



Course: Law

Degree: Bachelor

Branch: Core curriculum

Study plan: Aviso n.º 9088/2019, de 23 de maio

Teaching staff:

Professor in charge of the curricular unit

Prof.ª Doutora Maria Manuela Goulão d'Oliveira Martins de Sousa D'Alte

Other Professors of the curricular unit

N. A

Language of instruction:

English

Functioning:

The classes will take place in a theoretical-practical model.

Intended learning outcomes:

This seminar aims to promote a juridical understanding of the subject of poverty, to the development of a critical perspective about the present instruments used to fight poverty.

The course begins with a historical perspective on poverty, allowing us to understand the foundations of a treatment based essentially on private charity, which lasted until the 18th century.

We then move on to understand the adoption of public charity in 19th century and the institution of Social Security. At this point, we will make a brief comparison between the European Social Security model and that of the United States.

A central part of the course necessarily involves understanding current anti-poverty law in its international (with special

reference to ECtHR case law and European Union law) and national dimensions. On the latter point, with a more detailed look at the European Constitutions.

To close the analysis of the current Poverty Law, its shortcomings will be addressed, with emphasis on the *de facto* instruments developed to address them.

In the final chapter, we will discuss a proposal made in the light of the Portuguese Constitution, in order to contribute to the fight against poverty.

Syllabus:

Introduction

1. Historical background: the Poor Laws up to the 19th century
 - a. Private charity and personal responsibility
 - b. Social charity and the criminalisation of begging
 - c. The distinction between the deserving and undeserving poor
 - d. The religious and cultural-philosophical context and society's view of the poor
 - e. Changing attitudes towards poverty at the end of the 18th century
2. The adoption of the welfare State and the construction of legal solutions to the problem of poverty
 - a. The adoption of public charity
 - b. The first elements of social security: Bismark and Beveridge
 - c. The differences between the various welfare State models in Europe
 - d. The European Social Security Model vs. American Model
3. The current Law of Fighting Poverty
 - a. Poverty from the point of view of international legal instruments
 - b. The treatment of poverty within the Council of Europe
 - c. The European Social Model and Poverty Reduction Policies
 - d. Poverty Protection in European constitutions
4. The shortcomings of the current model of fighting poverty
 - a. The inadequacy of the international model for fighting poverty
 - b. The inadequacy of the European Union's anti-poverty instruments
 - c. The shortcomings of the social rights approach (with particular reference to the challenges facing the right to social security)
 - d. Minimum income shortfalls
 - e. *De facto* instruments used in the fight against poverty when legal instruments fail

5. A proposal made in the light of the Constitution of the Portuguese Republic: a contribution to advancing the fight against poverty in Portugal
- a. Proposal to establish a new role for the State
 - b. The special duty to protect the poorest and the requirement that this implies when reading the catalogue of civil and political rights: special reference to freedom of expression, freedom of movement, the right to life, the right to food, the right to water and the right to basic necessities
 - c. The special duty to protect the poorest and the requirement that it implies when reading the catalogue of social rights: the affirmation of a priority in public spending for the poorest
 - d. The special duty to protect the poorest and the obligation to take seriously the limits of the financial reserve and to consider the eradication of poverty as a priority in the State budget
 - e. The subjection of the eradication of poverty to the regime of progressive standards of fulfilment and to a prohibition of retrogression, which removes the freedom of the legislator to reverse the progress already made

Evidence of the syllabus coherence with the curricular units intended learning outcomes:

The subjects are aligned with the learning outcomes.

Recommended prior learning (or curricular units whose prior attendance is recommended):

N. A.

Teaching and assessment methods:

Under the terms of article 31, no. 1, of the Assessment Regulations in force at the Faculty of Law of Universidade Católica Portuguesa, "In optional subjects and seminars, the respective teacher may adopt a specific assessment system, which must be communicated in writing to the Dean and publicised at the first theoretical or theoretical-practical lesson of the subject, and be available for consultation at the Law Office and on the Faculty's website."

In this light, the assessment will be made as follows:

50% of the grade comes from the work done during class time, as all interactions are a pretext for getting to know the students better and for making a judgement on the knowledge acquired.

50% of the grade will come from an exam to be taken in person at the Faculty on the Testwe platform, which will consist of a practical case that students must provide in accordance with the knowledge acquired.

Bibliography

All necessary bibliography will be provided in class.

Legislation:

United Nations Charter

United Nations Universal Declaration on Human Rights

International Covenant on Economic, Social and Cultural Rights

European Convention on Human Rights

European Social Charter

All the European Constitutions