



Economic and Social Council

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Committee on Economic, Social and Cultural Rights

List of issues in relation to the fifth periodic report of Portugal*

I. General information

1. Please provide information on cases in which provisions of the Covenant are applied or invoked by the State party's courts, including regarding the number of cases, and examples. Please also provide information on the overall awareness of the Covenant rights among the population in the State party and on activities undertaken to raise awareness of economic, social and cultural rights and their justiciability.
2. Please provide information on the impact of the implementation of the national action plan on responsible business conduct and human rights for 2020–2022, mentioned in paragraph 208 of the State party's report (E/C.12/PRT/5). Please also provide information on legislative, policy or other measures taken to ensure that businesses respect economic, social and cultural rights and implement human rights due diligence throughout their operations, including when operating abroad. Please indicate the circumstances under which victims of violations committed abroad by business enterprises domiciled in the State party can seek and obtain judicial remedies in the State party, and provide specific examples.
3. Please indicate whether the State party is on track to achieve the goals it has set in the Roadmap for Carbon Neutrality 2050. Please provide further information on the contributions that the State party has proposed to make to the Green Climate Fund and how it interprets "new and additional funding".

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

Maximum available resources (art. 2 (1))

4. In order to assess how the State party uses the maximum available resources to give effect to the Covenant rights, please provide information, for the past 10 years, on:
 - (a) The proportion of persons living below the poverty line, and the levels of inequality, defined as the ratio between the total income accruing to the richest decile of the population and the total income of the poorest 40 per cent of the population;
 - (b) The proportion of public revenue that is generated through taxes;
 - (c) The tax rates levied on corporate profits and on personal income, the value added tax rate (exclusive of the value added tax on luxury items, tobacco, alcohol, sugary drinks and snacks and gasoline) and the percentage of total revenue that is generated from personal income taxes collected from the richest decile of the population;

* Adopted by the pre-sessional working group at its sixty-eighth session (8–12 March 2021).



(d) Public expenditure as a percentage of gross domestic product and, within total public expenditure, the proportion of the public budget that is allocated to social spending (employment, social security, food, water and sanitation, housing, health, education and culture);

(e) Inflation-adjusted absolute levels of social spending.

Non-discrimination (art. 2 (2))

5. Please explain how the State party will tackle inequalities, including between urban and rural areas, which have been exacerbated by the coronavirus disease (COVID-19) pandemic, reversing the gains achieved during the past years referred to in paragraph 6 of the State party report. Indicate what measures are being envisaged so that similar crises do not heighten inequalities in the future. Moreover, please provide information, including disaggregated statistical data, on the exercise of the Covenant rights in the Azores and Madeira.

6. Please explain how the exercise of Covenant rights by the most disadvantaged and marginalized groups, especially those not belonging to the ethnic majority, is measured in view of the fact that the State party's Constitution and legislation do not permit the collection of data on the basis of ethnicity. Indicate whether the State party has published data on the enjoyment of rights, disaggregated by the prohibited grounds of discrimination, on the indicators listed in paragraph 322 of the State party's report. Please also provide an update on the impact of measures taken by the State party to ensure that members of the Roma community are issued a citizen's identification card, which is essential to accessing public services.

Equal rights of men and women (art. 3)

7. Please provide information on the preliminary findings of the project entitled "The value of unpaid work for women and men – care work and domestic work". Please describe how unpaid care work, which is performed primarily by women, is integrated into the social security system under Law No. 100/2019 of 6 September 2019 on the Statute of the Informal Caregiver, mentioned in paragraph 244 of the State party's report. Please indicate whether adjustments are envisioned in the State party's legislation and policies in view of the impact of the COVID-19 pandemic on women's burdens of unpaid domestic and care work and their exercise of the Covenant rights.

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

Right to work (art. 6)

8. Please provide information on legal provisions prohibiting and criminalizing forced labour and guaranteeing the freedom to choose or accept work.

9. Please indicate the target of representation of women in the information and communications technology sector in the Action Plan for Digital Transition mentioned in paragraph 116 of the State party's report. Please explain to what extent measures taken to combat horizontal segregation also address the significant disadvantage of women in the labour market in the context of digital transition. Please also explain why the number of pregnant women and employees on parental leave being dismissed has increased significantly despite the legal prohibition of such dismissal.

10. Noting the unemployment data supplied in paragraph 81 of the State party's report and more recent figures from the State party's national institute of statistics, please explain the obstacles to reducing unemployment among young people, which remains significant in the State party. Please also explain how the State party intends to prevent a sustained increase in long-term unemployment related to job losses that have occurred since the beginning of the COVID-19 pandemic.

11. Please provide information on compliance with the employment quotas for persons with disabilities in public administration and the private sector mentioned in paragraph 71 of the State party's report. Please also explain the obstacles encountered by the State party in fulfilling the right to work of persons with disabilities in view of the fact that their employment rate remains low despite the steps taken. Moreover, with reference to paragraph 72 of the State party's report, please explain how the transition from sheltered employment to supported employment in the open labour market is facilitated.

12. In relation to paragraph 299 of the State party's report, referring to the socio-professional integration of Roma and discrimination in the labour market, please provide information on the obstacles to addressing the marginalization of Roma communities despite the implementation of the national strategy for the integration of Roma communities since 2013. Please indicate whether measures taken, as described in tables 22 and 23 of annex II to the State party's report, are commensurate with the scale of unemployment among Roma and to what extent they have translated into decent employment for the beneficiaries.

Right to just and favourable conditions of work (art. 7)

13. Please provide information on the impact of measures taken to address young people's overrepresentation in precarious jobs. More generally, please explain to what extent the implementation of the tripartite agreement of 6 June 2018 and Law No. 93/2019 of 4 September 2019 amending the Labour Code and the code of contributory regimes of the social security welfare system has helped address employment precariousness in the State party. Please also provide information, including statistical data, on cases concerning false employment relationships brought by workers under Law No. 63/2013 of 27 August 2013 and Law No. 55/2017 of 17 July 2017, and provide an update on any regulatory development regarding labour rights in the gig economy.

14. Please provide information on measures taken to monitor labour rights and prevent abuses in the context of the implementation of employment-related COVID-19 responses, which permitted employers to reduce working hours or suspend employment contracts. Please also indicate how the State party monitors decisions made by companies to ensure they are temporary and do not lead to unfair dismissals and that they are lifted as soon as feasible. Please provide information, including statistical data, on remedies available to aggrieved employees.

15. Please explain to what extent the Strategic Plan for Migration 2015–2020 and the measures taken under the National Campaign against Undeclared Work outlined in tables 40 and 41 of annex II to the State party's report have addressed the increasing trend of trafficking and exploitation of undocumented migrant workers in the agricultural sector and other sectors. Please provide information on the impact of measures taken to strengthen the monitoring of workplaces in sectors such as agriculture, domestic work and construction, to facilitate the reporting of violations of labour rights therein and to provide reparations, including for undocumented migrant workers.

16. With reference to paragraphs 120 to 122 of the State party's report, please provide information on the enforcement of Law No. 60/2018 of 21 August 2018 promoting equal work or equal pay for equal value, in particular regarding cases submitted to the Commission for Equality in Labour and Employment concerning allegations of discrimination and their outcomes, as well as on plans for assessing pay differences presented by companies to the labour inspectorate. Please also provide information on measures taken to address discrimination against workers of African descent in the labour market that has resulted in higher unemployment among them and their overrepresentation in low-paid jobs. With reference to table 47 of annex II to the State party's report, please indicate which categories of workers earn less than the national minimum wage.

Right to social security (art. 9)

17. Please comment on the adequacy of the amount and duration of social benefits paid in the context of the COVID-19 pandemic. Please also inform the Committee of changes to the social security benefits and eligibility criteria envisaged by the State party to narrow the social protection gap evidenced during the COVID-19 pandemic and to ensure the

sustainable and effective exercise of the right to social security by all. Moreover, please explain how the State party intends to address the major shortcomings in the functioning of the social security system that have led to significant delays in the payment of social benefits, including for persons with disabilities.

18. Please provide information on any assessment made of the adequacy of the eligibility requirements and the amounts of the social inclusion benefit mentioned in paragraph 243 of the State party's report and other social security benefits for persons with disabilities. Please also indicate the social security benefits that higher education graduates who are unemployed are entitled to in view of the fact that the State party has set a target for members of this group to be employed within one to three years of graduation, as indicated in paragraph 82 of the State party's report.

Protection of the family and children (art. 10)

19. Please provide information on measures taken or envisaged by the State party to improve the safety and security of older persons, including those in isolation or in institutional care, especially in view of the impact of the COVID-19 pandemic on their economic, social and cultural rights. In this regard, please provide information on any regulatory changes contemplated as regards the functioning of residential institutions for older persons. Moreover, please provide information on the impact of the implementation of the social and solidarity sector cooperation commitment protocol for 2017–2018, the 2019–2020 protocol mentioned in paragraph 245 of the State party's report and other relevant policies on the accessibility and affordability of independent living, home-based care and community support models for older persons.

Right to an adequate standard of living (art. 11)

20. Please provide information on any adjustment to be made to the national strategy for the eradication of poverty and social exclusion to further address poverty and social exclusion, which remain significant in the State party and have been aggravated, especially among children, by the COVID-19 pandemic. With reference to the Committee's previous recommendations (E/C.12/PRT/CO/4, para. 14 (c)) and the changes to the Social Integration Income introduced by Decree-Law No. 1/2016 of 6 January 2016, mentioned in paragraph 258 of the State party's report, please indicate to what extent the revised amount of the Social Integration Income provides beneficiaries and their families an adequate standard of living.

21. Please provide information on the progress achieved with regard to the objective of the State party's Basic Housing Law to eliminate homelessness. Please describe to what extent the implementation of the National Strategy for the Integration of Homeless Persons, for 2009–2015 and for 2017–2023, mentioned in paragraph 78 of the State party's report, was aimed at addressing the root causes of homelessness and led to durable solutions for people in situations of homelessness. In relation to COVID-19 responses, please indicate the measures that have been taken to protect the housing rights of those who are not covered by the State party's moratorium on evictions, such as renters who do not have a legal rental contract, and to respond to the increasing number of people in situations of homelessness since the beginning of the pandemic.

22. Please provide information on the impact of the implementation of the "new generation" of housing policies and the programme "Da Habitação ao Habitat" ("From housing to habitat") mentioned in paragraphs 270 and 272 of the State report, on the housing rights of households living in precarious conditions and degraded urban areas and on ensuring adequate facilities in public housing.

Right to physical and mental health (art. 12)

23. Please explain how the State party envisages addressing the shortcomings of its health system that were brought to light by the COVID-19 pandemic, including in terms of capacity, availability of medical staff and geographical distribution of services. Please indicate the measures taken to ensure the right to health of members of groups that have greater difficulty accessing health services, such as undocumented migrants. Moreover, please provide information on the impact of measures taken by the State party to address: (a) the greater

prevalence of chronic disease among the population; (b) the backlog of medical appointments and delay in medical diagnoses due to the COVID-19 pandemic; and (c) the sizable number of children without an assigned general practitioner.

24. Please explain to what extent the State party has been able to respond to the increase in mental health care needs generated by the COVID-19 pandemic. Please also provide an assessment of the State party's mental health system in terms of availability, accessibility and affordability of services, including for disadvantaged and marginalized groups, such as persons in situations of homelessness. With regard to the quality and adequacy of services, please provide information on current community-based care deficits and on plans to accelerate the transition from institution-based care.

Right to education (arts. 13–14)

25. Please provide information on the impact of measures taken by the State party to address premature school dropout and school failure, especially for children with disabilities and children of African descent. Please indicate to what extent disadvantaged and marginalized groups have benefited from measures taken to ensure education continuity and to prevent school dropout during the COVID-19 pandemic. Please explain, with statistical data on enrolment and school completion, how the implementation of the national strategy for the integration of Roma communities for 2013–2020 and for 2018–2022 has addressed the root causes of school dropout and ensured the enjoyment of the right to education by Roma children.

26. Please explain to what extent measures described in paragraph 90 of the State party's report, such as the increase in the number of social scholarships for higher education, have addressed inequalities in access to higher education in the State party, including for disadvantaged groups such as persons with disabilities and persons of African descent.

Cultural rights (art. 15)

27. With reference to paragraphs 315 and 316 of the State report, please provide information on the targets set in the National Arts Plan 2019–2029 as regards the promotion of participation in cultural activities of the most disadvantaged and marginalized communities. Please also indicate how recovery from the COVID-19 pandemic will be addressed by the Plan and other relevant policies relating to culture. Moreover, please provide information on measures taken by the State party to implement General Assembly resolution 70/76 on the return or restitution of cultural property to the countries of origin.
