



INTERNATIONAL LEGAL RESEARCH GROUP ON SOCIAL RIGHTS

FINAL REPORT

Austerity measures and their implications.

The role of the European Social Charter in maintaining minimum social standards in countries undergoing austerity measures.



The European Law Students' Association



European
Social
Charter

Charte
Sociale
Européenne



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Austerity Measures and their Implications

The Role of the European Social Charter in Maintaining Minimum Social Standards in Countries Undergoing Austerity Measures

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1. INTRODUCTION

1.1. Has your Member-State (MS) ratified the 1961 or the revised 1996 European Social Charter (ESC)?

Portugal ratified both European Social Charter's versions of 1961 and 1996. Despite being member of the Council of Europe ever since 22 September 1976,¹ only 25 years later has Portugal ratified the ESC: it occurred on 30 September 1991, after more than 10 years later since its signature.²

In 1996, Portugal was among the first States to sign the revised ESC, making it on 3 May 1996. The revised ESC was later ratified on 17 October 2001,³ but the instrument of accession was only deposited on 30 May 2002.⁴

1.2. Please provide a brief overview of austerity measures that have been taken or announced in your MS, as a response to the 2008 financial crisis or to address a budget deficit need, if any

¹ Having become the 19th country joining the organisation. The instrument of accession was deposited on 22 September 1976 (therefore shortly after the approval of the Portuguese Constitution of 2 April 1976), but the Accession Treaty was published in the official journal (*Diário da República*) only at the end of that year, by means of Law no. 9/76 of 31 December.

² Portugal signed the Charter on 1 June 1982, but it was only formally approved in 1991, by Resolution no. 21/91 of 8 August (Assembly of the Republic) and then Decree no. 98/91 of 8 August (President of the Republic). Together with the Instrument of Ratification Portugal has made the following Declaration: 'In accordance with paragraph 1 (a) of Article 20, Portugal undertakes to consider Part I of this Charter as a declaration setting out the aims which it will pursue by all appropriate means, as stated in the introductory paragraph of that Part; In accordance with paragraph I (b) of Article 20, Portugal considers itself bound by Articles 1, 5, 6, 12, 13, 16 and 19 of Part II; In accordance with paragraph I (c) of Article 20, Portugal considers itself bound by the remaining articles of Part II'. Portugal also added a Reservation concerning paragraph 4 of Article 6, which states 'The obligations entered under paragraph 4 of Article 6 shall in no way invalidate the prohibition of lockouts, as specified in paragraph 3 or Article 57 of the Constitution of the Portuguese Republic'.

³ By means of Resolution no. 64-A/2001 of 17 October (Assembly of the Republic) and Decree no. 54-A/2001 of 17 October (President of the Republic).

⁴ And it included two Reservations, still in force: on one hand, it was stated that 'The Republic of Portugal declares that it will not apply Article 2, paragraph 6 to contracts with a duration not exceeding one month or to those with an ordinary working week not exceeding eight hours, and to those of a particular or occasional nature'; on the other hand, it was maintained the Reservation concerning Article 6, paragraph 4, reaffirming that 'The Republic of Portugal declares that the obligation under Article 6 does not prejudice, with respect to paragraph 4, the prohibition of lockouts, as specified in paragraph 4 of Article 57 of the Constitution'.