



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Consideration of the reports submitted by States parties under article 44 of the Convention

Third and fourth periodic reports of States parties due in 2007

**Portugal\* \***

[5 August 2011]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

\* Annexes can be consulted in the files of the Secretariat.

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## I. Introduction

1. In preparing and structuring the report it has been sought as far as possible to follow the general guidelines set by the United Nations for the form and contents of periodic reports submitted by the states parties according to article 44, paragraph 1 (b), of the Convention (doc. CRC/C/58). However, and since Portugal has already finalised its Expanded Core Document, it was decided to draft a report that does not overlap with the information already contained in the said Expanded Core Document. Under each chapter, the report first tries to respond and give information concerning the recommendations formulated by the CRC after the examination of Portugal's 2<sup>nd</sup> Report – this corresponds generally to section A under each chapter (pursuant to CRC/C/15/Add.162, of 6 November 2001). Section B refers to substantive information regarding other measures that have been adopted with the aim of furthering the Convention's implementation in Portugal (as per the general guidelines regarding the form and content of periodic reports to be submitted by state parties, CRC/C/58/Rev.1, of 29 November 2005). Finally, chapter III contains statistical data (as requested in the annex to CRC/C/58/ Rev.1).

2. In conformity with the guidelines, reference is made as far as possible to information already submitted in Portugal's two previous periodic reports in those cases where no changes have taken place in the reporting period.

3. The object of the report is thus primarily to present an overview of the concrete measures adopted to follow-up on the Committee's Concluding Observations from 2001 and other measures taken in the reporting period to improve the overall children's living conditions in Portugal. In addition, the report includes relevant statistical material and other factual information important to the practical implementation of the Convention in Portugal.

4. Basically, the report covers the period 2001-2008. Where possible, the report also includes information about legislation adopted later as well as future measures whose final outcome may depend on the passing of a bill or the completion of an examination, but which are nevertheless estimated to illustrate current political trends in a given area.

5. The preparation of the report was coordinated by the Ministry for Foreign Affairs, which delegated its actual drafting on the basis of contributions by several public entities on the Prosecutor General's Office of Documentation and Comparative Law. The Ministry for Foreign Affairs organised several meetings in 2008 and 2009, with all entities involved in this process, with the aim of coordinating the different contributions and avoiding possible overlaps and/or gaps. The entities that contributed to the elaboration of the present report were the following:

- Ministry of Foreign Affairs (MNE)
- Ministry of Finance (MF)
- Commission for Citizenship and Gender Equality (CIG - PCM)
- High Commissioner for Immigration and Intercultural Dialogue (ACIDI - PCM)
- Ministry of Defence (MD)
- Ministry of Internal Affairs (MAI)
- Ministry of Justice (MJ)
- Ministry of Economy and Innovation (MEI)
- Ministry of Agriculture, Rural Development and Fisheries (MADRP)

- Ministry of Public Works, Transportation and Communication (MOPTC)
- Ministry of Environment (MAOT)
- Ministry of Labour and Social Solidarity (MTSS)
- Ministry of Health (MS)
- Ministry of Education (ME)
- Ministry of Science and University Education (MCTE)
- Ministry of Culture (MC)
- Provedor de Justiça (Ombudsman) (PdJ)
- Prosecutor-General's Office (PGR)
- Office for Documentation and Comparative Law (GDCC)
- National Institute of Statistics (INE)
- National Association of Municipalities
- Regional Governments of the Azores and Madeira

6. The final revision and discussion of the report took place in July 2011 under the framework of the recently established National Commission for Human Rights and was preceded by a meeting of a Working Group of this Commission with the participation of civil society. This meeting with the representatives of NGOs working in the field of the rights of the child aimed at the discussion of this report took place on the 22<sup>nd</sup> June 2011.

## **II. General measures of implementation (arts. 4, 42 and 44, para. 6)**

### **A. Previous concerns and recommendations of the Committee (as contained in the concluding observations of the Committee on the Rights of the Child on the second periodic report of Portugal of 6 November 2001 (CRC/C/15/Add.162))**

#### **1. Development of a comprehensive national strategy on the implementation of the Convention (paras. 6, 7, 8 and 9 of CRC/C/15/Add.162, of 6 November 2001)**

7. Several efforts have been developed in these last years to define a national strategy so as to implement the Convention on the Rights of the Child (CRC). We will here mention specifically two programmes: the Initiative for Childhood and Adolescence and the National Action Plan for Inclusion.

8. As, *inter alia*, a specific response to the CRC's recommendation to develop a comprehensive child rights strategy to implement the Convention, in 2007, the Portuguese Government initiated a process of developing the Initiative for Childhood and Adolescence (INIA), a strategic approach with a more specialised national scope to implement the CRC.

9. The INIA 2008 – 2010 delineates a Plan of Action aimed at ensuring respect for all rights of the child. This Plan of Action will define a global planning scheme by developing common guidelines for intervention of all agents and entities converging towards the development and socialization process of the child, from birth until adulthood.

10. The conception and implementation of INIA is based on a participatory method involving all areas and public sectors, civil society, citizens in general, children,

adolescents, parents and other caregivers. The planning and coordination of the concept are under the responsibility of the Deputy Secretary of State of Social Affairs, supported by an Inter-Departmental Team for Technical Support.

11. Based on the Convention of the Rights of the Child and its respective guiding principles, 16 Strategic Objectives were defined:

- (a) Promote positive parenting and equity in parental responsibilities;
- (b) Ensure an alternative family environment to all children deprived of parental care and favour their deinstitutionalisation;
- (c) Support young people in their transition to an autonomous life;
- (d) Reinforce the economic means and integration in the labour market of families with children;
- (e) Increase and qualify the provision of social services of interest for children;
- (f) Promote healthy lifestyles for children and the follow-up of maternal - child health care;
- (g) Promote the access to dignified housing to families with children;
- (h) Ensure the effective participation of all children in matters involving them;
- (i) Promote information and training on the development and rights of the child;
- (j) Guarantee children's access to quality education;
- (k) Guarantee children's access to diversified and quality cultural activities and free time;
- (l) Develop articulated information systems on the child's situation;
- (m) Take action on all forms of violence against children;
- (n) Prevent and take action against all forms of juvenile delinquency;
- (o) Reinforce and increase solutions for children with disabilities and incapacity and their families;
- (p) Support the integration of immigrant children or ethnic minorities.

12. Moreover, and even before INIA was put in place, the National Action Plan for Inclusion (NAPI), has since 2001 contributed concurrently to the definition of the European strategy for inclusion. In this context, Portugal has prepared several biannual National Plans for Inclusion.

13. One of its main objectives is to "eliminate situations of social exclusion which affect children and to give children every opportunity for social integration": therefore, the priorities defined in this Plan, aim namely at:

- (a) Promoting the rights of the child and prevent, or put an end to situations of risk, poverty or social exclusion;
- (b) Promoting incentives to maintain the child in a natural environment with his/her family by ensuring adequate parenting responsibilities;
- (c) Favouring deinstitutionalisation and making adoption more flexible;
- (d) Fighting the trend of young people entering the labour market at an early age.

14. Assessing the strategy to combat child poverty is an integral part of the NAPI monitoring process. Such assessment is conducted in conjunction with the NAPI

Coordinator, and supported by various groups: the Working Group of the Ministry of Labour and Social Solidarity - MTSS (with representatives from different departments); the Inter-ministerial Committee for Follow-up (with representatives of several Ministries and of the Regional Governments of Madeira and Azores); the NGO forum for Social inclusion (composed of many NGOs and representatives of the sectors mentioned in the NAPI); and the Technical Support Team (concentrated in the Social Security Institute – ISS,I.P).

**2. Information indicating that priority is given to the implementation of children's social rights in the budgets of the State party at national, regional and local levels (para. 10 of CRC/C/15/Add.162, of 6 November 2001)**

15. The State budget does not disaggregate information indicating the amount of resources allocated to the implementation of the rights of the child at the national, regional and local levels. However, for certain areas of activity, it is possible to identify this amount.

16. For example, the protection of children and young people namely of those affected by some form of social vulnerability constitutes one of the priority areas of intervention of Social Security and so it has been included since 2002 in the Institute for Social Security's budget.

Table 1  
**Institute for Social Security's Budget for child rights**

	2002	2003	2004	2005	2006	2007	2008
AS*	17.265.416,79	12.419.677,36	27.603.834,77	21.839.991,62	25.496.905,24	31.179.941,07	27.842.099,00
	1)	2)					

17. It should be mentioned that these figures represent the budget allocated to programmes/projects for Children and young people in Social Action.

**3. Guarantee the rights of all children including children from disadvantaged backgrounds and from isolated communities, in particular in the sectors of health education and other social welfare services. (para. 11 of CRC/C/15/Add.162, of 6 November 2001)**

18. The State undertakes different actions aimed at eliminating situations negatively affecting children, *inter alia* by adopting measures to combat child poverty. Along these lines, several policy measures have been launched since 2008, which provide direct financial support to children and their families, namely:

(a) Increase of 20% of the family allowance for single parent families, this measure will be extended to approximately 200.000 beneficiaries;

(b) Increase family allowance by double as of the second child. The birth of a third and subsequent children determines the three earning levels for each child between 12 and 36 months. This measure will cover 230.000 children between the age of two and three by 2010;

(c) Prenatal child benefit for pregnant women after the 13th week of pregnancy and granted according to the household revenues and to the number of children to be born. It is estimated to support 310.000 women by 2010;

(d) Maternity, paternity and adoption benefits for all national and foreign citizens in vulnerable situation and not covered by any social protection scheme, or covered but not

entitled to it because they have not the required contributory period. This measure is to cover 30.500 beneficiaries by 2010;

(e) Social Integration Income prioritising adolescent mothers and households with dependent children who may claim these benefits;

(f) Monetary support for children and young people with promotion and protection measures in a natural environment when integrated in their family households, with relatives, a responsible person or when receiving support to autonomous life.

19. The above-mentioned measures implied the following expenditures by the State budget:

(a) The budget execution of the increase of family benefits related to 2007 amounted to 73.666.651.39€. In 2008, the expenditure accumulated until October totalled 99.779.629.07€;

(b) The prenatal child benefit introduced by Decree law no. 308-A/2008, of 5<sup>th</sup> September demonstrating expenses from October 2007. The budget execution for 2007 totalled 8.247.006.03€. For 2008, the budget execution was 45.229.773.58€ until the month of October;

(c) The maternity benefit came into force on 1 August 2008 and applies to situations as of 1 April 2008 (initial budget appropriation of 8.000.000.00€);

Budget Execution		Euros
Aug-08	Sept-08	Oct-08
252.947,37	542.850,21	2.548.637,70

(d) In 2007, the expenditure with the RSI registered the amount of 345.709.136,71€, being:

(i) 12.346.265,32€ referring to expenses with the NLI and protocols concluded with IPSS;

(ii) 333.362.871,39€ related to family benefits covered by RSI;

(e) In 2007, promotion and protection measures of children and young people in a natural environment registered a budget execution of 347.510.72€. In 2008, the expenditure accumulated until October amounted to 768.306.19€.

**4. Data should cover all ages of children and all areas of the Convention, as well as should be used to develop, strengthen and monitor policies and programmes for the implementation of the Convention (paras. 12 and 13 of CRC/C/15/Add.162, of 6 November 2001)**

(a) *Data should cover all ages of children*

20. For health statistics, the definition of “child” used is the one from the World Health Organisation, which covers all persons until 15 years of age ( $\leq 14$ ). This definition also explains why it is not the age of 18 which is used, even if in most cases the information exists in generic surveys for the age group 15 to 17. Nevertheless, a good adjustment of the results is allowed by a predefined estimation by age groups (usually five or ten year groups), by sampling which is representative of these groups, and by calibration. In 2006, the age of 18 as a means to distinguish between children and adults was adopted in “Inquérito às Condições de Vida e Rendimento” (Inquiry on the Living and Income

Conditions). (European Union Statistics on Income and Living Conditions, EU-SILC). Some Portuguese official statistics (e.g. number of deaths or mean life expectancy) are available for all ages and not only for age-groups.

21. Minors between 12 and 16 years old, having committed an act qualified as a crime, are covered by Law on Education Guardianship (Law 166/99, 14<sup>th</sup> September), establishing punitive-educational measures. Criminal liability only concerns people above 16 years old, although children and young people between 16 and 21 years old are subjected to a special regime (Decree-Law 401/82, 23<sup>rd</sup> September), close to the one established by the Law on Education Guardianship.

22. Statistics available cover all ages of children, where applicable.

(b) *The State should develop more data collection mechanisms*

23. Since 2004, several efforts have been developed to collect more objective data on the implementation of the CRC, which at the same time allows for a more in-depth knowledge of the reality and for a greater capacity to adopt policies and measures to address the needs identified. Some of these efforts are detailed below, and consist namely of:

(a) The Immediate Intervention Plan (PII), which is aimed at characterising all children and young people placed in public institutions or in foster families since 2004. According to the provision contained in article 10 of Chapter V of Law 31/2003, of 22 August, the Government is bound to submit an annual report on the evolution of children and young people's life projects.

Therefore, the PII is a diagnostic instrument and its results will be used in the elaboration of strategic actions which will:

(i) Favour children and young people by guaranteeing their right to live, as quickly as possible, within a family – their own family or in an alternative family;

(ii) Favour institutions and foster families, providing special care for the well-being and full development of the child and by promoting the definition and implementation of their respective life projects.

(b) The 2006 National Adoption Lists, which consist of computerised data managed by the Adoption Services to select the adopting candidates chosen, with more adequate conditions to the child/young person's profile. It also enables the identification children and young people eligible for adoption. They aim at ensuring a greater equity and transparency in the process of trust between the adoptable child and the adopting candidate by accessing permanently updated information on the number of children eligible for adoption and the number of candidates selected, in order to reduce the period of time until the adoption is final. Therefore, the National Adoption Lists increase the possibilities of adoption by introducing quicker procedures.

(c) A reengineering process for technical advisory procedures from Social Security to Courts, within the scope of the Promotion and Protection Proceedings and Juvenile Civil Cases. A computer application will be developed in cooperation with external consultants in 2010, so as to follow a path towards a new and better qualified model of intervention.

(d) The Computer application for the Management of Cooperation Agreements between Social Security and the IPSSs [Private Social Solidarity Institutions], which allow for a better and more integrated management intervention to be developed by civil society organisations for children and young people. This computer application contains a detailed characterization of each institution which the Social Security has a Cooperation Agreement

with and ensures services for children to (from day-care type of assistance to institutionalization): number of children, amount of the public support, type of activities developed by the institution, opening hours, characteristics of the building, person responsible for the equipment, personnel, suspended or ceased agreements due to detected irregularities.

(e) The DOM Plan- (Challenges, Opportunities and Change Plan) which aims at implementing a shared management system for placing Children and Young People in Homes allowing children needing institutionalisation to be referred to the more adequate institutions in view of his/her profile.

5. **Progressively increase its contribution to international cooperation in accordance with United Nations targets, giving particular attention to children's rights (paras. 14 and 15 of CRC/C/15/Add.162, of 6 November 2001)**
  6. **Continue and strengthen cooperation with civil society in the context of the implementation of the CRC and also to encourage NGOs to adopt a rights-based approach to children (paras. 16 and 17 of CRC/C/15/Add.162, of 6 November 2001)**
- (a) *In the domain of Social Security, one of its priorities is precisely the cooperation with the IPSSs, which provide proximity services to children and their families within the community. Therefore, the total annual State investment surpasses 1 billion Euros to finance 17 295 Cooperation Agreements providing solutions to approximately 508 000 users.*

24. The daily functioning of these solutions is included in the above-mentioned amount. Additional investment in re-qualifying spaces and in the creation of new responses is conducted within the scope of other financing programmes.

25. An example of such financing programmes is the PARES – the Programme for the Extension of the Social Facilities Network which seeks the expansion and upgrading of the proximity services network, through ensuring quality as well as equitable responses throughout the national territory. Launched in 2006, PARES has already enabled the construction of 411 “creches” (child day care centres), creating 16.536 new places for early childhood care, thus providing a better reconciliation of work and family life. Public investment amounted to 82 million Euros during the 3 years of the project.

Table 2

**PARES – the Programme for the Extension of the Social Facilities Network**

	2006	2007	2008	TOTAL
Public Investment (Millions of Euros)	25.3	35.0	21.7	82.0

Table: PARES, 2006 - 2008.

Source: ISS, I.P.

26. Another initiative is the Support Programme for Investment in Social Facilities (PAIES), with the help of which 5750 new places were created through the support provided to private initiatives.

27. The Cooperation Programme for Quality and Safety Development in Social Solutions, signed in March 2003 between the Ministry of Labour and Social Solidarity, the National Confederation of Solidarity Institutions (CNIS), the Union of Misericórdias

(União das Misericórdias\*) and the Union of Mutualidades (União das Mutualidades\*\*), demonstrated 2 types of products:

(a) Technical Recommendations for Social Facilities: establishes mandatory and/or recommended specifications related to the safety of the building facilities;

(b) Quality Management manuals for “Creches” and Centres for Free Time Activities, constituted by several tools: Quality Assessment Model, Process Manual – key of the activity and Questionnaire on the Assessment of Customer, collaborator and partner satisfaction. Finalising the Manuals for Temporary shelters and Group Homes for Children and Youths.

28. There are already 15 “creches” (kindergartens) and Free Time Activities Centers certified by the standard ISO 9001:2000 (8 IPSS).

(b) *In the area of Education, some on-going projects reflect the present development of mechanisms for cooperation between the education system and NGOs and civil society.*

29. The National Project for Entrepreneurship Education (Projecto Nacional de Educação para o Empreendedorismo) - with two focus areas, the social and the technological, aiming at developing the lifelong education key competences and at ensuring the necessary conditions in schools for the development of key entrepreneurship skills, both defined by the European Commission – is developed in cooperation with enterprises.

30. The competition “Science in School” (Ciência na Escola), in the scope of the Ilídio Pinho Foundation Prize, was set up in 2002 as an attempt to stimulate students’ interest in and for science and results from an agreement between the Ilídio Pinho Foundation and the Ministry of Education and Banco Espírito Santo. The prize is awarded nowadays to works on pre-school and basic education. In the school year 2008/2009, Mathematics was the competition theme and students were invited to present projects integrating the use of Information and Communication Technologies. The Prize thus associates itself and goes in the same direction as two nation-wide projects of the Ministry of Education: The Action Plan for Mathematics and the Technologic Plan in Education.<sup>1</sup>

## **B. Substantive information**

### **1. Measures adopted to bring domestic legislation and practice into full conformity with the principles and provisions of the Convention (in conformity with para. 11 of CRC/C/58/Rev.1)**

31. Different laws and procedures have been adopted with a view to ensure an improved conformity of the Portuguese legislation with the Convention on the Rights of the Child.

32. After the reform of the Law on Minors conducted in 2000 which redefined the entire intervention system for children aged 0-18 years at risk or in conflict with the law, in 2003,

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\* Misericórdia is a religious association composed by non clerical persons, which share a common faith. The Misericórdias were created in the 15th century in Portugal. They serve a series of social functions, such as providing food, water, education, shelter, clothes, etc to those in need. For more information on their work, please see [http://www.ump.pt/ump/index.php?option=com\\_content&task=view&id=32&Itemid=101](http://www.ump.pt/ump/index.php?option=com_content&task=view&id=32&Itemid=101).

\*\* Mutualidades consists of an associative movement of private social solidarity institutions. More information is available <http://www.mutualismo.com/>.

<sup>1</sup> Source: *Direcções Regionais de Educação (DREs)*

the new Adoption Legal Regime was established by Law no 31/2003, of 22 August. This new regime introduced the following important innovations:

- (a) Integrates as a main principle, the best interest of the child and clarifies the concept of danger;
- (b) The requirements defining the adoptability of a child consider parental incapacity due to mental illness and being unfit to take care of the child by reducing to 3 months the lack of interest in the child when placed in the care of a person or institution;
- (c) Establishes the age limit for adopters at 60 years;
- (d) Eliminates the possibility of the parents to revoke previous consent for adoption;
- (e) Introduces the procedure related to kinship prior to the beginning of the pre-adoption period;
- (f) Eliminates the prejudicial character on the inquiry and investigation proceedings of maternity or paternity;
- (g) Specifies the pluri-disciplinary composition of the adoption teams (psychology, social service, law and education), and determines that the teams intervening in the study of the social and legal situation of the child and young person, implementation of their life project, should be autonomous and distinct from the teams intervening in the selection of the adopters.

33. Since 2006, the process regulating the legal measures for promotion and protection was initiated and foreseen in the Law on the Protection of Children and Young People at Risk (Law 147/99 of 14 September), and established by group measures:

- (a) The measures determining *foster care and institutional care* (under the terms referred in chapter VI) for children in cases of temporary or prolonged absence of parents: the regulation determines the specific conditions for a child to be separated from his/her parents and placed in foster care, and the technical follow-up executing the measures and resources to be made available;
- (b) The *measures in a natural environment* (includes measures to support parents, support other relatives, trust to a reliable person and support to an autonomous life): This regulation defines the types of support either social, psychological or monetary which can be provided to the child / young person and family.

34. In 2008, a new legal figure was created – Civil Sponsorship (*Apadrinhamento Civil*) – which consists in placing a child or young person in a family environment, or with a person with parental responsibility to establish close affective ties for their well-being and development. The Law on Civil Sponsorship was approved on 11 September 2009 (Law 103/2009).

35. According to the said law, it becomes possible for an individual or for a family to receive a child, who has not been entrusted for adoption. The family will then exercise the powers and duties of parents and will establish emotional ties with the child which contribute to his/her well-being and development. The Sponsorship is defined by that law as a legal relationship, usually of a permanent character, between a child or young person and one person or one family exercising the powers and duties of parents and with the aim to establish affective bonds, allowing the well-being and development of the child. The Civil Sponsorship is created through a judicial decision and is subject to the registrar. This new institution does not, however, create a link similar to the affiliation, nor does it aim at cutting the ties with the biological family.

36. Besides the labour measures introduced by the Labour Code (mentioned in chapter VI) with implications in the allowances granted by the social security system, emphasizing the increase of protection in maternity, paternity and protection established by Decree-Law no. 105/2008, of 28 June, this decree also provided people in need with access to this type of protection which until now had only been foreseen for beneficiaries of the contributory scheme.

37. Moreover, Decree-Law no 176/2003, of 2 August regulated the protection of family benefits following a more autonomous family protection subsystem, and amended the respective philosophy by awarding allowances on the basis of residence and not the contributory career. It therefore, improved the family benefits for low income families.

38. Decree-Law no 308-A/2007, of 5 September, created the prenatal child benefit for pregnant women from 13th week onwards and Decree-Law no 87/2008, of 28 May established a measure to increase social protection for single-parent families.

39. It is also important to mention that, in the area of social action, the principle of positive differentiation was introduced through the Cooperation Protocol in 2004, in the determination of differentiated amounts of financial payment from social security, considering this adjustment to the needs of the users of social solutions: child-minders, “creche familiar” and centres for free-time activities.

40. Moreover, the Programme for the Extension of Social Facilities network (PARES) and the Support Programme for Investment in Social Facilities (PAIES) created and regulated respectively by Governmental Decree no. 426/2006, of 2 May and by Ministerial Order no. 869/2006, de 29 de August, object of development in chapter VII.

41. Considerable political priority has been attached to the dimension of equality in education. Below is a list of the main changes introduced in this field.

42. Creating Activities for Curricular Improvement (1<sup>st</sup>. Cycle) and giving pupils equal access to them, increasing the time spent at school (up to 17.30 hours) and guaranteeing full occupation of school time with replacement classes and other activities monitored by teachers should class teachers be absent. The Full Time School is planned not only as an instrument to improve learning but, above all, as a way of supporting family units in which the mother very often works.

43. Combating school failure, increasing equality of opportunity and promoting the inclusive school by re-launching TEIP projects - Educational Territories for Priority Intervention - involve a wide range of measures in the school and in the community geared to reinserting the pupil in the school. 35 programme-contracts were signed in TEIP schools, covering around 50,000 pupils.

44. With the aim of improving equal opportunities in the education system, several guidelines were also developed for Non-Mother Tongue Portuguese in the 3<sup>rd</sup>. cycle of basic education and in guidelines for Portuguese as a Foreign Language in secondary education, aiming both at the new pupils from migratory flows and other specific public schools.

45. Along the same policy lines, the new legal framework for providing special care for children and young people with special educational needs, on the one hand, and measures aimed at pupils who are blind, partially sighted, deaf or suffering from multi-handicaps, on the other, contribute towards reinforcing equality in gaining access to educational opportunities<sup>2</sup>.

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<sup>2</sup> Source: RNDE – UNESCO – 2008.

2. **Information on human and financial resources allocated to programmes for children within multilateral and bilateral assistance programmes (in conformity with para. 12 of CRC/C/58/Rev.1)**
3. **Information on remedies for cases of violations of child rights and on existing mechanisms for the coordination of policies relating to children (in conformity with paras. 14 and 15 of CRC/C/58/Rev.1)**

46. Some of the elements for answering this question are already contained above, under chapter II A 1 (Development of a comprehensive national strategy on the implementation of the CRC).

47. Moreover, under the terms of the Constitution, the Ombudsperson which is an independent organ of the State elected by 2/3 of the members of the Parliament, whose main functions is to defend and promote the rights, freedoms, safeguards and legitimate interests of the citizens, undertakes actions for the protection of human rights, inter alia child rights. Hence, the intervention of the Ombudsperson is naturally reflected in the application of the rights recognized by the international instruments, including the Convention on the Rights of the Child and its principles. On this point, we note that the Portuguese Ombudsman is also Portugal's Paris Principles compliant National Human Rights Institution, with A-status accreditation since 1999. As referred to in Portugal's Expanded Core Document, citizens may submit to the Ombudsman oral or written complaints about actions or omissions of the public authorities that are deemed to be illegal or unfair. The Ombudsman may also intervene in relation to private entities, if a special relationship of power exists between them and the aim is to protect rights, freedoms and safeguards. Furthermore, the Ombudsman may also act on his/her own initiative (e.g. based on media or NGO reports). Where the Ombudsman finds illegality or unfairness to exist, he/she may address administrative or legislative recommendations to the competent bodies. He/she may also request the Constitutional Court to review constitutionality or legality of norms, as well as constitutionality of omissions. In his/her activity, the Ombudsman may make visits of inspection to any sector of the administration, conduct any inquiries and seek, in cooperation with the competent organs and departments, the most appropriate solutions to the defence of the legitimate interests of citizens and the best means of improving administrative services. For example, in 2007, an inspection was carried out to the Lares de Infância e Juventude<sup>3</sup> and to the Casas de Acolhimento Temporário<sup>4</sup> in the Autonomous Region of Azores. The inspection was concluded with the treatment of all the information collected and with the elaboration of a final report containing recommendations addressed to the Regional Government of Azores, the Instituto de Acção Social<sup>5</sup> and Comissões de Protecção de Crianças e Jovens em Risco<sup>6</sup>, of which we highlight the following:

- (a) Achievement of health screening to each child up to 48 hours after the entrance in the institute;
- (b) Achievement of psychological evaluation to each child up to 6 months after the institutional foster care;
- (c) Familiar reunification in the foster care of brothers in order to not separate siblings;

<sup>3</sup> Homes for Children and Young Persons.

<sup>4</sup> Temporary Foster Care Centres.

<sup>5</sup> Social Welfare Bureau.

<sup>6</sup> Commissions for the Protection of Children and Young Persons at Risk.

(d) Periodic visits to the institutions by the entities that accompany the application of the shelter measure, being under the obligation of hearing the child;

(e) Definition of a life plan in the first 6 months of the shelter for all the children received;

(f) Examination of the legal situation of all children sheltered and the taking of the necessary measures of regularization;

(g) Completion of adaptation works in the institutions in order to receive children with limited mobility.

48. In 2010, the Ombudsman carried out a similar inspection in the Autonomous Region of Madeira.

49. Moreover, within the Ombudsman's office, a toll-free telephone hotline aimed at receiving and handling complaints for cases of alleged violations of child rights continues to operate. The hotline, called *Linha Verde Recados da Criança* (recently renamed as *Linha da Criança*) makes the communication with the Ombudsperson direct and accessible for children who want to use their right of complaint. Between January 2002 and 30<sup>th</sup> of September 2008, the "Free Line Messages from Children" received 12.038 calls - around 5 calls per day. Between 1<sup>st</sup> of October 2008 and 30<sup>th</sup> of May 2011, it received 1924 calls.

50. In more recent developments, following the work carried out by a Project Unit since 2004, at the end of 2009 a new Department on Children, Elderly Persons and Persons with Disabilities was created. It includes the aforementioned hotline, in addition to other activities, such as awareness raising. This Department is placed under the direct supervision of a Deputy Ombudsperson responsible for the areas of the rights of the child, of elderly persons and of persons with disabilities

**4. Measures taken to make the principles and provisions of the Convention widely known to adults and children alike (in conformity with para. 16 of CRC/C/58/Rev.1)**

51. The deep reform carried out since 2001 on Children's Law and on the in-depth reformulation of the System on the protection of Children and Young People triggered the need to qualify professionals, by progressively uniting their actions with the system's new guidelines and CRC. Several training measures are being developed by Social Security Institute, I.P. emphasizing:

(a) Internal training, for Social Security professionals with representation in CPCJ as well as for multidisciplinary teams supporting Courts within the scope of the Promotion and Protection Processes and Juvenile Civil Cases and professionals responsible for the follow up of the social solutions Childminders and Children and Youth Homes: During 2008, 1.015 professionals received training;

(b) External training, which includes for example the training of all Technical and Educational Teams of Children and Youth Centres with a protocol signed within the DOM Plan: During 2008, 1.841 professionals received training.

52. Within the Borders and Foreigners Service (SEF), which operates within the Ministry of Internal Affairs, matters related to the CRC are lectured under the theme of "Human Rights and Policy Ethics", which is integrated in the initial and ongoing trainings for promotion into the careers of Investigation and Monitoring. Constitutional, Asylum and Foreigners Law are also amid the compulsory courses. In the framework of the ongoing training, 19 members of the BFS received this training in 2008.

*(a) Training of Police Forces*

53. The training of the police forces of the Ministry of Internal Affairs has always focused on human rights issues and in particular on the rights, freedoms and guarantees. This may be ascertained by the subjects and courses given, and is always present in the initial and continuous training courses, in the upgrading and expertise actions as well as in certain pinpointed activities, like seminars. One example was the seminar that took place on the 10th December of 2008, to commemorate the 60th anniversary of the Universal Declaration of Human Rights, concerning “Human Rights and Police Practices”.

54. It should also be noted that the police forces of the Ministry of Internal Affairs have their own vocational training schools. In addition, these police forces are obliged to comply to a considerable deontological and ethical rules, which includes the respect for the norms of all the Human Rights Conventions Portugal is a part to.

55. Thus, at the *Polícia de Segurança Pública* (Public Security Police) there is a Superior Institute of Police Sciences and Internal Security (ISCPSI), which has the purpose to train police officers and promote their continuous improvement and is able to confer academic degrees within its scientific scope, and the Police Practical School (EPP), which is a police teaching establishment that offers professional training courses on the upgrading and updating of police officers and on expertise to all PSP personnel.

56. At GNR (National Republican Guard), the Police School, *Escola Prática da Guarda* (EG) is a unit specially designed to train the GNR forces and to also promote the updating, expertise and evaluation of their knowledge. It should also be referred that, within the context of the GNR training, the first four years of the officials’ training course are taught by the Military Academy and the upgrading course for the senior officers is provided by the Military Institute of High Studies, both subject to the Ministry of National Defence. This training, which has the purpose to guarantee the respect for the fundamental rights, abides by the legal rules and practical orders conveyed at all levels.

*(b) Human Rights training within the National Republican Guard:*

57. In several courses taught at the National Republican Guard, there are specific classes on Criminal Law and Criminal Procedure, as well as on Psycho-sociology – in these contexts the prohibition of torture and ill-treatments is dealt with.

*(c) Human Rights training within the Public Security Police:**(i) Institute for Policy Science and Internal Security*

58. The Institute conducts the following:

(a) Training Course of Police Officials with classes on Fundamental and Human Rights, as well as on Ethics and Constitutional Law;

(b) Direction and Police Strategy Courses with classes on Ethics, Deontology and Criminal Law.

*(ii) Practical School for Police*

59. The School carries out the following:

(a) Training Courses for Members of the Police: Deontology and Citizenship Education;

(b) Training Course for Sub-Chiefs: Deontology and Fundamental Rights;

(iii) Training of Trainers (2008)

60. There was a Course on Proximity Policing (21 Trainees, 60h): all classes dealt with Human Rights issues.

(iv) On-Going Specialized Training

61. In 2007/08 the following courses were taught:

- (a) Course on Proximity Policing - 103 training courses for 1285 trainees;
- (b) Course on Quality Service to Citizens - 10 training courses for 152 trainees;
- (c) Course on Disciplinary Law - 5 training courses for 73 trainees;
- (d) Course on Amnesty International – 9 training courses for 170 trainees;
- (e) Course on Private Security – 14 training courses for 228 trainees;
- (f) Course on Penal Law - 2 training courses for 35 trainees;
- (g) Course on Domestic Violence – 18 training courses for 180 trainees;
- (h) Course on the Code of Criminal Procedure– 262 trainees in 20 training courses.

62. Under the responsibility of the Ministry of Education, a set of good practices of Citizenship Education - namely those bearing on work suggestions and acting as a starting point to new activities, focusing on interpersonal values, human rights, environment and peace – is included in the publication of the Ministry of Education “Guidelines for Citizenship in the School Context” (*Guião para a Cidadania em contexto escolar*). This publication is based on works developed in the context of three activities: a teacher training programme, a competition and a discussion forum<sup>7</sup>.

**5. Measures taken to make the reports widely available to the public at large in their own countries (in conformity with para. 17 of CRC/C/58/Rev.1)**

63. All reports that Portugal has submitted to treaty monitoring bodies of the United Nations, as well as the answers to the additional lists of questions, the summary records of the interactive debate with the respective Committee and the Concluding Observations are all made public and posted at the website of the Office for Documentation and Comparative Law of the Prosecutor General ([www.gddc.pt](http://www.gddc.pt)). The second periodic report of Portugal to the CRC was also translated into Portuguese and made available equally in paper format.

**6. Cooperation with civil society organisations with regard to the implementation of all aspects of the Convention (in conformity with para. 18 of CRC/C/58/Rev.1)**

64. The answers to this question have already been provided above under chapter II A 6 (continue to strengthen cooperation with civil society in the context of the CRC).

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<sup>7</sup> Source: *Guião para a Cidadania em Contexto Escolar, 2008, Direcção-Geral de Inovação e Desenvolvimento Curricular (DGIDC), Ministério da Educação*.

## C. Statistical information

### 1. Judicial personnel, including judges and magistrates

65. The following tables gives information on judicial personnel and judiciary police staff:

Table 3

#### Judicial courts according to categories and court personnel at 31 December<sup>8</sup>

Unidade: N.º

Unit: No.

	Tribunais					Pessoal ao serviço em 31 de Dezembro						
	Total	Total	1ª instância		Superio- res	Magistrados						
			Competência genérica	Competência especializada/ /específica		Total	Judiciais	Ministério Público	Assessores	Funcionários da justiça	Outros funcionários	
Portugal												
1990	325	320	232	88	5	8 184	1 018	885	0	6 031	250	
1991	308	303	235	68	5	8 178	1 028	793	0	6 161	196	
1992	308	303	236	67	5	8 198	1 032	817	0	6 161	188	
1993	305	300	237	63	5	8 184	1 059	850	0	6 194	81	
1994	329	324	253	71	5	8 911	1 095	922	0	6 846	48	
1995	335	330	258	72	5	9 016	1 165	942	0	6 900	9	
1996	383	378	258	72	5	9 358	1 231	939	0	7 185	3	
1997	386	381	259	74	5	9 641	1 267	964	0	7 400	10	
1998	389	384	259	77	5	9 911	1 324	982	0	7 605	x	
1999						10						
	324	319	223	96	5	606	1 382	999	0	8 213	12	
2000						11						
	325	320	223	97	5	525	1 368	1 068	0	9 040	49	
2001						11						
	332	327	229	98	5	985	1 440	1 070	29	9 446	x	

<sup>8</sup> [http://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine\\_publicacoes&PUBLICACOESpub\\_boui=48434179&PUBLICACOESstema=00&PUBLICACOESmodo=2](http://www.ine.pt/xportal/xmain?xpid=INE&xpgid=ine_publicacoes&PUBLICACOESpub_boui=48434179&PUBLICACOESstema=00&PUBLICACOESmodo=2)



## 2. Law enforcement personnel

66. The following table gives information on judiciary police staff:

Table 5

### Judiciary police staff according to professional categories at 31st December 2010

- Judiciary police staff according to professional categories at 31st December 2010

Directing Staff	41
<b>JUDICIARY POLICE STAFF</b>	<b>31-12-2010</b>
Directing Staff	41
Criminal Investigation Assistant (assessor)	2
Criminal Investigation Senior Coordinator	11
Criminal Investigation Coordinator	42
Chief-Inspector	138
Inspector	1208
Driver Officer	13
Senior Personnel (Chefia)	63
Senior Specialist	128
Investigation Specialist	33
Assistant investigation Specialist	196
Junior Investigation Specialist	432
Security personnel	128
Other	158
<b>Total</b>	<b>2593</b>

## 3. Teachers

67. The following tables provides information on teaching staff:

Table 6

### Teaching staff

	<i>Teaching staff</i>								
	Pre-primary education		1st cycle		Basic education		Basic and secondary education		
	Public	Private	Public	Private	Public	Private	3rd cycle and secondary	Public	Private
Unidade: N.º									
Portugal									
1990/1991					x	x	x		x
1991/1992	x	x	37 904	2 140	x	x	x		x
1992/1993	x	x	36 828	2 200	x	x	x		x

	<i>Teaching staff</i>							
	Pre-primary education		1st cycle		Basic education		Basic and secondary education	
	Public	Private	Public	Private	2nd cycle		3rd cycle and secondary	
					Public	Private	Public	Private
1993/1994	x	x	34 218	2 257	x	x	x	x
1994/1995	x	x	33 918	2 212	30 334	x	68 018	x
1995/1996	x	x	33 726	2 574	30 454	x	70 824	x
1996/1997	x	x	35 327	2 551	30 237	x	74 525	x
1997/1998	7 114	6 411	34 072	2 541	30 533	2 784	77 325	7 469
1998/1999	7 643	6 700	34 710	2 687	31 699	2 826	77 105	7 188
1999/2000	8 532	6 905	36 211	2 811	32 322	2 858	78 285	7 285
2000/2001	8 650	7 357	36 319	2 924	32 463	2 787	78 179	8 028
2001/2002	8 848	7 346	37 371	2 937	33 834	2 908	79 727	7 909
2002/2003	9 199	7 467	36 961	2 892	33 175	2 933	78 139	7 954
2003/2004	9 428	7 200	36 840	2 829	33 833	3 054	78 877	8 119
2004/2005	10 463	7 334	37 759	2 860	34 023	3 141	81 423	8 154
2005/2006	10 757	7 456	36 449	2 947	31 707	3 047	80 914	8 134
2006/2007								
Portugal	11 007	7 345	31 543	2 956	30 067	2 804	79 988	8 292
Continente	9 793	6 914	28 687	2 684	27 864	2 733	74 303	8 112
Norte	4 063	2 098	11 266	738	10 792	818	26 555	3 137
Centro	2 817	1 429	7 338	312	6 218	807	17 785	2 320
Lisboa	1 576	2 646	6 513	1 483	7 283	979	20 013	2 362
Alentejo	1 010	442	2 288	55	2 169	84	6 090	195
Algarve	327	299	1 282	96	1 402	45	3 860	98
R. A. Açores	473	139	1 423	38	1 120	12	1 986	0
R. A. Madeira	741	292	1 433	234	1 083	59	3 699	180

#### 4. Health-care personnel

68. In 2008, there were 5.3 nurses and 3.7 physicians per 1 000 inhabitants in Portugal. Considering the number of physicians per place of residence, there are disparities in the concentration of physicians according to region. For example, this concentration is highest in major urban centres (Lisbon, Porto and Coimbra), where the most specialised Hospitals and University Hospitals are located. Inland regions of Portugal, distant from medium-size cities, have the lowest ratio of physicians per inhabitants. In addition, there are a few disparities regarding the availability of nurses per work location. The distribution pattern is similar to that described for physicians.

Table 7  
Physicians and nurses in Portugal

	<i>Nurses per 1 000 inhabitants</i>	<i>Physicians per 1 000 inhabitants</i>
Portugal		
2001	3.8	3.2
2002	4	3.2

	<i>Nurses per 1 000 inhabitants</i>	<i>Physicians per 1 000 inhabitants</i>
2003	4.2	3.3
2004	4.3	3.3
2005	4.6	3.4
2006	4.8	3.5
2007	5.1	3.6
2008		
Portugal	5.3	3.7
Continent	5.2	3.7
North	5.1	3.4
Centre	5.3	3.1
Lisbon	5.8	5.3
Alentejo	4.4	2.0
Algarve	4.5	3.0
Azores	6.7	2.0
Madeira	7.7	2.5

## 5. Social Workers

69. The deep reform carried out since 2001 on Minor Law and on the in-depth reformulation of the System on the protection of Children and Young People triggered the need to qualify professionals, by progressively uniting their actions with the system's new guidelines and CRC. Several training measures are being developed by ISS, I.P. emphasizing:

(a) Internal training, for Social Security professionals with representation in CPCJ as well as for multidisciplinary teams supporting Courts within the scope of the Promotion and Protection Processes and Juvenile Civil Cases and professionals responsible for the follow up of the social solutions Childminders and Children and Youth Homes: During 2008, 1.015 professionals received training;

(b) External training, which includes for example the training of all Technical and Educational Teams of Children and Youth Centres with a protocol signed within the DOM Plan: During 2008, 1.841 professionals received training.

## III. Definition of the child

### A. Previous concerns and recommendations of the Committee (as contained in the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.162))

70. None.

### B. Substantive information

71. There are no updates with respect to article 1 of the Convention, concerning the definition of a child under domestic laws and regulations.

### C. Statistical information

72. The following show the number and proportion of children under 18 living in Portugal:

Table 8

#### Resident population estimates, by gender and by age, 31 December 2002 - Portugal

	<i>MF</i>	<i>M</i>	<i>F</i>	<i>MF</i>	<i>M</i>	<i>F</i>
TOTAL	10 407 465	5 030 247	5 377 218	100,0%	100,0%	100,0%
0-4	551 086	283 406	267 680	5,3%	5,6%	5,0%
0	113 701	58 933	54 768	1,1%	1,2%	1,0%
1	111 835	57 834	54 001	1,1%	1,1%	1,0%
2	109 250	55 980	53 270	1,0%	1,1%	1,0%
3	111 547	56 936	54 611	1,1%	1,1%	1,0%
4	104 753	53 723	51 030	1,0%	1,1%	0,9%
5-9	527 067	269 823	257 244	5,1%	5,4%	4,8%
5	103 881	52 950	50 931	1,0%	1,1%	0,9%
6	105 378	53 876	51 502	1,0%	1,1%	1,0%
7	105 995	54 462	51 533	1,0%	1,1%	1,0%
8	104 269	53 570	50 699	1,0%	1,1%	0,9%
9	107 544	54 965	52 579	1,0%	1,1%	1,0%
10-14	567 600	289 721	277 879	5,5%	5,8%	5,2%
10	110 005	55 963	54 042	1,1%	1,1%	1,0%
11	113 412	57 935	55 477	1,1%	1,2%	1,0%
12	114 319	58 385	55 934	1,1%	1,2%	1,0%
13	114 165	58 324	55 841	1,1%	1,2%	1,0%
14	115 699	59 114	56 585	1,1%	1,2%	1,1%
15-19	635 052	324 692	310 360	6,1%	6,5%	5,8%
15	116 643	59 793	56 850	1,1%	1,2%	1,1%
16	121 156	61 768	59 388	1,2%	1,2%	1,1%
17	124 755	63 795	60 960	1,2%	1,3%	1,1%

Table 9

#### Resident population estimates, by gender and by age, 31 December 2003 - Portugal

	<i>MF</i>	<i>M</i>	<i>F</i>	<i>MF</i>	<i>M</i>	<i>F</i>
TOTAL	10 474 685	5 066 308	5 408 377	100,0%	100,0%	100,0%
0-4	557 395	287 133	270 262	5,3%	5,7%	5,0%
0	111 949	57 906	54 043	1,1%	1,1%	1,0%
1	113 424	58 800	54 624	1,1%	1,2%	1,0%
2	111 616	57 716	53 900	1,1%	1,1%	1,0%
3	109 044	55 875	53 169	1,0%	1,1%	1,0%
4	111 362	56 836	54 526	1,1%	1,1%	1,0%
5-9	528 190	270 547	257 643	5,0%	5,3%	4,8%
5	105 367	54 044	51 323	1,0%	1,1%	0,9%

	<i>MF</i>	<i>M</i>	<i>F</i>	<i>MF</i>	<i>M</i>	<i>F</i>
6	104 701	53 361	51 340	1,0%	1,1%	0,9%
7	106 196	54 285	51 911	1,0%	1,1%	1,0%
8	106 835	54 876	51 959	1,0%	1,1%	1,0%
9	105 091	53 981	51 110	1,0%	1,1%	0,9%
10-14	563 411	287 528	275 883	5,4%	5,7%	5,1%
10	108 404	55 388	53 016	1,0%	1,1%	1,0%
11	110 818	56 363	54 455	1,1%	1,1%	1,0%
12	114 179	58 323	55 856	1,1%	1,2%	1,0%
13	115 077	58 767	56 310	1,1%	1,2%	1,0%
14	114 933	58 687	56 246	1,1%	1,2%	1,0%
15-19	615 827	314 687	301 140	5,9%	6,2%	5,6%
15	116 417	59 478	56 939	1,1%	1,2%	1,1%
16	117 379	60 143	57 236	1,1%	1,2%	1,1%
17	121 836	62 087	59 749	1,2%	1,2%	1,1%

Table 10

**Resident population estimates, by gender and by age, 31 December 2004 - Portugal**

	<i>MF</i>	<i>M</i>	<i>F</i>	<i>MF</i>	<i>M</i>	<i>F</i>
TOTAL	10 529 255	5 094 339	5 434 916	100,0%	100,0%	100,0%
0-4	553 702	285 608	268 094	5,3%	5,6%	4,9%
0	108 691	55 869	52 822	1,0%	1,1%	1,0%
1	111 652	57 743	53 909	1,1%	1,1%	1,0%
2	113 163	58 657	54 506	1,1%	1,2%	1,0%
3	111 379	57 586	53 793	1,1%	1,1%	1,0%
4	108 817	55 753	53 064	1,0%	1,1%	1,0%
5-9	537 271	274 803	262 468	5,1%	5,4%	4,8%
5	111 795	57 061	54 734	1,1%	1,1%	1,0%
6	105 960	54 343	51 617	1,0%	1,1%	0,9%
7	105 290	53 652	51 638	1,0%	1,1%	1,0%
8	106 794	54 576	52 218	1,0%	1,1%	1,0%
9	107 432	55 171	52 261	1,0%	1,1%	1,0%
10-14	556 464	284 236	272 228	5,3%	5,6%	5,0%
10	105 725	54 285	51 440	1,0%	1,1%	0,9%
11	109 008	55 685	53 323	1,0%	1,1%	1,0%
12	111 376	56 640	54 736	1,1%	1,1%	1,0%
13	114 729	58 601	56 128	1,1%	1,2%	1,0%
14	115 626	59 025	56 601	1,1%	1,2%	1,0%
15-19	598 736	305 808	292 928	5,7%	6,0%	5,4%
15	115 426	58 937	56 489	1,1%	1,2%	1,0%
16	116 920	59 718	57 202	1,1%	1,2%	1,1%
17	117 837	60 356	57 481	1,1%	1,2%	1,1%

Table 11  
Resident population estimates, by gender and by age, 31 December 2005 - Portugal

	<i>MF</i>	<i>M</i>	<i>F</i>	<i>MF</i>	<i>M</i>	<i>F</i>
TOTAL	10 569 592	5 115 742	5 453 850	100,0%	100,0%	100,0%
0-4	552 755	285 644	267 111	5,2%	5,6%	4,9%
0	108 881	56 343	52 538	1,0%	1,1%	1,0%
1	108 388	55 703	52 685	1,0%	1,1%	1,0%
2	111 403	57 604	53 799	1,1%	1,1%	1,0%
3	112 930	58 529	54 401	1,1%	1,1%	1,0%
4	111 153	57 465	53 688	1,1%	1,1%	1,0%
5-9	540 876	276 487	264 389	5,1%	5,4%	4,8%
5	109 139	55 921	53 218	1,0%	1,1%	1,0%
6	112 264	57 295	54 969	1,1%	1,1%	1,0%
7	106 427	54 573	51 854	1,0%	1,1%	1,0%
8	105 775	53 886	51 889	1,0%	1,1%	1,0%
9	107 271	54 812	52 459	1,0%	1,1%	1,0%
10-14	550 600	281 506	269 094	5,2%	5,5%	4,9%
10	107 948	55 418	52 530	1,0%	1,1%	1,0%
11	106 210	54 520	51 690	1,0%	1,1%	0,9%
12	109 457	55 906	53 551	1,0%	1,1%	1,0%
13	111 819	56 863	54 956	1,1%	1,1%	1,0%
14	115 166	58 799	56 367	1,1%	1,1%	1,0%
15-19	590 205	301 306	288 899	5,6%	5,9%	5,3%
15	116 007	59 222	56 785	1,1%	1,2%	1,0%
16	115 809	59 111	56 698	1,1%	1,2%	1,0%
17	117 267	59 871	57 396	1,1%	1,2%	1,1%

Table 12  
Resident population estimates, by gender and by age, 31 December 2006 - Portugal

	<i>MF</i>	<i>M</i>	<i>F</i>	<i>MF</i>	<i>M</i>	<i>F</i>
TOTAL	10 599 095	5 129 937	5 469 158	100,0%	100,0%	100,0%
0-4	547 569	282 327	265 242	5,2%	5,5%	4,8%
0	105 214	53 899	51 315	1,0%	1,1%	0,9%
1	109 049	56 396	52 653	1,0%	1,1%	1,0%
2	108 563	55 757	52 806	1,0%	1,1%	1,0%
3	111 601	57 666	53 935	1,1%	1,1%	1,0%
4	113 142	58 609	54 533	1,1%	1,1%	1,0%
5-9	545 915	279 561	266 354	5,2%	5,4%	4,9%
5	111 408	57 557	53 851	1,1%	1,1%	1,0%
6	109 346	55 994	53 352	1,0%	1,1%	1,0%
7	112 492	57 384	55 108	1,1%	1,1%	1,0%
8	106 666	54 665	52 001	1,0%	1,1%	1,0%
9	106 003	53 961	52 042	1,0%	1,1%	1,0%

	<i>MF</i>	<i>M</i>	<i>F</i>	<i>MF</i>	<i>M</i>	<i>F</i>
10-14	544 153	278 111	266 042	5,1%	5,4%	4,9%
10	107 504	54 902	52 602	1,0%	1,1%	1,0%
11	108 184	55 512	52 672	1,0%	1,1%	1,0%
12	106 441	54 606	51 835	1,0%	1,1%	0,9%
13	109 766	56 038	53 728	1,0%	1,1%	1,0%
14	112 258	57 053	55 205	1,1%	1,1%	1,0%
15-19	586 291	299 484	286 807	5,5%	5,8%	5,2%
15	115 669	59 049	56 620	1,1%	1,2%	1,0%
16	116 628	59 535	57 093	1,1%	1,2%	1,0%
17	116 547	59 469	57 078	1,1%	1,2%	1,0%

Table 13

**Resident population estimates, by gender and by age, 31 December 2007 - Portugal**

	<i>MF</i>	<i>M</i>	<i>F</i>	<i>MF</i>	<i>M</i>	<i>F</i>
TOTAL	10 617 575	5 138 807	5 478 768	100,0%	100,0%	100,0%
0-4	536 621	276 035	260 586	5,1%	5,4%	4,8%
0	102 153	52 477	49 676	1,0%	1,0%	0,9%
1	105 220	53 859	51 361	1,0%	1,0%	0,9%
2	109 055	56 355	52 700	1,0%	1,1%	1,0%
3	108 575	55 712	52 863	1,0%	1,1%	1,0%
4	111 618	57 632	53 986	1,1%	1,1%	1,0%
5-9	553 451	284 174	269 277	5,2%	5,5%	4,9%
5	113 246	58 614	54 632	1,1%	1,1%	1,0%
6	111 473	57 544	53 929	1,0%	1,1%	1,0%
7	109 395	55 981	53 414	1,0%	1,1%	1,0%
8	112 590	57 387	55 203	1,1%	1,1%	1,0%
9	106 747	54 648	52 099	1,0%	1,1%	1,0%
10-14	538 780	275 282	263 498	5,1%	5,4%	4,8%
10	106 116	53 981	52 135	1,0%	1,1%	1,0%
11	107 603	54 916	52 687	1,0%	1,1%	1,0%
12	108 299	55 526	52 773	1,0%	1,1%	1,0%
13	106 642	54 674	51 968	1,0%	1,1%	0,9%
14	110 120	56 185	53 935	1,0%	1,1%	1,0%
15-19	582 642	297 177	285 465	5,5%	5,8%	5,2%
15	112 614	57 236	55 378	1,1%	1,1%	1,0%
16	116 149	59 290	56 859	1,1%	1,2%	1,0%
17	117 279	59 844	57 435	1,1%	1,2%	1,0%

Table 14

**Resident population estimates, by gender and by age, 31 December 2008 - Portugal**

	<i>MF</i>	<i>M</i>	<i>F</i>	<i>MF</i>	<i>M</i>	<i>F</i>
TOTAL	10 627 250	5 142 566	5 484 684	100,0%	100,0%	100,0%
0-4	528 983	271 855	257 128	5,0%	5,3%	4,7%
0	104 222	53 743	50 479	1,0%	1,0%	0,9%
1	102 085	52 407	49 678	1,0%	1,0%	0,9%
2	105 155	53 777	51 378	1,0%	1,0%	0,9%
3	108 998	56 282	52 716	1,0%	1,1%	1,0%
4	108 523	55 646	52 877	1,0%	1,1%	1,0%
5-9	558 297	286 925	271 372	5,3%	5,6%	4,9%
5	111 626	57 589	54 037	1,1%	1,1%	1,0%
6	113 234	58 566	54 668	1,1%	1,1%	1,0%
7	111 465	57 504	53 961	1,0%	1,1%	1,0%
8	109 384	55 932	53 452	1,0%	1,1%	1,0%
9	112 588	57 334	55 254	1,1%	1,1%	1,0%
10-14	535 711	273 708	262 003	5,0%	5,3%	4,8%
10	106 763	54 620	52 143	1,0%	1,1%	1,0%
11	106 134	53 952	52 182	1,0%	1,0%	1,0%
12	107 614	54 883	52 731	1,0%	1,1%	1,0%
13	108 377	55 527	52 850	1,0%	1,1%	1,0%
14	106 823	54 726	52 097	1,0%	1,1%	0,9%
15-19	575 353	293 245	282 108	5,4%	5,7%	5,1%
15	110 287	56 251	54 036	1,0%	1,1%	1,0%
16	112 858	57 334	55 524	1,1%	1,1%	1,0%
17	116 482	59 411	57 071	1,1%	1,2%	1,0%

**IV. General principles (arts. 2, 3, 6 and 12)****A. Previous concerns and recommendations of the Committee (as contained in the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.162))****1. Continue and strengthen efforts to ensure equal respect for the right to non-discrimination of all children, including of Roma children (para. 20 of CRC/C/15/Add.162, of 6 November 2001)**

73. The Portuguese Government has in place several programmes and initiatives aimed at ensuring respect for the right to non-discrimination of children. These initiatives are taken by different Ministries and Public Bodies. Some examples follow.

74. The Choices Programme aims at promoting the social inclusion of children and youngsters coming from vulnerable socioeconomic contexts, in particular children from migrants and from persons belonging to ethnic minorities, having as an objective the equality of opportunities and the reinforcement of social cohesion.

75. The Choices Program was established by resolution of the Council of Ministers No. 4 / 2001 of 9 January. In a first implementation phase, which took place between January 2001 and December 2003, it was a Program for the Prevention of Crime and the Youth Inclusion of the most troubled districts of Lisbon, Oporto and Setúbal. During this period 50 projects, involving 6712 recipients were implemented. Its objectives were:

(a) To prevent crime and to integrate young people of the most vulnerable districts of Lisbon, Porto and Setúbal;

(b) To promote the personal, social, educational, parental and professional education of the young people;

(c) To forge partnerships between public services and the communities in selected districts;

(d) To contribute to the coordination of the operations of all entities that work on youth and their actions;

(e) To coordinate activities with the Child Protection Commission and other existing partnerships in place.

76. After this period was completed, and based on the lessons learned as well as on the need to respond to new challenges, Choices - 2nd Generation (E2G) – was created in 2004. Nationwide, the E2G took place between May 2004 and September 2006. It financed and supervised 87 projects, framed in the Northern (33), Central (29) and Southern Areas of the country, as well as in the Islands of Madeira and Azores (25).

77. The priority targets of E2G were children and young people between 6 and 18 years, coming from problematic socio-economic backgrounds. The programme also included young people aged between 19 and 24 years, families and other community members such as teachers and educational aids. In terms of intervention, and from the experience gained in the first phase, changes were made in three main areas:

(a) Transformation of the programme from a crime prevention- into a inclusion promotion programme. The new phase of choices aimed at promoting social inclusion of children and young people coming from problematic socio-economic backgrounds;

(b) Transformation of the programme from a centralized into a program based on locally-planned-projects-based programme. The Choices Program carries forward its action in a model that relies on local institutions (schools, training centres, associations, Private Social Solidarity Institutions) who were challenging for the design, implementation and evaluation of projects; and

(c) Among the vulnerable children and young people, there is a greater need for investment in children and young people with immigrant parents and who belong to ethnic minorities. These became a priority of Choices.

78. Through a consortium involving 412 institutions and 394 technicians, the EG2 covered about 43,199 recipients, living in 54 counties.

79. Resolution of the Council of Ministers No. 80 of 2006 proceeded to the renewal of the Choices Program's third phase, strengthening it through increased investment and a targeted number of projects to support.

80. The Choices Program was renewed for the period 2007 to 2009 having a total budget of 25.000.000,00 Euros, with the aim of promoting the social inclusion of children and young people coming from vulnerable socio-economic backgrounds, taking into account the increased risk of social exclusion, particularly of the descendants of immigrants and ethnic minorities.

81. The work done by Choices Programme has been internationally acknowledged, receiving recognition as a best practice in several occasions: in 2003, it received the European Union Award on Criminality Prevention; in 2007, it was referred as a good practice in the European Union “Handbook for Integration”; it was equally considered a good practice in the first “International Report on Criminality Prevention and Community Safety”, produced by the Centre for the Prevention of Crime (ICPC), with headquarters in Canada.

82. Currently in its 4th generation (2010-2013), the Choices Programme involves about 1003 local partners, 780 technicians and intends to cover 97,000 children and youth by the end of 2012. The Programme supports 131 local projects (66 of which targeting Roma Children) with a total budget of € 38,000,000.00, reflecting the needs felt at the local level to promote the integration of these young people.

83. At this stage there are 131 projects in progress, with the possibility of developing other 10 extra pilot projects, in order to strengthen the support for the mobilization of local communities to create social inclusion projects of children and youngsters coming from disadvantaged social backgrounds. Therefore, the areas of educational inclusion and non formal education, vocational training and employability, civic and community participation and digital inclusion, were established as priority areas of intervention.

84. It should also be mentioned the strong commitment to the mobilization and empowerment of communities taken by the Choices Programme, which created the figure of “Community facilitator”, i.e. one young boy/girl drawn from a community that is integrated in one of the technical teams of the Choices projects, who has the profile of a positive leader and constitutes *de per se* a reference model, and contributes, by its close links with the area involved, for the mobilization of children, youth and community in general.

85. A social systemic approach has been developed by Social Security through the prioritization of the territories which require specialised intervention as well as children at risk. The Programme for Inclusion and Development (PROGRIDE) seeks to promote the development of Projects for territories where the severity of poverty and social exclusion justifies intervention as a priority (Measure 1, with 40 projects carried out in 2008) for groups particularly affected by exclusion, marginality and persistent poverty (Measure 2, with 36 projects in 2008). It is based on the participation of all local actors - taking advantage of several local synergies - and implemented through the support of projects which respond to the multidimensional problems of a territory or group.

86. In this context, it is worth mentioning the Social Development Local Contracts (CLDS) which concentrate on territories identified as more vulnerable and intends to promote social inclusion of citizens in those territories in a multi-sectorial and integrated approach, through actions to be developed in conjunction with measures on employment, training, qualification, family and parental intervention, community and institution empowerment, information and accessibility.

87. Within the scope of these intervention programmes in more vulnerable territories, several projects exist for Roma, namely, EQUAL, To be a Child (Ser Criança) and measure 2 - PROGRIDE. Since 2005, two projects were created under PROGRIDE for Roma children. 18 projects were developed with actions covering the Roma population although not exclusive to this group. Since 2006, 3 more were developed and implemented to support this group. In addition, two important projects for the Roma community were also implemented by the local authorities of Coimbra and Beja.

88. These projects aim at supporting the integration of Roma children at school, vocational training and in the labour market, as well as support the dissemination of their culture and traditions.

**2. Include information on the measures and programmes relevant to the CRC undertaken by the State party to follow up on the declaration and Programme of Action adopted in the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (para. 21 of CRC/C/15/Add.162, of 6 November 2001)**

89. Portugal has a strong legal and institutional framework to combat racial discrimination which applies as well to the cases of discrimination against children. Constitutional and legal provisions, legal actions as well as complaints to the Ombudsman or to the Commission for Equality and against Discrimination constitute provisions and measures available in order to combat racism.

90. Specifically directed to children, the national contest against racial discrimination, “My School against Racial Discrimination”, was promoted in 2007 within the Year of Equal Opportunities for All. This contest aimed at awarding actions developed by students, valuing information or training against discrimination and racism, as well as the promotion of dialogue and cooperation between different persons and cultures. It involved around 110 schools and 6.000 pupils from 17 out of the 18 country districts. The first prize was awarded to 3 classes. They had the opportunity to visit UNESCO Headquarters, in Paris.

91. More recently, in 2010, a new national contest against discrimination “Photo and video contest against Racial Discrimination” was launched, aiming at choosing a photo and a video concerning the values of diversity and Non-Discrimination on the basis of nationality, ethnic origin, race, colour or religion.

92. In 2006, a “Children’s Corner” was created in the National Centre for Immigrant Support in Lisbon (a service which provides information and support to immigrants, bringing together various partners including Ministries, institutions and public services), a place where the children of the Centre’s clients can amuse themselves, while the parents are using the Centre’s facilities. Under the supervision of an intercultural mediator, children can play with toys, games and watch movies.

93. The second National Action Plan for Immigrant Integration 2010-2013 entails several measures which are specifically directed to children. As an example, measure 64 – “Combating social, educational and occupational exclusion of the descendants of immigrants” through the consolidation of local projects implemented as part of the Choices programme by groupings of local, regional and central bodies looking to secure an integrated response to the social, educational and occupational exclusion of vulnerable children and youngsters, promoting a more effective integration. It aims at defending the equality of opportunities for the descendants of immigrants in the access to professional training and employment, combating all forms of racial discrimination as well as at developing intervention strategies aimed at combating school failure of the children of immigrants, projecting a positive image of schools, including higher education colleges, as agents of socialization and the promotion of vertical social mobility, in a perspective of greater proximity to the community.

94. In order to help Portuguese public schools to deal with the increasing of foreign students and social, cultural and ethnic diversity, it has been functioning since 1991 the *Entreculturas Board*. A large range of activities were developed to sensitize schools and other educational stakeholders regarding the issue of intercultural education, as a means to facilitate the integration of immigrants’ children and ethnic minorities in schools and to ensure better and more equal opportunities for all. Currently this team is composed by 36 trainers. They produce, edit and disseminate tools, teaching and training materials, as well as information materials to the general public.

95. The Family Reunion Support department, functioning also in the National Centre for Immigrant Support, provides information and support to all citizens who wish to reunite their families.

**3. Continue to enhance child participation and respect for the opinions of the child (para. 23 of CRC/C/15/Add.162, of 6 November 2001)**

96. See below under section II B 1 (d).

**4. Promote initiatives with a view to diminishing the number and consequences of accidents involving children (para. 25 of CRC/C/15/Add.162, of 6 November 2001)**

97. See below under section II, B 1 (c).

**B. Substantive information**

**1. Measures adopted to bring domestic legislation and practice into full conformity with the principles and provisions of the Convention (in conformity with para. 18 of CRC/C/58/Rev.1)**

*(a) Non discrimination (art. 2)*

98. In 2006, the Ombudsman addressed a recommendation to the State Secretary of Education for the Government to urgently issue a rule regulating the model of certification of the qualifications achieved by the pupils with special educational needs.

99. This recommendation intended to put an end to a discriminatory practice regarding the pupils with special educational needs, since the State continued to deny them the certification of their school career due to the fact that they had had an alternative curriculum adjusted to their needs.

100. The Ombudsman also received a complaint on a child victim of discrimination on the basis of nationality. In this complaint, a child of a foreign national was treated in a discriminatory way because she was required to pay a higher fee than a Portuguese child when she was transferred from a foreign football club to a Portuguese one.

101. The Ombudsman recommended an urgent revision of the regulations applied and the application, in the meantime, of the same regime in force for Portuguese children to all children players, regardless of their nationality.

102. Council of Ministers Resolution 184/2003 of 25 November set up the Second National Plan for Equality for 2003/2006. One of the fundamental areas of intervention of the plan, which included measures for implementing the Convention, was Education, Training and Information. The five main measures for including gender and equality between women and men in the education system cover curricula, syllabuses and teaching materials; raising awareness of schoolbook publishers and the inclusion of gender equality as a quality criterion in textbooks and multimedia education products; initial and ongoing training of education and training professionals and campaigns for parents; organisation of schools in the awareness of the need for full integration of girls and boys in everyday school life and the prevention of exclusion, dropping out, violence and harassment; no gender-based school and vocational options; and sex education.

103. At the final evaluation of the Second National Plan for Equality, Council of Ministers Resolution 82/2007 of 22 June set up the Third National Plan for Equality – Citizenship and Gender for 2007- 2010, which laid down the rules of a consolidation phase of national gender equality policy to meet national and international commitments. In this plan, education, research and training are a priority and one of the main goals is to promote the inclusion of the gender factor in formal and non-formal education. Some of the measures designed to achieve these goals are:

(a) Including the gender perspective as a structural element in the school curricula, project areas and civic education;

(b) Including the issue of gender in quality criteria for printed and multimedia teaching materials by raising awareness of schoolbook writers and publishers;

(c) Promoting school and vocational guidance without gender stereotypes; and

(d) Including gender equality in the organisation and operation of schools and other education and training establishments in order to prevent discrimination and violence and guarantee interaction between the sexes in everyday school life.

(b) *Best interest of the child*

104. At this level, the promotion and protection system's structure provides moments when it is necessary to hear the child namely in the decision processes involving him/her. The Commissions for the Protection of Children and Youngsters establish "contracts" with the parents and children over 12 years, through the elaboration of a plan with measures which ensure the promotion and protection of the children's rights.

105. The Commissions for the Protection of Children and Young People (CPCJ) also contribute to guaranteeing the best interest of the child. Social Security has ensured a set of measures to qualify its professionals by implementing training programmes and providing computerised Promotion and Protection Process within the CPCJ. (see above chapter II).

106. The best interest of the child is also relevant in what concerns parental responsibilities.<sup>9</sup> The legal content of parental responsibilities is specifically built with regard to the best interest of the child (article 1878º, n.1 Civil Code). In cases concerning the exercise of parental responsibilities, the court shall always decide in accordance with the best interest of the child (article 1906º Civil Code). This principle is also recognized in the Portuguese Constitution (article 69º Portuguese Constitution) establishing that, with a view to their integral development, children possess the right to protection by society and by the State, especially from all forms of abandonment, discrimination and oppression and from the abusive exercise of authority within the family or any institution

107. Finally, and more specifically, the Child Friendly Cities project promoted the active participation of children in Portugal. It was initiated in 2007, with the signing of a protocol between the Ministry of Labour and Social Solidarity, the Portuguese Committee for UNICEF and 13 Municipalities. The Protocol puts in place a strategy and protection mechanisms of the rights of the child, namely by promoting:

(a) Measures which allow children to be informed and actively involved in matters concerning them, by taking into account their opinions in the decision-making process;

(b) A municipal action plan based on CRC to identify challenges and allow for the permanent improvement in the child's life conditions;

(c) Coordination mechanisms for actions developed by the municipalities and related to the promotion of the rights of the child;

(d) Reorganisation of the adequate and sufficient municipal resources to include the rights of the child in the budget; and

(e) An annual report on the child situation in the municipal council including statistical data to support new policies, specifically related to children in more vulnerable situations.

<sup>9</sup> Law 61/2008, 31st October, replaced the notion of «poder paternal» (paternal power) for the one of «responsabilidades parentais» (parental responsibilities).

108. Also the facilities network and child care services - a key element in the conciliation of family life and work - is a reality resulting from the effort and involvement of different stakeholders, namely public authorities, non-profit and profit institutions – Private Institutions of Social Solidarity (IPSS).

109. Their operation costs are borne by cooperation agreements signed between the Social Security and entities representing the different institutions establishing an annual financial contribution.

110. The cooperation Protocol for 2004 (as mentioned above in chapter II) signed between the Ministry of Labour and Social Solidarity and entities representing the different institutions determined the Social Security costs established in cooperation agreements and introduced the principle of positive differentiation. In order to apply this principle, differentiated values will be progressively established in terms of social security costs, taking into consideration the adjustment of these solutions to the user needs.

111. This principle is applied for instance to “creches” opened longer than 11 hours a day to meet the needs of the 30% of parents with children in these facilities that need to leave them for longer periods during the day.

112. Services and social infrastructures borne by institutions, and profit, non profit entities do not require prior licensing and are subject to inspection and supervision from the competent services of the Ministry of Labour and Social Solidarity. Along these lines, Decree-Order no 64/2007, of 14 March, defines the licensing and inspection of social infrastructures for any profit or non profit private entities, clearly distinguishing the process related to construction licensing from the one related to licensing an activity.

113. The defence of the best interests of the child is the main purpose of many of the interventions undertaken by the Ombudsman. Some of the examples are as follows.

114. The *Linha* (Hotline) received a complaint on a situation of negligent and maltreatment of a child by her foster family. The Ombudsman intervened by contacting the local service of Social Action with the purpose of protecting the child.

115. As a result, and having considered the best interest of the child, the Social Service removed the child from the care of her foster family and integrated her in a more appropriate and capable family.

116. A situation of danger concerning a child with 15 years of age that was being regularly approached on her way from home to school by an individual who made her proposals of a sexual nature was denounced to the *Linha*.

117. In this case, the *Linha* convened a meeting with several entities that have the power to intervene and decisions were taken to safeguard the best interest of the child, namely: the change of school, a stronger police surveillance, starting criminal court proceedings to investigate the aggressor’s responsibility and medical treatment of the aggressor who was found to suffer from mental health problems.

(c) *The right to life, survival and development*

118. The Portuguese security forces have been putting in place the operationalization of the concept of “Proximity Policing”, meaning the development of a as-close-as-possible from the populations policing activity. One of its goals is to bring together the police forces and the community in order to better address the common problems of the community.

119. The Portuguese security forces – National Republican Guard (GNR) and Public Security Police (PSP) - have special programmes of community policing, which are aimed at ensuring the protection of the right to life of all citizens, and particularly of children. Among the existing programmes, we would like to highlight the following.

120. NMUME (Women's and Minors Center) - is a project of the National Guard to address social problems and criminal activities which had not been so far subject to special and differentiated treatment. Therefore, a service mainly for prevention, monitoring and investigation of situations of violence against children and against other specific groups of victims was created. The project aims to raise awareness and train the whole structure of the National Guard, as well as the society in general to the problem of violence specially directed against disadvantaged groups, with the creation of specialist teams to treat this matter - the NMUME. The objective is to have a comprehensive and multidisciplinary approach, integrating the activities of NMUME in the dynamics of the local (social and legal) answers. The action is focused not only on the victims, but also on the offenders and on the causes of violence. The Project equally has specific objectives, namely, the study of the phenomenon, its causes, signs and identification of situations; attending the victims (and offenders, when applicable), the development of procedures for the investigation and proposal of appropriate measures to protect victims and the rehabilitation of offenders, the psychosocial level, the routing of the victims (and in some cases, the offenders) as part of local networks of social support.

121. (ii) Victim Support Teams (EPAV) - There are currently at PSP 142 rooms for the Care and Support of Victims of Crime, designed to ensure a more specialized and appropriate care to each type of victimization, particularly in cases of violent crimes or when the victims are more vulnerable and fragile, as is the case of children. With the implementation of the Integrated Proximity Policing Programme on PSP (PIPP), Victim Support Teams (EPAV) were created in 22 subunits that make up a pilot project. The EPAV (totalling now 240 staff members) constitute, as regards the prevention of the problem of domestic violence, a first line of response, protection and security, monitoring, support and referral of victims.

122. The team of the Safe School Program (EPES) is responsible for security and surveillance in school areas, prevention of juvenile crime, and early identification of problems that may interfere with the security situation of citizens. The Safe School Programme is a joint initiative of the Ministry of Internal Affairs and the Ministry of Education aimed at ensuring the safety conditions of the school population and promote safety behaviours in school. Measures taken include the surveillance of schools and their surrounding areas; policing the usual access routes to schools; and raising awareness among students on security issues. These actions are implemented by police officers trained and prepared for this type of action.

123. With regard to road safety, the Portuguese legislation establishes the requirement that children under 12 years of age and less than 150 cm tall, must be transported in cars equipped with safety belts, and must use child restraint adapted to their size and weight.

124. On the other hand, there is special legislation - Law No. 13/2006 of 17 April -, which defines the legal regime applicable to public transportation of children and youth up to age 16. Among other things, this law covers the business licensing, vehicle identification, certification of drivers, as well as the need for safety belts and restraint systems for children.

125. The Ministry of Education also promotes programmes aimed at raising students' awareness to civic attitudes and behaviours. One such example is the cross-curriculum module *Citizenship and Safety*. Considering the present social complexity of schools and living context of children and youths, it is urgent to deal with citizenship values under a safety point of view, and at an early stage, in an attempt to prevent risk behaviour, uncivil attitudes and violence.

126. Taking as a reference the fundamental rights and the shared duties that the former imply, the module is organized around three themes: “Living with others”, “Conflict and violence situations” and “Specific safety behaviours”.<sup>10</sup>

(d) *Respect for the views of the child*

127. The Ombudsman has made some interventions aimed at achieving this right:

(a) Following a complaint, the Ombudsman contacted the National Commission for the Protection of Children and Young Persons at Risk, to warn it about the need to hear the views of a 15 years old child on whom a proceeding had been opened. The child’s hearing was extremely important, not only in order to comply with Article 10 of the Law no. 147/99, of 1 September (since the intervention of the Commission is dependent of the non opposition by the child or young person who is at least 12 years old), but also because it allowed for her views to be taken into consideration by the Commission when deciding on the measures of protection to apply.

(b) A young boy institutionalized in a care centre denounced to the *Linha* the situation of risk faced by the children who lived there, due to the lack of basic needs, such as food, clothing and foot-wear. The young boy also referred other situations that could put at risk the safety of some children. The hotline submitted the situation to the *Inspecção-Geral do Ministério do Trabalho e da Solidariedade*<sup>11</sup> that requested the urgent intervention of the *Departamento de Fiscalização*<sup>12</sup> to ascertain the veracity of the facts communicated.

128. An inspection was carried out to the functioning of that institution, and the Ombudsman monitored the implementation of the measures to improve the functioning of the centre and to safeguard the security of the resident minors.

129. In the area of education, and with the aim of promoting quality learning, improved results and schools success, a whole series of measures were implemented, where the views of the child were actively taken into consideration and respected. Those with most impact are listed below:

- The National Project for Education in Entrepreneurship encourages schools to develop initiatives to help creating skills and attitudes in educational communities that will lead to an enterprising spirit and a business culture in schools; it will also enhance pupils’ skills and their school success as well as contribute towards co-operation, equity and quality in learning.

130. Regarding parental responsibilities, the views of the child are also taken in consideration:

(a) The court may decide to hear the child and take the child’s opinion into account in important issues regarding the exercise of parental responsibilities (article 1901<sup>o</sup> Civil Code);

(b) In the adoption procedure, article 8 of the Adoption Law establishes that children over 12 should be heard and for an adoption to take place, the child’s consent has to be manifested;

(c) Article 1981 of the Portuguese Civil Code also requires the child consent for the adoption process if the child is over 12. Regardless of his or her age, the child is always heard by the judge during this process and the judge must take into consideration the child’s age and maturity (article 170, n.º 2, Law Decree n.º 314/78, 27<sup>th</sup> October);

<sup>10</sup> Source: RNDE – UNESCO – 2008.

<sup>11</sup> General Inspectorate of the Ministry of Labour and Solidarity.

<sup>12</sup> Inspection Department.

(d) Articles 10 and 84 of the Law for the Protection of Children and Youngsters at Risk (LPCYR) stipulates a case-by-case evaluation of children under 12 years, in order to determine the child's ability and understanding whenever protection measures are applied;

(e) The Law for the Protection of Children and Youngsters at Risk also establishes that the participation of institutions competent in these matters, as well as the Commissions for the Protection of Children and Young Persons at Risk, depends on the approval by the child (when he/ she is 12 years or older). The opinions of children under 12 are also considered relevant in accordance with their maturity and understanding;

(f) Article 94 of the Law for the Protection of Children and Youngsters at Risk also establishes that once the communication from the Commission is received, the child should be informed and heard. Moreover, the Commission is obliged to inform the child about his/her rights and the following procedures;

(g) The recent Civil Sponsorship Law also establishes that civil sponsorship can be applied to children over 12. In addition, children are able to start proceedings if they are over 12 and they can choose the person and family. If the choice of the family is made by a third person, the child's opinion shall nevertheless be taken into account. – (Law 103/2009, 11 September, articles 10 and 11);

(h) In its preamble (indent 15) the Law on Educational Guardianship (Lei Tutelar Educativa), mentions the adversarial system in juvenile procedures and the importance of taking into account the child's views;

(i) Article 45 of the Law on Education Guardianship also establishes the right of the child to be heard of its own motion or by request from the court.

(j) Article 77 of the same diploma establishes that the child must be heard by the public prosecutor as soon as the criminal investigation is started, before the court, and subsequently during the judicial proceedings. Articles 104 and 107 describe the child's audition. Article 137 concerns the revision of the legal measures previously taken and the participation of the child in the proceedings.

### C. Statistical information

131. The trend of mortality between 2002-2007 presented in the tables in Annex I shows the number of deaths by cause of death (ICD-10 coding) and gender, disaggregated by age (years), Portugal.

132. Data on deaths of those under 18:

- (a) As a result of extrajudicial, summary or arbitrary executions – non applicable;
- (b) As a result of capital punishment – non applicable
- (c) Due to illnesses, including HIV/AIDS, malaria, tuberculosis, polio, hepatitis and acute respiratory infections – Annex I (2002-2005);
- (d) As a result of traffic or other accidents – Annex I (2002-2005);
- (e) As the result of crime and other forms of violence – Annex I (2002-2005);
- (f) Due to suicide – Annex I (2002-2005).

133. Regarding the evolution of cases of AIDS a decreasing tendency in the number of infections has been registered among Portuguese children. Among children up to 19 years, 12 were identified with AIDS in 2000, compared with 3 cases in 2006 and 0 cases in 2007. The proportion of children with AIDS in the number of cases decreased from 1.2% in 2000 to 0.5% in 2006, showing a positive development for children. The incidence of AIDS

cases among children is felt, more significantly, among youth from 13 to 19 years of age, representing 80% of the cases identified from 0 to 19 years.

134. As for diseases that are of obligatory notification such as respiratory tuberculosis, children and young people in general constitute the age group with the lowest incidence of tuberculosis. Up to 14 years of age the incidence of tuberculosis is 4 cases/100 inhabitants (7 times lower than the general population) and most of the cases within this age group are registered among the immigrant population. However, there are no prevalent cases of multidrug resistance and association of tuberculosis with HIV infection occurs very occasionally.

135. The control measures for tuberculosis in children are focused on implementing the WHO DOTS strategy.

136. More specifically for children, the policy provides for control of the primary prevention by giving universal access of newborns to the BCG vaccination, and systematically to prophylaxis with Isoniazid to children under 5 years who may be in contact with cases of infectious tuberculosis.

137. The secondary prophylaxis is the intensification of the tracing of contacts for the identification and treatment of latent tuberculosis by the tuberculin intradermal test sequence.

138. Regarding aspects of the emerging epidemic of tuberculosis and the framework of the Plan and the Partnership StopTB special focus is given to multiresistant tuberculosis and tuberculosis associated with HIV infection. The TB multidrug-resistant is, as yet, confined to the adult population, with incidence in the Western European average (1.8 of total cases of TB) with a tendency to reduce. The impact of policies and measures for control of tuberculosis in Portugal can express itself in an average reduction in incidence of 7.2% per year and a decrease of 35% of tuberculosis associated with HIV in the last 5 years.

139. In the case of morbidity, some diseases should be underscored, particularly those for which there is a National Vaccination Plan. For example, in the field of infectious diseases which are preventable by vaccination, children and young population have a high rate of immunity, particularly in diseases such as tetanus, diphtheria, hepatitis B, mumps and rubella.

140. In 2006, the rates of vaccination according to the scheduled were high, the lowest percentage being in the group of 0 to 11 months with respect to the BCG, with 89.5% and the highest on the vaccine against Diphtheria, Tetanus and Pertussis (DTP) with 96.9%. From 12 to 23 months, the vaccine against measles, parotitis and rubella (VASPR) had been given to 98.3% of children.

141. Asthma is a chronic disease that affects part of the population: 4.9% of children under the age of 15 years and 6.3% of young people aged between 15 and 24 years. Compared to 1998/99, there is a slight decrease in the prevalence of asthma in children, but an increase in young people. The population aged under 15 years presented a lower incidence of chronic disease than the group 15-24 years.

142. In the age group of 1 to 4 years, 24% of causes of death are attributed to injuries, poisoning and certain other consequences of external causes and 18% due to accidents. From 5 to 19 years, 42% of deaths are attributed to injuries, poisoning and some other consequences of external causes and 28% to accidents.

143. The impact that some behaviors may have on the health of individuals is responsible for a big part of the major health problems.

144. Consider, for example, the incidence of sharp violent causes, i.e. accidents (especially these), suicides and homicides, in the mortality and morbidity of the particular

age group of 15-19 years old. According to a study published in 2005, it can be seen that whereas in the age group of 10-14 years old the mortality from natural causes is higher than the mortality from violent causes, this relationship is inverted in the 15-19 years of age group.

145. Moreover, when considering sex, it appears that there is an asymmetric distribution between the two types of cause in men and women, although the natural causes are the predominant in both sexes in the younger age group.

**Data on the number of child and youth organizations or associations and the number of members they represent**

146. In 2009, 1519 associations were registered at the National Registry of Youth Associations. These have approximately 640.393 members.

## **V. Civil rights and freedoms (arts. 7, 8, 13–17 and 37 (a))**

### **A. Previous concerns and recommendations of the Committee (as contained in the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.162))**

#### **1. Adopt legislation prohibiting corporal punishment in the family and in an other contexts not covered by existing legislation (para. 27 (a) of CRC/C/15/Add.162, of 6 November 2001)**

147. The Portuguese Penal Code was recently revised in 2007 with the aim of explicitly prohibiting all forms of corporal punishment against children. Its article 152 determines:

“Whoever repeatedly, or not, inflicts physical or psychological ill-treatment, including corporal punishment, deprivation of liberty and sexual offences, is punished with 1 to 5 years of imprisonment”.

148. With this Penal Code revision, Portugal joins the group of States that have been contemplating the prohibition of corporal punishment in their legislation whatever the circumstances, including within the family.

149. Bearing in mind the need of eradicating all kind of corporal punishment against children, Portugal endorsed and implemented several measures, concerning especially to legal improvement on this matter and to the awareness raising of families, civil society, professionals, public and private authorities.

150. Though the Penal Code was revised and states, in Articles 152 to 152A, the penalty for physical abuse and psychological treatment, including corporal punishment, "strong and repeated" including against children with disabilities.

151. Recently new Policies were approved to protect children against violence and abuse:

(a) Decree-law 12/2008, 17 January, establishes the enforcement regime of the measures for the promotion and protection of children and youth at risk in a natural life, provided in Article 39., 40., 43. and 45. of the Annex to Law No. 147/99, 1 September, the Law of Protection of Children and Youth in Risk;

(b) Law No. 112/2009, 16th September establishes the legal regime for the prevention of domestic violence protection and assistance of victim;

(c) Law 113/2009, 17th September, which establishes measures to protect children, in compliance Article 5. of the Convention of the Council of Europe against Sexual Exploitation and Sexual Abuse of Children and imposes the definition of an

idoneous profile of professionals working with children. This turns the presentation of criminal records compulsory regarding eventual crimes related to sexual abuse or maltreatment, when applying to jobs that is supposed to contact with children.

152. Last, we should mention Portugal endorsement to Council of Europe Campaign against Corporal punishment, that points out that no violence against children is justifiable, focusing on themes of corporal punishment, sexual abuse or human trafficking. Regarding these contents, Portuguese government is going to launch a national campaign "Raise your hand against smacking!" next January 2010, targeting parents, teachers, other professionals and children.

**2. Develop mechanisms to prevent and end the practice of corporal punishment (para. 27 (b) of CRC/C/15/Add.162, of 6 November 2001)**

*(a) Prevention mechanisms*

153. Prevention mechanisms have been based on strategies that involve the various local agents and these develop training programmes regarding the phenomena of violence.

154. The National Commission for the Protection of Children and Young People at Risk defines strategies which are general principles, based on the necessity of raising awareness about the problem of violence; improved training of local stakeholders such as social workers, school teachers or officials of the local commissions for protection of children and young people.

155. At the local level there are two networks which ensure the application of prevention strategies. Firstly, there is the local Consultative Board<sup>13</sup> of Child Protection Committees which was set up according to the Protection of Children and Young People at Risk Law (Law no. 147/99 of 1st September 1999); apart from this commission there is also the Social Network available to the communities and created by the Resolution of the Council of Ministers no. 197/97 of 18 November 1997. The Social Network operates with Municipal Councils (CLAS - Local Council for Social Action) and with districts (CSF - Social District Commissions). Local authorities and civil society representatives take part in these networks and among their goals are the combat of exclusion and the promotion of social development.

156. This methodology requires Social Diagnoses, the establishment of Local Information Systems, and the accomplishment of Social Development Plans. The main communication strategies rely on leaflets and brochures distributed by the Child and Protection Committees and by the local social networks.

157. The programme against domestic violence was launched some years ago and consists of a nationwide information campaign using media, outdoors and television, and a similar campaign on child maltreatment and corporal punishments is now being prepared by the Portuguese Government.

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<sup>13</sup> Each Child Protection Committee has always two functioning modalities – a restricted Committee and a plenary Committee. The former is responsible for the direct intervention in concrete cases, after a situation of danger is signalled to it. The plenary Committee integrates various members of the community, among others representatives of the city council, of social security, of the Ministry of Education, health services, civil society organisations, parents' associations, security forces and other competent members of the community. The Plenary Committee is specifically in charge of undertaking a more preventive action within the community, namely through information and dissemination of child rights and by promoting actions with the competent authorities for the detection of facts and situations that affect children's rights and interests, that put their health, training or education in danger, or which prove to be unfavourable to their social development and insertion.

158. SOS help lines are also valuable for prevention:

- (a) SOS Children Helpline of the Child Care Institute;
- (b) “Messages from Children” Helpline of the Ombudsman;
- (c) Information Line for Victims of Domestic Violence of the Commission for Citizenship and Gender Equality;
- (d) National Social Emergency Line of the Institute of Social Security. This is the official emergency hotline. A specific hotline for prevention of violence against children will be run by the Portuguese Red Cross beginning in October 2008, by appointment of the Institute of Social Security (Ministry of Labour and Social Solidarity).
- (e) Children and Young People Bullying Helpline of the National Teachers Association was created in May 2008, but it is not functioning yet.

(b) *Intervention mechanisms*

159. In all situations where corporal punishments occur, the law (Law no. 147/99 of 1st September 1999) determines that a proportional intervention should be promoted. i.e., the intervention should be the necessary and adequate to the risk or danger situation in which the child finds him/herself at the moment the decision is taken. There exist various mechanisms and civil society organisations available to act, while enabling the child to stay with his/her family or, as a last resort measure, in more acute danger situations, in the context of institutionalization, with the (more or less temporary) withdrawal of the child from the family.

160. Hence, it is always possible to apply different protection measures, which might translate in support with the parents, support with another family member, trusting the child to another person, support to becoming autonomous, placement with a foster family or institutionalization. These measures, as applied by the Child Protection Committee or by the Courts, are followed up by qualified technical teams, an evaluation of the effects of the intervention being regularly made. This evaluation might lead to possible changes and revisions of the measures.

161. The intervention mechanisms are developed by the Institute of Social Security and by private non-profit organizations some of which are financially backed by the Institute of Social Security.

162. The Institute of Social Security is a public institute of the Ministry of Labour and Social Solidarity. The institute has the responsibility of the social security system and social protection of citizens.

163. All the professionals working with children have the obligation of reporting the cases of violence to the Child Protection Committees or to Courts. The same obligation exists for all citizens because violence against children is considered a public crime.

164. For emergency situations, there is a national social emergency service that depends on the Institute of Social Security and has a dedicated emergency helpline. According to an official publication of this Institute<sup>14</sup> the alternative care of children at risk or without parental care include:

<sup>14</sup> INSTITUTE OF SOCIAL SECURITY (2007). Portuguese Child Policy Social Security. Lisbon: Institute of Social Security.

(i) *Emergency Units*

165. They ensure immediate shelter for children and young people in situation of serious, real, actual or eminent danger, for a period which should be no longer than 20 days.

(ii) *Temporary Residential Care Centres (CAT)*

166. They provide urgent and temporary shelter of children and young people in danger, for a period which should be no longer than six months.

(iii) *Children's Homes*

167. They provide shelter for children and young people in danger situation, for more than 6 months.

(iv) *Autonomy-building Apartment*

168. This is a social response developed on local communities that intended to support the transition to an independent life on a safe environment, for young people leaving care who are aged of 15 or more.

(v) *Foster families*

169. They qualified and technically prepared families that provide children and young people the right care for their needs.

170. Table 15 shows the number of children in alternative care according to the types indicated.

Table 15

**Children in alternative care (2006)**

<i>Type of social response</i>	<i>Number of children</i>	<i>%</i>
Emergency units	171	1.4
Temporary residential care	1674	13.7
Children's homes	7267	59.4
Autonomy-building apartment	46	0.4
Foster families (*)	2698	22.0
Others	389	3.1
<b>Total</b>	<b>12238</b>	<b>100</b>

*Source: Instituto da Segurança Social, Plano de Intervenção Imediata – 2006 [Immediate Intervention Plan - Report on the characteristics of children and youth in substitute care in 2006]*

(\*) Families with relatives represent 54.5% of all families and 12% of the total.

171. As for foster care, the Minister for Labour and Social Solidarity created the DOM Plan in April 2008. DOM is the acronym of the Portuguese words: Challenges, Opportunities and Changes. This plan aims to continuously improve the quality of children's and young people's homes through the promotion of institutionalized children's rights, their education, citizenship and deinstitutionalization in time. Following this plan, children's homes have been staffed with multidisciplinary teams for study and support of children's life projects meaning several possibilities: adoption, return to their families, and placement in foster families or independent life on their own for elder children.

172. The objective set up by the Portuguese Government is lowering 25% the number of institutionalized children.

*(c) Deterrence mechanisms*

173. Deterrence mechanisms are now reinforced by the Penal Code, which considers any form of violence, including corporal punishment, in any context, a crime, including the domestic context. Punishment for maltreatment will be one to five years of imprisonment; in more serious cases punishment will be two to eight years or with three to 10 years in the case of the victim's murder.

174. Sexual abuse of a child under 14 is punishable with a prison term of one to eight years or with 3 to 10 years if the sexual abuse consists of intercourse.

175. The Penal Code specifies other sexual crimes against children such as having sex with adolescents aged 14 to 16, prostitution or prostitution attempt of minors aged 14 to 18 and child pornography.

176. Apart of the foreseen punishments article 177 of the Penal Code provides for a significant increase in both the minimum and maximum penalties when certain aggravating factors are present.

*(d) Implementation and co-ordination at national, regional and local levels*

177. National, regional and local co-ordination is achieved by several bodies, the main one being the National Commission for the Protection of Children and Young People at Risk. Children and young people's homes and social emergency are supervised by the Social Security.

178. Among the problems with the existing system, three kinds of difficulties can be found:

*(i) Planning, coordination and assessment*

179. Coordination and assessment is foreseen by law and it is the responsibility of the National Commission, constituted by Government and Civil Society representatives. It is interesting to note that despite the existing close cooperation with the two police forces (PSP and GNR) the ministry responsible for those police forces is not officially represented in the National Commission.

180. This is a minor problem that can easily be solved. The main difficulty lies in the fact that policies for violence control and prevention are conceived and established by various Government departments, such as Justice, Internal Administration, Education, Youth and Social Security. This makes it difficult for the National Commission to perform its functions of "planning Government intervention, observation, assessment and coordination between public services and the communities for child and youth protection" (Decree-Law no.98/98).

The model adopted for prevention and protection against violence values community child protection, working together with Government departments so that new solutions can be found. However, this has not proven to be successful mainly due to two kinds of factors.

*(ii) Cultural and social factors*

181. Culturally, people are used to the idea that Government departments are the only existing solutions to solve all matters, as communities are accustomed to hierarchical government structures.

182. This panorama is changing due to a society slowly moving towards a type based on dialogue and less dependent on government. Still, local commissions created according to Act 147/99 for Children and Young People Protection are far from achieving better results in preventing violence.

(iii) Training and organizational factors

183. Training the various agents that have multiple roles in protection and prevention is one of the main difficulties at present time. The National Commission for the Protection of Children and Young People at Risk has developed a huge effort to tackle this problem but it is still unsatisfactory.

184. Assessment is another key aspect. Stakeholders mentioned questioned two factors for this report.

185. Firstly, there is not an integrated data collection and research system for child protection and violence prevention. For systematic data collection, it should be created a centralized methodology of collection and analysis of statistical data from the eleven different organizations : local child protection commission that hold statistical data processed by the National Commission, three police forces (territorial forces - PSP and GNR - under the Ministry of Internal Administration, and criminal police - PJ - under the Ministry of Justice); the Ministry of Justice's Directorate General for Social Reintegration, responsible for centres of educational guardianship; Social Security services under de Ministry of Labour and Social Solidarity, health services directed by the Ministry of Health; the network of schools directed by the Ministry of Education; and the Office of the Ombudsman.

186. Integrating health departments is also a key problem with a focus on mental health. Alcohol and drug consumption are significant problems in Portugal, not to mention other mental health issues affecting children and young people.

187. Child poverty and the corresponding economic structure are also major setbacks for an efficient violence prevention and protection systems.

**3. Promote positive forms of discipline at all levels of society (para. 27 (c) of CRC/C/15/Add.162, of 6 November 2001)**

188. The following projects are developed as partnerships between universities and the governmental sectors:

- Development of contents for positive parenting training (there are 5 universities interested in this topic).

189. The Portuguese government established a protocol with 5 universities with the objective of defining models and contents for parental training programmes which fit the parents' profile, according to the diversity and limitations of the real situations.

190. The universities involved in this project are assessing specific interventions in families where problems and difficulties in parenting have been identified. This assessment includes about 300 families some of them as a control group.

191. This project will create the possibility of training for professionals and parents as well the development of teaching materials.

**4. Develop mandatory reporting systems for professionals working with children (para. 27 (d) of CRC/C/15/Add.162, of 6 November 2001)**

192. All the professionals working with children have the obligation of reporting the cases of violence to the Child Protection Committees or to Courts. The same obligation exists for all citizens because violence against children is considered a public crime.

193. When a danger situation is identified by professionals, a referral is made and a Protection Process is open on the Child Protection Committee or on a Court (when children's family doesn't give the necessary authorization for the intervention). The situations is then analysed and evaluated by specialised professionals experts on situations

of risk, in order to define the most appropriated intervention, developed and supervised on family context or on foster care.

194. For emergency situations, there is a national social emergency service that depends on the Institute of Social Security and has a dedicated emergency helpline.

## **B. Substantive information**

### **1. Measures adopted to bring domestic legislation and practice into full conformity with the principles and provisions of the Convention (in conformity with para. 25 of CRC/C/58/Rev.1)**

#### *(a) Name and nationality*

##### *(i) Name*

195. Since 2002, the Born Citizen Programme was established in view of fulfilling one of the fundamental rights of the child, namely the right to have a name.

196. Apart from providing the possibility of registering children immediately after birth in Health Centres, (hospital or maternity clinic) and at the Social Security, the programme allowed to screen specific situations such as adolescent pregnancy, drug addicted parents, and women without prenatal follow-up.

197. The new generation “Born Citizen Programme” is conducted and implemented by the public services of the Ministry of Justice, Ministry of Labour and Social Solidarity and Ministry of Health. It was based on using the electronic means of the Civil Registry Office, while the initial project used paper forms to communicate.

198. Since March 2007, the birth of a child was registered immediately at the 5 health units with the most births in the country (23%) without the need to do so at a civil registry office. At a second stage, the project was extended to 6 other health units and since September 2007, children have been registered immediately with Social Security and the National Health Service (NHS). This project has been progressively extended to the other districts in the Country and Autonomous Regions.

##### *(ii) Nationality*

199. Since the 2<sup>nd</sup> report of Portugal, some new legislation concerning attribution, acquisition and loss of nationality has been enacted: Law 2/2006, 17th April and Decree-Law 237-A/2006, 14th December, as well as, where relevant, some alterations to the Civil Registry Code.

200. These are some of the most relevant changes concerning article 7 of the Convention:

(a) Every birth occurred in the Portuguese territory must be declared with the purpose of being registered – articles 96 and following of the Portuguese Civil Registry Code;

(b) The National Program “Nascer Cidadão – To be born a Citizen”: the declaration referred above is mandatory, not only for parents and relatives, but also for the people working in the health unit where the child was born, where such declaration is possible. Birth registration is drawn up immediately after the declaration (article 102 of the Civil Registry Code);

(c) If, within 20 days after birth, or until the mother is released from the health unit, the birth is not declared, the administrative and police authorities, as well as any other person, even if deprived of any particular interest, will participate the fact to the Public Prosecutor who must act to overcome that failure (ex officio birth registration);

(d) The failure to declare the birth of the child is punished with a fine from 50€ to 400€ (article 295 of the Civil Registry Code), and any registry worker that fails to comply with the Registry Code, which includes not registering any false facts, is liable for the damages caused – civil responsibility clause (article 194);

(e) There has been a widening of the criteria for attribution and acquisition of nationality, with the strengthening of the principle of *ius soli*, through the recognition of citizenship to individuals who hold a strong connection to Portugal:

(i) Attribution of Portuguese nationality by origin to those born in national territory, having foreign parents, if at least one of those parents was also born in Portugal and had his/her residence here when the child was born;

(ii) Attribution of Portuguese nationality by origin to those born in national territory, having foreign parents who are not serving their countries, if the child declares wanting to be Portuguese, and if at least one of the parents has had his/her residence here for, at least, 5 years;

(iii) Establishment of a general right to naturalization for minors who were born on Portuguese territory, having foreign parents, if, at the time of the request, one of the child's parents has had his/her residence here for, at least, 5 years, or if the child has concluded in Portugal the first level of basic education.

(f) Portuguese law determines that every individual born in national territory, who does not possess any other nationality, is Portuguese by origin – paragraph 1 of article 1 of Law 2/2006, and paragraph c) of article 3 of Decree-Law 237-A/2006;

(g) Articles 105 and ff. of the Portuguese Civil Registration Code Regarding determine the process applicable to the registration of abandoned children. For the purposes of this process, is considered to be an abandoned child every new born of unknown parents who is found abandoned in any place, and every child apparently under 14 or mentally disturbed, whose parents, know or unknown, keep themselves away in an unknown place, forsaking their child. Whoever finds a child in such situation must take her/him to the authorities competent for her/him registration (all Portuguese civil registry units are competent for this registry). When giving the child a name, the civil registrar must take into account the children's opinion.

201. The new Nationality Law, approved on the 16th of February 2006, reinforces the principle of “*ius solis*”, as a criterion for the acquisition of Portuguese nationality.

202. Therefore, original nationality is granted to immigrants born in Portugal; children of foreigners that were also born in Portugal or children of foreigners, as long as one of the parents has legally resided in Portugal for 5 years. Nationality by naturalisation is granted to immigrant minors born in Portugal, whose parents, have become legalized or have legal status in the past 5 years or have completed the first cycle of compulsory education and to those immigrants born in Portugal when they reach adulthood if they have lived in Portugal for the last ten years.

203. The law does not automatically grant nationality to all born in Portugal: “*ius sanguinis*” is still privileged; there are no further requisites for original acquisition by filiation, whereas “*ius soli*” must consider the legal status of the parents. The Borders and Foreigners Service (SEF) put in place the “SEF goes to school” programme which aims at legalizing illegal children and at spreading information on the legalization process.

204. New and important changes also concern: the limitation of discretionary judgement in naturalisation, in endorsing in some cases, a subjective right of nationality by naturalisation; the reduction of bureaucratic requirements (the concept of legal residence, in some cases, a necessary condition for original acquisition and naturalisation, can be proved by any valid title and not limited to a residence permit); the act of obtaining Portuguese

nationality by naturalization is now the responsibility of the Ministry of Justice instead of the Serviço de Estrangeiros e Fronteiras (Immigration Office); common-law marriage with a Portuguese person is equivalent to marriage; contentious of nationality is now handled by the judicial courts instead of the administrative courts; no discrimination shall exist based on country of origin, as chartered by the European Convention on Nationality.

(b) *Preservation of identity*

205. The information given previously on this subject remains generally up to date. However, note must be taken of the amendment of the Civil Registration Code regarding the change of name. Having in mind the simplification of that process, article 104 foresees that the change of name must be authorized by the Central Civil Registrar (and no longer by the Minister of Justice).

206. Recently, a new law was published that creates a special procedure to change sex and name before the civil register and therefore alters the Civil Registration Code (Law 7/2011, 15th of March).

(c) *Freedom of expression (art. 13)*

207. The Portuguese Constitution foresees the right of every individual to freely express and publicise his thoughts in words, images or by any other means (article 37).

208. Regarding the freedom of expression of children in particular, the following two provisions must be mentioned.

209. Article 45 of Law on Education Guardianship (Law 166/99, 14<sup>th</sup> September) foresees the general right of the child to be heard during every stage of the process. This hearing can be determined ex officio or by request of the child.

210. Article 4 i) of Law on the Promotion and Protection for the Children and Youngsters at Risk (Law 147/99, 1<sup>st</sup> September) foresees a mandatory hearing and participation of the minor at risk during the promotion and protection process and in particular regarding the decision on the applicable protection and promotion measures.

(d) *Freedom of thought, conscience and religion*

211. Freedom of conscience, of religion and of form of worship is guaranteed by article 41 of the Portuguese Constitution, stating:

- “1. The freedom of conscience, of religion and of form of worship is inviolable.
2. No one may be persecuted, deprived of rights or exempted from civic obligations or duties because of his convictions or religious observance.
3. No authority may question anyone in relation to his convictions or religious observance, save in order to gather statistical data that cannot be individually identified, nor may anyone be prejudiced in any way for refusing to answer.
4. Churches and other religious communities are separate from the state and are free to organise themselves and to exercise their functions and form of worship.
5. The freedom to teach any religion within the ambit of the religious belief in question and to use the religion’s own media for the pursuit of its activities is guaranteed.
6. The right to be a conscientious objector, as laid down by law, is guaranteed.”

212. Law 16/2001 reaffirms these principles and establishes that the state – including public education – does not adopt any religion and cannot program education or culture according to religious orientations (article 9). Article 11 states that parents have the right to

raise their children in accordance with their own beliefs in religious matters, in respect for their moral and physical integrity and health. Children above 16 have the right to make their own choices in matters of freedom of conscience, religion and form of worship.

(e) *Freedom of association and of peaceful assembly*

213. No updates to the situation described in the last report.

(f) *Protection of privacy*

(g) *Access to appropriate information*

(h) *The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, including corporal punishment (art. 37 (a))*

214. The Portuguese Constitution specifically foresees the right to personal integrity (article 25) stating that every person's moral and physical integrity shall be inviolable and that no one shall be subjected to torture or to cruel, degrading or inhuman treatment or punishment. The crime of torture and other cruel, inhuman or degrading treatment is foreseen in article 243 of the Portuguese Penal Code.

215. Moreover regular training on human rights in general, but also on child rights is given to police forces, health professionals, among other professional groups. For more details please see information provided above under section B.

## C. Statistical information

### 1. Birth registration

216. Birth registration is mandatory for all people born in Portugal, even foreign people, under Article 1, paragraph 1, point a), and paragraph 2 of the Civil Registration Code.

217. Since 2007, with the establishing of special procedures for the registration of births in health units, the project called "Born Citizen" (mentioned above), the problem of lack of birth registration was hugely reduced. In fact the registration of children being born in health units, can now be made there, being the data directly inserted into the civil registry and social security databases.

218. Soon it will be possible to register children also in social security and health services, and even in finance services, upon request by the parents or other legal representatives.

219. The information available regards only the registration of births before the Civil Registry Office and does not concern the number of total births in Portugal:

Table 16

#### Number of births registered

<i>Year</i>	<i>Number of birth registered</i>
2009	100.727
2010	103.235

## 2. Access to appropriate information

220. The following table provides information on libraries:

Table 17

### Number of libraries according to geographical location

<i>Geographical location (NUTS - 2002)</i>	<i>Number of libraries according to geographical location</i>
	2003
	N.º
PT: Portugal	1 960
Continent	1838
Azores	56
Madeira	66
Bibliotecas (N.º) por Localização geográfica (NUTS - 2002); Anual - INE, Inquérito às Bibliotecas	

## 3. The right not to be subject to torture or other cruel inhuman or degrading treatment or punishment

### (a) Number of children reported as victims of torture

221. According to the 2009 report of the National Commission for Children and Young People at Risk (CNCRJ), 1777 cases of physical abuse were accounted for, meaning 7% of all the cases dealt with by the CNCJR.

### (b) Number of children reported as victims of other cruel, inhuman or degrading treatment or other forms of punishment, including forced marriage and female genital mutilation

222. The CNCJR accounted for 34 cases of child labour. There were also 493 cases of sexual abuse. However there were no specific cases of forced marriage or female genital mutilation.

### (c) Number and percentage of reported violations under both (a) and (b) which have resulted in either a court decision or other types of follow-up;

223. No data available.

### (d) Number and percentage of children who received special care in terms of recovery and social reintegration

224. No data available.

### (e) Number of programmes implemented for the prevention of institutional violence and amount of training provided to staff of institutions on this issue

225. No data available.

## VI. Family environment and alternative care (arts. 5, 9–11, 18, paras. 1 and 2; 19–21; 25, 27, para. 4, and 39)

### A. Previous concerns and recommendations of the Committee (as contained in the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.162))

#### 1. Support families in their child-rearing responsibilities and ensure the protection of child rights in the family (para. 29 of CRC/C/15/Add.162, of 6 November 2001)

226. On one hand, measures have been implemented to increase social, economic and parent benefits by awarding monetary allowances and on the other hand have contributed to reconcile family with work in order to combat poverty in families with dependent children. Such as:

- Increase of family allowances and benefits for children and young people: already mentioned in chapter II, and based on the principle of positive differentiation to increase the protection of more vulnerable households and/or exposed to social exclusion, such a single-parent families and families with 2 or more children.

227. In parallel children and young people benefits are awarded in view of the household income. Special benefits exist for families with disabled children:

(a) PARES Programme: Referred in chapter II, Portugal has strongly invested to increase the “creches” (kindergarten) network in order to gradually comply with the Barcelona Commitment (35% national coverage). PARES aims at increasing the installed capacity to 50% of crèches until 2009;

(b) Benefit to extend the creches opening hours: seeks to increase the number of creches opened longer than 11 hours a day expressed by 30% of the parents with children in these care facilities. Therefore, the objective is to double by 2010 the number of “creches” (more than 360 creches) gaining from this additional benefit;

(c) Social Insertion Income: Families living in persistent poverty receive payment from the state as well as technical follow-up by signing an agreement to participate in a social integration programme in view of their needs. Social Security has signed SII Protocols with non profit organisations to guarantee a closer follow up and a greater sharing of responsibility in the intervention process with the families.

Table 18

#### Number of families covered by SII and those with insertion agreements

	<i>Total Nr. of SII Family beneficiaries</i>	<i>Nr. of families with insertion agreement</i>
2002	109.579	75.379
2003	109.044	77.468
2004	98.333	64.939
2005	92.083	21.070
2006	94.033	49.394
2007	111.772	68.173
2008 (until September)	123.477	78.199

*Source:* ISS, I.P.

**2. Strengthen the monitoring of and collection of data on cases of abuse and neglect of children (para. 31 (a) of CRC/C/15/Add.162, of 6 November 2001)**

228. There is an IT Programme, which is of exclusive use by the professionals of the Child Protection Committees, which registers, manages and follows-up all cases of promotion and protection of children in danger.

229. Annually, the Social Security Institute, in cooperation with the Social Action Institute from the Azores, Madeira's Regional Centre, Lisbon's *Santa Casa da Misericórdia* and *Casa Pia*, undertakes a study which characterises and evaluates the conditions of placement of children in foster families and institutions (Immediate Intervention Plan - PII).

230. Hence, annually an analysis of each child's evolution is undertaken, as well as of the family's economic and social situation. The analysis also comprises a study about the way in which the child's most fundamental rights are being guaranteed – like the rights to school and to health care, as well as their relations with the family.

**3. Make it mandatory for professionals to report cases of abuse of children (para. 31 (a) of CRC/C/15/Add.162, of 6 November 2001)**

231. The Law on the protection of Children and Young People at Risk (LPCJP) defines clear channels for professionals, authorities and citizens in general to report situations of danger where abuse and neglect are typified (besides abandonment, physical or psychological abuse or excessive work abuse).

232. Therefore, the authorities with competence in the matter of children and young people (natural or legal person, social or private cooperatives developing activities in childhood and youth activities) report to the Commissions on the protection of Children and Young People at Risk (CPCJ), a dangerous situation they are aware of and when doing their job and fail to provide them with the adequate protection. (Article 65, LPCJP). Also, the new Law nr 59/2007, September 7, that revised the Portuguese Penal Code, transformed the crime of sexual abuse into a public crime meaning that anyone knowing of a dangerous situation can report it to the competent authorities, police forces, CPCJ or judiciary authorities. Submitting this report is compulsory for any person knowing of any situation putting at risk the physical or psychological integrity or freedom of the child or young person. (Article 65, LPCJP).

**4. Ensure the provision of rehabilitation to child victims of abuse (para. 31 (c) of CRC/C/15/Add.162, of 6 November 2001)**

233. According to the LPCJP, after the identification and reporting of dangerous situation to the (CPCJ) or Courts. The implementation of the promotion and protection measure within the scope of the Promotion and Protection Process is applied followed (which may be in a natural environment or in foster care) and ensured by specialized technical teams triggering all the necessary resources in the community to the adequate rescuing of the child. Social security guarantees the assistance of Multidisciplinary Teams Supporting the Courts providing this type of follow-up.

234. In Parallel, social security pays for the implementation of these measures in a natural environment:

(a) For the measures “support to parents”, “support to other relatives” and “trust in a reliable person” an equivalent amount is awarded as a subsidy for family care and indexed annually. In 2007, the amount paid for each child a month was 145.86€;

(b) For the measure “support to an autonomous life”, allocated to a young person eligible for monetary support can be equal to the National Minimum Wage.

**5. Place emphasis on foster care (para. 33 (a) of CRC/C/15/Add.162, of 6 November 2001)**

235. The regulation of the foster family measure in 2008 introduced a new intervention Framework for foster families and follow up provided by Social Security to children in foster care. This regulation implies as direct implication, the extinction of foster families with family ties to children in care, a predominant reality in the last years. It also requires a determining factor to the application of a promotion and protection measure for family placement to take place.

236. In order to qualify and standardise the action of the social security teams responsible for the follow up of the foster families, the ISS, I.P issued 2 Technical Guidelines in 2008. The first guideline contributed progressively towards the extinction of foster families with family ties. The second one established the procedures to be used by the social security teams when assessing new foster care candidates.

**6. Develop deinstitutionalisation policies and reduce the incidence of institutionalisation (para. 33 (b) of CRC/C/15/Add.162, of 6 November 2001)**

237. In Portugal, there is a growing awareness on the importance of defining life projects and developing interventions for the child placed in care to prevent him/her from spending a long time in institutions and whose return to his/her natural environment may be delayed.

238. Presently, the conception of care is more and more considered as a transitional situation in the child's life, and making it important for the child to return quickly and safely to his/her family of origin or to other family alternative.

239. Therefore, serious investment has been carried out to improve the knowledge on the exact number of children in foster care, their legal situation and life projects contributing to a more qualified intervention with institutional contact (through the DOM Plan), in order to make more flexible and adjust the juridical regime of adoption (Law no. 31/2003, of 22 August) and to monitor the foster care system and children in foster care (Immediate Intervention Plan).

240. The follow-up and assessment of children in institutions is presently a permanent concern of all authorities with responsibility in the matter. In fact, the Law already defined as mandatory the periodic revision of the foster care measure, but until the date of the last report, there were still several children in care without any protective measures.

241. After 4 consecutive years of applying the PII in foster care and institutions in Portugal, there were fewer children and young people in care without having their legal situation in order (in 2007, 449 children were in this situation, in other words 4% of the total children placed in care), therefore having better guarantee to safeguard their fundamental right. Seeking that all children and young people have effectively followed the implementation of protection and promotion measures aiming at their revision or termination.

242. One of the main concerns of the 17th Constitutional Government was the high number of children and young people living in institutions associated to the length of time they stayed. Therefore, in order to avoid possible negative implications of a long period of institutionalisation based on the Grand Options Plan (GOP) 2005-2009 and the 17th Constitutional Programme target to "promote the deinstitutionalization of approximately 25% of the young people living in care facilities".

243. In order to implement it several measures have been established, among them, the DOM Plan (see chapter V), for Children's and Young People's Homes (LIJ). Focused on the child, it aims at defining the necessary conditions so that the elaboration of their life projects be assumed as an institutional practice and that the child does not remain longer than necessary in a care facility. In parallel, seeking to create the institutional conditions

allowing the child / young person living in a Group Home, to enjoy all rights necessary for his/her well-being and personal development.

244. This plan is supported on developing 2 measures: Measure 1, provides Homes where there are no Technical Teams with the necessary human resources because of the number of children and young people in care. Measure 2, promotes the development of training courses for Care Institution Management, provides respective Technical and Educational Teams, and implementation of Supervision Plans for Technical and Education Teams as well as the construction/reformulation of technical instruments supporting interventions.

Table 19

**Number of LIJ with Protocol and number of professionals employed a year within the DOM Plan**

	<i>Nr. of LIJ covered</i>	<i>Nr. of professionals employed</i>
2007	5	9
2008	106	295
2009 (forecast)	104	312
<b>Total:</b>	<b>215</b>	<b>616</b>

*Source:* ISS, I.P.

**7. Strengthen the review of the placement of children in alternative care (para. 33 (c) of CRC/C/15/Add.162, of 6 November 2001)**

245. Although, residual situations exist of children living in care facilities without an applied measure, it is important to ensure the implementation of measures qualifying care (such as the DOM Plan) and to strengthen the rigorous instruments monitoring the care system (such as PII):

(a) To solve the legal situation of all children and young people placed in care with no applicable measure and prevent the occurrence of new child placements without applying the respective measure;

(b) To safeguard all children and young people's best interest in the follow-up of the execution of the protection and promotion measures aiming at their revision or termination;

(c) The promotion of an institutional intervention ensuring the periodical assessment of the children and young people's life project living in care facilities; and

(d) To solve difficulties which prevent children from being referred to adoption and projects in a natural environment.

**B. Substantive information**

**1. Measures adopted to bring domestic legislation and practice into full conformity with the principles and provisions of the Convention (in conformity with para. 28 of CRC/C/58/Rev.1)**

(a) *Parental guidance*

246. Emphasizing specifically the response initiated in 2002, the Family Support and Parental Counselling Centres developed through a service whose role was to study and prevent situations of social risk and to support children and young people in danger and their families, and implemented in their community through multidisciplinary teams. Its main objectives were to:

- (a) Promote the study and assessment of families with psychosocial risk factors;
- (b) Prevent dangerous situations;
- (c) Prevent ruptures leading to institutionalisation;
- (d) Ensure the satisfaction of the physical, cognitive, emotional and social needs of children and young people;
- (e) Reinforce the personal skills of the involved in the family system of children and young people through an integrated approach using community resources;
- (f) Promote mediation between the family and the services involved to facilitate communication, promote contacts and solutions to overcoming possible difficulties;
- (g) Contribute towards family autonomy.

247. It is a prevention and repair response emerging in the field and to be regulated.

(b) *Parental responsibilities*

248. In the last years, several improvements have been made in the labour legislation regulating the protection of maternity, paternity and adoption found in the fundamentals of the new Labour Code approved by Law 99/2003, of 27 August, regulated by Law 35/2004, of 29 July, also aiming at the conciliation of parental responsibilities.

249. Referring to the following amendments in this domain and as well as in social security.

250. Maternity benefit – The benefit is payable for 120 days, including 90 days after childbirth). In the case of twins or multiple birth, 30 extra days per child, since the first one. Under the terms of the Law 35/2004, of 29 July, mentioned above, the mother can opt to take 150 days of leave which determined the necessary adjustment of social security - Decree-Law 77/2005, of 13 April, and established that in this case, the extra 30 days have to be taken after child birth.

251. Paternity benefit – The benefit is payable for 5 days, consecutive or not, during the first month after the child birth (previously 2 days).

252. This benefit is equal to 100% of average daily earnings during the 120 days. If the parents opt for a 150-day leave period, the benefit is equal to 80% of average daily earnings. The benefit is awarded in case of physical or mental incapacity of the mother, or in the event of the mother's death or based on a joint decision by both parents.

253. Adoption benefit – The benefit is payable for the first 100 days following the adoption of a child and increased of 30 days per each child or in the case of adopting more than one child.

254. Parental leave benefit – this benefit is equal to 100% of average daily earnings and is paid to the father for 15 days but only if preceded by paternity or maternity leave.

255. Special leave benefit for grand-parents – The benefit is equal to 100% of average daily earnings. The benefit is payable 30 days following the birth of a grandchild. Granted to the working grand-father or grand-mother, if the parent of the newborn child is younger than age 16 years and living in the family home.

256. Recently, Decree-Law 105/2008, of 28 June, extended maternity protection to persons residing on the national territory (or in a similar situation) in a vulnerable situation not covered by a mandatory social protection scheme or because they do not meet the conditions giving them access to this benefit when covered. This social protection is awarded through social benefits such as maternity, paternity and adoption as well as for

specific risks. The amount corresponds to 80% of IAS for a maternity leave of 120 days or to 64% in case of opting for 150 days.

257. The Law on the Protection of Children and Young people at Risk - Law 147/99, of 17 January, defined the legal regime for social intervention by the State and community in situations where children and young people are in danger, it claims that this intervention is necessary to provide families with the necessary conditions to guarantee the full development of the child and young person within the scope of responsible parenting.

258. The intervention mentioned is elaborated in such a way, that on one hand, it encourages the family's role by means of strengthening the competences of the parents, legal representative or legal guardian of the child or young person to maintain or return him/her to his/her biological family, in other words, only admitting the separation of the child and young person from his parents against their will, when the court deems necessary to safeguard the best interest of the child.

259. The law mentioned above established the promotion and protection measures related to family environment, namely: a) Support to parents; b) Support to other relatives; c) Trust to a reliable person; and d) Support to an autonomous life.

260. These measures and implementation are established in Decree-Law 12/2008, of 17 January, aims at maintaining the child or young person in his/her family environment by providing him/her with the necessary conditions for their upbringing and development, through psycho-pedagogical and social support and if necessary with economic means. This same law establishes that "the contents and duration of education parenting programmes which parents or other relatives can access will be the object of autonomous regulation given their own specificity and innovative characteristic seeking the contribution of several entities".

261. Along these lines, a Cooperation Protocol, came into force on 1 April 2007,<sup>15</sup> promoting joint cooperation measures for training, assessment and research, providing community service and intervention in sectoral policies related to parental education and training.

(c) *Separation from parents*

262. The references made in the initial and second reports (CRC/C/3/Add.30, para. 106, CRC/C/65/Add.11, para. 152) to the Constitution (art. 36, para. 6) remain valid: children may not be separated from their parents unless the latter fail to perform their fundamental duties towards the former, and then only by judicial decision.

263. Portuguese legislation establishes the circumstances where a child may be separated from their parents.

264. Following a judicial decision, exercise of paternal authority, can be limited or prohibited to the extent that the children are entrusted to a third person (guardian) or an assistance establishment (article 1913 and ff. Civil Code). Prohibition occurs in the following cases:

- (a) Confirmed conviction for a crime to which the law assigns this effect;

<sup>15</sup> Between the National Commission for the Protection of Children and Young People at Risk, the Institute for Social Security I.P, and Directorate-General for Social Security, Faculty of Human Motricity of the Technical University of Lisbon Faculty of Psychology and Education Science of the University of Porto, the Institute for Child Studies of the Minho University, the Faculty of Psychology and Education Science of the Coimbra University, and the Higher Education School of Education of the Porto Poly-technical Institute.

(b) Declaration of incapacity due to a mental disorder;

(c) Absence, from the time of appointment of a provisional guardian (temporary representative who administers the property of the person who has disappeared without giving any indication of his or her whereabouts).

265. Children may also be placed in the care of a third person or an assistance establishment in cases where the parents are at fault for infringing their duties towards their children, resulting in serious harm to the latter, or where, on account of inexperience, illness, absence or other reasons, they do not appear to be able to fulfil the duty of care to their children.

266. It is compulsory to appoint a guardian in the following cases:

(a) If the parents have died;

(b) If they have been prohibited from exercising paternal authority over the child;

(c) If they have been prevented *de facto* for more than six months from exercising paternal authority;

(d) If they are not known.

267. The principle that establishes that children may not be separated from their parents is also present in the Promotion and protection law for the children and youngsters at risk (Law 147/99, 1<sup>st</sup> September), this law aims to promote and defend children rights, as well as their global welfare and development.

268. Only in cases where the child is considered to be in danger, such as abandonment, prolonged ill-treatment, sexual abuse, among others, steps will be taken to protect the child and find a replacement for the natural family, to which the child should, where possible, be returned.

269. In addition, one of the fundamental principles of intervention with children at risk is the principle of the prevalence of family, which means that all steps taken must be oriented by the return to the family of origin or to a new family (adoption).

270. Foster Care is a system promoting rights and protecting children and young people at risk by placing them in care established in the Law on the Protection of Young People at Risk - 147/99 of 17 January. Considering the logic of the principles established in this Law on the support to parents and support to relatives which constitute promotion and protection measures prevailing on placement measures, foster care regulated by Decree-Law no. 11/2008 of 17 January, only considers foster families those with no family ties with the child or young person and are not adopting candidates.

271. In line with the harmony of this new conception, foster care consists in the child or young person's trust in a family or person, technically competent, and follows the application of the promotion and protection measures to integrate him/her in a family environment.

272. The legal regime related to foster families (defined in Decree law 190/92, of 3 September) established the fact that these families were entitled to receiving sums of money from the competent authorities to pay for their services and for the living expenses of children and young people. The amount of the allowance is fixed by decree order and subject to annual updating.

(d) *Family reunification*

273. Presently, the priority objective of promoting systemic family intervention in its natural environment created 29 Family Support and Parental Counselling Centres on the national territory where measures of proximity and community approach are provided for

family reunification, intervening with families whose children have been placed in care, so as return them as quickly as possible to their family environment. (See section B 1 (a) entitled “Parental Guidance”).

(e) *Recovery of maintenance for the child*

274. Some legislative amendments have been adopted since the last report.<sup>16</sup> Law 75/98, 19<sup>th</sup> November, establishes that if the maintenance debtor in the case of a minor cannot make the payment because of total financial incapacity (for example, on grounds of unemployment, illness, physical incapacity or drug addiction), payment of the maintenance may be ensured, until the debtor meets the conditions needed to assume his or her obligation, by the *Fundo de Garantia dos Alimentos Devidos a Menores* [Guarantee Fund for Maintenance due to Minors]. This Fund was started by Decree-Law 164/99, 13<sup>th</sup> May, and is managed through a special account by the *Instituto de Gestão Financeira da Segurança Social* [Social Security Financial Management Institute]. This Fund will pay maintenance, by order of the competent court, through the regional social security centres in the area where the minor resides.

275. Within the European Community, a new regulation was recently adopted - Council Regulation (EC) No. 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations.<sup>17</sup>

276. Moreover, Social Security has appointed Multidisciplinary Teams Supporting the Courts within the scope of Juvenile Civil cases regarding child maintenance or recovery of alimony defined in the CRC and in the national legislation. These teams are responsible for the assessment of situations when a party fails to pay for alimony and checks if it is possible to issue a writ of attachment may used to pay for alimony.

277. In the case a party fails to pay for alimony and by means of legal decision, it is the State’s duty to guarantee that the minor is entitled to support through a Guarantee Fund of Child Maintenance or Alimony managed by ISS, I.P.

(f) *Children deprived of a family environment*

278. Most of the population in foster care or in institutional care are adolescents, and more than half (6812 children and young people) over 12 years (PII, 2007). The Life Projects of these children and young people mentioned they were likely to remain in care until adulthood or until becoming autonomous.

279. Presently, one of the Government’s priorities is to increase the Network of Autonomy Building Apartments for young people leaving care and who need support to an independent life therefore, creating 40 of such apartments until 2010.

280. Also by regulating the LPCJP measure “support to autonomous life”, it seeks to provide young people 15 years of age and older, and taking into consideration their profile and life context, with the conditions allowing them to live on their own and acquire their independence progressively through an integrated education and training project, as well as to create the special conditions for them to access the resources they need for their autonomy, specifically, in terms of personal and vocational training and integration in the labour market.

<sup>16</sup> This legislation was highlighted, not because it was inexistent in 2001, but rather because it was not mentioned in the 2nd Report of Portugal.

<sup>17</sup> Estando em causa um regulamento comunitário, importa salientar que o mesmo é directamente aplicável no ordenamento jurídico português.

281. Economic support is a measure foreseen by the ISS, I.P, based on the National Minimum Wage and deducted from the young person's income. In the case of young people with dependent children, the value is increased to the NMW as follows (15% - 1 child; 20% - 2 children; 25% - 3 children; 30% more than 3 children).

(g) *Adoption*

282. Beyond Adoption's in-depth reform (as mentioned in chapter II) and full operation of the National Adoption Lists, several measures have been developed to qualify the intervention carried out and to provide a better service both to children, citizens, candidates and parents.

283. Considering the long period of time between selecting a candidate until the child's placement in a family environment and the high number of children aged 4 and over, with chronic diseases or disabilities who have been waiting for a long time to be adopted, a Training Programme for adoption candidates, for families in a pre-adoption and parents to be was developed by ISS.P in partnership with the Santa Casa da Misericórdia de Lisboa, Directorate General of Social Security and Psychology Faculty of Porto, sensitising them to be more flexible in relation to the profile of the child to adopt, as well as preparing them for parenting by developing their skills.

284. Also based on a Cooperation Protocol between the Ministry and Labour and Social Solidarity, Ministry of Justice and Centre for Family Law, created in 2006, the Permanent Adoption Observatory, an independent structure with the objective to monitor and assess the performance at national level of the care institutions for children and young people at risk related to the definition and realisation of the project adopting children and young people deprived of the right to grow up in their biological family.

(h) *Illicit transfer and non-return*

285. Portugal is a State party to the Hague Convention on the Civil Aspects of International Child Abduction, of 25 October 1980, and to the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children (Luxembourg, 20 May 1980).

286. Within the European Union, a new regulation was adopted that provides for rules seeking to effectively solve the problem of child abduction - Council Regulation (EC) No 2201/2003 of 27 November 2003, concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000.

287. The central authority for all the conventions and the regulation is the Ministry of Justice's DGRS - Directorate-General of Social Reintegration.

(i) *Abuse and neglect*

288. Generally the information provided in the second report still applies. However, the Penal Code was amended in 2007 by Law 59/2007, 4<sup>th</sup> September. Changes were introduced on the provisions regarding sexual exploitation and sexual abuse of minors, as well as on the provisions criminalizing trafficking in human beings. These amendments reflect the concerns stressed in international legal binding instruments and particularly in the Council Framework Decision 2002/629/JHA, of 19 July 2002, on combating trafficking in human beings, in the Council Framework Decision 2004/68/JHA, of 22 December, on combating the sexual exploitation of children and child pornography and in the Council of Europe Convention on Action against Trafficking in Human Beings, signed on 16 May 2005. (See chapter IX, section A 1).

289. The use of minor for vagrancy (296 of the Penal Code) was also widened within the 2007 review of the Code, in order to allow the punishment of the situation in which the victim accompanies the perpetrator. Therefore, it is punished under article 296 the one who sends a child to beg as well as the one who begs accompanied by a child.

290. Moreover, the Law on the Protection of Children and Young People at Risk (LPCJP) promotes and protects the rights of children and young people at risk to guarantee their welfare and full development.

291. It is considered that children or youth are in danger when:

- (a) They are abandoned or left to fend for themselves;
- (b) They are physically and/or psychological and/or sexual abused;
- (c) They do not receive the nurturing and the affection according to their age and personal condition;
- (d) They are forced to do activities or excessive work not befitting their age, dignity and personal situation or which are harmful to their education and physical and psychological development;
- (e) They are exposed, in a direct or indirect way, to behaviours that affect their security or emotional balance seriously;
- (f) They have behaviour, activities or consumptions that affect their health, security, training, education or development seriously and whose parents, legal representatives or de facto guardian cannot handle/stop the situation.

292. The law establishes the following guiding principles of intervention in the promotion of rights and protection of children and young people at risk: a) Best interest of child or young person; b) Privacy; c) Precocious intervention; d) Minimal intervention; e) Proportionality and present; f) Parental responsibility; g) Family prevalence; h) Information Obligation; i) Mandatory audit and e participation; j) Subsidiary

293. The intervention must be successfully accomplished by the competent authorities in the infancy and youth fields by the Commissions for the Protection of Children and Young People and by the Courts.

294. The Commissions for the Protection of children and Young People are official institutions with functional autonomy aiming to promote the rights of the child and young person and prevent or stop any situation susceptible of affecting their safety, health, training, education or full development.

295. Promotion and protection measures are implemented according to their nature:

- In a natural environment, such as:
  - (a) Support to parents
  - (b) Support to other relatives
  - (c) Trust in a reliable person
  - (d) Support to an autonomous life
- Or in a placement regime, such as:
  - (a) Foster care
  - (b) Institutional care

296. The measures applied by the protection commissions or legal process through a negotiated decision, integrate a promotion and protection agreement – a written commitment between the commissions for the protection of children and young people or

the court and parents, legal guardian or tutor as well as the child or young person over 12 years of age by elaborating a plan which includes protection and promotion of rights.

(j) *Periodic review of placement*

297. According to Law 147/99 of 1<sup>st</sup> of September, the Law of Protection of Children and Youngsters at Risk, only Commissions for the Protection of Children and Youngsters and Juvenile Court may determine the placement of a child under foster or institutional care – article 38 of Law 147/99.

298. The decision of placement, regardless of being taken by a court or a commission, is mandatorily reviewed at least every six months, and even before by choice of the commission or court or request of the parents, the legal representative or guardian, or even the child – article 62.

299. As mentioned above, article 4 i) of Law 147/99, 1<sup>st</sup> September foresees a mandatory hearing and participation of the minor at risk during the process and in particular regarding the decision on the applicable protection and promotion measures.

300. The promotion and protection measures related to a natural environment establish the period in the agreement or in the legal decision and can not last for more than one year, however this period may be extended up to 18 months if in the interest of the child and young person. In the case of the measures “support to other relatives” and “trust to a reliable person”, provided that the consents and required legal agreements are maintained.

301. The promotion and protection measures for placing a child have a specific duration mentioned in the agreement or legal decision.

302. The measure applied is mandatorily reviewed after the deadline fixed according to the judicial decision, and in any case, for periods never longer than 6 months. The revision of the measure can take place before the end of the deadline established in the agreement or judicial decision, legal proceedings, or upon request of the parents, legal guardian or tutor of the child or young person aged 12 and over, once existing justifiable facts.

303. The reviewed decision may determine:

- (a) Termination of the measure;
- (b) REPLACING the measure by another more adequate one;
- (c) Continuation or extension of the measure;
- (d) Verification of the conditions executing the measure;
- (e) Reporting to social security on checking the adoption requirements.

304. Termination of the measures is established whenever its continuation is unnecessary. The decisions taken in the reviewed decision constitute an integrating part of the promotion and protection agreements or of the legal decision.

305. The provisional measures are compulsorily reviewed within a maximum deadline of six months after their application.

## **C. Statistical information**

### **1. Family support**

306. There are 29 Centres for Family Support and Parental Guidance at a national level, establishing a cooperation agreement with Social Security.

307. In 2007, the coverage rate was 28.1% for creches.

Table 20  
Number of crèches and child minders and “Creche familial”

	<i>Creches</i>		<i>ChildMinders and Creches Familiares</i>	
	No. of Facilities	No. of children	No. of Facilities	N. of children
<b>Total</b>	<b>2065</b>	<b>78225</b>	<b>1.444</b>	<b>6.395</b>

Source: GEP (Social Charter).

## 2. Children without parental care

### (a) Primary causes for placing children in foster care

308. The following table shows the primary causes for placing children in foster care:

Table 21  
Dangerous situations and family problems leading to placement of children in foster care

<i>Dangerous situations leading to placement in foster care</i>	<i>N<sup>o18</sup></i>
Neglect (absence of care and family supervision)	6.137
Absence of education supervision	5.388
Absence of supervision in health care	4.730
Exposure to deviant parenting models	4.995
Physical abuse	1.758
Abandonment	1.744
Temporary absence of family structure	1.503
<i>Family problems related to separation</i>	<i>Nr.</i>
Socio-economic need	3.419
Alcoholism	1.834
Family Rupture	1.249

Source: ISS, I.P, 2007

### (b) Nr. of institutions (Shelters and Homes) and Foster Families per district, capacity

309. The following table shows the number of institutions and foster families:

<sup>18</sup> Nr. of situations detected in children placed in Temporary Shelters, Homes for Children and Youth and Foster families. Cumulative Values: the same child can be exposed to more than one dangerous situation.

Table 22

**District distribution of temporary shelter, homes for children and youth and foster families (number of care facilities and of beds)**

<i>Districts</i>	<i>Shelters</i>		<i>Homes</i>		<i>Foster Families (Nr)</i>
	Nr. of care facilities	Nr. Beds	Nr. of care facilities	Nr. of beds	
Aveiro	10	223	7	268	294
Beja	1	28	4	136	3
Braga	13	194	23	698	587
Bragança	2	24	8	345	41
Castelo Branco	2	21	5	188	27
Coimbra	9	155	15	602	168
Évora	3	44	11	281	36
Faro	5	167	9	456	163
Guarda	3	46	6	260	41
Leiria	7	109	3	80	97
Lisboa	20	320	34	832	13
Portalegre	2	44	2	60	33
Porto	16	354	44	1849	1115
Santarém	6	84	11	363	138
Setúbal	8	108	15	374	238
Viana Castelo	2	32	5	148	149
Vila Real	2	40	5	210	294
Viseu	2	42	8	277	34
<b>Total:</b>	<b>113</b>	<b>2035</b>	<b>215</b>	<b>7427</b>	<b>3471</b>

Source: ISS, I.P., 2007 / 2008

(c) *Nr. of children living in institutions and in foster families*

310. The following show the number of children in institutions and foster care:

Table 23

**Number of children placed in different care facilities**

	<i>Nr. of children</i>
Shelters *	1996
HCY *	6574
Foster family **	4577

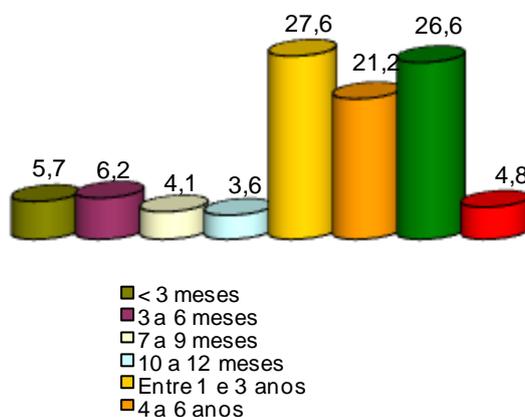
\* May 2008

\*\* 2007

Source: ISS, I.P., 2007 / 2008

(d) *Average time children remain in foster care:*

311. The following graph shows the amount of time children remain in care:

**Total period of time children remain in care (%)**

Source: ISS, I.P., 2007

312. The graph mentioned above shows that only 20% of the children / young people were placed in the foster care system less than 1 year ago. Most of the children remain in foster care between 1 and 3 years and more than 6 years, followed by the children placed in foster care between 4 and 6 years.

313. In 2007, 1462 children were placed in foster care but still thought of returning home after leaving the institution / foster family which represented 18% of the children and young people in care (IIP, 2007).

314. Approximately 1030 children returned home to their birth parents or to other relatives after leaving foster care, corresponding to 34% of the children who left foster care in 2007. It should be mentioned, that apart from these children, about 300 children were placed in households supervised by a competent person through the regulation of custody rights, and guardianship. (idem, 2007).

(e) *National adoption*

315. The following tables give information on adoption:

Table 24

**Number of children available for adoption and number of adoptions declared**

	2006	2007	2008*
Nr. of adoptions declared	399	584	564

\* Until September

Source: ISS, I.P.

Table 25  
**Age and gender of the children available for adoption**

<i>Age</i>	<i>Female</i>	<i>Male</i>	<i>TOTAL</i>
0-3 years	239	297	536
4-6 years	207	246	453
7 - 10 years	227	249	476
11-15 years	154	185	339
Over 15 years	34	18	52
<b>Total</b>	<b>861</b>	<b>995</b>	<b>1.856</b>

Table: Age and gender of the children available for adoption <sup>19</sup> (30.09.2008)  
 Source: ISS, I.P., 2007

(f) *Intercountry adoption*

316. The following tables give information on intercountry adoption:

Table 26  
**Number of intercountry adoptions: Portugal country of origin/Portugal country of destination (2002–2007)**

	<i>Children entering the country through intercountry adoption</i>	<i>Children leaving the country through intercountry adoption</i> <sup>20</sup>
2002	4	9
2003	4	3
2004	2	4
2005	15	9
2006	8	8
2007	12	7
<b>Total:</b>	<b>45</b>	<b>40</b>

Fonte: ISS, I.P.

(g) *Family reunification*

317. No data available.

(h) *Illicit transfer and non-return*

318. No data available.

(i) *Abuse and neglect, including physical and psychological recovery and social reintegration*

319. The following tables give information on child abuse:

<sup>19</sup> Children whose legal situation permits them from being adopted by previously selected candidates. This number includes the children who as 30.09.2008 were waiting to be adopted and the children living with a candidate family during the pre- adoption phase.

<sup>20</sup> Nr. of children who left the country in a pre-adoption phase which depending on the legislation of the host country adopted children from Portugal, the situation of “adopted child” may only be known to the central Authority a long time after being declared in the host country.

Table 27

**Number of warning signs and number of PPP followed by EMAT, 2005 - 2007**

	2005	2006	2007
Nr. of warning signs of child abuse <sup>21</sup>	16.629	25.407	25.750
Nr. of Promotion and Protection Processes	11.684	14.220	17.963

*Source: ISS, I.P.*

Table 28

**Promotion and Protection measures followed by EMAT, 2005 – 2007 (%)**

<i>Measures enforced</i>	2005	2006	2007
Support to parents	39%	37%	40%
Support to other relatives	12%	13%	15%
Trust in a reliable person	3%	3%	2%
Institutional care	34%	35%	32%
Family care	7%	7%	5%
Support to an autonomous life	2%	2%	2%
Adoption	3%	3%	4%

*Source: ISS, I.P.*

## **VII. Basic health and welfare (arts. 6, 18, para.3, 23, 24, 26, and 27, paras. 1-3)**

### **A. Previous concerns and recommendations of the Committee (as contained in the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.162))**

#### **1. Increase investment in public health care facilities, including investments by civil society (para. 35 (a) of CRC/C/15/Add.162, of 6 November 2001)**

320. According to data covering the period 2006 - 2010, investments in NHS have been increasing, particularly in the following components: National Network for the Continuous Care; Research in health care; Hospital Medicines, Outpatient surgery; and Public-Private Partnership

#### **2. Ensure the equal access of all children to the highest attainable standard of health in all country (para. 35 (b) of CRC/C/15/Add.162, of 6 November 2001)**

321. The Portuguese health system is organized around the NHS, with some responsibilities delegated to regional bodies. Overlapping with the NHS are certain special public and private insurance schemes for certain professions (termed “health subsystems”) which are compulsory for groups of employers, and private voluntary health insurance. The Portuguese NHS establishes the right of all citizens to health protection. In Portuguese Constitution the NHS is defined as “Universal, comprehensive and

<sup>21</sup> Warning signs of eventual dangerous situations leading to an Administrative Process in the Public Prosecutor’s Office. After verifying the socio-family conditions of the child by EMAT, and if there is confirmation of a dangerous situation, a Promotion and Protection Process is initiated by the court and the respective promotion and protection measure enforced.

approximately free of charge". Patients in Portugal participate in health care financing via co-payments and co-insurance. These systems work as a third-party payer systems.

**3. Strengthen efforts to ensure the integration of children with disabilities into regular schools and support them and their families (para. 37 (a) and (b) of CRC/C/15/Add.162, of 6 November 2001)**

322. There's a new legal framework for providing special care for children and young people with special educational needs, on the one hand, and measures aimed at pupils who are blind, partially sighted, deaf or suffering from multi-handicaps, on the other contribute towards reinforcing equality in gaining access to educational opportunities.

323. The new legal framework represents an attempt at achieving the inclusive school, guaranteeing the quality of education, the principles, values and fundamental tools to ensure equal opportunities to all, also to students with severe and permanent impairments by defining the specialized support to give them at the different levels of education and the preparation for continuation of studies or for an adequate entry in active life.

324. From 2005 on, the Ministry of Education has had a special concern for health issues. As of that date, the educational project of each school or groups of schools must include themes bearing on health. Areas demanding priority action were defined: nutrition education and physical activities, prevention of psychoactive substances consumption, sexual education and prevention of sexually transmissible diseases, mental health and prevention of violence.

325. A structure for the coordination, monitoring and assessment of Promotion and Education for Health, at system level, and a Teacher for the coordination of the thematic area of health in each group of schools (*agrupamento de escolas*) were set up.<sup>22</sup>

326. Decree-Law no. 3/2008, of 7 January 2008, provided the Portuguese legal system with a new regime supporting students with special education needs (SEN), within the scope of a global and integrated policy for social and educational inclusion inspired on the principles endorsed at the Salamanca Convention and to be implemented in terms of special education and measures established in the Action Plan for the Integration of Persons with disability or Incapacity approved by the Resolution of the Council of Ministers no. 120/2006, of 21 September.

327. In parallel, it is to comply with the objectives and principles established in Law 38/2004, of 18 August, defining the General basis of the Juridical Regime on Prevention, Rehabilitation and Participation of the Person with Disability. Article 34 of this same law on education determines that the State should adopt the necessary specific measures to ensure that the disabled person has access to education and to inclusive education by means of allocating the adequate resources and instruments to learning and communication.

328. In this context, paragraph h) section 4 of Law no. 46/2006, of 28 August, considers discrimination against disabled persons, any form or acts that violates the principle of equality, namely the denial or limitation of access to public or private education establishments, or to any form of compensation/support appropriate to the specific needs of students with disabilities.

329. Decree-Law no. 3/2008, of January 2008 seeks to include children and young people with Special Educational Needs, since pre-school to secondary education attending either public/ private education or cooperative schools, revoking Decree-law no 319/91 of 23 August, Decree Order no. 611/93 of 29 June, article 6, of decree-orders no 1102/97 and 1103/97 of 3 November.

<sup>22</sup> Sources: RNDE – UNESCO – 2008 e Direcções Regionais de Educação (DREs).

330. Considering the principle of non-discrimination, article 2 (2) and (3) of the present Decree-Law, which sets out that no ordinary schools or professional schools “ shall reject the enrolment of a student or young person based on their educational ability or needs,” therefore they shall have priority in enrolling.

331. In the case of not complying with this regulation, public, private schools and cooperatives will be subject to disciplinary procedures, by removing their pedagogical parallelism and cuts in the co-funding by the bodies of the Ministry of Education under article 31.

332. Bearing in mind the starting point of paragraph 1 (1) establishing specialized support in the new provision which, “aims at satisfying special education needs of students with significant limitation at the level of activity and participation, due to functional and structural alterations, of permanent character, resulting in continuous difficulties in terms of communication, learning, mobility, autonomy, interpersonal relations and social participation .”

(a) *Referral and evaluation procedures*

333. The implementation of specialised support implies referring the child and young person with special education needs as early as possible to these establishments according to the definition mentioned above.

334. This process can be carried out with the school management in the area of residence, on the parents, guardians’ initiative, early intervention services, teachers, or other professionals who intervene with the child or young person and have knowledge of his/her special educational needs, and implies filling in a document mentioning the reasons, as well as, gathering “all documents deemed necessary to the evaluation process”.

335. It is up to the executive committee to trigger the process in view of the request to elaborate a technical-pedagogical report in conjunction with the special education department and psychology services, identifying the reasons which determine the special education needs of the student and typology, such as health conditions, illness or incapacity.

336. The report evaluation should be based on WHO’s International Classification of Functioning, Disability and Health (ICF), an integrating part of the student’s individual plan

337. This referral and evaluation process must be concluded in the shortest period of time, and considered as a priority in the teaching and non teaching activities.

(b) *Individual Education Programme*

338. The individual Education programme (IEP), is a written document gathering personal information on the students’ individual planning, “conclusions of the evaluation plan and adjustments in the education and learning process to implement which indicates the targets, strategies, human and material resources and evaluation forms”, as well as the functioning indicators resulting its application applying the ICF (International Classification of Functioning).

339. It should be mentioned that student evaluation and approval of the respective Individual Education Plans must be completed within 60 days after initiation of referral.

340. The IEP application does not require parent authorisation. The new law goes further in safeguarding the interests of students with special education needs (SEN) by accepting that the school triggers the adequate educational responses in case the parents do not want to be involved in the decisions about the education of their children.

341. The IEP follow up assumes that at the end of the school year the results obtained by the students are monitored by presenting a detailed plan explaining the student needs to continue on benefitting from educational adjustments and proposes eventual amendments to the programme.

(c) *Individual Transition Plan*

342. Schools should introduce an Individual Transition Plan (ITP) as a complementary measure for students with Special Education Needs (SEN) which prevents them from “acquiring learning skills and competences defined in the curriculum” (understanding the contents, general and specific objectives to achieve within IEP), the school should introduce as a complementary form an Individual Transition Plan.

343. The transition plan promotes the acquisition of the necessary social skills to the transition from post secondary education and whenever possible to work or enrolment in a vocational training institute for an adequate social integration and whenever possible the development of employment in adequate social integration.

344. The ITP should be implemented three years before the age limit for compulsory education, in other words at 13 years of age when the students demonstrates the need for it.

345. The ITP does not need the signature of the parents, guardian or student since it has already been signed by the professionals who took part in its elaboration.

346. The standardised certification instruments should identify the adjustments to the education and learning process applied to the student only when it will be necessary to certify education.

(d) *School organisation*

347. In order to guarantee adequate responses for children with special education needs, and anticipating the creation under a decree-order of Special schools for the bilingual-bicultural education of deaf and blind students as well as for partially sighted students and; the possibility schools or group of schools have of developing specific solutions when the number of students, facilities and existing professional specialisations justify their centralisation through:

- (a) Structured teaching units for students with autism spectrum disorders, and
- (b) Specialized education units for students with multiple disabilities and congenital deafness and congenital blindness.

348. These special schools for blind and reduced vision students, specialised education units for students with autism spectrum disorders, as well those including specialised education units for students with multiple disabilities and congenital deafness and congenital blindness, centralise children and young people living in one or more districts in view of their location and existing transportation network.

349. Bilingual education for deaf students is expected to be developed in groups or classes of deaf students with hearing children and young people without prejudice of being able to participate in activities developed by the school community.

350. This special education should start at “an early age” as the most adequate form of leaning Portuguese Sign Language (LGP) as first language, advising children at a very early age to attend kindergarten in special schools for deaf children.

351. Regarding early infant intervention, special groups of schools were created to place “teachers” with the objectives of: “ensuring the link with health services and social security; increasing the technical teams who provide services in early intervention funded

by social security and ensure within the ME, the provision of early infant intervention services.

(e) *Educational Measures*

352. The school should include in its Educational Project, the necessary organisational adjustments and function as well as general educational measures and differentiated specific responses for deaf, blind and partially sighted students, as well as for students with autism spectrum disorders and with multiple disabilities which promote the development of their skills, namely through:

- (a) Personalized educational support;
- (b) Individual curriculum adjustment;
- (c) Adjustment to the enrolment process;
- (d) Adjustment to the assessment process;
- (e) Individual specific curriculum;
- (f) Support technologies.

353. It should also be mentioned that the establishment of a new network of group of schools and structured education units with specialised support provided to students with disabilities, enabled them to enrol in schools or educational units which better met their needs regardless of where they live.

(f) *Specific education approaches*

354. It is expected that specific education approaches will be developed in schools and education units:

355. Teaching bilingual-bicultural deaf students, their concentration in special schools whose objective is to apply adequate interdisciplinary strategies and methodologies for these students, in addition allows them to form socialization groups composed of adults, children and young people of different age groups thus, encouraging them to use Portuguese Sign Language (LGP).

356. Teaching blind and partially sighted students, teaching reading and writing Braille, as well as using different technical and computer equipment adequate to their needs.

357. Teaching students with autism spectrum disorders, that the educational responses elaborated should be defined by the “degree of severity, level of cognitive, linguistic and social development, level of education and by the age of the students” included in these disorders.

358. Teaching students with multiple disabilities and congenital deafness and congenital blindness, the educational responses should also take into consideration both the type of difficulty demonstrated at a cognitive, linguistic and social level and the student’s age.

**4. Take steps to address adolescent health concerns through sex education, including about birth control (para. 39 (a) of CRC/C/15/Add.162, of 6 November 2001)**

359. The Portuguese Institute for Youth regularly organises training sessions on drug and alcohol addictions for pupils, students and teachers throughout the whole country. For example in 2009 it has given almost 100 hours of training to over 800 persons in schools.

360. In September 2005, the Working Group on Sexual Education was set up to propose and assess parameters for sexual education at schools. Sexual education was regarded in the broader scope of health education, which became one of the aspects of education projects at schools.

361. The working group ascertained that, in the areas of intervention addressed, the issues most dealt with in education were sexuality, sexually transmitted infections, family planning, pregnancy counseling and domestic violence. These activities have been undertaken by schools in partnership with specialists, health centres, NGOs and other community services. In addition to programmes for students, there are also activities for parents, non-teaching staff and the general community.

362. Many schools have student support offices to give health and family planning counselling.

**5. Strengthen the mental and counselling services (para. 39 (b) of CRC/C/15/Add.162, of 6 November 2001)**

363. One of the guiding principles of the National Plan for Mental Health 2007-2016 (NPMH) is the assurance of equal accessibility to every person to mental health care (particularly to the most vulnerable groups, such as children and adolescents). New specialized mental health care for children and adolescents have been created in central hospitals by the National Coordination for Mental Health (Ministry of Health). Special attention has been given to more vulnerable areas. Three new mental health care units have been created in 2009 and 4 in 2010.

364. A special budget line has been created in the State budget for 2009, for the public services which provide specialised mental health care services. This aims at facilitating the creation of more and better mental health care and its main goal was the establishment of the NPMH, which supports the creation of Mental Health Community Teams and fosters mental health care systems at local level, namely for children and adolescents.

365. Decree-Law 8/2010 completed the NPMH with the creation of the Mental Health Integrated Continuing Care within the Integrated Continuing Care Network, allowing the latest to extend its services to those suffering of mental health problems. This happens in collaboration with the social security and includes the participation of home support teams which, together, put in place psychosocial rehabilitative structures in order to answer to the multiple degrees of incapacity and dependence due to severe mental disease. This Mental Health Integrated Continuing Care possesses as well an innovative system of teams and units to address the cases of children and adolescents who need a more demanding and continuing psychosocial rehabilitation process. This innovative health care for this specific group is provided in a protected and structured environment, enabling a more effective therapeutic, rehabilitative and psychosocially integrative solution. The first pilot experiences of these units are taking place in 2011.

**6. Strengthen the HIV/AIDS prevention programmes (para. 41 (a) of CRC/C/15/Add.162, of 6 November 2001)**

**7. Increase interventions at primary health-care level aimed at limiting mother-to-child transmission of HIV (para. 41 (b) of CRC/C/15/Add.162, of 6 November 2001)**

**B. Substantive information**

**1. Measures adopted to bring domestic legislation and practice into full conformity with the principles and provisions of the Convention (in conformity with para. 31 of CRC/C/58/Rev.1)**

*(a) Survival and development*

366. See under heading (d) below.

*(b) Children with disabilities*

367. At this level, a National Model for Early Intervention was developed to integrate families and specifically children from 0 to 6 years with disability or with a high risk of severe handicap by providing resources, integrated and decentralised actions from services and guaranteeing a greater coverage and better quality in the solutions provided by the community to the specific multi-dimensional needs of children and their families. This model is presently undergoing some changes by reinforcing the tripartite sectoral action: social security, health and education.

368. On establishing special legislative measures for financial support to help with the education of the beneficiaries' children and young people or descendants related to specific pedagogical or therapeutic needs in the case they are disabled, see under heading (d).

*(c) Health and health services*

369. Presently, a Primary Health Care Protocol for Institutionalised Young People, is being developed establishing shared intervention between MTSS and Ministry of health. This protocol guarantees that children living in an institution have access to regular follow-ups and oral care in the health system.

*(d) Social security and childcare services and facilities*

370. On social security, a new Basic Law was adopted - Law 4/2007, of 16 January, which introduced some alterations to the structure but maintained the essence of the previous Law (Law 32/2002, of 20 December).

371. The new structure of the social security system sets out to include: the citizenship social protection system, which includes the social action sub-system, the solidarity sub-system and the family welfare subsystem; the welfare system and the complementary system introduce optional public and private supplementary capitalisation schemes.

372. Apart from the legal developments verified in the family protection subsystem whose objective is to pay for family dependents and persons with disability and dependency and which covers most of these people by emphasizing the implementation of Decree-Law no. 176/2003 on 2 August.

373. The mentioned decree which amended Decree-Law 133-B/97, of 30 May (legal regime on family allowances), referred to the wording of Decree-Law no 341/99, of 25 August and Decree-Law 250/2001, of 21 September, redefined eventual protection for family dependents, within the scope of regulation of Law no 32/2002, of 20 December (assigned within public system of social security the autonomy of the family protection subsystem).

374. Decree-Law 41/2006, of 21 February, introduced alterations to Decree-Law 176/2003 of 2 August specifically referring to family allowances extended to foreign citizens with a valid residence permit on national territory, as well refugees and stateless persons holding a temporary residence permit.

375. In turn, Decree-Law no 308-A/2007, of 5 September, in the sequence of Law 4/2007, of 16 January, established measures to increase child birth and support families with by creating a new prenatal benefit for pregnant women after the 13th week of pregnancy and to increase the child benefit as from the second child onwards. (See chapter II).

376. Decree-Law 87/2008, of 28 May, (which introduced amendments to Decree-Law no. 176/2003, of 2 August) established a measure re-enforcing single parent protection by increasing the child benefit and extending it to the prenatal benefit.

377. The new protection scheme for eventual costs with family dependents integrates national and foreign citizens, refugees and stateless residing on the national territory which fulfil the general and specific conditions for these allowances and no longer depend on the existence of contributory careers and comprises the following:

(i) Prenatal family benefit

378. This benefit is paid to the mother from the 13th week of pregnancy and once she has fulfilled the general condition of residence and other specific aspects, that is, certification of the duration of pregnancy and number of children to be born as well as declare and calculate the reference household income.<sup>23</sup>

379. The amount of the prenatal benefit corresponds to the child benefit for children and young people, determined according to the rules of the family benefits scheme plus an identical increase to what is provided in the first 12 months of life of the child. Once this amount is calculated, it is multiplied by the number of children to be born.

(ii) Family allowance for children and young people

380. It is a monthly allowance which is intended to offset the costs connected with disabled descendants aged 24 or over who can not work as a result of their disability or cannot provide for their own needs.

381. Children and young people are entitled to this allowance whose family reference income is lower than 5 times the amount of the Indexing Reference of Social Support (IAS), or children and young people considered lone persons,<sup>24</sup> once they do not carry out a professional activity and included in the age group limit established: up to 16 years of age; from 16 to 24 years (27 in case of an illness or accident), according to the level of education; up to 24 years, if the child or young person is disabled and entitled to a disability allowance which may be extended to 3 years in the case of attending higher education.

382. The amount varies in relation to the level of income and composition of family household, age and entitlement of benefits.

383. In order to determine the family benefit, the following levels of household revenues are indexed to the IAS, in force at the date of calculating income:

1<sup>st</sup> level – income equal or less than  $0.5 \times \text{IAS} \times 14$

2<sup>nd</sup> level – income higher than  $0.5 \times \text{IAS} \times 14$  and equal or less to  $1 \times \text{IAS} \times 14$

3<sup>rd</sup> level – income higher than  $1 \times \text{IAS} \times 14$  and equal or less to  $1.5 \times \text{IAS} \times 14$

4<sup>th</sup> level – income higher than a  $1.5 \times \text{IAS} \times 14$  and equal or less to a  $2.5 \times \text{IAS} \times 14$

5<sup>th</sup> level – income higher than  $2.5 \times \text{IAS} \times 14$  and equal or less to  $5 \times \text{IAS} \times 14$

6<sup>th</sup> level – income higher than  $5 \times \text{IAS} \times 14$

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<sup>23</sup> The Reference Income (RR) is the result of the sum of the total income of each member of the family household, plus the unborn increased by 1. RR may not be higher than 5 times the amount of the Indexing Reference of Social Support (IAS). The IAS was introduced by Law no 53-B/2006, of 29/12, and replaced the National Minimum Salary (RMMG) as an indexing reference to set, calculate and update pensions and other social benefits. In 2008, it was € 407.41 (Decree- Order no 9/2008, of 3/01).

<sup>24</sup> Persons entitled to this allowance are considered as institutionalised in public or non profit private institutions financed by the State or by other public law legal entity or private law and public entity as well as persons institutionalised in shelters, special institutions (centros tutelares educativos) or detention.

384. Additional sum – children and young people between 6 and 16 years receiving family allowances are entitled every civil year in September to an additional benefit of equal amount or higher to help pay for school expenses once enrolled in school.

385. In larger families, the family allowance for children and young people between 12 and 36 months, is increased by double or triple its value, with the birth or integration of one, two or three children in the same family.

386. For single-parent families, the amount of the child benefit has increased by 20%.

(iii) Funeral grant

387. A one-time payment to compensate the claimant with the funeral expenses of any family member or any other person residing in the national territory paid to persons covered by the non contributory scheme and which was not covered before.

(iv) Disability and dependency benefit

388. Disability and dependency benefits awarded under the previous schemes for family allowances established in Decree-Law no 133-B/97, of 30 May, (general social security regime) and Decree-Law no 133-C/97, of 30 May (non contributory scheme) is still in force until the regulation of these new case within the framework of the benefits in the case of disability and dependency:

(a) Family allowances Premium for disabled children and young people and financial benefit for single parent families (general social security regime and non contributory scheme);

(b) Special education allowance for disabled children attending special education establishments (general social security regime and non contributory scheme);

(c) Monthly lifelong allowance (social security scheme);

(d) Complementary allowance for care provided by a third person (general social security regime and non contributory scheme).

389. Regarding the Special Education Allowance whose regulation established in Law no 14/81, of 7 April, and which approved the following governmental decrees referred below for the school year 2007/2008, considered the updating of the special education school fees and family savings, as indispensable factors to determine the allowance for attending Special Education Establishments:

- Governmental Decree no 985/2008 (sets out the amount and criteria defining family contributions related to children and young people with disability attending special education schools and revokes Pt. n°288/2007, de 2007.03.16);
- Governmental Decree no 994/2008 (sets out the regulation for the maximum school fees charged by cooperatives and special education associations, in order to attribute the special education allowance and to define the financial contributions to award to non profit special education schools and revokes Pt. n°171/2007, of 2007.02.06);
- Governmental Decree no 995/2008 (sets out the regulation for maximum school fees to be charged by private special education establishments, normally designated as schools (colégios) supervised by the Ministry of Education and revokes Pt. n°172/2007, of 2007.02.06).

(v) Updating the amounts for family allowances

390. The amount for family allowance benefits including disability and dependency have been object of annual updating set by Governmental Decree no 346/2008, of 2 May.

391. Decree-Order no 425/2008, of 16 June, emphasized an extraordinary increase of 25% in updating family allowances for children and young people and prenatal family benefit corresponding to the 1st and 2nd levels of income as of 01/07/2008.

392. The tables below mention the statistical data related to family allowances covering children and young people per disability and dependency and respective expenditure, for 2002-2008, as well as its distribution in 2007 and 2008.

Table 29  
**Children and Young People – Family Allowance, per disability and dependency**

Years	Family Allowance (*)		Premium by disability		Special Education Allowance		Allowance for assistance by a 3rd person		Lifelong allowance	
	No of beneficiaries	Expenditure (thousand euros)	No of beneficiaries	Expenditures (thousand euros)	No of beneficiaries	Expenditure (thousand euros)	No of beneficiaries	Expenditure (thousand euros)	No of beneficiaries	Expenditure (thousand euros)
2002	1.847.913	527.843,3	55.836	35.964,4	n.a.	25.055,4	11.008	8.544,0	10.268	17.253,7
2003	1.847.242	563.578,7	56.263	35.775,9	7.451	26.094,5	11.294	9.047,0	10.052	16.849,3
2004	1.768.079	601.494,4	60.140	38.303,6	6.534	20.386,1	11.873	10.009,5	10.383	18.298,9
2005	1.732.989	599.249,9	56.381	38.567,7	6.788	18.978,7	11.154	10.504,5	10.499	19.699,6
2006	1.748.095	626.310,2	60.624	44.930,2	8.420	18.289,3	11.621	11.126,7	10.918	22.656,6
2007	1.803.086	663.964,5	65.398	49.405,6	8.276	17.862,0	12.084	11.791,3	11.476	25.217,3
2008 (until September)	1.733.312	601.728,5	64.621	41.188,7	8.958	17.381,6	12.066	9.365,7	11.687	20.450,4

Source: Institute for Informatics, I.P. and Institute for Financial Management of Social Security, I.P.

(\*) In 2007 and 2008 include elements related to the prenatal family benefit and increase in the family allowance for children and young people (n.a.) Information not available

Table 30  
**Distribution of family allowances (in force since 2007 and 2008)**

Allowances	2007		2008 (until September)	
	No of beneficiaries	Expenditure (thousand euros)	No of beneficiaries	Expenditure (thousand euros)
Prenatal family benefit (in force - September 2007)	30.423	8.652,3	91.308	n.a.
Prenatal family benefit – Increase for single-parent families (in force- April 2008)			4.111	n.a.
Increase in family benefit for children and young people in a large family (in force in - October 2007)	90.391	78.124,1	115.110	n.a.
Increase in family benefit for children and young people in single-parent families (in force - April 2008)			186.031	n.a.

Fonte: Institute for Informatics, I.P. and Institute for Financial Management of Social Security, I.P.

(n..a) – Information not available

393. Intervention in social action is carried out by creating social facilities and social action services supporting infants which contribute to a better reconciliation of work and family life and which are the following for children and young people: Childminders, "Creche familiar", Creche, Pre-Schools and Centres for Free time Activities (see annex list).

394. Still, and within the scope of the social facilities network mention is made to the Programme for the Extension of the Social Facilities Network (PARES) created and regulated by Decree Order no. 426/2006 of 2 May and the Support Programme for Investment in Social Facilities (PAIES) created and regulated by Decree-Order no. 869/2006 of 29 August (see chapters II and V).

395. PARES seeks to support the development and consolidation of the social facilities network and touches upon concrete social responses namely among others, in creating new places in crèches by facilitating the reconciliation of work and family life. It also contemplates the integration of people with disabilities by increasing the network for Residential Responses and the Centres for Occupational Activities.

396. The implementation of this investment programme is based on two reforming pillars:

(a) On one hand, to pursue the effective planning of the needs at a territorial level by selecting priority projects in territories with a low coverage rate and more vulnerable to social exclusion;

(b) On the other hand, to promote private investment privileging projects using more funding through partnerships between institutions and local partners.

397. This programme involves all Promoting Entities (IPSS or equivalent) seeking to submit projects creating new places in the mentioned social solutions and establishes funding for:

(a) New construction works;

(b) Transformation works, Building Renovation or Unit;

(c) Purchase of building or unit.

398. In turn, PAIES grants incentives for investment in the social facilities network support investment in developing soc.

399. Such as PARES, the Support Programme for Investment in Social Facilities (PAIES) promotes investment in social solutions supporting private initiative namely, contributing to increase the installed capacity of solutions in infancy and youth, among others.

400. Mentioning below two Tables with statistical data on Capacity for Social Solutions, Creche, Centres for Leisure Activities and Residential homes in 2007.

Table 31  
**Capacity for Social Solutions – 2007**

*Capacity for Social Solutions – 2007*

Districts	Creche	Centre for Leisure Activities	Residential Home
Aveiro	7 595	858	225
Beja	1 358	200	52
Braga	7 817	645	183
Bragança	932	180	145
Castelo Branco	2 486	215	151

*Capacity for Social Solutions – 2007*

Coimbra	4 345	1 121	351
Évora	1 564	277	135
Faro	3 685	309	179
Guarda	1 862	374	160
Leiria	3 882	631	128
Lisboa	18 503	2 458	1 399
Portalegre	1 435	202	28
Porto	9 248	1 709	557
Santarém	2 335	734	427
Setúbal	5 430	427	53
Viana do Castelo	1 459	330	26
Vila Real	1 611	222	66
Viseu	2 678	334	157
<b>Total</b>	<b>78 225</b>	<b>11 226</b>	<b>4 422</b>

Table 32  
**Number of Social Solutions – 2007**

*Number of Social Solutions - 2007*

Districts	Creche	Centre for Leisure Activities	Residential Home
Aveiro	185	26	19
Beja	27	6	3
Braga	174	22	13
Bragança	24	5	3
Castelo Branco	55	6	7
Coimbra	121	25	13
Évora	50	8	7
Faro	95	9	5
Guarda	46	11	4
Leiria	104	14	13
Lisboa	464	73	50
Portalegre	36	4	3
Porto	297	54	29
Santarém	58	15	9
Setúbal	172	11	5
Viana do Castelo	37	11	3
Vila Real	47	5	3
Viseu	73	9	7
<b>Total</b>	<b>2 065</b>	<b>314</b>	<b>196</b>

Source: GEP, Social Charter - <http://www.cartasocial.pt>

**2. Information legal measures promulgated to prohibit all forms of harmful traditional practices, including female genital mutilation (in conformity with para. 32 of CRC/C/58/Rev.1)**

401. Regarding legal measures promulgated to prohibit all forms of harmful traditional practises, i.e. female genital mutilation, Portugal has an article in the Penal Code that punishes all kinds of mutilation affecting sexual fruition, thus including female genital mutilation.

402. The Programme of Action for the Elimination of Female Genital Mutilation, under the III National Plan for Equality – Citizenship and Gender Equality (2007-2010), is structured in 4 areas: *i) Sensitizing, prevention, support and integration; ii) Training; iii) Knowledge and academical research; iv) Advocacy.*

403. The intervention fields are: Community, Health, Education, Training and academic research, Cooperation (with the ex colonies in Africa, especially Guinea Bissau).

404. The programme has the following goals:

- (a) Prevention of FGM/C;
- (b) Support to women and girls who were subject to FGM/C, as well as to their families and communities;
- (c) Reinforcement of the prevention measures addressing FGM/C in the national mechanisms concerning health, education, social support, equality and citizenship and cooperation;
- (d) Development of awareness raising mechanisms to enhance the general understanding of the population as regards the physical, psychological and social consequences of FGM/C, in order to discourage its practice;
- (e) Reinforcement of the contributions of Portugal at the international level for the discouragement and prevention of the FGM and similar practices, in the context of sexual and reproductive rights, education for development and citizenship;
- (f) Encouragement and consolidation of inter-sectorial dialogue and specific actions with the involvement of governmental sectors and NGOs at national and international level;
- (g) Promotion of the cooperation and initiatives of academic research, in the framework of Human Rights advocacy between national and international organisations.

**C. Statistical information**

**1. Children with disabilities**

405. Premium for children and young persons with disability:

2005 – 56.381 beneficiaries

2006 – 60.624 beneficiaries

2007 – 65.398 beneficiaries

406. There is no data on children with disabilities living in institutions. Information on children suffering from physical or mental health problems is collected annually. In 2007, 3.407 children were identified with physical or mental problems representing and incidence of 30% on the total population living in institutional care. (PII, 2007).

407. Among them, 1.942 showed signs of mental health disorders (57% of the total children / young people in institutions), and 1.465 were suffering from physical problems

(43%). Ensuring that children with health problems received medical follow-up (psychiatric or psychological) referring to the fact that 2.401 (21%) of these children were benefitting from this type of medical follow-up care. (idem, 2007).

## 2. Health and health services

408. Rates of infant and under-five child mortality – Annex I.
409. Proportion of children with low birth weight – Annex I.
410. Proportion of children with moderate and severe underweight, wasting and stunting – not available.
411. Percentage of households without access to hygienic sanitation facilities and access to safe drinking water – Only available for the year 2001 (only available for the year 2005/2006) – Annex I.
412. Percentage of one-year-olds fully immunized for tuberculosis, diphtheria, Pertussis, tetanus, polio and measles – Annex I.
413. Rates of maternal mortality, including its main causes – Annex I (only available for years 2001-2005) – Annex I.
414. Proportion of pregnant women who have access to, and benefit from, prenatal and post-natal health care – Annex I.
415. Proportion of children born in hospitals – Annex I.
416. Proportion of personnel trained in hospital care and delivery - Not available.
417. Proportion of mothers who practice exclusive breastfeeding and for how long – Not available.
418. The analysis of the key indicators of health of Portuguese children shows a marked improvement of these indicators in recent decades, putting Portugal in addition to the more advanced European countries.
419. In fact, the value found in 2007 for the infant mortality rate was 3,4 per 1000 live births. About 55% the causes of death in this period were due to some conditions or diseases in the perinatal period and 22% to congenital malformations, deformations and chromosomal abnormalities.
420. The mortality rate of 1-4 years was 18,1 per 100 000 individuals (37,5% in 2001) and the mortality rate from 5 to 9 years was 11,6 per 100 000 individuals (20,4% in 2001).
421. Number/percentage of children infected by HIV/AIDS – Annex I.
422. Number/percentage of children who receive assistance including medical treatment, counselling, care and support.
423. Consultations are scheduled according to the age-key corresponding to the major events in the life of the baby, child or adolescent. Care is valued as a previous health promotion and disease prevention, including providing parents the knowledge needed to better performance of their parental role.
424. Also noted the importance of consultations for the early detection and targeted for correction of possible situations that may adversely affect the health of the child. According to data collected in 2007 in the NHS, the number of Child Health and Youth provided between birth and 12 months was conducted of 122 942 consultations from 1st time and 417 016 to follow.
425. Between 12 and 24 months were 62 736 for 1st time and 245 466 consultations to follow. The 24 months to 18 years performed as 997 304 for 1st time consultations and 2

206 154 to follow. For the examination of the Global Health held 5-6 years, in academic year 2006/07 was 74% of the children. The percentage of completion of this examination to 11-13 years was 38%.

426. Number of adolescents affected by early pregnancy, sexually transmitted infections, mental health problems, and drug and alcohol abuse – Annex I.

427. A perspective on health, for children and youth, may be given by the individuals. In this case, the use of young people on the perception of themselves is common practice at many levels of knowledge production, particularly on health. Thus, there is evidence that women "consume" more health care than boys and reported more health problems than these, in various national and international studies, boys are considered more healthy and happy, while girls more often indicate states of depressed mood.

428. For example, according to an international study called, "Health Behavior School-aged Children" (HBSC) carried out periodically, in which Portugal participated, that self-perceived health measure in the 2006 edition noted that over 80% of young people between 11 and 16 years of age reported never or rarely have physical symptoms of malaise. About 10% showing physical symptoms with a frequency at least weekly, the incidence tends to increase with the proximity of adult age and is higher among young females.

429. Approximately 10% of young people 11-16 years states have felt some kind of psychological symptoms, more common reference to "nervousness". Moreover, in addition, that 14, 2% of Portuguese youngsters from 15 to 24 years fall in the population group with probable psychological distress in 2005/06. The difference between genders is significant: the probable existence of suffering psychological affects 20.9% of female youth population to 7.7% of men.

430. As to obesity, Portugal includes the group of countries with higher prevalence of childhood obesity. The prevalence of obesity is compromising a favorable state of health, affecting both the physical well-being as emotional. Thus, 18.4% of boys between 11 and 16 years and 17.6% of girls present, in 2006, excess weight or obesity. The prevalence of abnormal situations in weight is greater in male children, since only 64.5% of boys compared with 72% of girls have a weight considered normal.

431. The consumption of drugs by children note values well below the average population and it is meaningless for most general reasons for taking drugs by the population and is directly related to the main physical symptoms identified for these age groups.

432. Indeed, for young people between 15 and 24 years have greater expression to take drugs for the pain (2.9% take for headache and 4.4% for other workers) and for children is more significant the taking of drugs to control allergic symptoms and asthma (3.3% and 1.9% respectively) and mainly the antibiotics (taken by 4.8% of children under 15 years).

433. Regarding treatment of adolescents in relation to drug addictions, the data of the public consultations, which are in Annex I correspond to the patients on the year and first consultations. It is not accumulating data, since users in treatment in the year include users at the first consultation, which may continue in the system (s) year (s) following (s).

434. With regard to risk behaviors including consumption of alcohol and considering the data available in the 4th National Health Survey, in 2005/06, 98.7% of children and young people under 15 years indicates that not drink alcoholic beverages during the 12 months preceding the inquiry.

435. Under the program "Studies in school," sponsored by the Institute for Drugs and Drug Addiction (IDT), the project ECATD/2003 data showed that consumption of **tobacco** among young people surveyed (prevalence in the last 30 days) was about 8 %, to 13 years (7% to 8% in boys and girls) and 35% at 18 years (38% in boys and 33% in girls). At 18 years, only 29% of boys and 32% of girls reported ever having smoked.

436. In 2005/06, 99.5% of children and young people from 10 to 14 years had never smoked. In the age group of 15 to 24 years this figure decreased to 69.5%.

437. From 2002 to 2006, according to data from the study "Health Behavior in School-aged Children," which focuses young students in Continental Portugal, there was a reduction in the percentage of young people who tried tobacco (from 37.1% to 32.8%). This reduction is true both in boys (from 37.8% to 34%) and girls (from 36.4% to 31.7%).

438. Also as regards the consumption of tobacco, comparing results for 2002 with those obtained in 2006, there is also a reduction in consumption of tobacco (option every day from 8.5% to 5%) for both boys (from 8.8% to 4.6%) and for girls (from 8.1% to 5.4%).

**Number of programmes and services aimed at the prevention and treatment of adolescent health concerns.**

439. The National School Health Program, aimed at the entire educational community of Garden-of-childhood, the Primary schools, Secondary and Institutions involved in the school population, is a normative-technical reference of the health system to the area of school health. The set of strategies is embodied on national priorities and health problems more prevalent in the youth population.

440. According to the evaluation of the program for the 2006/07 academic year, 97% of health centers have a School Health Team. For the school in academic year 2006/07, 86% of children attending the Garden-of-childhood vaccines had "to date". To 6 years this value increases, reaching 91% and 13 years found the share is 83%.

441. With regard to Oral Health of children, the data obtained from a national study conducted in 2006 with representative national and regional shows significant gains in health when compared with a similar national study conducted in 2000.

442. The percentage of children caries-free at 6 years in 2000 and is seen as free of decay of the lack of any experience of caries in both teething, temporary and permanent, was 33%. In 2006, the figure rose to 51%. At 12 and 15 years found the percentages showed improvement to 44% and 28% respectively. At regional level there were significant variations. At 6 years the values were between 39.3% and 59.1%, to 12 years between 22% and 64% and the 15 years between 11% and 49%. With regard to the assessment of the status of permanent teeth, DMFT index was used, corresponding to the average number of teeth decayed, missing and filled per individual.

443. In 2000, in the age of 12 years, the DMFT index was 2.95 and in 2006 this figure decreased to 1.48 (which reflects a significant gain), lower than the figure recommended by WHO for the Region Europe, to be achieved by 2020 (1.50). At 15 years the index value was found 4.7 and 3.04 in 2000 and 2006, respectively. As before, in 2006 there were also regional variations, for the DMFT index, and is situated to 12 years, between 0.84 and 2.05 and at 15 years, between 1.80 and 4.08.

444. Since April 2007, this is being developed a Draft Statement on Health Services on Children and Youth at Risk (Health Centers and Hospitals with pediatric care).

445. Its central line of development, the creation of a network of Centers of Support for Children and Youth at Risk that the institutions, support, polarized and enhance the work of teams of health in this area, whether in the context of negligence, or in physical, psychological and sexual abuse.

446. Decree-Law No 12/2008 of 17 January, in the Diário da República, 1st series, January 17/ 2008, states that the promotion and protection of the rights of children and young people shaped accordingly to the principles of Law No. 147/99, 1 September, the Law on the Protection of Children and Youth in Danger which defines the legal regime of the social intervention of the State and community in situations where they are in danger, is

an essential prerequisite to ensure conditions for families to ensure a full development of children and youngsters in the exercise of responsible parenthood.

447. This law establishes the rules for the implementation of measures for the promotion and protection of children and youngsters at risk in their environment natural life, under Articles 39, 40, 43 and 45 of the Annex to Law No. 147/99, of September 1, Law on Protection of Children and Youth in Danger.

448. The Order no. 31292 of 5 December 2008, the Minister of Health, approved the document "Ill-treatment in children and youth - health intervention", prepared by the Directorate General of Health and in the annex, giving it the character of 'technical guidelines' of which is called from now on this, "Action for health for children and youth at risk", with the text available at [www.dgs.pt](http://www.dgs.pt).

449. The "Action for health for children and youngsters at risk" covers children and young people aged up to 18 years in different contexts of life, may, however, continue the intervention until the age of 21, where it has begun before of majority, and from it when the couple to ask, as provided for in Law No 147/99 of 1 September. Objectives of this program are:

(a) Promote the rights of children and young people, especially health, by preventing the occurrence of abuse, by early detection of contexts, risk factors and signs of alarm, monitoring and provision of health care and signs and / or delivery of identified cases;

(b) Adapt the organizational models of service accordingly, increase the technical preparation of professionals, the coordinating mechanisms of response and promote the timely movement of information.

450. There's a new legal framework for providing special care for children and young people with special educational needs, on the one hand, and measures aimed at pupils who are blind, partially sighted, deaf or suffering from multi-handicaps, on the other contribute towards reinforcing equality in gaining access to educational opportunities.

451. The new legal framework represents an attempt at achieving the inclusive school, guaranteeing the quality of education, the principles, values and fundamental tools to ensure equal opportunities to all, also to students with severe and permanent impairments by defining the specialized support to give them at the different levels of education and the preparation for continuation of studies or for an adequate entry in active life.

## **VIII. Education, leisure and cultural activities (arts. 28, 29 and 31)**

### **A. Previous concerns and recommendations of the Committee (as contained in the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.162))**

#### **1. Increase investment in education (para. 43 (a) of CRC/C/15/Add.162, of 6 November 2001)**

452. The following shows expenditure of the Ministry of Education:

Table 33  
**Expenditure of the Ministry of Education - Evolution**

Expenditure of the Ministry of Education - Evolution <sup>25</sup>	
(2002 - 2008)	
	Million€
Years	
	Expenditure of the Ministry of Education (a)
2002	5.848,15
2003	5.737,66
2004	5.881,55
2005	6.062,77
2006	6.023,71
2007	6.021,81
2008	6.117,00

(b)

Notas:

a) Expenditure of the Continent. Does not include the Autonomous Regions of Madeira and Azores

b) 2008 Provisory corrected value

*Source:* GGF/ME, Budgetary Execution Reports

**2. Study the causes of high drop-out and repetition (para. 43 (b) of CRC/C/15/Add.162, of 6 November 2001)**

453. Educational policy on basic and secondary education was centred on five areas of intervention: a) equality in gaining access to educational opportunities - inclusion; b) promoting learning quality, better results and schools success; c) improvement in organising resources and the conditions in which schools are run: more responsibility, assessment and autonomy; d) modernising and re-equipping schools; e) an openness to the outside world and the participation of the community in the life and management of the school.

**3. Introduce policies to address the causes of low enrolment in pre-school education (para. 43 (c) of CRC/C/15/Add.162, of 6 November 2001)**

454. The national pre-school education network includes the pre-school establishments of the Ministry of Education. It offers the education component to children and the support component to families. The kind of support given goes from lunch offered to children to socio-educational activities assisted by teachers beyond regular workload.

455. These teachers (educators) daily contribute with five hours to the education component, free of charge, taking the Curriculum Guidelines for Pre-school Education as a reference. The family support component is co-financed by the State, the value of this financial contribution being annually established, in the case of the public network of the

<sup>25</sup> Statistics attached – source GEPE

Ministry of Education, through Agreements signed with the several City Halls (Câmaras Municipais). Parents are also supposed to co-finance family support activities.

456. The Ministry of Education is the governmental entity fully responsible for both the guarantee of pedagogic quality and the financing of education offer.

457. A survey was done of the neediest municipalities and those furthest away from the towns and cities in which 100% coverage has not yet been achieved. As a result, in 2008 the Programme for Support with Extending the Pre-School Education Network was launched.

458. A measure covered in the National Action Plan for Inclusion (PNAI), for intervention in the network for pre-school facilities, will increase the number of places for children between the ages of three and five, contributing towards the social and educational development of children and towards the adjustments of the personal, family and professional life of young families.<sup>26</sup>

**4. Increase the number of children completing secondary education (para. 43 (d) of CRC/C/15/Add.162, of 6 November 2001)**

459. Important in education and training for young people and adults are the vocational and technological courses, second chance learning and adult education and training courses. However, the indelible mark of educational policy for young people and adults who left formal education before completing it, is the New Opportunities Initiative with all its innovative ways of providing training and re-qualification. This programme, the biggest reform in recent years, has not reached its full potential and probably some of the ways in which it provides training may require readjustment, while others demand more personal and intellectual investment by those for whom it is designed. However, the success already achieved suggests that this initiative as an education and training policy that is truly inclusive and provides a second opportunity, can be expected to have a positive impact in more efficient reorganisation of traditional training and formal education, without overlooking its short and medium term effects on improving the skills of the labour force on a labour market where re-qualified supply is becoming more widespread.

460. Education and Training Courses were created within the framework of the Curricular Revision of Secondary Education, first applied in the 2004-2005 school year, and designed as initial training providing qualification, preferably for adolescents of 15 years of age or over, at risk of school dropout or who left the education system prior to completing 12 years of schooling. These courses were also for those complete 12 years of schooling but have no vocational qualification and wanted to enter the labour world.

461. Specialised Artistic Education (SAE) it is a form of training at secondary level and is planned from the dual perspective of entering the working world and the pursuit of further studies.

462. Dual certification is awarded on completing an SAE course, in the form of a diploma for completing secondary level education and a certificate of level 3 vocational qualification.

463. SAE courses may be administered by the network of public, private and cooperative schools.

464. Important in education and training for young people and adults are the vocational and technological courses, second chance learning and adult education and training courses. However, the indelible mark of educational policy for young people and adults who left formal education before completing it, is the *New Opportunities* Initiative with all its

<sup>26</sup> Sources: RNDE – UNESCO – 2008 e Direções Regionais de Educação (DREs)

innovative ways of providing training and re-qualification. This programme, the biggest reform in recent years, has not reached its full potential and probably some of the ways in which it provides training may require readjustment, while others demand more personal and intellectual investment by those for whom it is designed.

465. The Curricular Revision of Secondary Education was completed, covering courses in the sciences and humanities, technological courses, vocational courses and specialist artistic courses.

466. One area in educational reform where there has been most development and in which enormous progress has been made in recent years was in the important area of the Information and Communication Technologies and the importance they have acquired in renovating and the general balancing of the whole education system. This discipline has also moved from secondary education to the seventh and eight years of Basic Education, and its teachers have been trained with a view to the use of the TIC throughout the whole curriculum.

467. The relatively low numbers of children going on to tertiary education from secondary school, with a sharp disparity between males (42%) and females (57%).

Table 34

**New entrants, 1<sup>st</sup> year 1<sup>st</sup> time, in Higher Education (%), with 18 years old, by gender**

	2005-2006	2006-2007	2007-2008
<b>Female</b>	62%	62%	60%
<b>Male</b>	38%	38%	40%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

**5. Reduce drop-out rates and implement its planned reform of secondary education (para. 43 (f) of CRC/C/15/Add.162, of 6 November 2001)**

**6. Raise the number of persons going to higher education (para. 43 (g) of CRC/C/15/Add.162, of 6 November 2001)**

468. In Portuguese Higher Education the steps that are taken to increase the number of young people enrolled in tertiary education are:

(a) Specific exams oriented to people older than 23 years in order to determine their capacity to attain higher education – Decree –Law n. ° 64/2006, of 21<sup>st</sup> of March applicable from the academic year 2006-2007;

(b) The number of Technological Specialization Courses (CET) that are raising and allows direct access to higher education;

(c) Scholarships and grants provided by MCTES to private and public institutions for students in this level of education;

(d) The enlarge number of courses/programmes, in higher education, related with services aimed at the prevention and treatment of child and adolescent health, disabilities and social security;

(e) A special quota on vacancies in all programs/courses admission procedure for young people with physical or sensory disabilities have;

(f) Disability Support Service offered by many higher education institutions;

(g) Flexibility on programmes, such as postemployment courses, part-time courses and night courses offered by many higher education institutions.

**7. Ensure that all teachers benefit from professional training (para. 43 (h) of CRC/C/15/Add.162, of 6 November 2001)**

469. On-going teacher training is a major priority of the Ministry of Education particularly over the past ten years. The political changes introduced since 2005, particularly the New Status of Teaching Career, are under-pinned in their implementation by a transverse guideline based on on-going teacher training, in particular for those teaching Mathematics, Portuguese, ICT, special education and school autonomy and assessment of teacher performance. The Training Centres for Associations of Schools, CFAES, plays a determining role in this training interface. A Training Plan for the Experimental Teaching of the Sciences was designed for Basic Education with a view to training teachers to give support, in schools in their area, in implementing a new form of teaching Science subjects that focuses on practical and experimental work.

470. The Action Plan for Mathematics came to light from a diagnosis made by teachers of Mathematics, after reflection on the results of mathematics exams in the 9th. year of schooling in 2005 and aims to improve the way Mathematics is taught by providing Maths teachers with specific training activities.

471. In its turn, the Training Plan for Teachers of Portuguese aims to improve the performance of pupils in the key area of language expression in the mother tongue.

472. Between 2003 and 2006:

(a) The Pedagogical Council for Ongoing Training (responsible for the accreditation of teacher training organisations and courses) was also responsible for recognition of and accreditation of training courses on gender equality, citizenship, sexual education, civics and human rights education;

(b) Intended for pre-school and primary school teacher training, the Commission for Equality and Women's Rights, in partnership with Higher School of Education of Santarém, has republished (3rd edition) the coeducation manual "A Narrativa na Promoção da Igualdade de Género".

473. In 2006, the Commission for Equality and Women's Rights began publishing works, envisaging parents, on the promotion of gender equality in family education. It published a practical guide in partnership with Coimbra University. Thanks to teachers' receptivity, that year's edition of 2,500 copies ran out that same year. It was distributed to students in the Education Sciences course and the three master's degree courses in Portugal; parents' associations, teacher training centres and state and private schools in the context of on-going training.

474. Between 2004 and 2006, 8.200 copies of the 16 publications from the Commission for Equality and Women's Rights for teachers and parents and guardians in general were distributed, accounting for 68 per cent of the works published and distributed by the committee in the field of education. They included two publications on the analysis of primary school textbooks from a gender perspective (Portuguese and Mathematics), one on education strategies for promoting gender equality in the family and 13 resulting from the transnational pilot project Coeducation: from the principle to the development of a practice, which were still widely used in teacher training.

475. The National Coeducation Network of education, training and gender specialists (an informal network of multidisciplinary experts and researchers in studies on women, in education and training, belonging to universities and schools) has been extended to less represented areas such as sports, physical education and information and communication technologies. It has proved an essential resource for the promotion of gender mainstreaming

in education and elimination of sex-based discrimination in formal and non-formal education in general and in the education system in particular.

476. The Commission for Equality and Women's Rights has maintained and extended this network and its members have cooperated and participated in the initiatives promoted under the Second National Equality Plan and the Commission's partnerships in education projects.

**8. Increase enrolment levels of children from low-income families (para. 43 (i) of CRC/C/15/Add.162, of 6 November 2001)**

477. Improving the public school as an instrument for equity and social cohesion became the driving force behind the principal changes introduced to the education system. The major idea underlying educational policies in the past four years has been based on a view of the education system as an organisation equipped with a series of human, technical physical and financial resources the efficient use of which must necessarily lead to obtaining good school results in terms of quantity and quality to meet the needs and interests of pupils, families and society. In other words, the public school adopted a mission statement in which the objective is to have the largest number of pupils achieve the highest levels of educational success at any level, and in any type or sector of teaching.

478. In the 2008/2009 school year, *Acção Social Escolar* (school social action) has undergone alterations, aiming at its development and wider scope. A new, simpler, criterion was adopted for the ranking of families income which resulted in a three times higher number of children benefiting from social support, in further types of support and in higher financial aids, now also covering secondary education students, in identical conditions to pupils attending compulsory education.

479. Besides the school milk programme, covering all pre-school education children and all 1st cycle pupils, and the generalization of meals, subsidized for all pupils and free for the most needy, economic support to low income pupils was introduced, for the acquisition of text books and other school materials and as a financial help to curriculum complementary activities like study visits and favourable lodging conditions in student homes. The amount of this financial assistance is related to the income of families. These measures are a fundamental contribution to social inclusion, to higher success rates and to prevention of early school leaving.

**9. Strengthen efforts towards the implementation of the human rights plan of action (para. 43 (j) of CRC/C/15/Add.162, of 6 November 2001)**

**10. Increase investment in physical activities for students in schools (para. 45 (a) of CRC/C/15/Add.162, of 6 November 2001)**

**11. Promote sports for children, specially for children living outside the main urban regions (para. 45 (b) of CRC/C/15/Add.162, of 6 November 2001)**

480. The Portuguese Institute for Youth promotes several activities during holiday period, enabling youngsters to get to know the country and, simultaneously, to practice sports like mountain climbing, football or BTT (all-road cycling). In 2009 these activities targeted 8.218 young people.

Table 35

**Number of young people**

Year	Number of young people according to age					
	Until 10 years of age	11 to 12	13 to 14	15 to 17	Until 18 years of age	Total

Year	Number of young people according to age					Total
	Until 10 years of age	11 to 12	13 to 14	15 to 17	Until 18 years of age	
2009	0	1.570	4.056	2.472	120	8.218

Year	Number of young people		Total
	Male	Female	
2009	4.709	3.509	8.218

## B. Substantive information

### 1. Education, including vocational training and guidance

481. The Institute for Employment and Vocational Training (IEFP) promotes training offers for young people aged 15 to 25 years in the area of Qualification.

#### (a) Vocational training

482. Presently, the public offer of education and vocational training promotes several diversified and flexible training offers which adequately respond to the young person's individual situation, specifically through Education and Training Courses for Young People offering several typologies (1 to 7), with different access conditions and responding to other needs, and different levels of qualification besides other training offers available in the school network within the Ministry of Education. The more problematic situations include young people with this profile who have not concluded the first level or second level of education (primary and secondary education).

483. Among the training approaches available for young people until 18 years old, emphasizing Apprenticeship Courses and the Education and Training Courses for Young People.

484. Apprenticeship courses provide alternance training aimed at qualifying first time job seekers by obtaining a school and Professional certificate, preferably at the 12th year level – to facilitate their integration in the workplace, and the target population being young people aged 15-25 years of age.

485. Apprenticeship Courses have existed for more than 2 decades covering about 380 000 young people, demonstrating vitality and renewal capacity as well as adjustment to meet the qualification market needs and supported on an organisational model, based on alternance giving it an innovative and singular characteristic in relation to other training courses.

486. In September 2008, taking into account the companies' importance to participate in vocational training, 51 cooperation protocols were signed with different sectors of activity deemed strategic to the country's development aiming at energising apprenticeship courses, by increasing and diversifying training offers leading to a dual certification in secondary level, so as to increase young people's qualification before they enter the labour market.

487. The Education and Training Courses for Young People promotes dual certification for young people aged between 15-25 years, which aims at raising the school and professional levels of young people, in particular of those at risk of dropping out of school or who have already done so before completing their 12th year of education. These courses privilege young people who have not concluded the 9 compulsory school years because of successive failure in schools.

488. The following shows the number of young people (between 15 and 18 years) covered by vocational training measures in the IEFP network.

Table 36  
**IEFP network of Vocational Training Centres of Direct Management**

<i>Measure</i>	2008						
	2002	2003	2004	2005	2006	2007	(until September)
Apprenticeship	11.747	12.130	16.436	14.220	12.062	11.950	6.325
Education and Training of Young People	1.395	1.988	3.959	5.107	7.617	8.071	5.350
Other Measures	1.059	964	1.642	991	579	423	372
<b>Total</b>	<b>14.201</b>	<b>15.082</b>	<b>22.037</b>	<b>20.318</b>	<b>20.258</b>	<b>20.444</b>	<b>12.047</b>

Source: IEFP

Table 37  
**IEFP network of Vocational Training centres of Direct Management**

<i>Measure</i>	2008						
	2002	2003	2004	2005	2006	2007	(until September)
Apprenticeship	ND	509	3.294	3.770	3.379	3.054	2.348
Education and Training of Young People	ND	21	282	308	518	1.035	1.021
Other Measures	ND	138	1.764	1.623	1.475	1.437	848
Total	ND	668	5.340	5.701	5.372	5.526	4.217
<b>Total</b>	<b>14.201</b>	<b>15.082</b>	<b>22.037</b>	<b>20.318</b>	<b>20.258</b>	<b>20.444</b>	<b>12.047</b>

Source: IEFP

(b) *Investment in ICT*

489. In the scope of Information and Communication Technologies (ICT,) all IEFP Vocational Training Centres offer Internet Access. Also mentioning, the protocol signed with Microsoft, which made available the Microsoft Digital Literacy Curriculum to the IEFP Centre network, with the objective of covering 1 million citizens by teaching basic concepts and skills in new technologies.

(c) *Championship of the Professions*

490. Portugal is the only founding member which has been participating uninterruptedly in WorldSkills International<sup>27</sup> 's 39 editions. It is the most experienced country in this area,

<sup>27</sup> The concept of Championship of the Professions emerged in 1950 when the first International Championship of the Professions took place in Madrid between Portugal and Spain. Presently, it integrates 50 member countries.

The consolidation of this initiative led to the creation of a specific organisation currently known as WorldSkills International ([www.worldskills.org](http://www.worldskills.org)) which gives visibility to the education and vocational training policies of its member states by hosting an important event which enhances investing in citizen skills and company productivity.

commemorating 60 years of participation in 2010. Throughout its history, it was represented by 500 young professionals and awarded 27 gold medals, 53 silver medals, 48 bronze medals and 45 honourable mentions.

491. In addition to WorldSkills, in 2007 the European Skills Promotion Organisation, promoted by Portugal one of its founding members and presently gathers 30 European countries. This organisation promotes every odd year with WorldSkills and EuroSkills,<sup>28</sup> an event where young people, trainers and other vocational training agents have the opportunity of competing against each other, by seeking to achieve the following objectives: professional qualification; recognition of the professional pathways; social, cultural and technological exchange between young people, trainers and other participants; and the sensitization of young people, families, entrepreneurs and workers to the importance of training as a factor for lifelong learning.

(d) *Peer Mentor Project*

492. In 2005, IEFP took part in a transnational project (*Peer Mentor Support*) to transfer training and Peer mentor, by developing joint pilot action (one for each 5 regions on the continental territory) with the objective to introduce this model in all 32 Vocational Training Centres as a privileged strategy to follow the trainees.

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<sup>28</sup> The First edition of EuroSkills 2008 was held in the city of Rotterdam in the Netherlands, on 18-20 September 2008, where 8 Portuguese young persons were very successful among the 29 competitors, by winning 3 gold medals, 4 bronze medals, 1 Award of Excellence, 1 Prize “the best of the best” awarded by the European Association of Air Conditioning and the 1st Prize awarded by Toyota, official sponsor of EuroSkills 2008. The Portuguese representation achieved the best result ever in the International Championship of the Professions.

Table 38  
**Peer Mentor Project**

<i>Covered</i>	<i>2007 – 2008</i>
Nr. of young people covered between 15 and 18 years	32 Trainees (involved in 3 pilot actions )

*Source: IEFP*

(e) *Action programme for Raising Awareness and Preventing Drug Addiction (PASITform)*

493. Created in 2006, the Action Programme for Raising Awareness and Preventing Drug Addiction (PASITform), composed of a dual component of vocational training and prevention of drug addiction and jointly with the IEFP and Institute for Drugs and Drug Addiction (IDT) involves young people between 15 and 25 years (also for adults) and whose target is to guarantee annually, the implementation of several activities in all IEFP Vocational Training Centres to cover young trainees from the Apprenticeship, Education and Training Courses of Young People.

Table 39  
**PASITform**

<i>Covered</i>	<i>2006</i>	<i>2007</i>	<i>2008 (1st semester)</i>
Nr. of young people covered in activities promoted within PASITform, aged between 15 to 18 years	12 000	12 501	8 245

*Fonte: IEFP*

(f) *Reconciliation of Work and Family Life*

494. The IEFP develops measures promoting the reconciliation of work and family life by improving the attendance in training courses of trainees with children. Both children and young people also benefit from this measure provided to the parents.

495. In fact the, child care allowance and/ or dependent child benefit which was at the origin of (II CSF), promotes the access of women to the labour market by increasing their skills and employment conditions although deprived quite often of access to training courses because they can not afford them.

(g) *Other Interventions*

496. Although not directly associated to the target population covered by the Convention, the IEFP promotes several approaches capable of covering children and adolescents, indirectly through their family households.

497. Therefore, emphasizing:

- The training approach of Education and Training of Adults;
- Certified Modular Training;
- The system of Recognition, Validation and Certification of Competences.

II. Presenting below, the situation referring to the development of different interventions of vocational guidance within IEFP.

- (i) Vocational guidance and information interventions developed encompassing young people up until 18 years old.

498. The IIEFP is a Public Service for Portuguese Employment established by Decree-Law no. 519-A/79, of 29 December, whose statute was revised by Decree-Law no. 213/2007, of 29 May and which depends on the Ministry of Labour and Social Solidarity. Among its duties, it is responsible for “executing employment and training policies”.....”defined and approved by the Government. Therefore, develops information and Professional guidance for individuals over 15 years old and who are registered in Employment Centres (86), as well as for those attending training courses in the Vocational training Centres (32).

499. Considering the priorities defined in the National Employment Plans (NEP) of 2002, 2003 and 2005-2008, related to increasing education/training of secondary level, namely this latter foresees the extension of education and training for early intervention and at the same time contradicts the tendency for early integration in the labour market, information campaigns and professional guidance carried out with this target population in Employment Centres directed at promoting the access of young people to educational/training pathways.

500. Vocational Training Centres, include guidance – and systematic follow-up of trainees to:

- (a) Facilitate the adjustment of the training context to the trainee;
- (b) Prevent them from not completing training;
- (c) Develop learning skills;
- (d) Conflict Management - prevent development and eventual conflicts within groups;
- (e) Facilitate transition to work.

501. Monitoring information and guidance actions are conducted systematically, every three months, through summarized reports on the interventions carried out.

502. Apart from this work, the IIEFP guidance professionals, organise and facilitate information sessions on educational/training offers for young people under 18 years of age not registered in the IIEFP services, and attending schools of the Ministry of Education.

503. Also made available on paper and digital format, professional information instruments produced by the IIEFP central department of Information and Guidance, about educational/training offers, social professional areas and professions, to schools under the Ministry of Education, Units of Integration in Active Life (UNIVA), Juvenile Associations and delegations from the Portuguese Youth Institute with the objective to encourage vocational exploration by young people using these measures, indispensable to their decision making process namely in the educational/training scope.

- (a) *Socio-professional Integration Programme for Young People 15-22 years old*

504. This programme developed by IIEFP is to discourage the immediate integration in the labour market of unemployed young people registered in Employment Centres and who do not possess 12 years of schooling by ensuring them with a training opportunity providing them with both a school and professional certification.

505. This referral is conducted within a maximum period of 3 months after registration, so as to attend a training course 6 months after. In other words, as mechanism tending to increase the access of this target population to educational/training courses held between November 1st and December 15th of each year, is implemented for young people in this age group, registered in Employment Centres and not yet referred to training courses in order to define or readjust their Personal Employment Plan. They participate afterwards in a

guidance process so as to be referred to training for dual certification up to 3 months after definition or readjustment of the PEP. This Programme also involves working with young people under 23 years old who already possess 12 years of schooling and which may not necessarily need guidance interventions and access to training pathways.

506. The programme is recommended in the National Employment Plan 2005-2008 within the framework of creating Specific Employment Plans adjusted to the needs of different population groups with a characterisation foreseen for 2005-2008.

507. Its monitoring is conducted essentially by collecting data related to interventions and referrals carried out from systematised registers in a computer system and interpreted in semestral reports.

508. The implementation of this Programme promotes an increase in the number of individuals in this age group which have improved their school level and obtained professional skills, therefore increasing their potential for personal fulfilment and to becoming more capable of contributing to the country's development.

(b) *Training Clause Measure*

509. Measure promoted by IEFP since 2002, enables young people aged 16 and 17 to access training when they sign a work contract or have already done so but do not possess compulsory education or a professional qualification. This measure establishes that the normal work period should include a part for training corresponding, to a minimum of 40%, maximum limit established in the law, of the applicable collective regulation or of the period practised in the respective category, within the company. Employers may carry out the training process themselves or resort to external training entities or, to the IEFP if they do not want to do so. In this last situation, the IEFP guidance professionals conduct an interview with young people to identify the more adequate training responses, by combining the minor's interests with the company's sector of activity, different jobs, respective policy for resource management as well as promote the available training offers.

(c) *Integrated Programme of Education and Training (PIEF)*

510. This Programme is integrated in the Plan for the Prevention and Elimination of Exploitation of Child Labour (PETI). The IEFP collaborates within the scope of PIEF according to its reformulation in 2003, establishing by joint order 948/2003, of 26 September, the following objectives:

(a) To enable minors 15 and over exploited as cheap labour, namely under the intolerable forms mentioned in ILO Convention No. 182, to obtain a school leaving certificate and/or professional training;

(b) Enabling minors 16 and over to complete compulsory education associated to professional training leading to work contracts.

511. It is implemented by elaborating an individualised, flexible Education and Training Plan (PEF) for each minor.

512. The collaboration of IEFP within PIEF includes the participation of its representatives in the PIEF regional coordination structures whose role is to:

(a) Approve the Education and Training Plans proposed for the minors by the PETI mobile multidisciplinary teams;

(b) Ensure the cooperation of guidance professionals IEFP Employment Centres with PETI mobile multidisciplinary teams within the scope of undertaking the follow up of young people integrated in training pathways promoted by IEFP;

(c) Ensure the availability of space for trainers and resources to develop vocational workshops for minors.

513. At a local level, IEFP participates in the Programme by providing information and guidance to minors whose PEF foresees their involvement in training pathways, therefore conducting subsequent follow-up to training.

(d) *Guidance System*

514. In line with the priority established in the NEP 2005-2008 to “expand education and secondary level training”, it plans to mobilise information systems, school and vocational guidance which makes it possible for young people and their families to use an easier and more informed decision making process related to their choice of training pathway linked more intensely to the Guidance Services and Ministry of Education.

515. The National Strategic Reference Network (QREN), promotes the application of the community policies for economic and social cohesion in Portugal for 2007-2013. It also considers the development of an Integrated Information System and Vocational Guidance one. The consolidation of this system is considered a key part of the strategy to invest in qualifying the Portuguese population, namely minors by enhancing adequately the different opportunities which exist in the learning pathways provided by the different training measures available.

516. This instrument is to be implemented for the period 2007-2013.

(ii) *Allocation of Financial Resources*

517. The amount paid for the provision of information and guidance services in the IEFP includes the wages of the guidance professionals as well as costs with production, updating information and guidance instruments. The IEFP works with a target population from 15-65 years old.

518. The budget forecast to develop the Socio-Professional Integration Programme for Young People 15-22 years during three years amounts to € 422.717.112.

519. The budget allocation foreseen for this measure in 2003, 2004, 2005 and 2006 was of, respectively, € 400.000, € 250.000, € 190.000, € 1.500.000.

520. The IEFP budget paid for the PETI expenses and costs (see chapter IX), part of them allocated to PIEF, amounted to: €231.116.195, in 2005; € 258.067.509, 2006; € 306.819.192, in 2007.

(iii) *Statistical Data*

521. The number of young people covered by information intervention and guidance until 18 years of age, according to gender and including the period between 1 January 2002 and 30 September 2008 is mentioned below in the table.

Table 40

**Number of young people covered by information intervention and guidance until 18 years of age, according to gender and including the period between 1 January 2002 and 30 September 2008**

2002		2003		2004		2005		2006		2007		2008 (Until September)	
H	M	H	M	H	M	H	M	H	M	H	M	H	M
10.59	38.240	12.259	9.311	14.469	10.185	12.182	8.715	13.700	9.993	9.509	7.167	6.173	10.046

Source: IEFP

522. Followed below by the number of unemployed without and with 12 years of compulsory schooling within the *Socio-Professional Integration Programme for Young People 15-22 years*, benefitting from information interventions and guidance in 2006 and 2007:

Table 41

**Number of unemployed within the Socio-Professional Integration Programme for Young People 15-22 years**

Age	2006	2007
15-22 years old without 12 years of schooling	5.663	2.054
15-22 years old who completed 12 years of schooling	1.984	1.148

Source: IEFP

## 2. Aims of education, with reference also to quality of education

523. Greater access to pre-school education for all children, with continued investment in expanding the public network. With a view to extending and consolidating pre-school education, a survey was done of the neediest municipalities and those furthest away from the towns and cities in which 100% coverage has not yet been achieved. As a result, in 2008 the Programme for Support with Extending the Pre-School Education Network was launched.

524. Creating Activities for Curricular Improvement (1st. Cycle) and giving pupils access to the same, increasing the time spent at school (up to 17.30 hours) and guaranteeing full occupation of school time with replacement classes and other activities monitored by teachers should class teachers be absent. The Full Time School is planned not only as an instrument to improve learning but, above all, as a way of supporting family units in which the mother very often works.

## 3. Rest, leisure, recreation and cultural and artistic activities

525. The Youth Institute has programme (for the occupation of free time) which aims at promoting healthy occupation of free time by Young People. The activities offered fit into the following categories:

Table 42

**Areas**

<i>Environment and/or Civil Protection</i>	<i>Support to Old People and/ or Children</i>	<i>Culture</i>	<i>Combating Social Exclusion</i>	<i>Health</i>	<i>Others*</i>
540	826	505	117	40	629

\*Others= Sports, Science/ Technology, Creativity and Innovation.

Table 43

**Number of projects**

<i>Nr of Projects</i>	<i>Nr of Young People</i>	<i>Budget</i>
2.648	13.881	833.456,00 Euros

**C. Statistical Information**

- Literacy rates of children and adults**
- Enrolment and attendance rates for pre-school, primary and secondary schools**

526. The following table shows real scolarisation rates:

Table 44

**Real scolarisation rates**

	<i>Pre-school education</i>	<i>1st Cycle</i>	<i>2nd Cycle</i>	<i>3rd Cycle</i>	<i>Secondary Education</i>	
2002/03	76,42396	100	86,77943	82,54533	58,87619	%
2003/04	77,0733	100	86,86765	82,03167	57,95176	
2004/05	77,43463	100	86,3761	82,49471	59,79388	
2005/06	77,65724	100	84,37275	83,45242	54,17365	
2006/07	77,7	100	87,95575	86,50541	60,034	

527. The real scolarisation rates corresponds to the percentage relationship between the number of pupils enrolled in a certain cycle of studies (including in preschool education) at a normal age for attending that cycle and the population within the same age group residing in the country.

Source: Ministério da Educação - Gabinete de Estatística e Planeamento da Educação

## **IX. Special protection measures (arts. 22, 30, 32-36, 37 (b)–(d), 38, 39 and 40)**

### **A. Previous concerns and recommendations of the Committee (as contained in the concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.162))**

#### **1. Develop a refugee status determination for minor asylum-seekers (para. 47 (a) of CRC/C/15/Add.162, of 6 November 2001)**

528. Law Nr 27/2008, of 30 June, establishing the conditions and procedures for granting asylum or subsidiary protection or refugee status contain norms which are closely connected with the protection of child rights, namely:

- (a) Art. 5º, n.º 1 e 2 f) - acts of persecution against minors;
- (b) Art. 53º, n.º 1 - Access to school;
- (c) Art. 59º, n.º 1, b) - Additional guarantees in the area of housing;
- (d) Art. 70º - Access to education;
- (e) Art. 73º - Access to health;
- (f) Art. 77º, 78º e 79º - Norms related to specially vulnerable persons – minors.

529. Therefore children who are asylum seekers stay with their respective families throughout the whole process. In the case of unaccompanied minors, and in those instances where there is information confirming the existence of members of their family, the support of the Red Cross is sought, in order to determine their whereabouts.

530. Unaccompanied minors are referred by SEF to the Minors and Family Court and sent to the Refugee Admission Center by the Portuguese Refugee Council. After this action the promotion and protection measures are determined by the Court, their implementation being followed-up by the PRC and Social Security experts. In terms of housing, the unaccompanied children use specific premises inside the Refugee Admission Centre.

531. All children receive training in Portuguese and are integrated in the school system, according with their skills and interests.

#### **2. Ensure access to psychological care (para. 47 (b) of CRC/C/15/Add.162, of 6 November 2001)**

532. Access to psychological care is guaranteed through the National Health System. Under a Protocol signed between the Portuguese Centre for Refugees and the Victims of Torture Support Centre, refugee children, like [the] all refugees, can be referred for psychological care.

#### **3. Ensure full implementation of Asylum Law 15/98 (para. 47 (c) of CRC/C/15/Add.162, of 6 November 2001)**

533. Portuguese Asylum Law (Law 27/2008, 30 June), complies and is being effectively implemented in line with international obligations in this area, namely the Geneva Convention and other international legal instruments ratified by Portugal. The Asylum Act provides the status of applicants for international protection (asylum and subsidiary protection) and is in accordance with European Union legislation, in particular Council Directive 2004/83/EC, 29 April 2004, on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who

otherwise need international protection and the content of the protection granted and Directive 2005/85/EC, 1 December, on minimum standards on procedures for granting and withdrawing refugee status in the Member States.

534. In practical terms, Portugal attaches great importance to the question of asylum seekers and UNCHR refugees and strives to fulfil his part in receiving refugees.

535. In recent years, Portugal has been receiving around 30 refugees per year from “vulnerable groups”, like children’s without any adult tutorial support as well as children and women at risk.

**4. Study the causes of children living in the street, develop a comprehensive policy to address the causes of children living on the streets and ensure that street children are informed about their rights (para. 47 (a), (b) and (c) of CRC/C/15/Add.162, of 6 November 2001)**

536. The State party should study the causes of children living on the street and the scope of the problem; develop and implement a comprehensive policy to address the causes of children living on the streets, including through assistance to families and efforts to address concerns with regard to adequate housing and access to education; strengthen its assistance to children currently living on the street, including with regard to health and education services, food and housing, drug abuse treatment and counselling; and ensure that street children are informed of their rights and strengthen children's participation in achieving respect for them.

537. The phenomenon of children living on the streets has been gradually losing its expression in Portugal. Presently, the children living on the streets without any or other type of family support are reduced to specific cases.

538. However, the phenomenon of children living on the streets, alone or in informal groups persists but has become seasonal. In other words, street children maintain their family ties and neighbourhood loyalty. But they still run away from home and remain on the streets which vary in days and weeks, and then return home and to their neighbourhoods.

539. Therefore, these young people are considered by the Child Support Institute as “children or young people who run away from home”, terminology adopted according to the recent European directives. This Institute specialised in providing assistance to street children, interpreting the changes in the phenomenon of these last years and focuses its activity on disadvantaged neighbourhoods where most of these young people come. However, considering the importance of children in a runaway context, and to support these children a Street Project (Projecto de Rua), was developed and financed by ISS,IP. In 2007, this Street Project supported and provided assistance to 70 runaway children and young persons.

540. Most of the runaways are young males aged between 14-16 years and many of them turn to prostitution and helping to park cars to survive or sometimes even to steal.

**5. Prevent substance abuse by children, including through the prohibition of the sale of such substances to children (para. 51 (a) of CRC/C/15/Add.162, of 6 November 2001)**

541. Decree-Law nr. 9/2002 of 24 January 2002, prohibits the sale of alcoholic drinks in public places or in places opened to the public, to children under 16 years of age.

Table 45  
**2006 to 31 July 2009**  
**Cases of sale of alcohol to under 16 year old children in public places**

	<i>ASEA</i>	<i>PSP</i>	<i>GNR</i>	<i>Maritime Police</i>	<i>Others</i>		
2006	2	5	3	3			
2007	16	16	7		1	*Pol Municipal Viseu	
2008	5	14	5				
2009	3	4	8				
	26	39	23	3	1		
Total Number of Cases						92	

542. On 12 May 2009 the Institute of Drugs and Drug-Addiction issued a Plan for Reducing the Problems Associated with Alcohol.<sup>29</sup> According to the Plan, in 2003, and according with information from “World Drink Trends” (2005) Portugal occupied the 8th place of world alcohol consumption, with an estimated consumption of 9,6 litres of ethanol *per capita*, which corresponds to the accumulated intake of 58,7 litres of beer, 42 litres of wine and 3,3 litres of distilled drinks. Another study cited in the above-mentioned Plan was the National Inquiry on the Consumption of Psychoactive Substances in Portugal (2007), which covered the whole population residing in Portugal with ages comprised between 15 and 64 years. The sample for this study was composed of 15 000 individuals. Between 2001 and 2007 the prevalence of alcoholic drinks consumption increased 3.5%, more specifically from 75.6% to 79.1%. According to the same study, the percentage of the population which initiated the consumption of alcoholic drinks between 15 and 17 years of age was of 30% in 2001 and has increased to 40% in 2007.

543. In the said study of 2007, 11.2% of the youngsters between 15 and 19 years of age admitted to have been drunk during the past month and 0,5% of them has been drunk 10 or more times. In 2008, 34.6 % of the children and youngsters within the same age range have been drunk during that year and 1.2% of them has been drunk 10 or more times.

544. The numbers of binge drinking among youngsters in Portugal have also increased. In 2007 there was a percentage of 48,3% of children and youngsters who had consumed 4 to 6 or more alcoholic drinks on a single occasion. Concerning their perception, 19,7% of the children and youngsters attribute no or little risk to the consumption of 5 or more alcoholic drinks during a week-end.

545. The relatively high rates of alcohol consumption in Portugal also have a different direct impact on children, namely for those living within households which are affected by alcohol. According to sate from the National Commission for the Protection of Children and Youngsters at Risk (2005/2006), 40,1% of the cases brought before the Commission belonged to families where both adults responsible for the household faced alcohol problems (2225 in a total of 5552 cases).

546. The Plan’s objectives aim, *inter alia*, at decreasing by 2012:

(a) From 20,7 (2007) to 18% the percentage of drunkenness in the past year among the Portuguese population;

(b) From 34,6% (2007) to 30% the percentage of drunkenness in the past year among children and youngsters between 15 and 19 years of age;

<sup>29</sup> [http://www.idt.pt/PT/Noticias/Documents/2009/05/PNRPLA2009\\_2012.doc](http://www.idt.pt/PT/Noticias/Documents/2009/05/PNRPLA2009_2012.doc).

(c) From 48,3% (2007) to 43% the prevalence of *binge consumption* (more than 4 to 6 drinks on a single occasion) during the past years among children and youngsters between 15 and 24 years of age.

**6. Study the interrelatedness between accidents and substance abuse and take measures in this regard (para. 51 (b) of CRC/C/15/Add.162, of 6 November 2001)**

547. Portugal has no information regarding this matter.

**7. Undertake information campaigns to alert children and adults to the risks of substance abuse (para. 51 (c) of CRC/C/15/Add.162, of 6 November 2001)**

548. From 2005 on, the Ministry of Education has had a special concern for health issues. As of that date, the educational project of each school or groups of schools must include themes bearing on health. Areas demanding priority action were defined: nutrition education and physical activities, prevention of psychoactive substances consumption, sexual education and prevention of sexually transmissible diseases, mental health and prevention of violence.

549. A structure for the coordination, monitoring and assessment of Promotion and Education for Health, at system level, and a Teacher for the coordination of the thematic area of health in each group of schools (*agrupamento de escolas*) were set up.<sup>30</sup>

**8. Fully implement the juvenile justice reform and ensure its compliance with international standards (para. 53 (a) and (b) of CRC/C/15/Add.162, of 6 November 2001)**

550. Besides the relevant information given in the answers to the “List of issues to be taken up in connection with the consideration of the second periodic report of Portugal (CRC/C/65/Add. 11)”, it is relevant to add the following information regarding the implementation of the reform:

(a) Decree-Law 323-D/2000, 20<sup>th</sup> December, that approves the general and disciplinary regulation of the education centres;

(b) Decree-Law 323-E/2000, 20<sup>th</sup> December, that regulates the application of the Law 166/99, 14<sup>th</sup> September;

(c) Normative Rule 1200-B/2000, 20<sup>th</sup> December, that creates educational centres and determines its classification;

(d) Decree-Law 5-B/2001, 12<sup>th</sup> January that adopts rules of transition for the development of the system established in the Law on Education Guardianship.

551. It is also important to inform that for young offenders between 12 and 16 the Social Reintegration Services (DGRS – Directorate-General of Social Reintegration) have an action plan aiming to create technical and logistical conditions that allow the resort to mediation (Mediation and Reparation Programme) – mediation for young offenders is foreseen in Law 166/99, 14<sup>th</sup> September (Law on Education Guardianship). This programs aims to support and encourage them to find solutions (restoring or others), increasing their sense of responsibility, their engagement in the assumed commitments and their predisposition not to practice, in the future, acts qualified as crimes. This programme has its bases on international instruments such as the Council of Europe recommendation R(99) 19 on mediation in penal matters.

<sup>30</sup> Sources: RNDE – UNESCO – 2008 e Direcções Regionais de Educação (DREs).

552. The adopted reform complies fully with the principles and provisions of the Convention on the Rights of the Child. It also complies with the other international instruments on juvenile justice which are binding for Portugal (Beijing Rules, Riyadh Guidelines, United Nations Rules for the Protection of Juveniles Deprived of their Liberty, Council of Europe resolution R (87) 20).

**9. Ensure that children aged 15 and over benefit from full protection of their rights in the context of juvenile justice proceedings (para. 53 (c) of CRC/C/15/Add.162, of 6 November 2001)**

553. Children aged 16 and over benefit from full protection of their rights in the context of juvenile justice proceedings. The Law (Decree-Law 401/82, 23<sup>rd</sup> September) foresees full protection of their interests and is structured based on the need of their future reintegration.

**10. Improve and effectively implement existing legislation and policies regarding the protection of the rights of all children of minority groups, in particular Roma children (para. 55 (a) and (b) of CRC/C/15/Add.162, of 6 November 2001)**

554. The Mobile School is a distance learning project, using a technological platform as a learning aid. It began in 2005/2006 and is geared to pupils in the 2<sup>nd</sup>. and 3<sup>rd</sup>. cycle of Basic Education, the children of travelling workers, and its objective is to respond to the specific needs of this community for basic education. The Curricular Plan of the Mobile School began with the disciplines of the National Curricular for the 2<sup>nd</sup>. and 3<sup>rd</sup>. cycle of Basic Education, with the exception of Physical Education.

555. This project will consistently find ways to strengthen the relationship between curricular plans and the specific needs of this group of pupils, by restructuring the curricular layout with implementation of Curricular Alternatives, based on a strong artistic component to meet the characteristics of pupils.

556. The success of pupils at the Mobile School is reflected in their completing compulsory schooling and possibly continuing with their studies, particularly by attending vocational courses.

557. In the 2007/2008 school year, the project was extended to other groups, covering not only the children of travelling workers, *Ajuda de Mãe* adolescents and pupils over the age of 15 who, for different reasons, did not complete compulsory schooling. It is also extended to secondary level.

**B. Substantive information**

**1. Measures adopted to bring domestic legislation and practice into full conformity with the principles and provisions of the Convention (in conformity with para. 31 of CRC/C/58/Rev.1)**

(a) *Children in situations of emergency*

(i) Refugee children

558. Children's access to health care services, namely psychological treatment, is ensured through the National Health System, as well as through the Centre for the Support of Torture Victims (CAVITOP). The Portuguese Refugee Council refers asylum seekers to CAVITOP, in the Framework of a Protocol established between the two bodies. CAVITOP ensures psychological and psychiatric support to all asylum seekers and refugees, including children.

- (ii) Children in armed conflicts  
559. This does not apply to Portugal.
- (b) *Children in conflict with the law*
- (i) The administration of juvenile justice (art. 40)  
560. The information given in August 2001 regarding the List of issues to be taken up in connection with the consideration of the second periodic report of Portugal (CRC/C/65/Add. 11) remains valid. Please also consider the information above given in 52 b).
- (ii) Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings (art. 37 (b), (c) and (d))  
561. The information contained in the second periodic report of Portugal (CRC/C/65/Add. 11) remains valid. It is however important to stress that one of the main features of the reform is that it is clearly in favour of non-institutional measures
- (iii) The sentencing of juveniles, in particular the prohibition of capital punishment and life imprisonment (art. 37 (a))  
562. The information contained in the initial report (CRC/C/3/Add.30, paras. 212-217) remains valid.
- (iv) Physical and psychological recovery and social reintegration (art. 39)  
563. The information contained in the initial report (CRC/C/3/Add.30, paras. 212-217) remains valid.  
564. It is important, however, to underline that the Law on Educational Guardianship aims to contribute to the physical and psychological recovery and social reintegration of the minor and foresees at all moments of the process psychological support and assistance for the minor.
- (c) *Children in situations of exploitation, including physical and psychological recovery and social reintegration (art. 39)*
- (i) Economic exploitation, including child labour (art. 32);  
565. Since 2002, the Portuguese Government promoted the creation of the following legislation and legal instruments on child labour:
- (a) Law 99/2003, published on 27 August – Approved the Labour Code. This Law came into force as of 1 December of 2003 and essentially “organized” the previous legislation;
- (b) Law 35/2004 of 29 July – Regulates the Labour Code and for the first time the participation of minors in cultural, artistic or advertising activities;
- (c) Joint Order no. 948/2003 of the Ministries of Education and Social Security and Labour of 25 August, published in *Diário da República*, 2<sup>a</sup> série, (Portuguese official Journal) of 26 September 2003 – Revised and reformulated the Integrated Education and Training Programme (PIEF), created by joint order no. 882/99, of 28 September, published in the *Diário da República*, 2<sup>a</sup> Série, no. 241, of 15 October 1999;
- (d) Resolution of the Council of Ministers no. 37/2004 of 26 February, published in *Diário da República*, 1<sup>a</sup> Série, (Portuguese Official Journal) of 20 March 2004 – Created the PETI (Programme for the Prevention and Elimination of Child Labour, and redefined its

role and objectives followed at the time by then called PEETI, as well as its structure in order to increase the effectiveness of executing the policy to fight child labour. It reinforced its preventive component;

(e) Resolution of the Council of Ministers no. 70/2005 (2<sup>a</sup> série) of 3 November 2005, published in *Diário da República*, II<sup>a</sup> Série, n.º 227, (Portuguese Official Journal) of 25 November 2005 – the working group to conduct a statistical survey on child labour terminated and its role was to be carried out by PETI (Programme for the Elimination and Prevention of Child Labour);

(f) Joint Order no. 171/2006. — joint order no. 948/2003, of 26 September which revoked joint order no. 882/99, of 15 October, stipulated that when executing the Integrated Education and Training Programme (PIEF), that the existing regional coordination structures should be maintained in each of the regional directorates for education (DRE) and IEFP regional delegations and these latter composed of a PETI representative, a DRE representative, and IEFP representative and a representative from ISS, I.P. (See chapter VIII).

(a) *PETI – Programme for the Prevention and Elimination of Child Labour*

566. In relation o this programme see information provided in Core Document Parts I and III.

567. Also mentioning that in the sequence of publishing Decree-Law no. 37/2004, the PEETI (Plan for the Elimination of Child Labour) was replaced by PETI (Programme for the Prevention and Elimination of Child Labour).

568. In the sequence of the same legislation, the CNETI was replaced by CNPETI (National Council Against the Exploitation of Child Labour) as a follow up entity to PEI's activity where the social partners also play a role.

569. Since it was created, the PETI has been seeking on one hand and in conjunction with researchers, Inspectorate- General for Labour, (IGT), Ministry of Education, Institute of Employment and Vocational Training (IEFP) and several local partners on the other hand, to implement legislative measures which were elaborated throughout the Programme's enforcement.

570. The PETI guides its intervention around three main strategic lines in relation to child labour:

(a) Sensitization/Information/Training – including the realisation of International Conferences, meetings for specific target groups, the PETI Editions; the Page on the internet and Media Campaigns;

(b) Prevention – seeking to deepen the knowledge on child labour; also carried out within the scope of PIEF, School Holiday projects;

(c) Integration and Repair – also including the School Holiday Projects within PIEF Measures and actions covering the worst forms of child labour.

571. For these three interventions, PETI has defined certain objectives and priorities emphasizing:

(a) Promotion and coordination of the dissemination on the information about the rights of minors in general and on the situation of child labour in Portugal with parents, legal guardians, education establishments, employers and public opinion in general;

(b) Promote institutional cooperation with other entities to elaborate a mapping of the needs of children and young people at risk and promote local partnerships which progressively assumes responsibility by coordinating and executing responses considered necessary to protect minors;

(c) Promote the integration of minors exploited for labour in “traditional” or worst forms of labour considered by ILO Convention no.182 PIEF (Integrated Education and Training Programme);

(d) Promote a greater knowledge of the changing multi-factorial nature of child labour, by establishing partnerships with universities and edition of case studies or statistical data.

### **Levels of Intervention**

572. The fight against child labour has been and continues on being a political priority for Portugal in these last years.

573. Portugal has a privileged relationship with ILO – International Labour Organisation and important steps were made to combat child labour. In 1998, with the objective to quantify and characterise child labour in Portugal, the Portuguese Government promoted a questionnaire (based on the methodologies already used by IPEC/ILO and reproduced in 2000).

574. This cooperative relationship was demonstrated in the joint organisation or support given in the majority of conferences organised by PEETI/PETI, according to the information mentioned in the *Core Document*, Part III.

(b) *PIEF- Integrated Programme of Education and Training*

575. Concerning the dimension of the child labour phenomenon in our country, the official data obtained from questionnaires “characterisation of Portuguese family households with school age minors”,<sup>31</sup> conducted in 1998 and replicated in 2001. These were two studies quantifying and characterising the phenomenon, by the Ministry of Labour and Social Solidarity in conjunction with the support of ILO and INE- National Institute of Statistics.

576. The studies covered child labour according to the ILO international guidelines on the subject, apart from collecting information at a lower scale focused on specific regional and sectoral aspects.

577. According to the last questionnaire conducted (2001), the data pointed to 48 914 minors performing an economic activity which corresponded to a rate of 4.1% of the total minors from the age of 6 up to including 15 years.

578. However, it is important to refer that the concept of economic activity is more encompassing than the child labour one (in a strict sense), which includes activities contributing to the production of goods and services (for more than one hour per week), performed by minors, either as unpaid family members or paid workers, also including minors performing light and “acceptable” work not harmful to school attendance.

579. Exploited minors, in other words, whose work which may harm their health, education and normal development are a subset of minors performing an economic activity, for which measures and policies have been defined to abolish this phenomenon.

580. The number of exploited minors for child labour, calculated and based on data from 2001, was approx. 28 228,<sup>32</sup> corresponding to a rate of 24% representing the total of children from the age of 6 up to including 15 years.

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<sup>31</sup> SIETI (2003), Child Labour in Portugal. Social Characterisation of the Portuguese Family. Households with School Age Minors, Lisbon, Ministry of Social Security and Labour.

<sup>32</sup> Values obtained in 2002, according to the refinement proposed by ILO in the book *Every Child Counts*.

581. Among them, 14 008 minors perform dangerous work (considered as one of the Worst Forms of Child Labour ) corresponding to a rate of 1.2% of the total of children from the age of 6 up to including 15 years.

582. The ILO Convention specifies certain forms of child labour and the largest category being hazardous work “within the worst forms”. Existing information on hazardous child labour (mentioned above) which are activities likely to be hazardous to the health and morals of children and, therefore prohibited or limited to minors (this form of work includes all minors under 18 years). Such hazardous works are carried out in dangerous locations (established in the law) either implying forced labour, and often working long hours.

583. Concerning the obvious worst forms of child labour such as prostitution, pornography, child soldiers, trafficked children, forced labour, and slavery, no official data exists on the latter involving minors.

584. Setting the completion of compulsory education as a pre-requisite for obtaining the Minimum Guaranteed Income (for those cases where the beneficiaries have children in school-age) constitutes a measure which has greatly contributed to fostering education of children belonging to communities where the drop out rates from school are very high, as is the case of the Roma communities. Within the Roma community there are special difficulties to keep girls in school, given to the resistance to girl’s education by their own families.

585. Special classes for girls only were created, so as to facilitate the attendance by Roma girls. This project still has an experimental nature, but there is general hope that it will enable a greater attendance of school by Roma girls.

586. Greater access to pre-school education for all children, with continued investment in expanding the public network. With a view to extending and consolidating pre-school education, a survey was done of the neediest municipalities and those furthest away from the towns and cities in which 100% coverage has not yet been achieved. As a result, in 2008 the Programme for Support with Extending the Pre-School Education Network was launched.

587. Creating Activities for Curricular Improvement (1<sup>st</sup>. Cycle) and giving pupils access to the same, increasing the time spent at school (up to 17.30 hours) and guaranteeing full occupation of school time with replacement classes and other activities monitored by teachers should class teachers be absent. The Full Time School is planned not only as an instrument to improve learning but, above all, as a way of supporting family units in which the mother very often works.

(ii) Drug abuse (art. 33)

(a) *Drug use among the general population and young people*

588. The first general population survey on drug use was conducted in Portugal in 2001. A sample of 15 000 individuals representative of the Portuguese population was surveyed. The results revealed that 7.8 % of respondents aged 15 to 64 had used an illegal drug at least once in their lives (lifetime prevalence). The most-reported substance in this context was cannabis (7.6 % lifetime prevalence). The use of other illegal substances was less frequently reported. Lifetime prevalence was less than 1 % for cocaine, heroin, ecstasy, amphetamines and LSD. Gender differences concerning illegal drugs experimentation were found for all substances. A higher proportion of males than females had used these substances at least once (11.5 % vs 3.9 % for cannabis, 1.2 % vs 0.2 % for heroin and 1.5 % vs 0.3 % for cocaine). The second national survey, carried out among the general population in 2007, a sample of 12 202 individuals representative of the Portuguese population was surveyed. Results show that 12 % of respondents aged 15 to 64 had used an

illegal drug at least once in their lives (lifetime prevalence). The most reported substance in this context was cannabis (11.7 % lifetime prevalence). Lifetime prevalence was less than 1 % for amphetamines, LSD and hallucinogenic mushrooms; for cocaine (1.9 %), heroin (1.1 %) and ecstasy (1.3 %). Gender differences concerning illegal drugs experimentation were found for all substances. A higher proportion of males than females had used these substances at least once (18.4 % vs 5.2 % for cannabis, 1.8 % vs 0.4 % for heroin and 3.2 % vs 0.7 % for cocaine).

589. Surveys among young people attending school are currently carried out in Portugal nearly every two years: the National School Survey (Inquérito Nacional em Meio Escolar — INME) in 2001 and 2006 (a former version of the national survey was done in 1989 and 1995); and the ESPAD international school survey every four years since 1995 (students born 16 years before the year of data collection). Also the Health Behaviour in School-aged Children a survey promoted by the World Health Organization (HBSC/WHO) is repeated every four years in Portugal and targets young people in school settings (6th, 8th and 10th grades).

590. In 2006, results from national studies implemented in the context of school populations, HBSC and INME, reveal decreases in the consumption in this target population, respectively between 2002–06 and 2001–06, with cannabis being once more the drug with higher prevalence of use between these populations.

591. The ESPAD survey results of 2007 showed that the lifetime prevalence for cannabis use was 13 % (compared to 18 % in 2003, 12 % in 1999). As regard to other drugs, the lifetime prevalence for inhalants was 4 % (8 % in 2003, 3 % in 1999), for all other substances lifetime prevalence were below 2 %. Results indicated 10 % for the last year prevalence of cannabis use (13 % in 2003, 9 % in 1999), 6 % for the last month prevalence of cannabis (8 % in 2003, 5 % in 1999).

(b) *Prevention*

592. The Portuguese ‘National plan against drugs and drug addiction 2005–12’ aims to: (i) increase the number of drug prevention programmes based on scientific evidence; (ii) increase the number of selective prevention programmes directed to vulnerable groups; and (iii) improve the process of selection, monitoring and evaluation of prevention programmes. In the framework of the National plan against drugs and drug addiction 2005–12, the Operational Plan of Integrated Responses (PORI) is an intervention framework targeted at drug demand reduction and organised at a local/regional level. The principles are: (i) to integrate responses; (ii) to profit from synergies at local level; (iii) to empower citizens; and (iv) to promote their participation in partnerships that address identified needs of the community. Thus, in each specific territory, an intervention may address different problems and bring together different partners, working in different settings, depending on the identified needs. Within PORI, the most vulnerable territories have been mapped in order to prioritise them for resource and intervention allocation. This allowed identifying 163 territories in continental Portugal where a pressing development for an integrated intervention is needed. An identified territory does not match administrative delimitations, but several places related between themselves by the existence of common problems associated with the use of psychoactive substances, that need responses at several levels (prevention, treatment, harm and risk reduction, and reintegration).

593. Universal drug prevention is part of the Portuguese school curriculum. Prevention programmes are delivered through training sessions, awareness-raising activities and dissemination of information through printed material. In the ‘Safe schools’ programme, law enforcement agents patrol the areas surrounding schools to prevent and protect from criminal activities such as drug trafficking in the surrounding area and are also involved in awareness and training activities in teaching establishments (targeting students, parents,

school staff and law enforcement agents). A well evaluated programme (grow-up-playing) is delivered in elementary schools.

594. Selective prevention is given high priority from both a political and practical perspective through the PIF programme with 23 new pilot projects. The Program of Focused Intervention (PIF) envisages selective preventive interventions in the drug addiction area, based in scientific evidence, dealing with problematic specific groups, namely families, vulnerable children and youngsters and individuals with patterns of use in recreational settings. Searching for the family treasure is a well researched selective programme for vulnerable families. All government financed prevention interventions are monitored.

(c) *Drug-related research*

595. The external evaluation of the national strategy showed that drug-related research had increased by more than 200 % between 1999 and 2004. The national plan 2005–12 gives priority to the repetition of major epidemiological surveys but also to evaluation, social and economic research which can support the decision-making process in all intervention areas (studies carried out in 2000 and 2001 were repeated in 2006 and 2007). Most of the research in this field is funded by the IDT, which is also a major actor in undertaking research, together with university departments. Since 2007, a university group of researchers develop a network to discuss and disseminate the work in this area. This group of researchers met in 2008, and representatives of the African Countries of Portuguese Official Language (PALOP) participated in this symposium. The IDT, through its website and reports, and the national scientific journals are the main dissemination channels for drug-related research findings. Recent drug-related studies mentioned in the 2008 Portuguese National report mainly focused on aspects related to prevalence of drug use.

(iii) *Sexual exploitation and sexual abuse (art. 34)*

596. Regarding physical and psychological recovery and social reintegration, please see information provided for the previous question.

597. As for the protection of children in situations of exploitation, it is important to inform that the Penal Code was amended in 2007 by Law 59/2007, 4<sup>th</sup> September. Changes were introduced on the provisions regarding sexual exploitation and sexual abuse of minors, as well as on the provisions criminalizing trafficking in human beings. These amendments reflect the concerns stressed in international legal binding instruments and particularly in the Council Framework Decision 2002/629/JHA, of 19 July 2002, on combating trafficking in human beings, in the Council Framework Decision 2004/68/JHA, of 22 December, on combating the sexual exploitation of children and child pornography and in the Council of Europe Convention on Action against Trafficking in Human Beings, signed on 16 May 2005.

598. Very recently, at the EU level, a new Directive on preventing and combating trafficking in human beings which repeals Framework Decision 2002/629/JHA was adopted. Child victims are devoted special attention in that instrument and are the main focus of another instrument currently at the final stages of negotiation: the proposal for a directive Proposal for a Directive on combating the sexual abuse, sexual exploitation of children and child pornography, replacing Framework Decision 2004/68/JHA.

599. In the field of sexual exploitation and abuse of minors the main amendments of the criminal reform of 2007 regard the following crimes:

- (a) Sexual abuse of children (article 171);
- (b) Sexual abuse of dependant minors (article 172);

- (c) Sexual intercourse with adolescents (article 173);
- (d) Resort to minors' prostitution (article 174);
- (e) Procuring of minors for prostitution (article 175);
- (f) Minors' pornography (article 176).

600. The Penal Code also foresees now the criminal liability of legal persons, namely for crimes against sexual self-determination and for trafficking in human beings (article 11).

601. On the other hand, in the crimes against sexual liberty and self-determination of minors, the criminal procedure is not ceased, as a result of forfeiture, before the offended party completes 23 years of age (article 118 paragraph 5).

602. All crimes against sexual liberty and self-determination of minors, except for the crime of sexual intercourse with adolescents, are now public. The person convicted for the practice of any of these crimes might, moreover, be subject to an accessory penalty consisting in the prohibition of performing a certain profession, duty or activity which implies having minors under his/her responsibility, education, treatment or surveillance.

603. Meanwhile, Law 113/2009, of September 17, establishes an additional mechanism of protection against sexual abuse of children in compliance with article 5. of the Convention of the Council of Europe against Sexual Exploitation and Sexual Abuse of Children. According to these new standards, professionals wishing to apply to jobs which involve working with children, must compulsorily present a criminal record sheet regarding possible prior convictions for crimes related to sexual abuse or maltreatment of children.

604. A new crime is foreseen - resort to minors' prostitution. Procuring of minors for prostitution and pornography are widened and report now to all minors and not just to ones under 16 or 14 years old.

605. Trafficking in human beings is punished with an imprisonment penalty between 3 and 10 years. Whoever offers, delivers, allures, accepts, carries, accommodates or receives a person for sexual exploitation purposes, work exploitation or organs removal by means of violence, kidnapping or serious threat; through artifice or fraudulent manipulation; with abuse of authority resulting from a hierarchical, economic, working or familiar dependence relationship; taking advantage of mental incapacity or of a situation of special vulnerability of the victim; or by means of the attainment of the consent of the person who has control over the victim is punished with a penalty of three to ten years of imprisonment. The same sentence is applicable to whomever, by any means, allures, carries, proceeds to the accommodation or receiving of a minor, or delivers him, offers him or accepts him, for sexual exploitation purposes, work exploitation or organs removal. In the case mentioned, if the agent uses any of the means above described, or acts professionally or with profitable intention, is punished with a penalty of three to twelve years of imprisonment. At last, whoever, against payment or other compensation, offers, delivers requests or accepts a minor, or attains or grants consent for his adoption, is punished with a penalty of one to five years of imprisonment.

606. Moreover, and as referred to in the previous item, PETI saw its preventive component reinforced on the policy to combat child labour by adopting mechanisms to refer minors exploited for labour to educational and training measures enabling them to complete compulsory education and if possible acquire vocational training, thus, obtaining the adequate work conditions in a near future.

607. The PETI has defined certain priorities within the scope of the ILO Convention no.182 (cf. previous item).

### Levels of Intervention

608. In Portugal, since 2002, the PETI has been the National Focal Point for the Protection of Children Against Sexual Exploitation within the scope of the Council of Europe, a measure developed within the three strategic lines of its intervention (sensitisation, prevention and repair/integration), and by establishing several partnerships.

609. Still and in relation to the existence of specific measures for this problem, it should be mentioned that a protocol with the IAC- Child Support Institute has been established since 2000, with the objective of “obtaining integrated social solutions social for children and young people living on the streets with special incidence on this group of victims affected by the worst forms of child labour by promoting their full development and defending their rights, as well as by preventing the emergence of new dangerous situations”.

610. The Protocol PETI/IAC was, in 2004, reviewed to guarantee a closer relationship between the two entities. Until then, there were approximately one hundred minors affected by the worst forms of child labour, target of intervention or identified by the IAC. Since then and until presently, the GAAF (Student and Family Support Office) has been financing PETI by paying the professionals which in these Offices support 1000 young people as well as the Projecto Recuperar, previously known as Projecto Rua.

611. The integration of young people identified as affected by the worst forms of child labour in PIEF classes is the main measure-response provided by PETI. Every year, this number has been increasing.

612. In the school year 2005/2006, 123 PIEFS class groups including approximately 2000 young people and in 2006/2007, 130, included around 2300 young people (the number of young people varied considering the flexibility of the measure allowing to integrate new elements in the class whenever other leave after receiving their certification).

613. In 2004, the Ministry of Internal Affairs concluded a protocol with the Office of Child Support (Instituto de Apoio à Criança - IAC), a social solidarity private institution whose purpose is contributing to the child development through the promotion and protection of their rights, in order to obtain optimal responses enabling the recovery of missing children and / or sexually exploited children and the combat of these phenomena.

614. This protocol, which lasts for 1 year and is renewed automatically for equal periods, particularly aimed the support of the IAC activities:

- (a) Creation of the “SOS – Children” emergency line, for use in missing and / or sexually exploited children context, like in other EU countries;
- (b) Information, support and forward of child victims and / or their family members or legal guardians;
- (c) Collaboration with the Armed Forces and Security Services to deliver messages to search for missing children and to actually demand the runaway children in the city of Lisbon;
- (d) Forward the missing and/or sexually exploited children appeals to the Ministry of Internal Affairs;
- (e) IAC participation in the security forces training;
- (f) Promotion of awareness campaigns the missing and / or sexually exploited children area;
- (g) Permanent update of the National Directory about the institutions working in this area.

615. Following the paragraph 1 of Article 5 of the European Community decision of 15 February 2007 (2007/116/EC), the Ministry of Internal Affairs recognized the IAC, in August 2007, as a suitable entity for the allocation of the freephone number – 116000 – for missing children.

616. This European number began operating in Portugal on 25 of July 2008 and Portugal was the second EU country to put this number in operation, after Hungary.

(iv) Other forms of exploitation (art. 36)

617. No information available.

(v) Sale, trafficking and abduction (art. 35)

618. Portugal approved the First National Plan against Trafficking of Human Beings (2007-2010) outlining an all-round approach to combat this reality effectively as a strategic priority. According to the most recent developments in the international approach, Portugal considers that Trafficking of Human Beings includes situations of trafficking for both sexual and labour exploitation.

619. The protection, support and integration of victims of trafficking are highlighted as areas of vital importance in this Plan. An effective combat against trafficking of human beings is not possible if the intervention with the victims is neglected.

620. In the strategic area “*To Protect, Support and Integrate*” there is a specific measure regarding children:

“In articulation with other national strategies, to develop special measures in order to promote and protect the rights of trafficked children and adolescents, by particularly focusing on their safety, health and integral development.”

621. Nevertheless, all the other measures are also implemented towards children.

622. In March 2011, the National Director of the Portuguese Judiciary Police, has determined the creation of a working group responsible for a manual of procedures, including models and ways of articulation with other polices and branches of the administration and the setting up of a database to harmonize procedures at national level in cases of missing persons, and especially children.

623. Another tool aiming at the prevention and investigation of trafficking in children is the Child Abduction Alert System created in 2009, that allows for the quick dissemination of information within the community, in order to trace missing children more effectively.

624. At the level of international cooperation it is also worth mentioning the creation of a working group on trafficking in human beings within the activities of the Committee of Justice Ministers of the Portuguese Speaking Countries Community in July 2010.

(d) *Children belonging to a minority or an indigenous group (art. 30)*

625. The principle of equality is a cornerstone of the Portuguese constitutional and legal system. No one can be discriminated on the basis of their ethnicity or origin. Each and every child in the Portuguese territory is entitled to the rights to health and education.

## C. Statistical information

### 1. Refugee children

626. See Annex I.

**2. The administration of juvenile justice**

627. See Annex I.

**3. Children deprived of their liberty**

628. See Annex I.

**4. Economic exploitation of children, including child labour**

629. See Annex I.

**5. Drug and substance abuse**

630. See Annex I.

**6. Sexual exploitation, abuse and trafficking**

631. See Annex I.

**X. Optional Protocols**

632. Portugal has signed and ratified the Optional Protocol on the involvement of children in armed conflict (Signature on 6 September 2000, approval for ratification by the Parliament on 28 March 2003, ratification by the President of the Republic on the same date and deposit of the instrument of ratification with the Secretary-General on 19 August 2003). Portugal equally signed and ratified the Optional Protocol on the sale of children, child prostitution and child pornography (Signature on 6 September 2000, approval for ratification by the Parliament on 5 March 2003, ratification by the President of the Republic on the same date and deposit of the instrument of ratification with the Secretary-General on 16 May 2003).

633. Detailed information on the legislative and other measures adopted in the framework of each of the instruments is contained in the Portuguese initial reports on the application of the said instruments.

**XI. Dissemination of documents**

634. See above chapter I.

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