortion is performed during the first twelve weeks of pregnancy.

20.6. The existence of circumstances rendering the termination of pregnancy non-punishable shall be attested to by medical certificate.

21. Please provide statistics on the number of illegal abortions and the number of court decisions handed down concerning such abortions.

21.1. The report of the Commission on Constitutional Affairs, Rights, Liberties and Guarantees (1998) of the Assembly of the Republic on exceptions to the illegality of cases of voluntary termination of pregnancy, Relatório da Comissão de Assuntos Constitucionais, Direitos, Liberdades e Garantias (1998), "Exclusão da ilicitude dos casos de interrupção voluntária da gravidez", Relatório e Parecer da Comissão sobre os projectos de le 417/VII, 451/VII e 453/VII. refers to information from the Directorate-General of Health to the effect that the total number of abortions in Portugal may be estimated at between 20,000 and 22,000 annually. According to that report, these figures agree with the World Health Organization estimate of 0.2 voluntary abortions for each live birth.

21.2. According to the Directorate-General of Health, in 1998 Portuguese hospitals performed 401 legal voluntary abortions (25 per cent more than in 1997). The same source states that in 1998, 167 women were treated in Portuguese public health establishments for complications resulting from illegal abortions. The figure for 1993 was 266.

21.3. According to "Justice Statistics 1997", Ministério da Justiça, Gabinete de Estudos e Planeamento, "Estatísticas da Justiça 1997", Portugal, August 1998. the figures for trials concerning the crime of abortion in 1997 are as follows:

**PERSONS SENTENCED, IN ACCORDANCE WITH THE PENALTIES AND MEASURES
APPLICABLE,
FOR THE CRIME OF ABORTION**

Total trials	3
Total defendants	9
Total sentenced	5
Penalties	imposed: 3

- Prison sentence replaced by a fine 1
- Suspended prison sentence 1
- Prison sentence not suspended or replaced

21.4. The same source indicates that the Portuguese police authorities recorded 39 cases of illegal abortion.

22. Decree-Law No. 322/95 providing for the dismissal of pregnant women, as referred to in paragraph 317, appears to be contrary to the letter and spirit of article 10, paragraph 2, of the Covenant. Please indicate the circumstances in which pregnant women can be dismissed and describe the procedures for protection following dismissal.

22.1. The Constitution of the Portuguese Republic, in article 68 (3), stipulates that:

"During pregnancy and after giving birth, women in employment are entitled to special protection, including the entitlement to an adequate period of leave from work without loss of remuneration or other privileges."

22.2. Article 59 (2c) further stipulates that:

"It is the duty of the State to guarantee the conditions of work, remuneration and rest to which workers are entitled, in particular by & the provision of special protection for women's work during pregnancy and following childbirth and the protection of the work of young and handicapped persons and persons engaged in particularly arduous work or working under unhealthy, toxic or dangerous conditions."

22.3. Law No. 4/84 of 5 April, as amended by Decree-Law No. 332/95 of 23 December, lays down a general prohibition of the dismissal of women who are pregnant, are nursing a child or have just given birth. This law explicitly states that any termination of a contract initiated by an employer to be valid must always have the approval of the competent department of the Ministry of Labour and Solidarity (that is, the Commission on Equality in Work and Employment - CITE). The opinion of the CITE must be communicated to the employer within 30 days of receipt of the proposal for dismissal. If, 30 days after receipt of the proposal for dismissal, the CITE has not given any opinion, that is tantamount to an approval. There exists a legal presumption that the dismissal of a woman who is pregnant, is nursing a child or has just given birth has been effected without just cause.

22.4. Decree-Law No. 136/85 of 3 May (regulating the legal regime for the protection of motherhood and fatherhood) thus stipulates in article 29, concerning unlawful conduct by workers, that the making of false statements in order to obtain maternity or paternity leave, adoption leave, or time off to keep a prenatal medical appointment, to nurse one=s child, to assist one=s minor children or family, or to obtain special child-care leave, is a disciplinary offence considered as constituting just cause for dismissal. In this connection it refers to Decree-Law No. 372-A/75 of 16 July, which in its article 10 lists just grounds for dismissal.

22.5. In this connection, we quote the decision of the Coimbra Court of Appeal of 3 March 1998 to the effect that:

"If a female employee is granted leave of absence from work to nurse her child, there is just cause for dismissal if she uses that leave of absence for purposes other than nursing the child."

23. Please provide information on the extent of the problem of domestic violence in Portuguese society and on the legal and practical measures taken by the Government to deal with this problem.

23.1. One of the aims of Objective 2 of the Comprehensive Equal Opportunity Plan, adopted in March 1997, is to prevent violence and guarantee adequate protection to women who are victims of violent crimes. One of the preventive measures taken to assist in achieving this aim is the preparation and dissemination of a guide on the rights of women who are victims of violence. The protective measures include:

- the setting up of support centres for women victims of violence where they can be taken in, sheltered and given guidance and where special co-operation can be promoted, particularly between the Ministry of Justice, the local administration and non-governmental organizations;
- the establishment of a telephone service (S.O.S Office), with the support of the Ministry of Justice, to provide brief information on appropriate measures for the situations reported;

- the promotion, strengthening and extension of measures aimed at securing adequate compensation for victims of crimes of domestic violence;
- the introduction into the vocational training curricula for the police of material on the psychological and social effects of domestic violence on the victims and on family structures;
- the creation of centres for mediation between family members.

23.2. Domestic violence is increasingly becoming recognized as a structural factor preventing access to and enjoyment of fundamental rights. In the area of legal principles, there have been some developments, in particular the 1998 revision of the Criminal Code, which has made it possible to report cases of ill-treatment of a spouse to the police. Furthermore, serious cases of sexual harassment are punishable by imprisonment. Complaints concerning sexual crimes can be made directly to the forensic medicine services.

23.3. The Plan to Combat Domestic Violence was adopted recently (resolution No. 55/99 of 15 June), in commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights. It is a programme which sets forth in an integrated and consistent manner a number of measures to be adopted in different fields (justice, internal administration, education, health, etc.) with the following aims:

- consciousness-raising and prevention;
- intervention to protect victims of domestic violence;
- research/study.

23.4. Among the measures proposed in the Plan, mentioned may be made of the following:

- public opinion awareness promotion campaigns to help foster a culture of respect for the rights and duties of each member of the family, in particular the most vulnerable (women, children and the elderly);
- the creation of a database, organized as a network, on services, equipment and legislative measures, to be managed jointly by several ministries and social partners, and to be accessible to the central, regional and local administration and to private organizations or associations;
- the creation of an observatory to monitor the problem of domestic violence;
- the preparation and dissemination of guides for victims of domestic violence and for specialists working on these problems.

23.5. On 3 August 1999 the Assembly of the Republic adopted Law No. 107/99, which provides a general framework for the public network of shelters for women victims of violence. Under this law, the State must ensure the creation, installation, operation and upkeep of this public network. It must ensure a minimum of one shelter in each district of continental Portugal (two in the metropolitan districts of Lisbon and Oporto), which should comprise one home and one or more centres where women victims can be taken in, looked after and given guidance. The services provided by these establishments are free of charge.

23.6. The Plan for a Comprehensive Family Policy, adopted in February 1999, contains a segment on intervention aimed at reinforcing the struggle against violence in the family by:

- launching campaigns to prevent family violence;
- creating a network of shelters for victims of family violence;
- encouraging training and information activities for the police regarding the situation of victims of family violence;
- promoting appropriate training activities for professionals in contact with situations of family violence, especially the police.

23.7. As part of this Plan, a National Family Observatory has been set up with the task of gathering, collating and disseminating updated information.

24. Please provide information on the situation with regard to child pornography and on the measures and programmes the Government has adopted to combat this phenomenon.

24.1. Cases of trafficking in children are rare in Portugal. Isolated cases have been reported in coastal areas where the children came from unstructured environments, some of them having no families. In view of the characteristics of this phenomenon, there are serious grounds to fear that we do not know the true dimensions of trafficking in children for prostitution and pornography.

24.2. As a result, several NGOs, in particular the Child Support Institute and the National Confederation for Action on Child Labour, are working with street children, since it is mainly from the street that children are recruited for purposes of sexual exploitation, prostitution and pornography.

ARTICLE 11. RIGHT TO AN ADEQUATE STANDARD OF LIVING

25. What is the geographical distribution of the 2 million poor people in Portugal mentioned in paragraph 404? What measures has the Government taken to address the problem of poverty?

25.1. As there have been no thorough studies on this subject, it is not possible to indicate the geographical distribution of persons in poverty situations.

25.2. However, some numerical indications regarding the persons receiving the minimum guaranteed income are available which may be of assistance to the Committee.

NUMBERS OF PERSONS RECEIVING THE MINIMUM GUARANTEED INCOME, BY REGION

Region	Number of beneficiaries	Percentage of total	Percentage of resident population
North	122 274	36.2	4,0
Centre	65 887	19.5	2.8
Lisbon and Tagus Valley	71 891	21.3	2.2
Alentejo	15 870	4.7	3.3
Algarve	14 472	4.3	4.2
Azores	29 631	8.8	12.5
Madeira	17 645	5.2	7.0

Source: GTADS - National Commission on the Minimum Wage, December 1998.

25.3. The most important aspects of the National Anti-Poverty Programme have already been referred to in the report under consideration. The following may be added:

25.4. At the present time there are approximately 200 pluriennial locally managed projects in operation. The financial resources made available to these programmes have been increased by 45 per cent and their rules of operation revised to make the scheme an effective instrument for combating concentration of the risk factors of poverty and social exclusion.

25.5. Among the projects in operation, which are also local development projects, a few innovations are worthy of mention:

- Investment in the people and their potential to give effect to projects aimed at improving their quality of life;
- Development of vocational skills;
- Grass-roots action for a realistic approach to development;
- Assignment of joint responsibilities to the various participating partners;

- Focus on ensuring sustainability of the actions to be carried out;
- Investment in the definition of responses for resolving social exclusion problems.

25.6. The "Integrar" operational initiative, which aims to promote the economic and social integration of the most disadvantaged population groups, consists of the following measures:

- Support for social development;
- Economic and social integration of long-term unemployed adults;
- Economic and social integration of persons with disabilities;
- Socio-economic integration of the most disadvantaged groups;
- Construction and adaptation of social infrastructures and equipment.

26. Paragraph 418 mentions the CAIS project, which operates as a community support association, but does not mention institutions or official programmes to deal with the problems of homeless people and families. Do such institutions and programmes exist?

26.1. In the framework of efforts to combat poverty, mention should be made of the establishment, through Council of Ministers resolution No. 197/97, of the Social Network, which comprises various forms of mutual assistance, provided by both private non-profit bodies and public agencies working in the welfare field. These organizations coordinate their work among themselves and with that of the Government with a view to eradicating or attenuating poverty and social exclusion and promoting social development.

26.2. Attached in an annex to this questionnaire is an excerpt from Portugal's national report on the homeless to the European Federation of National Organizations Working with the Homeless, prepared in 1997.

27. Who are the competent authorities in the area of forced evictions and what measures have been taken by these authorities to solve the problem?

27.1. By bringing eviction proceedings, a landlord asks the court to declare the lease terminated and to order the tenant to leave the premises rented.

27.2. According to article 64 of Decree-Law No. 321-B/90 of 15 October (the General Tenancy Regulations) a landlord may ask the court to declare the lease terminated in the following situations:

"[...] if the tenant:

- (a) Does not pay the rent in the agreed-on time limit and place;
- (b) uses [...] the rented premises for different purposes to those for which they are meant;
- (c) Uses the premises for illicit, immoral or indecent practices;
- (d) Carries out construction work on the premises, without the written consent of the landlord, which substantially changes the external structure or internal arrangement of the different parts of the premises, or commits acts causing considerable deterioration;
- (e) Houses more than three guests except where such is the object of the lease;
- (f) Sub-lets or lends the premises [...];
- (i) Keeps premises meant for occupancy unoccupied.

[&]

27.3. Pursuant to article 69 of the same instrument, a landlord may also request the termination of the lease in cases where he needs the premises to live in or to house his descendants in the first degree, and also when the landlord needs the premises for the construction of his own residence. A landlord may also request termination of the lease if he intends to expand the premises or build new ones with a view to increasing rental space.

ARTICLE 12: RIGHT TO PHYSICAL AND MENTAL HEALTH

28. Please provide information on the extent of drug trafficking and drug addiction in Portugal.

1. SOURCES

28.1. It has been ascertained that the heroin seized generally comes from Europe (Netherlands), but in 1997 a large proportion came from South-East Asia (Thailand). The majority of the cocaine seized comes from South American countries, in particular Colombia. It should be mentioned that much of the cocaine seized was in transit towards other European countries (especially Spain); its final destination was not Portugal. The hashish seized comes mainly from North Africa (Morocco).

28.2. As far as the domestic routing of illicit drugs is concerned, in 1997 most (63.5 per cent) of the heroin seized was found in the Lisbon district, but some was also seized in the districts of Porto (14.9 per cent) and Faro (5.1 per cent). These figures are similar to those for 1996.

28.3. The districts in which the largest quantities of hashish were seized were Faro (82.2 per cent) and Setubal (10.3 per cent) in 1996, and Lisbon (62.1 per cent) and Setubal (36 per cent) in 1997. A large proportion of the cocaine seized in 1996 was seized in the district of Lisbon, but in 1997 a large proportion was seized in the district of Santarem (58 per cent) and only 11.3 per cent in the district of Lisbon.

2. SUPPLY INDICATORS

28.4. In terms of quantity seized, heroin is the illicit substance seizures of which have varied least in recent years. The same cannot be said for the quantities of hashish and cocaine seized. By way of example, approximately 52,000 kg of hashish were seized in 1993, but only 9,000 kg in 1997. Similarly, the maximum amount of seizures of cocaine occurred in 1997 (approximately 3,000 kg), while the minimum (in 1993) was approximately 200 kg.

28.5. It should be mentioned that the substances seized are mainly intended for small-scale traffic and that this has been the case since 1993, the earliest date for which records are available.

28.6. A slight alteration in the situation has been noted with regard to cocaine. Since 1995 the number of seizures of cocaine intended for large-scale traffic has increased by approximately 100 per cent.

28.7. According to data provided by the judicial police (1997) the average prices of a gramme of narcotics over the period January to December 1997 were as follows:

Cocaine	61.85 Euros (12 619 escudos)
Hashish	6.41 Euros (1 304 escudos)
Heroin	52.88 Euros (10 788 escudos)
China white	147.05 Euros (30 000 escudos)
Marijuana	5.00 Euros (1 020 escudos)

28.8. The number of persons apprehended by the police is constantly increasing: the number of alleged perpetrators identified by the police increased from 9,054 in 1996 to 9,333 in 1997. The number of individuals convicted rose from 3,181 in 1996 to 4,292 in 1997.

28.9. The number of police interventions has had an impact on the quantities of drugs seized and the number of seizures. In comparison with 1996, 1997 showed an increase in the quantities of the principal illicit drugs seized and an increase in seizures of cocaine, heroin and marijuana. The number of seizures of heroin declined slightly.

28.10. There has been an effort on the part of the police to intervene more effectively; this has had an impact on the increase in the number of individuals stopped by the police and the quantities of drugs seized. These data also indicate the impact of police intervention in the categories of "consumers" and of "small-scale traffic".

29. Please describe the laws adopted and measures taken to combat the production, trafficking, distribution, possession and use of prohibited drugs.

29.1. In Portugal matters relating to drugs are governed by specific instruments. The basic instrument on the traffic and consumption of narcotics and psychotropic substances is Decree-Law No. 15/93 of 22 January, amended by Decree-Law No. 81/95 of 22 April and Law No. 45/96 of 3 April. Regulatory Decree No. 61/94 of 12 October and Ministerial Order No. 94/96 of 26 March were adopted in order to give effect to the decree-law.

29.2. Mention should also be made of the following instruments: Regulatory Decree No. 42/93 of 27 November (granting of licences to private entities providing assistance in the area of drug addiction and their treatment for tax purposes), Decree-Law No. 43/94 of 17 February, amended by Decree-Law No. 67/95 of 8 April (SPTT - Service for the Prevention and Treatment of Drug Addiction), Decree-Law No. 313/93 of 13 September (money laundering) and Decree-Law No. 193/96 of 15 October (National Programme for the Prevention of Drug Addiction - Project VIDA).

29.3. Portugal is also bound by its international obligations. In this connection mention should be made, in the area of drug addiction and drug trafficking, of the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and, in a more specific area, European Council Directive No. 91/308/EEC (money laundering).

1. LEGISLATION - AMENDMENTS PRIOR TO 1999

29.4. Two legislative amendments were made during 1998 which merit special attention in the context of drug addiction. They concern treatment and rehabilitation.

29.5. As regards treatment, the Assembly of the Republic (on an initiative of the Government) set forth, for the first time, the conditions and regulations for public funding of investment projects relating to equipment intended for treatment of drug addiction.

29.6. Law No. 17/98 of 21 April sets forth rules governing the minimum requirements for projects being considered for funding and funding conditions, the amounts to be granted and sanctions in case of default by the promoters.

29.7. With regard to the rehabilitation of drug addicts who are following or have completed treatment programmes, the Government established the VIDA-EMPREGO (LIFE-EMPLOYMENT) programme by Council of Ministers decision No. 136/98 of 4 December.

29.8. Mention should also be made of the following legal instrument adopted in this area:

Decree-Law No. 2/98, amending the Highway Code and establishing an obligation for persons driving while under the influence of drugs to hand in their driving licences (governed by Regulatory Decree No. 24/98 of 30 October).

30. Please provide statistics on the extent of HIV/AIDS infection over the past five years.

30.1. In the area of transmissible diseases, AIDS has definitely been found to be on the rise. In 1996, 503 new cases of AIDS were reported, as opposed to 250 in 1990.

30.2. According to information provided by the National Commission for Action to Combat AIDS (CNLCS), of the total number of cases reported at the end of 1996, approximately 86 per cent involved men and approximately 14 per cent women. About 85 per cent of cases concern people between ages 20 and 49.

30.3. Analyses of types of transmission have shown a major contribution to the increase in the number of reported cases of AIDS comes from risk behaviour associated with drug use.

30.4. The Ministry of Health has concentrated on the definition and coordination of AIDS control measures in the Working Group on AIDS (1985), which was subsequently restructured and became the National Commission to Combat AIDS.

30.5. According to the "UNAIDS/WHO Epidemiological Fact Sheet" UNAIDS/WHO, Epidemiological Fact Sheet on HIV/AIDS and sexually transmitted diseases - Portugal, June 1998, the following numbers of cases of AIDS have been reported in Portugal:

1980	0
1981	0
1982	0
1983	0
1984	0
1985	18
1986	30
1987	47
1988	110
1989	154
1990	226
1991	246
1992	383
1993	464
1994	608
1995	689
1996	895
1997	831
Total	4 701

30.6. According to WHO estimates, 6,300 , Ibid.cases of AIDS occurred in Portugal up to and including 1997.

ARTICLE 13: RIGHT TO EDUCATION

31. Please supply gender-disaggregated statistics on the number and percentages of pupils enrolled in primary, secondary and higher education.

PUPILS ENROLLED IN SCHOOLS IN PORTUGAL (1996/1997)

.	Boys	Girls	Total	Percentage of girls
Primary	440 224	401 085	841 309	47.7
Secondary	452 454	466 134	918 588	50.7
Higher education	150 609	200 241	350 850	57.1

Source: GAERI/Ministry of Education.

32. What levels of education are provided free by the Government and what measures have been undertaken to provide access for disadvantaged groups in society to higher education?

32.1. There is compulsory free schooling in Portugal. There are nine years of compulsory schooling, and school attendance is compulsory until the age of 15 years is reached.

32.2. Pursuant to the Outline Law on Pre-school Education and the Programme for the Expansion and Development of Pre-school Education, a network of educational establishments was created combining public, welfare and private institutions, and given the status of a comprehensive unit which must be preserved as such. The network sets forth the general principles of pre-school education, the establishments' conditions of organization and the conditions for funding and developing the national network.

32.3. Under supplementary legislation:

- The pedagogical and technical requirements for the establishment and operation of pre-school educational establishments have been defined;
- A line of State-subsidized credit has been opened; and
- The rules governing the award of incentives for the construction and support and rehabilitation of pre-school education establishments have been defined.

32.4. Support for the expansion and development of the national network consists of pedagogical and financial measures (infrastructure, equipment, functioning and training) and social support measures for families. In granting support, priority is given to areas deficient in pre-school education, areas at risk of social and school exclusion, areas with high levels of academic failure and urban areas with a high population density.

33. Do the children of aliens resident in Portugal have equal access to public education with nationals?

33.1. Article 63, paragraph 3, of Law No. 46/86 of 14 October states that it is for the Government to set equivalences between the courses of study, degrees and diplomas of the Portuguese educational system and those of other countries and to establish conditions conducive to the integration of young people who are children of Portuguese emigrants into the educational system on their return to Portugal.

33.2. On the other hand, the growing number of foreign children currently wishing to enter the Portuguese educational system creates an increasing need to seek appropriate measures for dealing with their specific situations, i.e. integrating them into the country.

33.3. Similarly, the opening of the borders and the mobility it has brought have made it urgent to establish new equivalence tables, in order to respond appropriately to the problems which have arisen. See Decree-Law No. 219/97 of 20 August 1997, setting forth regulations for equivalence and recognition of foreign certifications up to and including secondary school level

33.4. People from African countries whose official language is Portuguese and who are aged 15 or over have the right of access to education under the same conditions as Portuguese nationals.

33.5. Under recent legislation (May 1999), Portuguese-language classes must be given in prisons, within the framework of extramural education, when the prison population includes prisoners of different ethnic groups and nationalities. These courses must be geared to promoting the acquisition of basic skills for communication in Portuguese with a view to promoting better integration of such persons.

33.6. As a result of Directive No. 77/486/EEC of 25 June 1977 of the Council of the European Communities, aimed at ensuring school attendance by the children of migrant workers, a bilateral cooperation agreement was signed between the Minister of Education of the Portuguese Republic and the Minister of Education of the Netherlands.

33.7. Education in the Dutch language and culture is provided for the children of Dutch citizens residing in Portugal through a protocol concluded between Dutch teachers chosen by the Embassy of the Netherlands and the Department of Basic Education.

ARTICLE 15: RIGHT TO TAKE PART IN CULTURAL LIFE

34. Is there any agency specifically responsible for the international promotion of the Portuguese language and culture?

34.1. The Camões Institute, established to promote the Portuguese language and culture abroad, is a corporate entity in public law with administrative, financial and patrimonial autonomy, under the direction of the Ministry of Foreign Affairs. The Institute is responsible for coordinating, orienting and implementing Portugal's external cultural policies, and especially for the dissemination of the Portuguese language, in coordination with other competent State agencies, in particular the Ministries of Education and Culture.

34.2. The Institute's name was adopted in homage to the most famous of Portuguese poets, Luís Vaz de Camões (1524?-1580), the author of works including "Os Lusíadas" (1572), the theme of which is Vasco da Gama's discovery of the sea route to India (1497-1499).

ESTABLISHMENT

34.3. The Camões Institute was established in 1992 by Decree-Law No. 135/92 of 15 July, succeeding the Institute of Portuguese Culture and Language (ICALP), which ceased to exist on the same date. Its organizational Law was approved by Regulatory Decree No. 15/92 of 15 July.

34.4 The Institute was initially placed under the responsibility of the Ministry of Education, but in 1994 was transferred to that of the Ministry of Foreign Affairs in pursuance of Decree-Law No. 48/94 of 24 February. Its new organizational Law was approved by Decree-Law No. 170/97 of 5 July.

FUNCTIONS

34.5. The mandate of the Camões Institute is the promotion and dissemination of the Portuguese language and culture abroad. The Institute's functions are the following:

- Develop appropriate programmes for the dissemination of Portuguese language and culture;
- Promote Portuguese as a language of international communication;
- Design, develop and manage the network of trainers and teaching assistants in Portuguese language and culture;
- Prepare cultural initiatives, jointly with the other external services of the Ministry of Foreign Affairs;
- Promote and support Portuguese participation in cultural initiatives abroad;
- Publicize abroad cultural initiatives taking place in Portugal, in cooperation with the Ministry of Culture;
- Direct the activities of Portuguese cultural centres abroad, in coordination with the other external services of the Ministry of Foreign Affairs;

- Prepare international meetings with implications for the teaching and dissemination of Portuguese language and culture;
- Promote, prepare and coordinate the negotiation of cooperation agreements concerning the teaching of the Portuguese language and the dissemination of Portuguese culture;
- Promote and support the implementation of cooperation agreements concerning the teaching and dissemination of the Portuguese language and culture;
- Design, develop and implement cooperation initiatives, projects and programmes concerning the teaching and dissemination of the Portuguese language;
- Prepare and coordinate the joint commissions established under bilateral cultural agreements;
- Cooperate in and assist the implementation of cooperation initiatives, projects and programmes concerning the teaching and dissemination of the Portuguese language and culture, sponsored by government agencies and public services;
- Grant financial support to Portuguese and foreign entities and citizens engaged in study and research relating to the Portuguese language and culture, with a view to disseminating them abroad;
- Promote and support the production of works publicizing the Portuguese language and culture abroad;
- Participate in activities by national, foreign and international organizations falling within its remit;

Programmes

(a) Chairs and teaching assistantships

- Teaching of Portuguese language and culture at universities abroad;
- Creation of Chairs of Portuguese language and culture at foreign universities;
- Management of a network of trainers and teaching assistants abroad;
- Provide support funding for teaching assistants, with bibliographic, data-processing and audio-visual material;
- Training of teaching assistants;

(b) Research

- Support and incentives for research and for graduate studies in the field of Portuguese language and culture;
- Support for research and development;
- Awards of fellowships to foreigners;

(c) Conferences

- Support for, organization of and participation in conferences and scientific meetings on Portuguese language and culture;
- Support for the organization of conferences;
- Support for participation in conferences;
- Master's and doctoral fellowships;
- Awards of master's and doctoral fellowships in Portuguese language and culture;
- Master's and doctoral fellowships for foreigners;

(d) Cultural agreements

- Preparation of bilateral meetings on cultural topics, in particular the meetings of the joint commissions established pursuant to bilateral cultural agreements; administration of fellowships awarded under those agreements;
- Awards of fellowships to foreigners under cultural agreements;
- Awards of fellowships pursuant to the bilateral programmes of the Ministry of Foreign Affairs;
- Study and preparation of the programmes of the joint commissions established under the cultural agreements;

(e) Network

- Support for the activities of the Camões Institute cultural centres abroad, Portuguese embassies and consulates and organizations and initiatives connected with Portuguese culture;

- Support for the activities of the cultural centres;
- Support for individual cultural events;
- Support for embassies;
- Acquisition of cultural materials and equipment;
- Support for Portuguese-speakers;
- Activities in the territory of Macao;
- Extension activities;

(f) Exhibitions

- Support for the organization of exhibitions and cultural displays and participation in language symposia;

(g) Publications

- Support for the publication of works by Portuguese authors or about Portuguese culture abroad, in particular works which play an important role in publicizing Portuguese language and culture;
- Publications abroad;
- Publication of reviews and collections;
- Publications of the Camões Institute;

(h) Library

- Organization and development of the Camões Institute library and data bank;

(i) Africa

- Coordination and follow-up of all initiatives sponsored by the Camões Institute in the Portuguese-speaking African countries (PALOP);
- Cultural centres in the PALOP;
- Teaching assistantships in universities;
- Support for the teaching corps;
- Bibliographic and educational materials;
- Individual activities and projects;
- Support for entities conducting projects in the area of Portuguese language and culture;

(j) Portuguese language

- Support for the dissemination and teaching of the Portuguese language throughout the world;
- Unit for the evaluation of Portuguese as a foreign language (under analysis);
- International Portuguese language institute (under study);
- International validation of the Portuguese language;
- Support for the holding of free summer courses in Portuguese abroad;
- Training of teachers of Portuguese as a foreign language;

(k) Dictionaries and teaching methods

- Support for the preparation and dissemination of technical and scientific vocabularies in Portuguese, dictionaries and methods of teaching Portuguese to foreigners;
- Support for the preparation of the Science Academy's Dictionary of the Portuguese Language;
- Publication abroad of methods for the teaching of Portuguese;
- Multimedia programmes for the teaching of Portuguese to foreigners.

35. What measures has the Government taken to preserve the languages and traditions of minority groups in Portugal?

35.1. In the north-eastern region of the country a dialect, mirandês, is still spoken; it derives from vulgar Latin, although it displays influences of Castilian and Leonese, which were spoken on the Iberian Peninsula as far back as eight centuries ago. At present there are 15,000 persons living in the region (mainly country folk) who still speak mirandês at work and at home. In order to preserve and defend this

rich, orally-transmitted cultural heritage, optional courses have been set up in primary and secondary schools, sponsored by the Ministry of Education.

35.2. Law No. 7/99 of 29 January relates to the official recognition of certain rights of the Miranda community. It has the right to develop and promote mirandês, to teach mirandês in the schools and use the language in all State agencies located in the township of Miranda do Douro. Official documents must be drafted in Portuguese with a version in mirandês attached. Prescriptive Order No. 35/99 of 20 July sets forth rules governing this regime, enabling primary and secondary school pupils to attend classes in mirandês.

Annexes to the Reply by Portugal to the list of issues to be taken up in connection with the consideration of the third periodic report of Portugal concerning the rights referred to in articles 1-15 of the International Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.20)

ANNEX 1

ARTICLE 11 RIGHT TO AN ADEQUATE STANDARD OF LIVING WELFARE SERVICES FOR THE HOMELESS

The present report focuses on new forms of assistance to the homeless in the city of Lisbon. Traditionally, homelessness has been understood and assisted strongly under the sign of emergency. Emergency assistance is, undoubtedly, necessary. However, it does not reach the root causes of the problem.

In the 1870s, some changes were introduced in the services for the homeless in Lisbon. However, there was no major change in the approach to the problem. Assistance was still conceived in an institutional model, as a set of material services that should be provided, and the need for helping the homeless to overcome "handicaps" that attain personality, both in the individual (e.g., self-esteem) as well as in the social dimensions (social links).

More recently, some organizations have grown conscious of the complexity of the problem and tried to test new approaches and methods of tackling the phenomenon. This report tries to analyse and assess one of such experiences launched in Lisbon in November 1997. The aim of the chosen project is to promote the social and occupational reintegration of the homeless, by a methodology based on individualized and non-institutional forms of assistance to the homeless person. The project is led by the Municipality of Lisbon and managed by the Foundation of International Medical Assistance. The homeless covered are supplied with an adequate shelter, and assisted in the basic aspects relevant to their reintegration in the labour market and in society. Attention is given to the deprivation side of the problem, as well as to the need of developing a strategy that may foster the rebuilding of social links and personal autonomy, to live in society.

Though not fully mature, the project has innovated aspects in the context of the services that work with the homeless in Lisbon. Accordingly, it seems appropriate to choose it as a subject of future research. The fact that the project was recently launched (November 1997) allows the research to follow it from the beginning and be useful to the project itself (being complementary to its scheme of self-evaluation), besides fulfilling its objective of supplying the Portuguese input for the European Observatory on Homelessness.

4. INNOVATIVE SCHEME OF REINTEGRATION

4.1 General typology of services and reasons for selection of the project

In Lisbon, there are various public agencies and non-profit private organizations that deal with the homeless. In some cases, they are not specifically targeted at the homeless only, but to extreme forms of poverty and deprivation in general, including the homeless. In other cases, the "target group" are the homeless. However, a few exceptions try to deal with the problem of homelessness in a comprehensive and non-institutionalized perspective. As stated earlier, most of the public agencies and other

organizations provide emergency services (meals, night shelter, etc.) and do not have the aim of assisting the homeless in the social and occupational reintegration.

What follows is not a comprehensive description of all the existing services, but a selective list of some of the main recent services that exist(ed) in the city of Lisbon:^a

Municipality of Lisbon (with the collaboration of the Santa Casa da Misericórdia de Lisboa and other institutions): the action began by contacting the homeless in the street, to gather the information necessary to characterize each case and guide them towards the institutions/services that could provide the necessary assistance. Though the aim of the project was to "break the cycle of marginalization" to which the homeless are subject, there was no comprehensive programme for their reintegration in the society.

Comunidade "Vida e Paz" ("Life and Peace" Community): This is a private non-profit institution, that works in partnership with various public agencies and other private non-profit organizations. The aim of this project is to identify the homeless and foster their integration; offer a family-type setting during the rehabilitation period; and set up solidarity networks between the reintegrated homeless. The first contact is established in the streets or in an "out-of-service" bus. The organization has a set of centres where the homeless are supplied with lodging and boarding and assisted in their reintegration. The assistance, though relatively comprehensive, is provided inside the centres that belong to the organization, which seems to attach an institutionalized character to the methodology.

Santa Casa da Misericórdia de Lisboa: Besides collaborating with other public agencies and private organizations, this institution also has its own activities targeted at the homeless.^b The activity in the field of homelessness is based on two main services: a refectory (Refeitória dos Anjos), with bath facilities and supply of clothing; and a training centre, for occupational training, human and social development, teaching to read and write, and "street work". None of these two services is specifically for the homeless. Any person in need may utilize them. The activity is developed in partnership with various other organizations and services.

The fact that these activities are not designed to assist only the homeless seems to indicate that there is no comprehensive and coherent project for this target group.

"O Companheiro" - Association of Christian Fraternity: The activity of this association is focused on the homeless and former inmates. Social integration is sought through work, occupational training, schooling, human development, medical and juridical support, and street work.

Work with Street Children (Instituto de Apoio à Criança - IAC): As mentioned above, this project was selected for the third European programme against poverty (Poverty 3), due to its comprehensive and innovative character. It is targeted at street children. The project follows an individualized approach towards the children, in the street itself, during the day and at night. The field workers begin by trying to gain the children's confidence and friendship, establishing a personal relation with each child. Successive contacts lead to the understanding of the deep-seated reasons for having left home. The contacts open the opportunity for helping the child to establish his/her "life project", implemented by non-institutionalized methods: outdoor classes (given in informal settings, such as public gardens), holiday camps and other similar activities that have proved highly appropriate to the psychological and behavioural patterns of the street children. The contact with the family, established only with the permission of the child, often broadened the scope of the work, as it made clear that the reintegration of the child also demanded changes in the behaviour of the family.

At least apparently, some of the above-mentioned activities have demanding objectives and seem to aim at the social insertion of the homeless. However, except for the project targeted at street children, it does not seem clear to what extent the actual performance corresponds to the stated objectives, mainly in what concerns the individualized follow-up of the cases, until their full reintegration in society. The real assessment of these activities would require specific investigation.

^a This description draws on the 1994 Portuguese report for the European Observatory on Homelessness: Balsa and Barreto (1994). Further investigation during the following two weeks might allow an updating of this section.

^b The Santa Casa da Misericórdia de Lisboa is officially responsible for the social welfare services in the city of Lisbon. Accordingly, it provides both direct services to the needy population as well as technical and financial support to private organizations, with some of which it has agreements for the provision of specific services to its clients.