The Committee considered the combined third and fourth periodic reports of Portugal (CRC/C/PRT/3-4) at its 1860th and 1861st meetings (see CRC/C/SR.1860 and1861), held on 22 January 2014, and adopted, at its 1875th meeting (see CRC/C/SR.1875), held on 31 January 2014, the following concluding observations.

**II. Follow-up measures undertaken and progress achieved by the State party**

3. The Committee welcomes the adoption of numerous legislative measures, including:

(a) Decree Law No. 133/2012 and Decree Law No. 70/2010 amending Decree Law No. 91/2009 establishing the parental protection benefits regime;
(b) Decree Law No. 63/2010 and Decree Law No. 108/2009 amending Decree Law No. 12/2008 providing support to the foster care system in cases of need, including through the payment of cash support;
(c) Decree Law No. 87/2008 increasing social protection for single-parent families;
(d) Decree Law No. 3/2008 as amended by Decree Law No. 21/2008 defining specialized support for preschool education, and to basic and secondary education;
(e) Decree Law No. 308-A/2007 establishing prenatal child benefits for pregnant women;
(f) Decree Law 59/2007 amending the Penal Code, criminalizing all forms of corporal punishment of children and making domestic violence an autonomous crime;
(g) Decree Law No. 46/2006 relating to discrimination against persons with disabilities, and accessibility and Decree Law No. 38/2004 establishing the legal regime for persons with disabilities;
(h) Decree Law No. 31/2003 establishing the new legal regime for adoption;
(i) Decree Law No. 176/2003, as amended and later republished as Decree Law No. 133/2012, regarding family benefits for low-income families.
IV. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6) of the Convention)

Data collection

17. The Committee recognizes the efforts of the State party to collect data on the implementation of the Convention in the case of children placed in institutions and foster care (Immediate Intervention Plan), the 2006 National Adoption Lists, and other data collection mechanisms relating to juvenile civil cases, civil society organizations for children, and group homes for children. In spite of those initiatives, the Committee is concerned that there is still no comprehensive mechanism for generating, collecting, analysing and coordinating data on the various aspects of children’s lives. The Committee is also concerned that data are not sufficiently disaggregated for all areas covered by the Convention.

18. Recalling its general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child, the Committee encourages the State party to strengthen its efforts to establish a more comprehensive and integrated data collection system on children, covering the entire period of childhood up to the age of 18, and to introduce indicators on children’s rights against which progress in the realization of those rights could be analysed and assessed. The data should be disaggregated by age, sex, geographic location, ethnicity, migration status and socioeconomic background to facilitate determination of the overall situation of children and provide guidance for the formulation of programmes.
C. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39 of the Convention)

Corporal punishment

33. While noting the revision of the Penal Code in 2007 to prohibit corporal punishment of children, including within the family, and other measures to combat this practice, such as the Council of Europe Raise your hand against smacking! campaign, the Committee is concerned that corporal punishment continues to be practised within the family and is widely accepted in society.

34. In line with its general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment, and general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, the Committee recommends that the State party continue its efforts, through awareness-raising campaigns and parenting education programmes to end the practice of corporal punishment in all settings, including in the home. The Committee also urges the State party to promote positive, non-violent and participatory forms of child-rearing and discipline as an alternative to corporal punishment.

Abuse and neglect

35. The Committee welcomes the legal reforms and measures introduced to protect children living in institutions from sexual abuse as one of the outcomes of the years-long investigation, trial and eventual conviction of offenders in the State-run Casa Pia residential home, which was the first time an institutional sex abuse case was taken to court in Portugal. The Committee notes the growing number of
incidents reported to the police and investigated since then, and the resulting increase in awareness of the risk of sexual abuse of children in vulnerable situations. The Committee also welcomes the adoption of the Fourth National Action Plan against Domestic Violence (2011-2013), the promulgation of the Law on the Protection of Children and Young People at Risk, which makes it mandatory for professionals, the authorities and citizens in general to report situations of danger, including abuse and neglect of children, as well as other measures taken by the State party, including the strengthening of data collection and monitoring of cases of abuse and neglect, the establishment of a national network of centres for the support of children at risk, and the implementation and promotion of national emergency helplines. The Committee is concerned, however, about the high number of cases of child abuse and neglect, and that the difficult socioeconomic situation facing families and the resulting high levels of stress and pressure can result in serious risks of domestic violence towards children.

36. Recalling the recommendations contained in the 2006 report of the independent expert for the United Nations study on violence against children (see A/61/299), the Committee recommends that the State party prioritize the elimination of all forms of violence against children. The Committee also recommends that the State party take into account general comment No. 13 (2011) on the right of the child to freedom from all forms of violence and, in particular, that it:

(a) Continue to take steps, in particular in accordance with its Fourth National Action Plan against Domestic Violence (2011-2013), to combat and prevent domestic violence against women and children and ensure that victims have effective access to complaint mechanisms;

(b) Ensure that acts of abuse, neglect and domestic violence are effectively
investigated and that the perpetrators are brought to justice;

(c) Facilitate the physical and psychological rehabilitation of the victims and ensure access for them to health services, including mental health services;

(d) Ensure that victims have access to means of protection, including an adequate number of shelters for women and children;

(e) Monitor with particular attention situations that may present risks of abuse and neglect for children as a consequence of the financial crisis;

(f) Ensure that all professionals and staff working with and for children are provided with the necessary training, supervision and background checks, and that parents are informed in all possible ways of where they can seek help to prevent and handle possible future risks of child abuse;

(g) Provide reliable statistical data to evaluate and monitor implementation of the legislation, including information on sanctions imposed on the perpetrators, and complaint mechanisms for child victims;

(h) Cooperate with the Special Representative of the Secretary-General on Violence against Children, and other relevant United Nations institutions.
### D. Family environment and alternative care (arts. 5, 9-11, 18(1) and (2), 20, 21, 25 and 27 (4) of the Convention)

**Family environment**

39. While welcoming the wide range of social support programmes for families, including the Social Emergency Programme, the Committee is concerned that many families, in particular those in situations of poverty, lack appropriate assistance in the performance of their child-rearing responsibilities, especially financial support and accessible early childhood education and care for young children. The Committee is particularly concerned at the situation of children in families affected by the current economic crisis, who are in need of affirmative social measures, in particular single-parent families, families with two or more children, families with children with disabilities and families living in persistent poverty.

40. The Committee recommends that the State party intensify its efforts to render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities, in particular in situations of poverty. It also recommends that the State party ensure that the needs of all children are met and that it takes all the necessary measures to ensure that no group of children lives below the poverty line. The Committee further recommends that the State party strengthen the system of family benefits and child allowances, and other services, such as counselling services and accessible early childhood education and care, to support families affected by the current economic crisis, single-parent families, families with two or more children, families with children with disabilities and families living in persistent poverty, in line with the European Commission policy paper on early childhood education and care.
Children deprived of a family environment

41. The Committee welcomes the adoption of the Law on the Protection of Children and Young People at Risk, measures taken with regard to family reunification and efforts to promote the deinstitutionalization of children living in care facilities, including the increasing number of children living in group homes. However, the Committee expresses its concern at:

(a) The low number of foster families and family-based placements of children, and the still widespread use of institutionalization, in particular of younger children;

(b) The lack of data on institutions and group homes, as well as the lack of systematic monitoring of the situation of children in alternative care;

(c) The insufficient administrative and technical support and resources to ensure the effective functioning of the alternative care system, which is worsening in the context of the current crisis, as well as the lack of information on national policies and standards on staff recruitment, conduct and monitoring, the standards of care provided, the procedures to report misconduct, and training requirements on care standards in alternative care settings;

(d) The lack of information on national policies regarding the maintenance of up-to-date records, the confidentiality of those records and access to those records by children, if required; (e) The lack of information on the preparation of children who are leaving alternative care, and on the support provided by the State party to ensure that they can live independently, including education, vocational training, housing and employment.

42. The Committee recommends that the State party undertake the following measures, taking into account the Guidelines for the Alternative Care of Children annexed to United Nations General Assembly resolution 64/142 of 18 December 2009:
(a) Further strengthen the support provided to biological families to prevent out-of-home placements, strengthen family-based care provisions, like extended family, foster care and residential care systems, and take all the necessary measures to ensure that alternative care for young children, especially those under the age of 3 years, is provided in family-based settings;

(b) Continue to develop and implement an overall deinstitutionalization strategy concerning residential care facilities, with precise goals and objectives, with a view to their progressive elimination, in line with the Common European Guidelines on the Transition from Institutional to Community-based Care;

(c) Provide adequate support and resources to ensure that children deprived of a family environment are treated with dignity and respect and benefit from effective protection in all care settings;

(d) Ensure the implementation of coordinated policies regarding alternative care, with special attention to the quality of care, both residential and family-based, in particular with regard to the professional skills, selection, training and supervision of caregivers;

(e) Strengthen its mechanisms for collecting and systematically analysing information and disaggregated data on children in all alternative care settings; the inspection and monitoring of the situation of children in alternative care; the support provided by the State party to children leaving alternative care to ensure their independent living; national policies and standards on staff recruitment, and the conduct and monitoring of staff, including procedures to report misconduct; training on care standards in alternative care settings; and the maintenance of up-to-date records, the confidentiality of records, and access to records by children, if required.
Adoption

43. The Committee welcomes the new adoption law, i.e. Decree Law No. 31/2003, which seeks to bring the adoption regime further into conformity with the Convention, training programmes for prospective adoptive candidates as well as the establishment of the Permanent Adoption Observatory. The Committee expresses concern regarding certain aspects of the adoption system and legislation, including the possibility of returning an adopted child without taking the child’s best interests sufficiently into consideration, the lengthy process involved for adoptions, the lack of sufficient information and preparation to prospective adoptive parents, and adequate post-adoptive support to adoptive parents.

44. The Committee recommends that the State party review current legislation and policies on adoption with a view to ensuring that the best interests of the child should be of paramount consideration, and that relevant legislation and policies are in line with the Convention on the Rights of the Child, the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) and the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption. The Committee also recommends that the State party ensure that the return of children takes place in exceptional cases only and with due regard to the principle of the best interests of the child; strengthen coordination among social services, family courts and others involved in the adoption process with a view to streamlining the process; provide adequate information and preparation to prospective adoptive parents, and post-adoptive support to adoptive parents.
E. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1–3) and 33 of the Convention)

Children with disabilities

45. The Committee notes with satisfaction the adoption of laws and policies pertaining to children with disabilities, in particular relating to non-discrimination, access to education and the promotion of social inclusion, as well as establishing specialized support mechanisms concerning referral, evaluation, and monitoring, including Decree Law Nos. 38/2004 and 3/2008 creating a new regime supporting students with special needs education, and the National Strategy for Disability (2011-2013). The Committee is nonetheless concerned that:

(a) Austerity measures have negatively affected the implementation of the National Strategy for Disability, including in regard to support services required for the successful mainstreaming of children with disabilities;

(b) Children with disabilities are not effectively integrated into all areas of social life;

(c) According to reports, children in institutions are allegedly subjected to ill-treatment;

(d) According to complaints made to the Ombudsperson’s Office, there are delays in processing applications for special education subsidies for children with disabilities, who are disproportionately at risk of poverty.

46. In the light of article 23 of the Convention and of its general comment No. 9 (2006) on the rights of children with disabilities, the Committee urges the State party to:

(a) Adopt a human rights-based approach to disability and continue to strengthen its efforts to promote and protect the rights of children with disabilities, including by allocating the necessary resources for the effective implementation of the National
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<td>(b) Take all the necessary measures to ensure that children with disabilities are fully integrated into all areas of social life, including recreational and cultural activities;</td>
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<td>(c) Ensure that schools and care facilities are adequately staffed and funded, and that children with disabilities are treated with dignity and respect, and benefit from effective protection;</td>
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<td>(d) Address the alleged delays in the assessment of requests for the special education subsidy and in the processing of payments, review legislation to clarify aspects that have been hindering the process of granting the allowances, and ensure a fair and transparent review procedure in cases of initial rejection;</td>
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<td>(e) Ensure that training is provided for professionals working with children with disabilities, such as teachers, social workers and health, medical, therapeutic and care personnel.</td>
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12 November 2012

VI. Protection, recovery and reintegration

Measures adopted to protect the rights of child victims

22. The Committee notes the information provided by the State party that there are no child victims of the offences prohibited by the Optional Protocol on its territory. However, according to the information received by the Committee, an increasing number of unaccompanied asylum-seeking and refugee children from conflict-affected countries are entering the State party and the Committee is concerned about the lack of mechanisms for early identification of children who might have been recruited or used in armed conflict abroad.

23. The Committee urges the State party, in accordance with its obligations under article 7 of the Optional Protocol, to take all the necessary measures to identify children who may...
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<th>have been involved in armed conflict and to establish a mechanism for identifying asylum-seeking, refugee or migrant children who may have been involved in armed conflict abroad, and ensure that the personnel responsible for identification are trained in children’s rights, child protection and child-sensitive interviewing skills.</th>
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### Assistance for physical and psychological recovery and social reintegration

24. The Committee notes as positive the fact that refugee and asylum-seeking children have the right to access the education system and health care, and that the Centre for Refugee Temporary Installation has a special centre for unaccompanied children in the Lisbon area. It also notes with appreciation that Act No. 27/2008 of 30 June 2008 stipulates that children affected by armed conflict, including child victims of torture and cruel, inhuman or degrading treatment, are entitled to have access to rehabilitation services. However, the Committee is concerned that the physical and psychological recovery measures available in the State party for children who may have been recruited or used in hostilities abroad are not adequate.

25. The Committee urges the State party to take all the necessary measures to ensure that all refugee and asylum-seeking children who may have been recruited or used in hostilities have the right to have access to adequate physical and psychological recovery and social reintegration measures. Such measures should include careful assessment of the situation of the children, the provision of immediate, child-sensitive and multidisciplinary assistance for their physical, psychological and emotional recovery and their social reintegration, in accordance with the Optional Protocol. The Committee also recommends that the State party expand the provision of special centres for unaccompanied, refugee and asylum-seeking children to other districts of the State party.
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**Acronyms and Abbreviations:**

- **CEDAW**: Convention on the Elimination of All Forms of Discrimination against Women
- **CRC**: Convention on the Rights of the Child/Committee on the Rights of the Child
- **CRPD**: Convention on the Rights of Persons with Disabilities
- **ICCRP**: International Covenant on Civil and Political Rights
- **ICESCR**: International Covenant on Economic, Social and Cultural Rights
- **OPAC to CRC**: Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
- **OPIC to CRC**: Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure
- **UN**: United Nations
- **UPR**: Universal Periodic Review