



Convention on the Rights of the Child

Committee on the Rights of the Child

Sixty- fifth session

13-31 January 2014

Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the initial report of Portugal submitted under the Optional Protocol on the sale of children, child prostitution and child pornography

The State party is requested to submit in writing additional, updated information (15 pages maximum), if possible before 1 November 2013.

The Committee may take up all aspects of children's rights contained in the Optional Protocol during the dialogue with the State Party.

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;

(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; and

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

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.

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.

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

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.

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.

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.

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.

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.

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.

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.

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.

13. Please inform the Committee about the measures to develop holistic and victim-centered 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.

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.