

**1. Who is "human" in the concept of modern human rights?**

All human beings.

**2. How is carried out of the protection of a right which is not regulated in the Constitution in your legal system? What kind of balancing is done when a right uncounted in the Constitution is conflicted with a constitutional right?**

In the Portuguese Constitution, we have an "open clause" that admits a category of "material fundamental rights", which are liberty rights not contained within the constitution but regulated as constitutional rights. This "material fundamental rights" category is not a formal category of rights so any right of this kind can be qualified as a constitutional right by a Court and then balanced as having the same weight when a conflict emerges with a formal constitutional right.

**3. Do International Human Rights Documents applied in your country represent minimum standards that are already provided or the must-reach aims? Are there any regulations in your legal system above international human rights standards? If there are, would you please explain?**

The Portuguese Constitution, in its article 16, n.º 1, recognizes all fundamental rights from International Human Rights Documents, so they are fully applicable in the Portuguese legal order.

**4. In your legal system, is the jurisdiction an actor itself to move forward human rights standards? If it is, would you please explain?**

Like in all legal orders where a Constitutional Courts is the Guardian of the Constitution it can sometimes move forward human rights standards, mainly in bioethical issues, but our Constitutional Court is not an activist Court.

**5. Are there values and issues in your country that are not covered by human rights documents but need to be protected under the concept of human rights? If your answer is yes, would you please explain?**

I can't remember any example of a not covered human right.

**6. Are there such human right regulations in the legal system of your country that is protected by the constitution but contradicts social reality and justice?**

I can't remember any example. Even the right to abortion that was very contested at the time it was approved, didn't face resistance on its day-by-day application by the National Health Service.

**7. Are there any social realities contradicting international human rights concept based on individualism?**

No. Portuguese are also very individualist people, and the impact of the catholic religion is decreasing and is not a barrier.

**8. In your legal system, are there legal mechanisms to protect human rights if fundamental rights are violated by private persons? Are these mechanisms effective?**

Yes. Article 18 of the Portuguese constitution recognizes the german *Drittworkung* doctrine, so fundamental rights are also immediately applicable to private relationships, respecting, of course, the limits of self-auto determination.

**9. Are there groups in your country who have their own national, ethnical, religious and linguistic identities? Could you please give some information about them (especially if you feel yourself one of them)?**

No. Portugal has a very homogeneous society.

**10. What is the definition of the notion “minority” according to your constitutional system? What is your opinion on this concept? Do you think that minority rights should be protected broadly by the constitutional level? Do you think that constitutional regulations that would broaden the rights of minorities will solve the conflicts between majorities and minorities?**

We don't have a great tradition on minority's rights questions. Romans are, perhaps, the most significant community that can be considered a minority, but there are mostly full integrated although some issues can arise on roman's marriages and also on roman girls' education, it is more a social issue than a legal or constitutional one. We also have large communities of black people, coming from the colonialist period, but many are Portuguese citizens and there are also fully integrated, although some troubles can arise from Lisbon urban neighborhoods. Although these troubles are, in most cases, criminal issues related to drug's traffic, that can also be explained by some societal problems, and they are common problems of developed societies and not minority issues.

**11. What do you think on the notion and the concept of minority rights in international law? Could the international regulations/treatments be a response to the reality and problems of the peoples in your country? In other words, do they cover the reality in your country from the view of the state and the view of peoples?**

I'll entirely disagree with that approach. I'm afraid its results are disastrous, generation a "balkanization" in national societies because it pushes all citizens to need of being part of a group, defeating the homogenous treatment founded in the basic idea of human rights: all human beings are equal.

**12. What you think is the most current human rights problem in your country?**

Social rights. Low wages for working people and elderly economic discrimination.