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Committee on Economic, Social and Cultural Rights Fifty-third session

Summary record of the 45th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 12 November 2014, at 10 a.m.

Chairperson: Mr. Dasgupta (Vice-Chairperson)

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The meeting was called to order at 10 a.m.

Consideration of reports *(continued)*

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Fourth periodic report of Portugal (continued) (E/C.12/PRT/4; E/C.12/PRT/Q/4 and Add.1; HRI/CORE/PRT/2014)

1. *At the invitation of the Chairperson, the delegation of Portugal took places at the Committee table.*
2. **Ms. Severino** (Portugal), responding to questions put by Committee members during the previous meeting, said that Portugal used the Eurostat definition, i.e., the share of the population with 60 per cent of the national average income, to calculate the at-risk-of-poverty threshold. Figures from the national statistics office showed a slight increase compared with previous years in the population at risk of poverty, notably the young, and a rise in income inequality, with the income of the richest 10 per cent of the population now representing 10 times that of the poorest 10 per cent. Average annual income had also fallen over the period in question.
3. **Ms. Projecto** (Portugal) said that Portugal had a contributory pension system, with payments calculated on the basis of the number of years worked and the salary level. That meant that persons who began their working life late, had periods out of work or earned low salaries would receive smaller pensions. However, a social security mechanism ensured that periods of unemployment or illness could be taken into account in pension calculations. The guaranteed period of access to unemployment benefit had been extended, meaning that younger workers who might be unemployed for longer than had been the case in the past would still have pension contributions recorded for those periods.
4. **Mr. Maio** (Portugal) said that public service employees could benefit from the continuous working day arrangement, which reduced the working day by one hour. However, it was a possibility rather than a right and service directors might not always authorize its use, the public interest being the prime consideration. Other arrangements, such as the paternity or maternity leave available to employees with children or grandchildren under the age of 12, were a right enshrined in the Labour Code.
5. **Ms. Ribeiro** (Portugal) stated that, pursuant to the Labour Code, the Commission for Equality in Labour and Employment, a tripartite public body, was responsible for ensuring the proper use of mechanisms aimed at promoting a work-life balance. Employers could not refuse to grant flexible working arrangements to employees with dependants under the age of 12, except where an urgent reason dictated otherwise. The employer had to inform the Commission, which would take a decision on the individual case. Increasing numbers of requests had been received in recent years.
6. **Mr. Costa** (Portugal) said that ministerial orders of extension to collective agreements could be applied only where there was no negotiated collective agreement and if an association representing at least 50 per cent of the workers or 30 per cent of the small and medium-sized enterprises in the sector submitted a request for one to be issued.
7. **Ms. Bastos** (Portugal) said that the number of part-time jobs had increased in recent years to the current level of 13 per cent of all jobs; one third of them were involuntary. The figures were not being used to cover a rise in unemployment. Indeed, the Government's active policies on employment had led to the proportion of part-time work in all employment falling by 3 per cent.

8. **Mr. Costa** (Portugal) said that the minimum wage had indeed been frozen in 2012 and 2013 as a result of the agreement with the Troika on the Economic Adjustment Programme. However, the Labour Code provided for an annual rise in the minimum wage, and the increases seen prior to the freeze had been higher than the rate of inflation. As soon as the Adjustment Programme had ended, the Government had once again increased the minimum wage, and a tripartite commission had been established to determine the criteria for future increases. Figures for October 2014 showed 460,000 workers, or 12 per cent of the workforce, were earning the minimum wage.

9. **Ms. Guedes de Sousa** (Portugal) said that the Social Support Index had been frozen since 2009 and that no change in the situation was likely. The imbalance in the size of pension payments was a result of the contributory nature of the system but attempts were being made to address the issue with a guaranteed minimum pension and supplementary benefits.

10. **Mr. Santos Pais** (Portugal) added that a pension cap had been introduced, leading to reductions, in some cases of up to 40 per cent, in the largest pensions paid.

11. **Ms. Pargana** (Portugal) said that the Government was trying to combat undeclared work, a problem that had escalated under the effects of the economic crisis. With the collaboration of the social partners, in July 2014, it had launched a campaign aimed particularly at students, as the workers and employers of the future, to promote a culture of compliance. A more robust framework was being developed for labour inspections and action could be taken even where no complaint had been made. The number of inspections had decreased as a result of administrative changes in the way they were recorded and because emphasis was now being put on quality rather than quantity, with more reports being more detailed, in addition to the awareness-raising activities conducted.

12. **Mr. Costa** (Portugal) said that changes in the number of collective labour agreements concluded tended to coincide with major changes in legislation. The Government supported the process and had organized training seminars on collective negotiations in the past, but did not take part in the negotiations themselves, that being the role of the social partners, including in the public sector. Decentralization had led to a greater number of collective agreements than sectoral agreements, perhaps because they took better account of economic realities. Currently 89 per cent of workers were covered by some form of collective agreement.

13. **Ms. Montano** (Portugal) said that corporal punishment of children had been criminalized in 2007 and that the number of cases of physical abuse of children had fallen since then. Legislation allowed the prosecution service to take action to protect a child when alerted by doctors, hospitals or the Commission for the Protection of Children and Youth at Risk. The Commission organized annual campaigns on the prevention of domestic violence and local projects to promote children's rights. It also held training courses, including online sessions through its website, for professionals, teachers and law enforcement officers.

14. **Mr. Gomes Leandro** (Portugal) said that children's rights took precedence over adults' rights and that children must be empowered through education to express their views. The child protection system put responsibility on the State, but also on families and local communities, to address mistreatment of children. The fact that corporal punishment was now considered a crime was contributing to the elimination of violence.

15. **Ms. Marques** (Portugal) said that awareness of the need to combat domestic violence was raised through primary prevention and education campaigns, which had been held annually since 2005. Law enforcement personnel were given training in dealing with and preventing violent situations and perpetrators of domestic violence were offered help in addressing their behaviour. Schoolchildren learned about preventing interpersonal and

domestic violence and more than 250 schools had taken part in competitions related to non-violence. Young volunteers had acted as facilitators in an awareness-raising campaign in schools and clubs to encourage gender equality within loving relationships. Another campaign would target the working environment and training programmes for persons working in the media examined ways of reporting gender-based violence.

16. **Ms. Pargana** (Portugal) said that various local security forces had launched projects to monitor perpetrators by means of electronic tagging. One such programme in the Azores had been very successful in preventing recidivism. A risk assessment tool was being developed that would include a personalized security and safety plan for victims, in order to prevent further offences against them.

17. **Ms. Pereira** (Portugal) said that the right to family planning was guaranteed under the Constitution and other national laws. Contraception was provided free of charge in health centres and hospitals, as were family planning consultations and pregnancy tests. As from 2007, abortion had been legal in Portugal up to the tenth week of pregnancy. Immigrant women could access abortion services on an equal footing with Portuguese citizens regardless of their migratory status. Compulsory sex education was included in school curricula from the preschool to secondary levels, and counselling on issues related to sexual and reproductive health was available to students.

18. In 2011, user fees had been introduced so as to make health-care services more sustainable. Those fees were moderate and amounted to a maximum of one third of the total cost of the services provided. Certain groups, including pregnant women, children under 12 years of age and persons with insufficient economic means, were exempt from paying the fees. In total, more than 1.5 million persons benefited from such exemptions. Some services were still provided free of charge, including vaccinations, HIV/AIDS consultations and treatment for victims of domestic violence. Screening for diabetes and certain types of cancer, such as colon and breast cancer, was systematically carried out. Since 2014, a national programme to promote access to dental care had included screening for mouth cancer. Immigrants in an irregular situation could access public health-care services if they obtained a certificate from their local civil parish (*freguesia*) stating that they had been residing in Portugal for more than 90 days. Foreigners were not required to provide a social security number to receive health-care services. Child migrants had access to education, health care and social protection on an equal footing with Portuguese children. Asylum seekers and refugees also had access to certain health-care services.

19. **Ms. Severino** (Portugal) said that the National Action Plan for Inclusion had been suspended in favour of the mechanisms established under the Europe 2020 growth strategy of the European Commission. Under that strategy, Portugal reported annually to the European Commission on its social protection and employment policies.

20. **Ms. Reis Oliveira** (Portugal) said that members of the Roma community enjoyed the same rights as all other residents of Portugal and that more than 60 per cent of Roma benefited from social housing. As from 2011, persons with income below a certain level had been eligible for electricity and gas services at special rates. In 2013, a special action plan for the integration of the Roma had been drawn up, which included housing as one of its four priorities. It was true that many persons had been forcibly evicted from their homes due to their inability to repay mortgage loans to the banks, though that problem had been alleviated by the current low interest rates. Also, new options for negotiating with the banks had been instituted, allowing families in financial difficulties to keep their homes.

21. **Ms. Shin** requested further information about the electronic tagging of offenders. She asked whether it was used in the case of perpetrators of domestic violence, and she asked about its effectiveness in preventing recidivism. She also asked whether the State party collected data on the number of homicides resulting from domestic violence.

22. **Mr. Sadi** asked about the root causes of domestic violence in Portugal.
23. **Ms. Chamiça** (Portugal) said that the security forces took the approach of working at the grass-roots level and involving citizens in efforts to resolve problems such as domestic violence. Electronic tagging projects were still in an experimental phase in Portugal, and the results of those projects were therefore not yet available. If they proved to be effective in preventing recidivism, or even homicide, then they would be expanded to cover other regions. Most reported cases of domestic violence involved physical violence, and most involved female victims who were married or lived with a partner.
24. **Ms. Pargana** (Portugal) said that from 2011 to 2013 the number of offenders covered by the electronic tagging projects had more than doubled, to about 350. In the same year, nearly 700 perpetrators of domestic violence had participated in a programme to prevent recidivism, while about 100 sex offenders in prisons had participated in a similar programme with a view to their rehabilitation.
25. **Mr. Santos Pais** (Portugal) said that domestic violence was a scourge afflicting the country and that the number of cases remained high, despite several campaigns to combat the problem. Those high figures could be explained in part by people's increased awareness of their right to bring complaints. The root causes of domestic violence were many and included alcohol abuse, poverty, stereotyping and low education levels.
26. **Ms. Shin** said that it was not alcohol abuse or poverty, but rather an imbalance of power between men and women, that was the true root cause of domestic violence.
27. **Ms. Costa** (Portugal) said that Portugal had made significant investments in education in recent years in order to improve the quality of education and to ensure that the right to education was enjoyed by all. Since 2008, however, public investment in the sector had decreased due to the economic crisis. Nevertheless, budget cuts had been made in such a way that expenditures had become more effective while the quality and accessibility of education had not been adversely affected. While it was true that teachers' salaries had been cut, staff salaries made up the bulk of education expenditures. Just prior to the economic crisis, more than €1 billion had been invested in school infrastructure, including information technology.
28. While increased focus had been placed on employability since the economic crisis, the purpose of the education sector was not solely to prepare people for the world of work. Much effort was being focused on providing inclusive quality education for all children, and schooling was compulsory for children up to 18 years of age. Dropout rates had declined significantly since 2000, more than in any other country in the European Union. Vocational training was offered in both primary and secondary schools, and new education pathways were being opened up for young people who did not hold any qualifications. Efforts were being made to ensure that students could easily transfer from an academic pathway to a vocational one, or vice versa. A number of interministerial measures were also being taken to prevent dropping out and to encourage dropouts to return to school; her delegation would provide further information on those measures in writing.
29. In relation to article 15 of the Covenant, the past two decades had seen sustained investment in innovation and research development, resulting in a more diversified scientific and technological base and in a greater number of patents for Portuguese inventors, which was important for the nation's competitiveness on the global market. The aim of the focus on research and innovation was to develop closer ties between the science and technology sector and the business sector. Public investment was one of the main sources of financing for scientific research, though such investment had been reduced since 2009.

30. Regulations on protection of intellectual property rights in relation to funding for scientific research were currently being drawn up. Once finalized, they could serve as a model for other countries to follow. In 1999, regulations had been issued to ensure that scientific research institutions were free to manage their own affairs and determine their own objectives. Important steps had been taken to disseminate scientific research and to encourage young children to pursue careers in science. More information on those and other measures would be provided in writing. The Government encouraged members of the scientific community to participate in international development cooperation with institutions in the European Union and beyond. To cite one example, a travelling exhibition on physics in everyday life had been displayed in schools across the country; a similar exhibition had been shown in Timor-Leste and would soon be shown in Cabo Verde. Teacher training had also been provided in conjunction with the exhibition.

31. **Ms. Costa** (Portugal) said that the Government would consider devising specific indicators for science and scientific research in the future.

32. **Ms. Reis Oliveira** (Portugal) explained that the intercultural mediation project had been introduced in 2002 with the aim of promoting cultural diversity and establishing closer links between the State authorities and migrant communities. It had recently been extended to include the Roma community. There were currently 110 intercultural mediators, selected from the main migrant communities, working in various sectors of the public service, including the health-care, housing and social security services and the police and national border force. Public service leaflets and information brochures had also been published in 13 of the most commonly spoken foreign languages in Portugal.

33. **Ms. De Castello-Branco** (Portugal) said that all persons applying to become judges must undergo specific legal training and were selected on the basis of a comprehensive, three-hour competitive examination. Successful applicants subsequently received further in-depth practical and theoretical legal and human rights training. Judges wishing to specialize in intellectual property rights must also attend specific intellectual property training courses.

34. **Mr. Moura de Carvalho** (Portugal) said that the Government had taken steps to ensure access to the Internet for disadvantaged and marginalized individuals and groups, and had installed over 1,100 computers with high-speed Internet connections in libraries and public spaces across the country. A national programme to promote new technologies had been introduced in 2002, which provided information technology training for vulnerable sections of the population, and over €400 million had been invested in high-speed Internet connections for schools between 2007 and 2011. Basic low-cost laptops had also been offered to all secondary students, a successful initiative which had been replicated in other countries around the world.

35. **Mr. Kerdoun** requested detailed information on the state of the national education system, including the concrete measures taken to ensure an inclusive education for children with disabilities, improve literacy rates among rural women and reduce school dropout rates. He also wished to know how the State party's education system compared with those of other European countries.

36. **Mr. Sadi** asked whether the human rights training in schools included modules on international human rights instruments, such as the Covenant. He also wished to know whether efforts had been made to include Roma children in mainstream education.

37. **Mr. Kedzia** (Country Rapporteur) asked the delegation to clarify whether judges of intellectual property courts attended human rights courses in addition to receiving specific training on intellectual property law.

38. **Ms. Costa** (Portugal) said that the delegation would provide the Committee with detailed written replies regarding the state of the national education system at a later date.

Overall, however, the national education system took account of the needs of all children, including children with disabilities and Roma children, and compared favourably with other European education systems. In recent years, the Government had taken steps to strengthen national examination results in reading, writing and arithmetic, and Portugal had ranked well in the 2012 Programme for International Student Assessment study conducted by the Organisation for Economic Co-operation and Development.

39. **Mr. Santos Pais** (Portugal) said that all judges received human rights training, including in-depth training on international human rights instruments. Judges of intellectual property courts also received specialized training in intellectual property rights law.

40. As for the country's response to the recent economic crisis, he stressed that the Government continued to protect the economic, social and cultural rights of all citizens, particularly those of disadvantaged and marginalized individuals and groups in society, despite the difficult economic environment. It was hoped that the effects of austerity measures, including high youth unemployment, pension restructuring and tax increases, would lessen in time and the country would regain its economic standing.

41. **Mr. Bártolo** (Portugal) confirmed that national austerity measures would continue in the near future, following the recent decision of the International Monetary Fund, the European Commission and the European Central Bank to extend external surveillance of the country's economic performance until 2033. He acknowledged that austerity measures had the potential to adversely affect economic, social and cultural rights, and stressed that the Government would do everything in its power to lessen those effects on vulnerable sections of the population. He thanked Committee members for their insightful and informative comments, and said that the Government would pay close attention to the Committee's concluding observations.

42. **Mr. Kedzia** thanked the members of the delegation for their open and constructive replies and welcomed the State party's efforts to protect economic, social and cultural rights in the face of the global economic crisis and the subsequent economic austerity programme. Austerity measures must, however, be temporary and restricted solely to periods of extreme economic difficulty. He looked forward to receiving the State party's additional written replies and hoped that the Government would continue to uphold its obligations under the Covenant.

The meeting rose at 12.50 p.m.