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ON CIVIL AND  
POLITICAL RIGHTS**



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SUMMARY RECORD OF THE 294th MEETING

held at the Palais des Nations, Geneva,  
on Wednesday, 15 July 1981, at 3 p.m.

Chairman: Mr. MAVROMMATIS

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (continued)

Portugal (CCPR/C/6/Add.6) (continued)

1. Mr. LALLAH, continuing his statement, recalled his concern about the treatment under penal law of ordinary offenders who happened also to be political activists. He had now learned with satisfaction of a decision handed down only a few days previously by the Supreme Court of Portugal annulling the sentence of a criminal court against 24 members of a political party ("Party of the Proletarian Revolution") who had been sentenced to long terms of imprisonment for rebellion against the State; the grounds for that annulment had been the finding by the Supreme Court that the law under which the accused had been prosecuted was unconstitutional. That decision constituted an encouraging indication that the Portuguese Judiciary was duly applying the provisions on the constitutionality of laws.
2. He also wished to know whether there had been any prosecutions in Portugal under the provisions on "moral complicity". Did that term refer to a mere crime of intent, or must it be accompanied by some overt act of participation in the offence? Lastly, he asked whether consideration was being given to applying the laws of amnesty in cases of ordinary offenders who were also political activists.
3. Mr. BOUZIRI welcomed the delegation of Portugal and commended it for its interesting statement, which provided a useful opportunity for dialogue. He hoped that that dialogue with Portugal would continue fruitfully in the future. Committee members always endeavoured to help countries to apply the Covenant and to solve any difficulties they might have in drawing up their reports. As to the Portuguese report at present under consideration, he congratulated its authors on the high quality of its contents; he had been particularly struck by the excellence of the legal drafting, which made it a pleasure to read. As far as the substance was concerned, he was much impressed by the sincerity and openness shown by Portugal; no attempt had been made to conceal any existing problem or difficulty. Members of the Committee were familiar with the phenomenon of a State which tried to ignore in its report events that were well known to them.
4. Turning to the articles of the Covenant, he stressed that article 1 on the right of self-determination was not a preamble, as some persons believed, but rather a substantive provision of the greatest importance. In that connection he paid tribute to Portugal, which had acknowledged the independence of the territories of Guinea-Bissau, Cape Verde, Angola, Mozambique, Sao Tome and Principe. By granting such independence, the Portuguese people had at the same time liberated themselves. Decolonization had coincided with the recovery of their freedom by the Portuguese people.
5. While on that point, he asked the Portuguese representative for particulars on the position of the territory of Macao, which was stated by article 5, paragraph 4, of the Portuguese Constitution to be "under Portuguese administration ... governed by a statute in keeping with its special situation".

6. With regard to the duty of States to promote the realization of the right of self-determination, set forth in article 1, paragraph 3, of the Covenant, he noted with interest in article 7 (International relations) of the Portuguese Constitution the text of paragraph 3: "Portugal recognizes the right of peoples to revolt against all forms of oppression, in particular colonialism and imperialism ...". He accordingly wished to know whether Portugal shared the view that peoples suffering from oppression or colonialism, such as the Palestinians and the people of Namibia, had the right to revolt. There were of course other cases of oppression, colonialism and imperialism, and he felt certain that Portugal, for its part, had done its duty by acknowledging the independence of its former colonies and by observing an attitude consistent with the Covenant with regard to situations of oppression elsewhere.

7. On the question of equal rights of men and women dealt with in article 3 of the Covenant, he felt that it should be considered jointly with article 23 relating to the family. In the Portuguese Constitution the principle of equality was set forth in article 13 in broad terms and sex was mentioned as one of the elements in connection with which no discrimination of any kind was allowed. In practice, however, ensuring equality of the sexes was a difficult task even in the most developed countries. In Portugal, a commission on the status of women had been set up by the first Constitutional Government. That Commission had drafted legislation designed to prevent discrimination against women in work and employment; the draft had been accepted by the fourth Constitutional Government, which had established an inter-ministerial commission to prepare a final text. That text was still in the draft stage, showing how difficult it was to legislate in those matters. Experience in his own country had shown that resistance came not only from men but even from many women who, because of their education and upbringing, clung to the concept of subordination to men.

8. There were of course certain questions which could not be solved by means of legislation, such as that of the adequate representation of women in Parliament and other elective bodies. Mr. Movchan had already asked how many women Members of Parliament there were in Portugal. Actually women were always a small minority in all Parliaments for a number of reasons. He himself attached great importance to the educational aspect and wished to know how many girls attended primary and secondary school in Portugal, and what was the proportion of women among university students. Also, how many women lawyers, senior civil servants and diplomats were there in Portugal? The case of Portugal was a somewhat special one because, without being an underdeveloped country, it was not fully developed and could be regarded as being in an intermediate position. In addition, it was facing some very real economic problems which naturally affected the problem of equality between men and women.

9. In connection with women's rights, he turned to the grave problem of birth control. In his own country the very high birth-rate - 3.7 per cent - represented a major problem. A birth-rate of that magnitude cancelled the effects of any economic progress which might be achieved by a developing country. Many developing countries had of course taken steps in the matter by propagating the use of the pill and other contraceptives. The whole problem was particularly obdurate in rural areas and, in his country and many others, preventive methods had proved insufficient, leaving abortion as the only answer. In Tunisia, birth control and abortion did not give rise to any particular religious problem, but he understood that in Catholic countries many persons made a moral issue of abortion and rejected it altogether.

10. He was firmly of the view that women should have the right to decide the question of abortion for themselves. He found it intolerable that women should be treated simply as child-bearers. It was essential that abortion should be allowed freely to women - regardless of whether it was necessary to protect a woman's life and health - and that it should take place openly. Clandestine abortion was a plague in many countries, particularly in certain developed countries where tens of thousands of clandestine abortions were being performed every year, with a great many deaths. He accordingly wished to know whether in Portugal consideration was being given to granting women the right to decide freely whether to have a child or not, apart from the question of abortion on medical grounds. The problem was one which was closely bound up with that of the dignity and freedom of women; he understood that there had been considerable progress in Portugal in the past ten years but wished to have more particulars on the subject.

11. Turning to article 17 of the Covenant, he noted the statement in article 34, paragraph 1, of the Portuguese Constitution that the "individual's home and the privacy of his correspondence and other means of private communication shall be inviolable". Paragraph 4 of the same constitutional provision prohibited all interference by a public authority with correspondence or telecommunications "apart from the cases laid down by law in connection with criminal procedure". With regard to that exception, he was interested to have more specific details as to the particular cases in which investigators could interfere with correspondence.

12. On article 20 of the Covenant, the report was a model of its kind. The question of propaganda for war was of course not one which primarily concerned small countries like Portugal and Tunisia. At the same time, however, legislation to curb war propaganda was necessary in all countries, and its drafting created problems because of the need to respect the freedom of the press. In that respect, he noted with interest the provisions of the Portuguese Penal Code referred to in paragraphs 20.1. and 20.2. of the report and congratulated Portugal on having taken those measures to punish incitement to war and similar offences.

13. On article 21 of the Covenant, he noted that article 45 of the Portuguese Constitution proclaimed the right of peaceful assembly and the right to demonstrate.

14. Article 46, paragraph 4, of the Constitution, referred to in paragraph 22.1. of the report, contained a reference to "fascist ideology". It would be interesting to know what criteria were adopted to define the word "fascist", since definitions varied from country to country. Similar considerations applied to the words "principles relating to democracy" in paragraph 22.2.

15. Portugal's legislation governing relations between spouses - including the right of each spouse to pursue an occupation or activity without the consent of the other and lawfully to contract debts without the consent of the other - was very liberal. Nevertheless, he wondered whether the provision regarding debt was entirely wise.

16. Portugal's attitude to divorce, however, was quite restrictive. To obtain a divorce by mutual consent, the spouses must have been married for over three years, whereas one year was usually sufficient to know whether a marriage was sound or not. A three-year period would have undesirable effects on any unwanted children. Furthermore, the requirement that the spouses must have been separated for more than six consecutive years for a contested divorce to be granted was too restrictive.

17. Article 2 of the Constitution laid down as an objective the transition to socialism through the creation of the conditions for the democratic exercise of power by the working classes, and article 9(c) gave as a basic aim of the State, the socialization of the means of production and the abolition of exploitation and oppression of man by man. It would be interesting to know what was meant by the term "working classes", whether Portugal had yet attained socialism, and whether exploitation and oppression still existed. In particular, it would be particularly useful to know whether peasants and the intelligentsia were included in the "working classes", what other classes there were, whether the "working classes" enjoyed any privileges over other classes such as shopkeepers and traders, and whether other classes were excluded from the exercise of power. In that connection it should be borne in mind that the Covenant prohibited all discrimination on the basis of political ideas and conferred no privileges on any particular class.

18. Mr. HANCA thanked the Portuguese Government for its comprehensive and informative report drafted in accordance with the Committee's guidelines. It might, however, have contained further information on the difficulties encountered in implementing the Covenant.

19. Paragraph 2.4.7 of the report included a section on the problem of the primacy of international law over the internal legal order. There appeared to be two doctrines: first, that the provisions of the Covenant formed part of domestic law, and second, that the provisions of the Covenant had primacy over all provisions of domestic law. The Portuguese representative might wish to inform the Committee which doctrine prevailed in practice and whether any suits had actually been brought on the basis of the Covenant.

20. Paragraphs 3.1 and 3.2 of the report gave some information regarding the status of women in Portugal. In that connection it would be interesting to know how far the United Nations General Assembly resolutions on the subject were reflected in the daily life of the country.

21. Portugal had abolished the death penalty over 100 years before. It would be very useful to have some information on the consequences of that step, and in particular, on any changes in the crime rate. Some particulars of the rules prohibiting drug abuse would also be welcome.

22. The inclusion in the report of information concerning the regulations covering medical transplants was very encouraging; it was in fact the first time that such information had been incorporated in any report submitted to the Committee. He would, however, like to know what definition of the moment of death had been adopted, since there was some controversy on that point.

23. Article 31 of the Constitution established the principle of habeas corpus and extended its application to political rights. It would be helpful for the Committee to know whether habeas corpus had become a popular remedy open to all. Some information on the supervision of prisons and the availability of a complaints mechanism for prisoners would also be welcome.

24. The rights conferred by article 12 of the Covenant appeared to be well covered by domestic legislation. Some information on the conditions which had to be fulfilled by immigrants into Portugal would, however, be appreciated.

25. Commenting on the information submitted in the report in respect of article 14 of the Covenant, he inquired whether judges were irremovable and what moral conditions, in addition to legal requirements, they had to satisfy. It would be interesting to know whether there were special financial, social and juvenile courts. The constitutional provision under which peoples' judges could be appointed seemed very progressive and democratic.

26. Referring to article 16 of the Covenant, he requested clarification of article 66 of the Portuguese Civil Code, in accordance with which recognition as a person before the law was acquired at the time of a "complete and live birth". There were two schools of thought in comparative law; according to one, recognition as a person was acquired at the time of a live birth, and according to the other, recognition was acquired at the time of a live and viable birth. The reference to a "complete" birth was not clear, and he wished to know which opinion was adopted by the Portuguese Civil Code.

27. In connection with article 17 of the Covenant, article 133 of the Portuguese Constitution provided for effective safeguards against the wrongful use, or use contrary to human dignity, of information concerning persons and families, and the Portuguese Civil Code established a general right to recognition as a person. He wished to know whether, as a consequence of that right, victims could ask for compensation for purely moral damages.

28. In connection with article 18, he welcomed the establishment of the Copyright Code but wished to know whether the Portuguese Government had recognized and ratified the various international conventions concerning copyright. With respect to article 19, he noted that the Portuguese Government had taken measures to keep the mass media from becoming an instrument of the Executive. Article 38, paragraph 7, of the Constitution provided for the regulation of mass media belonging to the State, but he wished to know in what way mass media belonging to private individuals were regulated. Closely connected with that point was the provision in article 73, paragraph 3, of the Constitution that the State "shall promote the democratization of culture by encouraging and securing access by all citizens, particularly the workers ...". What ordinary laws had been established to implement that provision? Also in connection with culture, article 76 of the Constitution provided that university entrance should be consistent with the needs of the country for qualified staff, and that entrance by workers and young people from the working classes should be encouraged. What were the practical means assuring implementation of that provision, which was a very important one in view of the democratic policies being practised by the Portuguese Government?

29. In connection with article 20, he considered that the provisions enacted by the Portuguese Government were very positive. Referring to paragraph 20.2 of the report, he felt it was not sufficient to say that propaganda for war was prohibited - an entire policy must be implemented. It would nevertheless appear from that paragraph that Portugal was ensuring the implementation of article 20.

30. He had two questions concerning article 21. In the Portuguese legal system, were there special tribunals for labour disputes? And in relation to the right of assembly, did foreign residents have the right to meet peacefully?

31. With respect to article 22, he had two questions concerning political parties, which were the subject of Decree-Law No. 595/74. The report stated that political parties must observe the principles relating to direct association and single membership; he wished further clarification of those terms. It further stated that political parties may be dissolved only by judicial decision. He wished to know what recourse procedures were provided in Portuguese legislation against the judge's decision. In his view, further information was needed on article 57, paragraph 3, of the Constitution, quoted in paragraph 22.3 of the report, concerning trade unions. What was the political role of trade unions? And was the "democratic management" referred to in that paragraph to be construed as economic management, as he assumed, or simply political management?

32. He had several questions concerning article 23 of the Covenant. Article 36, paragraph 4, of the Constitution stated that children born out of wedlock must not be subjected to any discrimination. Which law ensured equality between children born out of wedlock and legitimate children? The report stated that the right of filiation was examined in the study "Filiation in the reform of the Portuguese Civil Code of 25 November 1977" published in the Bulletin of the Ministry of Justice No. 285. He wished to know whether that study was of a scientific or legal nature. Furthermore, which matrimonial system was used in Portugal? Was there one obligatory system or did the spouses have a free choice as to whether they wished to have a joint estate, separation of property, etc. With respect to divorce, he wished to know the practical role of judges in divorce cases. In what way could judges intervene in order to try to persuade spouses to continue their marriage?

33. In connection with article 24, did adoption in Portugal take place by contract or by judicial decision, and in what way was the child's interest taken into account? Were there several types of adoption in Portugal, and what were the consequences with respect to the child's nationality?

34. According to the report, the requirements of article 25 of the Covenant were met by article 48, paragraph 1, of the Constitution, which stated: "All citizens shall have the right to take part in political life and the control of the country's public affairs, either directly or through free-elected representatives". He wished to know whether the system of direct democracy, through social organizations composed of workers, women, certain professional groups, etc., existed in Portugal. His final question also concerned article 48, paragraph 3 of which stated that every citizen had the right to objective information about the acts of the State and to be informed of the conduct of public affairs. He wished to know whether there were administrative provisions or directives implementing that provision.

35. Mr. SADI thanked the Government of Portugal for its serious report and for its willingness to correct any shortcomings, as stated in paragraph 2.2 of the report. His first concern was with article 2 of the Constitution, which stated that the object of the Portuguese State was to "ensure the transition to socialism by creating the conditions for democratic exercise of power by the working classes". He had no quarrel with the Portuguese State's ideology but wondered whether the use of the term "working classes" did not imply discrimination between the working class and other classes. In his opinion, that point required further clarification.

36. Secondly, reference had been made to article 8 of the Constitution, which stated that duly ratified international conventions applied in municipal law. If there were a conflict between a convention and the Constitution, which had priority?

37. His third question concerned language such as that used in article 12, which referred to "citizens". Article 2 of the Covenant guaranteed rights to everyone, not citizens alone, except for political areas as laid down in article 25. Although article 15 of the Constitution stated that foreigners enjoyed the same rights as Portuguese citizens, the language was in general unclear and required further elaboration.

38. Concerning article 19 of the Constitution, which related to article 4 of the Covenant, he wished to say that of all the countries that had submitted reports Portugal had provided the most extensive controls over the declaration of a state of siege. The requirements that a stage of siege might not be continued for more than 30 days without ratification, that the relevant declaration should be substantiated, and that the Assembly might not be dissolved during a state of siege, deserved particular mention. Those provisions were commendable, and other countries might wish to follow suit. The only missing point concerned article 4, paragraph 3, of the Covenant and the requirement to notify the other States parties through the Secretary-General, but that could be rectified without difficulty.

39. The language of article 26 of the Constitution, paragraph 2 of which prohibited torture, met the requirements of article 7 of the Covenant, but what affirmative action had been taken to implement that provision? Did persons responsible for security receive training in compliance with article 26, and what administrative efforts had been made to put the article into effect? He was somewhat disturbed by the reference in paragraph 7.1 of the report to article 306 of the Penal Code, which forbade the ill-treatment of prisoners or the use of insulting language or violence against them except in the event of resistance, escape or attempted escape. That language appeared to permit ill-treatment in certain cases, whereas according to the Covenant it should be condemned in any circumstances.

40. Turning to the question of marriage, he wished to know what the marriageable age was in Portugal. Although that was outside the purview of the Covenant, he also wondered how the right of one of the spouses to pursue an activity without the consent of the other was reconciled with their duties of co-operation. Concerning divorce, he wished to know whether the criteria were the same for both men and women.

41. With regard to article 47 of the Constitution, he wondered why there was a prohibition of membership of more than one political party since the Covenant did not make such membership unlawful. On another matter, he was disturbed by the language of article 125, which stated that citizens who were "Portuguese by origin" were entitled to vote. In his opinion, that represented discrimination between persons who were Portuguese by origin and those who were naturalized Portuguese citizens, and he wondered whether there was an explanation for that situation. Another point which caused him concern was the constitutional provision referred to in paragraph 19.1 of the report that "Television shall not be privately owned". He agreed that television was an important and potentially dangerous instrument and should be scrutinized and controlled as much as possible. Perhaps the United Kingdom system of both public and private ownership was the best one. However, he believed that to prohibit private ownership of television was a matter of concern.



42. In relation to article 21 of the Covenant, two provisions referred to in the report appeared to be contradictory: recognition of the right of all citizens to demonstrate, and the statement that counter-demonstrators were liable to a penalty. In his view, if counter-demonstrators behaved peaceably, they should have the same right to demonstrate as the original demonstrators. Lastly, in connection with article 24, he believed that the provisions governing the acquisition of Portuguese nationality were discriminatory since nationality was acquired through the father; account was taken of the mother only if the father was unknown.

43. Sir Vincent EVANS said that the report was one of the most thorough, frank and comprehensive that the Committee had ever examined. People everywhere had watched with admiration and respect the way in which Portugal had moved in so short a time from a dictatorship to a genuinely democratic régime, undergoing far-reaching and fundamental changes, especially with regard to the protection of human rights, the release of political detainees, the abolition of special courts, etc. The fact that the democratization process was not yet complete was frankly recognized in the report, which made it clear that some relevant legislation was still pending and even the Constitution itself was in the process of revision. Some information on the envisaged reforms would be helpful to the Committee.

44. With regard to the primary question of the status of the Covenant, although it was clearly stated in article 8 of the Constitution that the Covenant, having been duly ratified by Portugal, was directly applicable in municipal law, the precise status of the Covenant within the legal system was not entirely clear. It would be useful to know, for example, whether it took precedence over previously existing or subsequently enacted municipal laws and indeed over the Constitution itself. There were strong arguments for conferring on the Covenant a status superior to the Constitution itself, as had been done in some countries, since a State could not be entitled to invoke its own municipal law as grounds for failing to comply with its international obligations. That question should be clarified in the forthcoming revision of the Constitution.

45. The object of the Covenant was to protect the individual in his relations with the State and the next point to be considered was how effectively that object had been achieved in Portugal. It was also important for the individual to know what his rights were under the Covenant. Although the Covenant had been officially published, as mentioned in paragraph 2.2 of the report, it would also be of interest to know whether it had been translated into Portuguese, suitably publicized and made available to those who wished to know what their rights were.

46. A great deal of the report was devoted to the remedies and safeguards available to the individual under the Constitution, and there was certainly an impressive list of them. Article 120 of the Constitution (para. 2.5.2 of the report) and certain provisions of the Penal Code dealt with the responsibilities of holders of political office and it was obviously right that such responsibilities should be clearly defined. On the other hand, the abuse of authority was all too frequently invoked at present as grounds for the expulsion, elimination or even massacre of political opponents. Unless, therefore, the grounds were very carefully and clearly specified, there was a possibility that provisions relating to the abuse of authority might themselves be abused.

47. Article 269 of the Constitution (para. 2.5.4.1 of the report) gave interested parties the right of access to the courts in order to plead the unlawfulness of any act of the public administrative authorities. He wished to know whether the reference was to administrative courts, whether such courts had yet been established and, if not, whether the ordinary courts could exercise jurisdiction under article 269 in the meantime.

48. The prohibition of torture and of cruel, inhuman or degrading treatment or punishment under article 7 of the Covenant was faithfully reproduced in article 26 of the Constitution and the new Prisons Act contained a number of references to the principle that persons deprived of their liberty should be treated with humanity and with respect for the inherent dignity of the human person, in accordance with article 10 of the Covenant. Even in the best regulated systems, however, complaints of ill-treatment were sometimes submitted by prisoners and it was important that prisoners should be given the opportunity of bringing such complaints directly to the attention of persons unconnected with the prison and police authorities. He wished to know whether any such system of independent prison visitors to hear complaints existed in Portugal.

49. Section 9 of the report dealt with cases in which persons might be deprived of their liberty, the three categories of detention referred to in the Constitution being pending trial, in execution of a judgement or as a result of judicial application of a security measure, a category which perhaps required some further elucidation. Most legal systems included further grounds for deprivation of liberty, such as the prevention of infectious diseases or the detention of persons of unsound mind, to which no reference was made in the report. He was interested in the latter category since persons of unsound mind were particularly vulnerable to violation of their rights, living as they did in institutions cut off from the outside world, often without friends or relatives who were prepared to help them. It would be useful to know what safeguards were provided under Portuguese law to ensure that persons were not wrongfully detained in mental institutions and that those who were required to be detained were treated with due humanity.

50. Article 13 of the Covenant dealt with procedural safeguards relating to aliens lawfully present in the territory of a State who might be expelled therefrom. He had been unable to find confirmation in the report that those procedural safeguards were in fact available under Portuguese law. He fully associated himself with the views expressed by Mr. Lallah in connection with article 14 of the Covenant.

51. Mr. GRAEFERATH said that the report reflected the good intentions of Portugal with regard to the protection of human rights. He agreed with Mr. Ermacora, however, on the need for more factual information in order to be able to distinguish between the purely formal elements in the Constitution and those which were applicable in practice. It would be useful, for example, to know how effectively crimes against humanity had been punished and what had been done in practice to eradicate fascism and prevent any recurrence of that threat to human rights. In connection with legislation on the organization of the courts and the status of judges as referred to in article 301 of the Constitution, he would like to know whether any changes had been made in the Judiciary since 1974 or whether the same judges were still responsible for the implementation of human rights legislation as before the revolution.

52. He accepted that official publication of the Covenant, which had been duly approved and ratified, was sufficient to confer on it full legal force, but it would be useful to have information on the practical implications, for example on what progress had been made in securing equal rights for women, reducing infant mortality and protecting the right to life. It was claimed in the report that various sovereign organs had been made responsible under the Constitution "for safeguarding the true equality of citizens with regard to their economic, cultural and social status". If the text of the Constitution was to become "something more than a simple wish", in the words of page 6 of the report, it would be useful to know what had been done to create economic conditions which would enable all people in Portugal, whether in the towns or in the countryside, to enjoy their rights under the Constitution. There was also the question of what had been done to combat illiteracy.

53. It was not clear from the reference in paragraph 19.1 of the report to the protection of the press against economic power whether specific measures had been taken to ensure that the press was not owned by wealthy men and used to promote their interests.

54. Mr. HERDOCIA ORTEGA said that the valuable report introduced by the representative of Portugal covered the protection of human rights very fully, but did not refer specifically to the promotion of human rights, a subject on which the United Nations General Assembly had placed particular emphasis.

55. Article 24 of the Constitution made provision for citizens to lay complaints before the Ombudsman with regard to actions or omissions by the public authorities. In that connection, he drew attention to the national and local institutions recommended in General Assembly resolution 33/46 for the promotion and protection of human rights. It would be useful to know whether any such institutions had been set up in Portugal, since they had a useful corrective function to perform.

56. Article 28 of the Constitution, referred to in paragraph 9.2 of the report, required detainees to be brought before a court within 48 hours, and article 31 was concerned with the principle of habeas corpus. Habeas corpus was, however, an exceptional remedy and he would like to know what were the conditions governing detention in normal circumstances.

57. Article 45 of the Constitution, relating to article 21 of the Covenant, recognized the right of citizens to demonstrate and article 46 recognized the right of association. Portugal had also ratified ILO Conventions 87, 98 and 105. He would be interested to know whether ratification of those Conventions had raised problems for the Portuguese Government and what had been done to resolve them.

58. Act No. 65/78 (para.2.6 of the report) recognized the competence of the European Commission and the compulsory jurisdiction of the European Court. He wondered whether problems might not arise in that connection as a result of cases relating to human rights being laid before courts of two different instances. Article 5 of the Optional Protocol to the Covenant appeared to apply in that case, which provided a further argument for countries to ratify the Optional Protocol.

The meeting rose at 5.45 p.m.