



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the fourth periodic report of Portugal\*

#### I. General information

1. Please provide information on the scope of the jurisprudence of ordinary courts on economic, social and cultural rights, and its categorization based on specific economic, social and cultural rights as laid down in the Covenant. Please provide information about the measures undertaken to raise awareness of economic, social and cultural rights and their legal content among the judiciary, lawyers and lawmakers.
2. Please provide more detailed information on the actions taken by the *Provedor de Justiça* in relation to economic, social and cultural rights and the protection of victims of their violations.
3. Please provide a general assessment of the impact of the recent economic and financial crisis on the enjoyment of economic, social and cultural rights, including a summary assessment of possible retrogressive policies and measures, as well as the principles on which such policies and measures were based, including the application of the relevant criteria identified in the letter of the Chair of the Committee on Economic, Social and Cultural Rights addressed to State parties on 16 May 2012.
4. Please indicate whether the State party's report was prepared in consultation with civil society organizations.

#### II. Issues relating to the general provisions of the Covenant (arts. 1–5)

##### Article 2, paragraph 2 – Non-discrimination

5. Please provide information on steps taken to prevent and combat discrimination against immigrants, Brazilians in particular, and other minorities, including Chinese and sub-Saharan African minorities with regard to access to housing, employment and public health-care services. Please report on the results of the implementation of the Action Plan for Immigrant Integration 2007–2009.

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\* Adopted by the pre-sessional working group at its fifty-second session (2–6 December 2013).



6. Please provide information, including statistical data, on the progress achieved since the examination of the State party's report in 2000, in combating discrimination faced by the Roma population in the enjoyment of their economic, social and cultural rights.

### **Article 3 – Equal rights of men and women**

7. According to the information provided by the State party, breaches of provisions regarding equality are generally punished as very serious administrative offences and the convictions may be published (E/C.12/PRT/4, para. 52). Please provide statistical information on complaints, prosecutions and convictions in the last five years. Please also provide information on the steps taken by the State party to ensure that victims of such violations have access to effective complaints mechanisms and judicial remedies.

8. Please provide information on whether the State party has implemented effective measures, including media campaigns and education at all levels, to eliminate negative gender-biased stereotypes and practices that discriminate against girls and women. Please provide detailed information on such measures and their impact.

9. Please clarify if the law which establishes minimum quotas of 33 per cent for women and men in the lists of candidates for European, national and local elections is applicable in Azores and Madeira (E/C.12/PRT/4, para. 58).

10. Please provide information on steps taken to address the persistent wage gap between men and women, in particular in high-level positions. Please also provide information on measures taken, including temporary special measures, to increase the number of women in decision-making positions in the public sector, in particular in Azores and Madeira.

## **III. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

### **Article 6 – The right to work**

11. According to the information supplied by the State party (E/C.12/PRT/4, para. 45), the Labour Code, laws or collective agreements may introduce more favourable provisions for the protection and inclusion of workers with disabilities. Please provide information on such favourable provisions and how they are implemented in practice. In particular, please provide information on the extent to which the State party has been successful in enforcing articles 84 and 86 of the Labour Code.

12. Please provide information on the results of the measures taken by the State party (E/C.12/PRT/4, paras. 64 and 65) to address the high rates of unemployment among immigrants, women, persons with disabilities and young people.

13. Please provide information on the impact of the global financial and economic crisis on employment opportunities, especially for the youth, and on the enjoyment of the labour rights contained in the Covenant. Please inform the Committee of the measures taken to mitigate the impact of the global financial and economic crisis on employment opportunities and on the enjoyment of labour rights, in particular with regard to youth, women and disadvantaged and marginalized groups.

### **Article 7 – The right to just and favourable conditions of work**

14. Please provide information on measures taken to ensure the application of legislation and regulations on health and safety to conditions of work in the public administration sector and their enforcement in practice.

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## **Article 8 – Trade union rights**

15. Please provide information on the administrative regulation which enlarges the applicability of collective labour conventions, referred to as *portarias de extensão*, and its compliance with article 8 of the Covenant.

## **Article 9 – The right to social security**

16. Please indicate whether the minimum amount of social assistance benefits is legally established, periodically reviewed and whether it is sufficient to ensure an adequate standard of living for recipients and their families.

17. Please indicate which measures, if any, are being taken to address the persistent income gap between men and women under the current pension system.

## **Article 10 – Protection of the family, mothers and children**

18. Please provide information on the number of children as of 2010 who are placed in care outside their home, particularly in institutional care, as well as the measures adopted to ensure that children have adequate care. Please provide information on the steps taken to ensure that family-type care rather than institutional care is offered for children deprived of parental care.

19. Please indicate which steps have been taken to address the situation of street children and to ensure that they have access to education, shelter and health care.

20. Please indicate recent steps taken to raise public awareness of the problem of domestic violence, including sexual abuse. Please provide information on results achieved by the Third and Fourth National Plan against Domestic Violence (2007–2010). Please also provide information on steps taken to strengthen the capacity of shelters and crisis centres and ensure that all such centres are provided with adequate financial resources.

21. Please provide information about the impact of measures taken to combat and prevent trafficking in persons.

## **Article 11 – The right to an adequate standard of living**

22. Please provide data showing the impact of the recent economic and financial crisis on the levels of poverty in the country. Please also provide information on measures taken by the State party to counter the adverse impact of the crisis on the standard of living in the country.

23. Please provide information on the measures taken by the State party to combat poverty among women, in particular women from marginalized groups, such as older women living in rural areas. Please indicate if the State party has monitored the incidence of poverty among women.

24. Please provide information about the measures adopted to facilitate access to adequate housing for the most marginalized groups within the population, including Roma, and migrants. Please provide information as to whether the First National Strategy for the Integration of Homeless People (2009–2015) has resulted in an actual decrease of homelessness in the State party.

25. Please provide information on whether the financial and economic crisis has had an impact on the number of forced evictions, especially on the disadvantaged and marginalized groups in the State party.

### **Article 12 – The right to physical and mental health**

26. Please provide information on steps taken to ensure that undocumented migrants have access to basic public health care.

27. Please provide information on measures taken, which are aimed at the prevention of unwanted pregnancies, in particular for adolescent girls and young women. Please describe which steps have been taken to promote sexual and reproductive health education as part of the curriculum targeted at adolescent girls and boys. Please also provide information on legislation and updated statistics on abortions, disaggregated by age group.

28. Please clarify how the State party plans to overcome the shortcomings in mental health services in terms of accessibility and quality of care (E/C.12/PRT/4, para. 233).

### **Articles 13 and 14 – The right to education**

29. Please provide information on the proportion of public expenditure dedicated to education since the last periodic report of the State party. Please describe the measures that have been taken to improve the quality of education, including through the introduction of an effective qualification and career development plan for teachers.

30. Please provide information on steps taken to ensure an inclusive education for children with disabilities at the primary and secondary education levels, particularly outside Lisbon.

31. Please clarify if children of migrant workers in an irregular situation have access to free primary education and to secondary education.

32. Please provide updated information on the impact of steps taken to improve the literacy rates and the low level of formal education among women coming from rural areas.

33. Please provide statistical data on school drop-out rates at various levels of education, disaggregated by age, sex, nationality and urban and rural areas.

### **Article 15 – Cultural rights**

34. Please provide information on measures taken to guarantee access to and exercise of cultural rights of persons belonging to marginalized groups or communities, such as minorities and migrants. Please also provide information on steps taken to promote their participation in cultural life, in an environment of tolerance and respect for cultural diversity.

35. Please provide information on the measures taken to protect the moral and material interests resulting from any scientific, literary or artistic production and to ensure freedom of scientific research. Please provide information on the recent amendment to the Civil Procedure Code on intellectual property.

36. Please indicate the measures taken by the State party to ensure access to the Internet, in particular for disadvantaged and marginalized individuals and groups.

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