



Convention on the Rights of the Child

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Committee on the Rights of the Child

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Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the report submitted by Portugal under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Addendum

Replies of Portugal to the list of issues*

[26 November 2013]

Question 1. Please provide statistical data (disaggregated by sex, age, urban and rural residence and socioeconomic background) for 2010, 2011 and 2012 on:

(a) *Reports of sales of children (disaggregated by sale for purposes of sexual exploitation, transfer of organs for profit or forced labour), child prostitution, child pornography and child sex tourism, together with information on the action taken in response to these reports, in particular prosecutions brought and penalties imposed*

1. According to the Annual Report on the Activities of the National Commission for the Protection of Children and Youngsters, in 2012 there were 69,573 danger situations of children and youngsters registered and reported to the Commissions of Protection of Children and Youngsters (CPCJ).

2. Apparently, each year, there is an increase of situations and youngsters registered and reported to the CPCJ. However this data cannot be read in a simplified way because there are several factors that may be influence this trend, such as:

(a) Every year several new CPCJ are implemented in local areas, where before there were no registered numbers of child abuse;

* The present document is being issued without formal editing.



(b) Every year there are more trained first level institutions and professionals on child abuse and neglect detection;

(c) Local communities are becoming more sensitive and intolerant regarding child abuse and neglect situations.

3. Child prostitution and child pornography are two of the subcategories included in a broader category – Sexual Abuse, used by the CPCJ. In 2012, 1,525 cases were referred to the CPCJ, based on reasonable suspicions of sexual abuse. After receiving the referrals, the CPCJ analyzes each case in detail, deciding either to accept or not the cases and open protection processes.

4. Therefore, although there were 1,525 referrals in 2012, only 187 sexual abuse cases were registered (please see table below). This means that there were 1,338 false positives and/or rather complex sexual abuse cases which require a third level intervention by the courts. In fact, when the sexual perpetrator is living with the child and/or may be one of the parents the rule is not to open, at once, a protection process in the CPCJ but to cooperate with the Prosecutor in order to decide if it is possible to start the criminal process and to decide if a protection intervention will be pursued by the CPCJ or by the court.

Distribution of cases by subcategories of sexual abuse 2012

<i>Subcategories of Sexual Abuse</i>		<i>Number of cases</i>
Sexual grooming	35.3%	66
Sexual language or exhibition of genitals to the child	33.2%	62
Child Pornography	4.8%	9
Child Prostitution	6.4%	12
Sexual Abuse with intercourse	21.9%	41
Total		187

Source: 2012 Annual Activity CPCJ Report.

(b) *The number of children offered, delivered, accepted by whatever means for the purpose of prostitution, engagement in forced labour, illegal adoptions, organ transfer or pornography, together with information on the action taken as a response, in particular prosecutions brought and penalties imposed*

5. Please see annex 2 to the present answers in the files of the Secretariat.

(c) *The number of child victims who have been given assistance with reintegration or compensation.*

6. Portugal does not possess this information.

Question 2. In view of the information provided in paragraph 34 of the report that it is difficult to estimate the extent of sexual exploitation of children in the State party “since the visible part of it is just the ‘tip of the iceberg’” please clarify if the State party envisages establishing a mechanism and procedures for collecting, analysing and evaluating disaggregated data and other information on the sale of children, child prostitution and child pornography, as well as on the implementation of the Protocol at district and municipal levels

7. There are no indications that such a formal mechanism and further disaggregation of data will be implemented in Portugal in the near future. However, the implementation of

the Protocol at local level is already ensured by the National Commission for the Protection of Children and Youngsters at Risk (Comissões de Proteção de Crianças e Jovens em Perigo) and by the Observatory of Trafficking in Human Beings (Observatório de Tráfico de Seres Humanos) in collaboration with the Security Forces that are trained to identify this kind of situations and give them the appropriate treatment and follow up to the adequate entities.

8. Between 2011-2012, the OTSH coordinated a multidisciplinary team and produced one flagging card to be used by NGO's and another by the labour inspectors. The objective is to enhance the professional skills on the identification of potential victims of trafficking. Each one of these cards has a set of specific questions and observation indicators to assess the existence of potential victims, as well as relevant contacts to victim's referral support centers and hotlines. In drafting the observation indicators, special attention was given to child trafficking. The dissemination of these cards is an ongoing activity.

9. The Observatory on Trafficking in Human Beings (OTSH) has signed (up to now with 22 entities [governmental and non-governmental]) a Memorandum of Understanding for the adoption of the Dynamic Application: Trafficking in Human Beings Monitoring System (national database). One of these entities is the Portuguese Institute for Child Support (IAC) given the importance of collecting data on child trafficking.

Question 3. Please provide information on the implementation and impact of the amendments of the Penal Code by Law 59/2007 (arts. 160 and 169), which extend the crime of trafficking in persons for the purposes of sexual exploitation to also include forced labour, trafficking in organs and other forms of trafficking

10. As previously referred, the 2007 amendment to the Penal Code, brought in line the concept of trafficking of human beings with that of International Law.

11. Later on and to fully comply with the relevant international legal instruments such as the Council of Europe Convention on Action against Trafficking in Human Beings, the United Nations Convention on Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons and the Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human, article 160 of the Criminal Code was further amended by law n. 60/2013, of 23 August. The new wording explicitly includes begging, slavery and the exploitation of other criminal activities among the purposes of trafficking in human beings. As this last amendment is quite recent it is not yet possible to have an accurate idea of the impact of such amendment.

12. With the amendment made in article 160 of Penal Code, the crime of trafficking in persons, in addition to covering the issue of labour exploitation, also integrate the internal trafficking. This new tipification allowed that crimes with minors in those situations are now punished.

13. Portugal changed, in 2013, the article of the Penal Code regarding trafficking in human beings (art. 160). Currently, besides sexual and laboral exploitation and removal of organs, it is included begging, slavery and the exploitation of criminal activities. It is expressed, in this article, that the consent of a victim of trafficking in human beings is irrelevant. Some new aggravating penalties were included. In the second National Action Plan against Trafficking in Human Beings, it was included specific measures for minors to combat this reality, highlighting measures directed to the begging of minors.

Question 4. Please provide information on the measures taken to implement the Optional Protocol, including the implementation budget allocated to them

14. Please see also the information given below under questions 5 and 6 below.
15. Furthermore, in 2008 the Observatory of Trafficking in Human Beings was created by Decree law 229/2008 of 27 November. In 2009 Law n.º113/2009 was published, following the Council of Europe Convention against Sexual Exploitation and Sexual Child Abuse. It constitutes the second amendment to Law n.º57/98, of 18 August (please see more details on it under question 2).
16. Regarding the budget allocation for implementing the Optional Protocol, Portugal does not possess such information.

Question 5. Please indicate whether the State party has established an inter-ministerial mechanism to coordinate the implementation of the Optional Protocol across three ministries concerned, namely the Ministry of Justice, the Ministry of Labour, Solidarity and Social Security and the Ministry of Internal Affairs. If not, please clarify the measures to deal with the overlap of mandates and functions among these ministries. Furthermore, please provide detailed information regarding monitoring and evaluation of the implementation of the Optional Protocol at district and municipal levels

17. In 2010 (Council of Ministers Resolution 8/2010 from 8 April), the Portuguese National Human Rights Committee (PNHRC) was created.
18. The PNHRC is in charge of intergovernmental coordination with the aim of promoting an integrated approach to human rights policies.
19. Its setting up stemmed from a commitment expressed during the first cycle of our Universal Periodic Review examination in Geneva, on 4 December 2009, in reply to several recommendations that we improved our coordination mechanisms in the field of Human Rights, namely in order to timely present our reports to the UN Human Rights Treaty bodies.
20. The Committee's is also responsible for coordinating different Departments involved in carrying out human rights policies with the aim of defining Portugal's position in international fora and implementing its obligations under International Human Rights Conventions. Given the broad scope of international Human Rights covenants and conventions Portugal is party to, the Committee coordinates all governmental action on Human Rights and therefore, it acts also as the inter-ministerial mechanism to coordinate the implementation of this Optional Protocol.
21. The Committee is also responsible for drafting of documentation on national and international best practices and the disseminating information about human rights. It is also a platform for dialogue with civil society.
22. In order to accomplish this task, representatives of the following Ministries and State Departments with competence over the following portfolios are members of the Committee: Foreign Affairs, Home Affairs, Solidarity Employment and Social Security, Justice, Health, Economy, Education and Science, National Defense, Environment, Territorial Planning and Energy, Youth and Sports, Culture, Media, Citizenship, Equality and Gender and Immigration and Intercultural Dialogue.
23. The Committee is chaired by the Ministry of Foreign Affairs. The MFA Multilateral Political Department, backed by the Cabinet for Documentation and Comparative Law within the Prosecutor General's Office, is the Committee's Executive Secretariat.

24. The Portuguese Ombudsman (Provedor de Justiça) which is the National Human Rights Institution (NHRI) according to the UN Paris Principles is invited to all Committee meetings and to actively take part in the Committee's work.
25. The Committee meets both at plenary and at working group levels.
26. Plenary meetings occur three times per year. These meetings are used to coordinate broad Human Rights issues and policies and to decide the way forward on certain subjects that will be then implemented and closely monitored at working group level meetings.
27. Meetings at a Working Group level may take place whenever deemed necessary. They have proven to be very useful, providing for efficient coordination and speeding-up the production of documents, particularly of reports on the implementation of the UN Human Rights Conventions.
28. Both plenary and Working Group meetings may include representatives from civil society. This is one of the main purposes of this Committee: to guarantee permanent contact with civil society, thereby enabling ONGs to actively take part in the definition, implementation and reporting of national human rights policies.
29. At least one of the three annual plenary meetings is open to the participation of representatives of civil society.
30. Furthermore, it is important to underline that, in the Portuguese legal system, powers and competences of public sector legal persons are (always) provided for explicitly by Law. In the present case, it is not considered that there is an overlap of mandates and functions between different Ministries.

Question 6. Please provide further information on the mandate and capacity of the National Commission for the Protection of Children and Youngsters at Risk established under the Ministry of Justice. Please also clarify how it ensures coordination with other government bodies in addressing the offences under the Optional Protocol

31. The National Commission for the Protection of Children and Youngsters at Risk (CNPCJR) was established under two Ministries: Justice and Solidarity, Employment and Social Security. CNPCJR's main functions and responsibilities are framed by the Decree-Law 98/98 of 18 April.
32. CNPCJR's mission is to plan the national intervention and to coordinate, monitor and evaluate the intervention of all public and civil entities in the protection of children and youngsters at risk. The main responsibilities are:
- (a) To participate in all legislative changes and/or proposals;
 - (b) To promote, coordinate and monitor diagnose studies of children at risk or in danger situations (ex: institutionalized children, children in foster care);
 - (c) To coordinate the intervention of all public and private entities, structures and programmes in the area of children and youngsters at risk/danger in order to reinforce partnerships' strategies and rational resources use;
 - (d) To guide, support, monitor and evaluate all CPCJ activities.
33. The Ministries of Health, Education, Justice and Solidarity, Employment and Social Security are represented in the CNPCJR's forum. There are also representatives of the Prosecutor General's Office, the Ombudsman, the Association of Municipalities, the NGO' Union, the Charities Union (Misericórdias), the Mutual Organizations' Union, the Governments of Autonomous Regions of Madeira and Azores. Altogether, in monthly meetings, the Commission analyzes legal proposals which are presented afterwards.

34. On the other hand, it has an important function of technical support and monitoring of the activities by the existing 305 CPCJ. These CPCJ are official and non-judicial institutions, autonomous in their functions, and locally based. They have representatives of public and non-public local services (e.g.: health, education, Third sector or social sector) and their intervention is aimed at being multi-sectorial at the universal prevention level and also at the selective and indicative prevention levels.

Question 7. Please indicate what steps have been taken by the State party to prevent offences covered in the Optional Protocol and to address their root causes, in particular poverty, discrimination against children belonging to minority groups, domestic violence and absence of parental care

35. Since 2008, CNPCJR has been developing a bottom up campaign, named Mês da Prevenção dos Maus Tratos (Child Abuse Prevention Month), aimed at being a national campaign for the prevention of child abuse and neglect. In 2012, there were 80 CPCJ involved in this campaign.

36. The CNPCJR has also been developing, in partnership with local CPCJ, a National Prevention Project Tecer a Prevenção which is aimed at implementing Local Plans for the Protection and Prevention of Child Abuse and Neglect involving several public and private local sectors. In 2012, there were also 80 CPCJ involved in this project.

37. In 2012/2013, the CNPCJR has been a partner, along with several NGO's and public services, in the conception and development of a manual on Domestic Violence (DV) for any professionals who might face a domestic violence situation. The CNPCJR is giving expertise concerning professional intervention and procedures with children in domestic violence.

38. Moreover, the National Republican Guard (Guarda Nacional Republicana – GNR) developed the Project of Investigation and Support to Specific Victims (IAVE) specifically designed to address the problems of specific victims including children. Members of the military forces work in this project, and receive special training to allow them to make the diagnostic, to receive and to help neglected children.

Question 8. Please describe the specific measures and programmes that have been developed to combat forced labour and forced begging, where children are at risk of sexual exploitation, trafficking, sale, prostitution and pornography. In this regard, please include information on the implementation of the Second National Plan against Trafficking of Human Beings (2011-2013) and other programmes to prevent and combat offences under the Optional Protocol

39. The second National Action Plan against Trafficking in Human Beings, which covers the period 2010-2013, contains several measures concerning labor and forced begging involving minors. During the implementation of this II Plan a conference on begging and other forms of exploitation involving minors was organized and a brochure on begging and other forms of exploitation involving minors was published, in order to raise public awareness and prevent this form of human trafficking.

40. Furthermore, the Immigration and Borders Service (Serviço de Estrangeiros e Fronteiras – SEF) developed an awareness campaign called “You are not for sale” that included the edition of a book to contribute to prevention of trafficking of human beings. The Observatory on Trafficking in Human Beings (OTSH) organised in 2012 an International Conference on “Domestic Servitude and Forced Begging: Invisible Forms of Trafficking for Labour Exploitation”. The OTSH organised a Training Week for Criminal Justice practitioners from Portuguese Speaking countries:

(a) With the support of the Community of Portuguese Language Countries (CPLP) and based on a project started in 2009, UNODC Anti-Human Trafficking Manual for Criminal Justice Practitioners – the OTSH coordinated the training of 36 professionals;

(b) The main goal was to provide these professionals with training skills in order to replicate this training in their own organizations. One chapter of the Manual is dedicated to children trafficking;

(c) The OTSH organised an itinerant exhibition on “Inhuman Trafficking” (2010-2012). It comprised various information panels on trafficking, some aimed more particularly at children, others at potential victims and professionals active in the field of anti-trafficking;

(d) In co-operation with the local authorities, during 2010 and 2012 the Exhibition was held in 13 municipalities and 3 school conferences with students took place;

(e) The OTSH also promoted the signature of the Declaration on the Fight against Trafficking in Human Beings (Council of Europe/Congress of Local and Regional Authorities) by 16 municipalities;

(f) The elaboration of a Booklet and Manual on Forced Begging were coordinated by the OTSH and counted with the participation of other entities. During 2013 the OTSH is going to participate in the project “European Cross-Actors Exchange Platform for Trafficked Children on Methodology Building for Prevention and Sustainable Inclusion (Catch & Sustain)”. The project’s focus is Child Trafficking: prevention and identification;

(g) To conclude, the GNR promoted awareness actions and seminars in the framework of the IAVE Project and of the Safe School Program, with the collaboration of the Observatory of Trafficking in Human Beings.

Question 9. Please clarify if the Working Group on the prevention of sexual abuse and commercial sexual exploitation of institutionalized children, established in November 2007, is still operational and if so, the outcomes of its proposed policies and programmes for future

41. This Working Group was appointed with the objective of making a diagnosis of the situation concerning sexual abuse and commercial sexual exploitation of institutionalized children and had a merely exploratory character. Its conclusions were addressed to the Prosecutor General’s Office.

42. At the Prosecutor General’s Department of Investigation and Penal Action of Lisbon (DIAP), where the biggest volume of criminal procedures related to these crimes are investigated, several of the measures proposed by the said Working Group were implemented, namely: creation of a junior room for receiving and interviewing child victims. The room is nicely decorated, has books and a computer where the children can play, as well as a one-dimensional mirror. DIAP has agreements with psychologists who support especially vulnerable victims.

Question 10. Please provide information on measures to combat child prostitution and ensure that the investigation and prosecution of such cases are expedited. Please also indicate what steps have been taken to prevent offences linked to sex tourism and punish perpetrators

43. As previously referred, for already a decade, a specialised section on child abuse exists within the Prosecution Service, in the Department of Investigation and Penal Action of Lisbon.

44. In the same token, at the police level, within the Lisbon Directorate of Polícia Judiciária (PJ, the Judiciary Police) there is a specialised unit solely for the investigation of child abuse.

45. Child prostitution and sexual crimes against children and youngsters are classified by law as priority investigation crimes.

46. There are also prevention actions designed to identify and eliminate the places connected with the practice of this type of crime. Being these investigations under the Criminal Police (PJ) remit, there are prevention services, 24 over 24 hours as well as a permanent interchange with other national police forces and entities, so that the detected situations be immediately communicated.

47. Furthermore, it should be highlighted that Portugal ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse), which entered into force is in force in relation to Portugal on 1 December 2012.

48. Concerning offences linked to sex tourism and the punishment of the perpetrators, it is possible to receive complaints on acts committed outside the Portuguese criminal jurisdiction under the European Convention on Mutual Assistance. Besides, Portugal even in the absence of such an international legal instrument, can trigger the establishment of a relationship of cooperation on mutual legal assistance and/or or extradition, provided that reciprocity exists (article 4 of Law No. 144/99 of 31 August).

49. The already referred IAVE Project also contributes to the measures here referred. Furthermore, the Public Security Police (Polícia de Segurança Pública – PSP) through the Safe School Program develops several awareness actions with the schools concerning diverse subjects related to this thematic. In 2011/2012 several actions were developed, among others: 68 on self-protection, 473 on children safety and 216 on domestic violence in romantic dating.

Question 11. Please also inform the Committee if the State party has established a specialized mechanism to respond to missing or abducted children, as well as to ensure effective investigation and timely coordination with other bodies working to prevent and protect children from abduction for sale, child prostitution and child pornography

50. The GNR and the Portuguese Association of Missing Children (Associação Portuguesa de Crianças Desaparecidas – APCD) are developing a software called “Kids in the Radar” to reduce to the minimum the response time to the alert of a missing child sent to GNR.

51. The PSP in 2013 presented the second edition of the Program “I am here” that consists in distributing free location bracelets to help locate missing children in the summer. Targeted to children from two years of age this tool has the objective of helping parents and educators to quickly locate their children. Each bracelet is unique with a number that only PSP can read. In case of missing children and through a phone call to the emergency number 112, all necessary mechanisms of communication with the Security Forces are put in place and immediately a police patrol is sent to the location. In 2012, 8,500 children used the bracelet completely free of charge and in 2013 the numbers have doubled.

Question 12. With regard to the information provided in paragraphs 8 and 51 of the State party's report that "the crime of child pornography has increased enormously" in the State party and that "the use of information technologies and its commercial use have created several problems for investigators," please inform the Committee of the measures taken by the State party to effectively prevent and prosecute such crimes

52. Concerning information technologies they have brought about an increasing problem to the investigators, as they imply a specific, in-depth training as crime shifts to new technological communication platforms. Step by step, the Portuguese criminal law has been adapting itself to these new realities, in order to effectively responding to the directives on the amendments and adaptation of legislation. As regards the thematic data to be obtained for investigation purposes, the criminal procedural law has already undergone several adaptations and even the laws that regulate the communication operators clarify the need to preserve and obtain the data required to the investigation. Another approach taken by the Judiciary Police (PJ) focuses on criminal prevention, in particular, on the use and dangers of using the internet.

53. Portugal ratified the Budapest Convention (Convention on Cybercrime of the Council of Europe), that incriminates child pornography (art. 9) and transposed to the national Penal Code these provisions (art. 176). The Budapest Convention entered into force, regarding Portugal, in 2010.

54. It is also worth mention that Portugal joined the Global Alliance against Child Sexual Abuse Online (December 2012), initiative that aims to unite decision-makers all around the world to better identify and assist victims and to prosecute the perpetrator.

55. To improve and expedite the investigations of crimes committed online, including child pornography and child abuse, the General Prosecutor Office (PGR) created, in 2012, a structure – Cybercrime Department – that has established and put in place standardized procedures to request information and preserve data from communications operators like Google, Blogger and YouTube.

56. Also, the Prosecutor General's Office (PGR) entered, on July 2012, into a cooperation protocol with communication operators in the investigation of cybercrime, obtaining digital evidence and to facilitate the satisfaction of requests in criminal investigations. Through the Cybercrime Department it developed contacts with Google, Blogger and YouTube.

57. The PGR also established an Action Plan on Crimes against Children on the Internet that will improve the capacity and effectiveness to investigate and prosecute such offences.

58. On the other hand, it will be able to identify concrete and practical difficulties and obstacles to the investigations.

59. This Action Plan serves the following purposes:

- Develop knowledge of the phenomenon, in the national context;
- Sensitize the community – children in particular – to the theme;
- Sensitize the judiciary and the legal community;
- Provide specific training to Prosecutors;
- Promote dialogue with other prosecutors involved in cases;
- Encourage the exchange of information, in specific cases, among prosecutors.

60. Some of the actions already undertaken were the Colloquium "CRIANÇAS E A INTERNET – uso seguro, abuso e denúncia" ("CHILDREN AND THE INTERNET – safe use, abuse and denunciation") held at the Prosecutor General's Office on October 4th

2013, and aimed at prosecutors and publishing the Handbook “Tu e a Internet” (“You and the Internet”) to children and young people, prepared by the Prosecutor General’s Office’s and illustrated by children. This Handbook discusses, in general, the safe use of the Internet, harmful behaviours and, in particular, the termination of illegal behaviours.

61. Until the end of this year, and under the Action Plan on Crimes against Children on the Internet, the Prosecutor General’s Office is developing a training program, covering prosecutors from all the territorial circumscriptions of the country, on all the types of criminality and offences in which the victims are children, if committed by the means of communication networks. It is also creating a database with information regarding specific processes of pornography and other sexual abuse.

62. Moreover, since 2008, CNPCJR in partnership with an NGO – Associação de Mulheres contra a Violência – AMCV and EuKids on Line Project coordinated in Portugal by the Faculty of Human and Social Sciences (FCSH) has been launching, each year, the Safe Internet World Day.

63. In December 2013, within an EU project (E-Maria) a manual concerning Domestic Violence will be launched. CNPCJR was responsible for the chapter of Children and Youngsters in domestic violence contexts. This partnership is aimed at increasing not only the cooperation between first level organizations (ex: NGO) and CPCJ but also their efficiency in the protection of children and youngsters in danger, in families where there is domestic violence. This cooperation promotes a common language about child abuse issues, like concepts, indicators, among others.

64. CNPCJR was also a partner in the pocket manual about domestic violence already published by AMCV. AMCV is one of the main partners of the National Campaign of the Child Abuse Prevention Month, in April each year, since 2008. Each year within this campaign, CNPCJR has been able to send to 305 CPCJ all AMCV materials concerning Sexual Abuse, Bullying, Domestic Violence, these materials may be used by CPCJ and be reproduced as they need.

65. There is also a computer game about Children’s Rights (in 2 versions for children up to 12 and for children over 13 years of age) made in partnership with AMCV. This game is sent to different schools and teachers and to the CPCJ. In 2012 there were 70 CPCJ involved in the campaign.

66. Within Child Abuse Prevention Month campaign, this partnership also allows to implement in Lisbon, in April, cinema programme with debates about child abuse and neglect opened to the community.

67. A Partnership with a University – Faculdade de Ciências Sociais e Humanas (FCSH) – is aimed at promoting the awareness of child abuse and child protection issues in academic contexts mainly in media careers which has been highly appreciated by FCSH. Following this recognition, FCSH proposed a protocol with CNPCJR to be signed in 2013.

68. In 2010, CNPCJR participated in a European Research Project aimed at promoting a common language about child abuse issues like concepts, promoting better indicators not only for the EU project but also for the CNPCJR. These indicators will soon be included in the national computer programme for all the CPCJ.

69. All these aspects to promote awareness of all sectors about this serious public health problem - child abuse/violence against children – and promote the effectiveness of early detection and intervention in child abuse and neglect cases, contribute to the improvement of the National Protection System.

70. The GNR promoted awareness actions and seminars addressed to schools concerning the dangers resulting from a bad use of internet. These actions are specifically

targeted to children of primary and preparatory education. The GNR in a partnership with Portugal Telecom Foundation shared the content “Communicate safely in the internet”.

71. The PSP in the Safe School Program that this Security Force develops includes a workshop on “The use of internet” calling the attention to the dangers that may result from the use of internet and in 2011/2012, 388 actions took place.

Question 13. Please inform the Committee about the measures to develop holistic and victim-centred methods to identify child victims of sale, child prostitution and child pornography. Please also elaborate on the measures taken to protect the rights and interests of child victims and witnesses of crimes under the Optional Protocol at all stages of criminal proceedings

72. In Portugal there are hotlines to receive complaints, with guarantees of confidentiality (SOS-Criança/CHILD) and victim’s rights, including human trafficking, that develop work in the field of signalling and denunciation.

73. Within this framework, the PGR and National Commission for the Protection and Promotion of Children and Youngsters at Risk entered into a Protocol on June 23th 2009 in order to facilitate the exchange of information between themselves and coordinate the cooperation between the criminal authorities and the protection system (Commissions for the Protection and Promotion of Children and Youngsters at Risk).

74. Regarding human trafficking (especially of children), police authorities defined points of contact for the exchange of urgent information and reported these contacts to the PGR, which transmitted them to the prosecutors.

75. Criminal investigations concerning sexual crimes against children shall always proceed with the examination of the victims (still under aged), with the possibility of audio-visual recording before a judge (article 271, nr. 2, and article 101 of the Criminal Procedure Code).

76. In these cases, children are heard in the best possible environment (informal atmosphere, in respect for their privacy). An expert is always designated to monitor the minor (article 271 No. 4, Criminal Procedure Code). These statements can be used at trial and avoid cross-examination.

77. Criminal proceedings, in particular trials, are not public (article 87 No. 3, Criminal Procedure Code). The Public Prosecutor represents the minor in case of a request for compensation (article 76 No. 3, Criminal Procedure Code and article 3, al. a) Law No. 47/86, 15 October). Whenever situations occur where specific support and protection to child victims and/or to witnesses of crimes are required, those situations are detected and the child and victim are referred to support institutions.

78. The PSP Support Victim Teams are specially focused on victim protection, guidance and support, specially towards domestic violence victims and children. Also a specific plan is elaborated according to the victim profile and each victim is cared in an individual way. The Safe School Program’s staff is also prepared and aware to deal with the school community, in all their specific characteristics and the special needs they present, namely when they are children.

Question 14. Please provide information on the measures taken to expand specialized care and programmes for rehabilitation and social reintegration of child victims of sale, child prostitution and pornography in the State party. Please also provide further information on the Centre for Shelter and Protection of Victims of Traffic in Human Beings, mentioned in paragraph 136 of the report, including the Centre's human, financial and technical capacity and its presence at district and municipal levels

79. The Center for Shelter and Protection of Victims of Human Trafficking (CAP) is the national social facility set up to provide women and their children (under 18 years old) effective protection and surveillance, and ensure the right to non-discrimination. It provides personalized care and support, information, privacy, self-determination, security, psychological support in a safe space, medical support, support the voluntary return to their country of origin or country of reintegration as well as social support and training. It was created in 2008, through a Memorandum of Collaboration involving several Ministries.

80. CAP is run by an NGO which provides for the team of specialized professionals working in the Centre. It runs for 24 hours a day/7 days a week. Its total capacity is for 6 persons and it includes the protection of children under the care of the victim.

81. Concerning measures applied to any child or young person victim of prostitution and pornography reported to a CPCJ, the Law of Protection of Children and Youngsters in Danger, foresees in its article 35 on Protection Measures, a group of interventions aimed at removing the child from those danger situations, and offering conditions that enable her/his protection and promote her/his safety, health, education, training, well-being and her/his whole development and guarantee her/his physical and mental psychosocial rehabilitation. Those protection and child rights' promotion measures can only be applied by the CPCJ, or by the court. They may be developed at a home environment (parents' home, relative's home, trustful person's home, a foster family and in an autonomous apartment) or in an institution. Those protection measures always require a formal agreement between CPCJ professionals, parents, child (with 12 years age or older) and the services responsible for the activities/supports to be delivered to the family, namely child safety plan, the child psychosocial support(s), child education plan, child leisure times, medical assistance, economic support. Concerning the protection measures, the annual CPCJ report data does not allow the disaggregation by type of abuse and/or its subcategories.

82. Most of the GNR territorial posts have victim support rooms, providing victims' confidentiality. The PSP, aiming more attention to victim care, refurbished victim support rooms, increasing the privacy and space. PSP has 145 rooms providing comfort and privacy.
