

## Implementation of the Convention on the Rights of the Child

### List of issues to be taken up in connection with the consideration of the second periodic report of Portugal (CRC/C/65/Add. 11)

#### Preliminary Note: Process established for preparing the answers to the list of issues

The Portuguese Ministry of Foreign Affairs invited the Bureau for Documentation and Comparative Law of the Prosecutor General's Office<sup>1</sup> (a body that is autonomous and independent from the Government and traditionally has been entrusted the task of preparing the reports submitted by Portugal to the Treaty Monitoring Bodies of the United Nations) to assume the double role of coordinating the contributions submitted by the different departments, and drafting the final text of the answers to be submitted to the Committee on the Rights of the Child, whenever possible with the collaboration of the entities which were involved in the preparation of the first periodic report of Portugal on the implementation of the CRC. For this purpose it contacted several State Departments and NGO's with the purpose of obtaining data and relevant information on the implementation of the Convention on the Rights of the Child in Portugal over the past three years. Thus the following agencies have contributed to preparing the present text:

1. APSI (Association for the Promotion of Childhood Security)\*;
2. Directorate General of Social Action (Ministry of Work and Solidarity);
3. IAC (Child Support Institute)\*;
4. Institute for Social Reintegration (Ministry of Justice)<sup>2</sup>;
5. Institute for the Development and Supervision of Working Conditions;
6. Ministry of Education (GAERI);
7. Ministry of Health/ Directorate General of Health;
8. National Family Council (Ministry of Work and Solidarity);
9. National Secretariat for the Rehabilitation and Reintegration of Handicapped Persons;
10. National Republican Guard;
11. Office for Documentation and Comparative Law;
12. Office for Legislative Policy and Planning (Ministry of Justice);
13. Portuguese Institute for Co-operation;
14. Portuguese UNICEF Committee\*;
15. Public Security Police;
16. Social Development Institute (Ministry of Work and Solidarity);

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<sup>1</sup> [www.gddc.pt](http://www.gddc.pt)

<sup>2</sup> Note: It includes probation and after-care.

\* Non Governmental Organisation;

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These same entities will work further together in view of preparing the presentation of the first periodic report of Portugal before the Committee on the Rights of the Child to be held on 1 October 2001.

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**A. Data and statistics**

1. Please provide additional disaggregated (by gender, age and region/municipality) data, for 1998-2001, on budget allocations and trends (in percentages of the national and regional/municipality budgets) allocated to implementation of the Convention, evaluating also the priorities for budgetary expenditures given to the following:

a) Education, including pre-school, primary, secondary and special; b) Cultural activities and investment in public leisure facilities; c) Health care, including primary, adolescent and other child-related health services; d) Social security insurance and social welfare; e) Protection of children who are in need of alternative care (including, for example, support to foster families and alternative care institutions);

The way in which the General State Budget developed in the last years, in particular in the areas that affect more directly the situation of the child (education, health, social security and youth) appears to be very revealing and shows the importance given by the Portuguese Government to this particular part of the population. When studying the following table one will see the changes in those sectors.

**Development of the General Budget of the State in the areas of Education,  
Health, Social Security and Youth**

*(in thousands of escudos)*

Years	Objectives			
	<i>Education</i>	<i>Health</i>	<i>Social Security</i>	<i>Youth</i>
1997	975 112 362	805 676 251	722 010 090	8 643 349
1998	1 073 420 258	864 653 152	781 727 698	9 195 102
1999	1 165 959 041	987 091 670	835 449 377	9 631 402
2000	1 181 580 576	1 079 308 739	962 439 893	8 769 765

Sources: from 1997 to 1998: State Budget

1999: Authorized expenses

2000: Initial budget

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**Rates of growth of expenditure with Education, Health and Social Security**

	1995	1996	1997	1998	1999	2000
Education	7,2%	5,1%	8,0%	7,4%	2,2%	4,6%
Health	5,2%	5,3%	4,5%	1,6%	11,1%	4,9%
Social Security	7,7%	2,1%	4,8%	4,9%	6,6%	8,3%

Source: Education and Health – General accounts of the State and State Budget for 2001 (functional classification of State expenditure)

Social Security –National Institute for Statistics, 1995-1998

**f) Official development assistance contributions**

With respect to the aims of Portuguese co-operation, one must underline that the following are the proclaimed principles of that co-operation: respect for the universal nature of human rights; international responsibility and solidarity; partnership with the destination country and co-operation with donors; sustainable development and fair distribution of benefits; coherence with other policies affecting destination countries.

The following are long-term (up to the year 2015) objectives of Portuguese co-operation: reducing by half the world population that lives in a state of extreme poverty (less than 1 USD per day); primary education for all; suppression of discrimination against women in primary and secondary education; reduction by two thirds of the death rate of young children (up to 5 years of age); reduction by three fourths of the death rate at birth; universal access to generic health care, through the primary health care system.

The following are short-term objectives of Portuguese co-operation: the reinforcement of democracy and the rule of law; reduction of poverty by promoting the economic and social conditions of the most underprivileged populations and developing the infra-structures needed in the area of education; stimulation of economic growth, by strengthening private enterprise; promoting regional dialogue and integration and promotion of an European partnership for human development.

Sectoral priorities of co-operation are based on training, education, culture and heritage; health; producing activities and infrastructure; the society and its institutions; security; and financial aid.

The **instruments of the policy of co-operation** are: technical assistance, both civilian and military, given by State officials, private individuals, contracted consultants or private experts; gifts in cash; sending trainers, teachers, medical doctors, nurses; giving out grants for studies and traineeships; specialised medical care provided in Portugal; State to State loans, gifts, striking out or reducing interests; subsidising NGOs, local powers and other promoters of co-operation projects; aid, assistance credit and investment credit securities; credit securities for exporting from Portugal goods and services.

Out of that set of instruments, one must underline the technical assistance, both civilian and military, to be provided in the next years within the framework of each indicative programmes for the Portuguese-speaking countries that experience the most difficult situations as concerns

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the organisation of their administrations, either by State officials, or by young graduates, in particular teachers, in the framework of programmes of access to the first employment that should be developed by the Ministry of Work and Solidarity. These new co-operation experiences to be developed in the next years should be accompanied by the revision of the statute of the co-operators. One must also underline both (a) the reform under preparation of the rules concerning grants and traineeships and (b) the renewal of the incentives to private investment that result from the reform of the Economic Co-operation Fund which are being greatly enlarged in the framework of the Portuguese Agency for Supporting Development.

The concrete and more significant actions of the Portuguese co-operation in the area of education have consisted in

- Scholarships in Portuguese Universities;
- Maintenance and hiring of teachers/professors at all education levels in different countries;
- Offering school and teaching materials;
- Offering professional and university-level training in different domains;
- Rehabilitation of degraded school installations;
- Maintenance of Portuguese schools and Portuguese teaching centres;
- Construction of school laboratories, libraries and multipurpose rooms.

In the area of health and well being of the populations, the Portuguese cooperation has developed initiatives to support:

- Sanitary rehabilitation in different countries;
- Emergency projects for the improvement of the health and food conditions;
- Treatment of Trypanosomiasis (sleeping sickness);
- Missions for the supply of medicines, vaccinations and milk;
- Research and clinical information to hospitals and other sanitary structures;
- Program of fight against Onchocerciasis (River Blindness);
- Evacuation to and provision of medical care in Portugal;
- Promotion of differentiated assistance in different areas, training of personnel and supply of equipment.

The Portuguese bilateral co-operation is mainly directed at the Portuguese speaking African countries, with which Portugal maintains privileged relations of co-operation. Besides the co-operation with these countries, in 1999 only, Portugal has intervened in the domains of health and education in countries like Benin, Brazil, Colombia, Congo, Honduras, India, Former Yugoslav Republic of Macedonia, Palestine and Zimbabwe. These actions have consisted in the direct support or in the support through NGO's to schools, training students, offering scholarships and sending teachers or, in the case of health, sending medical emergency help.

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**How Portuguese PAD Developed in 1995/1999**

Unit: M USD

	1995	1996	1997	1998	1999
<b>GNP</b>	103 174.81	105 993.13	100 881.48	106 881.48	107 825.58
<b>PAD</b>	257.53	217.93	250.70	258.54	275.98
<b>% OF GNP</b>	0.25	0.21	0.25	0.24	0.26

Source: Institute for Portuguese Cooperation, Ministry for Foreign Affairs, January 2001.

**How Bilateral PAD Developed in 1995/1999 Recipient Countries**

(Unit: M USD)

	1995	1996	1997	1998	1999
<b>PAD BILATERAL (TOTAL)</b>	<b>165.72</b>	<b>157.04</b>	<b>163.02</b>	<b>176.4</b>	<b>207.42</b>
<b>ANGOLA</b>	24.60	33.50	29.36	23.93	19.77
<b>CAPE VERDE</b>	13.61	15.11	12.36	23.09	20.89
<b>GUINEA BISSAU</b>	16.35	30.66	16.22	10.76	13.82
<b>MOZAMBIQUE</b>	66.20	51.36	89.37	61.53	52.66
<b>S. TOMÉ PRINCIPE</b>	40.00	13.22	11.63	10.77	13.23
<b>OTHER COUNTRIES*</b>	4.96	12.19	4.08	46.32	87.05

\* Including East Timor with an amount of 66.11 M USD

Source: Institute for Portuguese Cooperation, Ministry for Foreign Affairs, January 2001.

**Percentage of PAD**

	1995	1996	1997	1998	1999
<b>ANGOLA</b>	14.8	21.4	18.0	13.6	9.53
<b>CAPE VERDE</b>	8.2	9.6	7.6	13.0	10.07
<b>GUINEA BISSAU</b>	10.0	20.1	10.0	6.0	6.66
<b>MOZAMBIQUE</b>	40.0	32.7	54.8	34.9	25.39
<b>S. TOMÉ &amp; PRINCIPE</b>	24.0	8.4	7.1	6.0	6.38
<b>OTHER COUNTRIES*</b>	3.0	7.8	2.5	26.2	41.97

Source: Institute for Portuguese Cooperation, Ministry for Foreign Affairs, January 2001.

At the multilateral level, Portuguese co-operation is divided among the trust funds and voluntary contributions to the United Nations system and to the agencies and programs of international multilateral organisations, as well as to the follow-up to assistance programs. With respect to international organisations, Portuguese PAD between 1995 and 1999 was as follows:

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**Multilateral PAD 1995-1999  
(Unit: M USD)**

<b>ORGANISATIONS</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>
<b>I. United Nations</b>	<b>18,75</b>	<b>3,73</b>	<b>6,23</b>	<b>6,52</b>	<b>5,1</b>
1 – UNDP	1,00	1,49	1,79	-----	1,27
2 – UNICEF	0	0,10	0,10	-----	0,17
3 – UNHCR	0,15	0,15	0,15	-----	0,21
4 – UNFPA	0	0,03	0,03	-----	0,03
5 – UNIDO	0,26	0,20	0,41	-----	0,16
6 – WHO	0,82	0,82	0,87	-----	1,24
7 – FAO	0,72	0,50	0,52	-----	0,06
8 – UNESCO	0,94	0,26	0,68	-----	0,41
9 – Other UN Agencies	14,86	0,18	1,68	-----	1,55
<b>II. European Union</b>	<b>60,44</b>	<b>53,27</b>	<b>61,38</b>	<b>59,33</b>	<b>60,99</b>
1 – EDF	19,09	10,51	11,92	-----	14,03
<b>III. World Bank</b>	<b>6,56</b>	<b>0,73</b>	<b>8,42</b>	<b>6,34</b>	<b>0,27</b>
<b>IV. Regional Development Banks</b>	<b>1,18</b>	<b>1,07</b>	<b>9,17</b>	<b>6,58</b>	<b>0,47</b>
<b>V. Global Environment Facility</b>	<b>2,47</b>	<b>1,23</b>	<b>1,07</b>	<b>-----</b>	<b>0,98</b>
<b>VI. Others</b>	<b>2,41</b>	<b>0,86</b>	<b>1,41</b>	<b>3,37</b>	<b>0,76</b>
<b>TOTAL</b>	<b>91,81</b>	<b>60,89</b>	<b>87,68</b>	<b>82,14</b>	<b>82,6</b>

Source: Institute for Portuguese Cooperation, Ministry for Foreign Affairs, January 2001.

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Besides the State official cooperation policy, it is worth mentioning an example of non-official development aid, namely that of the Portuguese Committee for UNICEF, which is as follows:

**Contribution by the Portuguese Committee for UNICEF to  
UNICEF's Programmes**

<b>1998</b>	<b>Portuguese Committee</b>
Emergency Guinea-Bissau	25.966.000 Esc.
War Affected Children	35.557.000 Esc.
Immunization	54.366.000 Esc.
General Resources	398.238.000 Esc.
<b>Total</b>	<b>514.127.000 Esc. (2 235 334 US \$)</b>
<b>1999</b>	<b>Portuguese Committee</b>
Kosovo Emergency	121.422.000 Esc.
Timor Emergency	21.453.000 Esc.
Mozambican Orphans	21.915.000 Esc.
Immunization	34.722.000 Esc.
General Resources	457.470.000 Esc.
<b>Total</b>	<b>656.982.000 Esc. (2 856 443 US \$)</b>
<b>2000</b>	<b>Portuguese Committee</b>
Timor Emergency	21.762.000 Esc.
Mozambique Emergency	64.220.000 Esc.
Immunization	36.436.000 Esc.
General Resources	574.838.000 Esc.
<b>Total</b>	<b>697.256.000 Esc. (3 031 547 US \$)</b>

Source: Portuguese Committee for UNICEF, July 2001.



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**g) the protection of children who are in need of alternative care including the support of care institutions**

**Expenditure with Educational Centres between 1998 and 2000**  
(Acquisition of capital goods)

(Thousands of Escudos)

<b>Educational Centres</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>
Santo António	996	1137	1130
São Fiel	1500	1406	180
São José	850	881	308
Mondego	400	499	944
Olivais	5 864	3 394	908
Alberto Souto	4 548	3 079	759
São Bernardino	457	1 071	1 000
Vila Fernando	2 088	5 133	350
Infanta	1 054	907	136
Navarro de Paiva	634	223	420
Padre António Oliveira	3 850	591	399
Bela Vista	3 450	950	695
Corpus Christi			
Santa Clara			
<b>TOTAL</b>	<b>25 691</b>	<b>19 271</b>	<b>7 229</b>

Source: Institute for Social Reintegration, July 2001.

**Expenditure with the functioning of Educational Centres**  
(Personnel, acquisition of goods and services)

(Thousands of Escudos)

<b>Educational Centres</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>
Santo António	211 374	220 348	213 774
São Fiel	163 910	163 547	159 318
São José	77 974	75 362	80 716
Mondego	134 152	147 087	167 544
Olivais	157 263	168 786	169 382
Alberto Souto	120 600	130 157	149 276
São Bernardino	128 890	141 728	147 006
Vila Fernando	216 789	217 490	210 833
Infanta	189 881	200 872	179 939
Navarro de Paiva	141 916	156 240	186 282
Padre António Oliveira	198 613	188 571	191 872
Bela Vista	132 711	147 165	154 682
Corpus Christi	107 333	132 750	147 553
Santa Clara	80 610	96 628	107 748
<b>TOTAL</b>	<b>2 062 016</b>	<b>2 186 731</b>	<b>2 265 925</b>

Source: Institute for Social Reintegration, July 2001.

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**Funding given to private institutions for the support of children (1998-  
2000)**

(In thousands of escudos)

<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>Total</b>
62 976	56 983	53 027	172 986

Source: Institute for Social Reintegration, July 2001.

**h) Juvenile Justice**

No data available.

Source: Ministry of Finance, August 2001.

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**2. Please provide disaggregated data (by gender, age, if possible by minority groups, urban or rural areas) covering the period 1998-2000 on the:**

**a) Number of children with disabilities**

In 1994, under the aegis of the National Secretariat for the Rehabilitation and Integration of Disabled People (SNRIPD), the *National Survey on Disabilities, Impairments and Handicaps* has been carried out. This is the sole available source to the effect, hence the elements presented are reported to 1994. This study, which consisted of a direct survey on the population, covered 142 114 people, corresponding to 47 020 families.

Though the elements required do refer to the incidence of mentally or physical impairments in children under 15 years of age, it also shows some aspects of the disabilities.

**Children with impairments**

In 1994 there were in Portugal 113 519 children under 16 years affected by some kind of impairment. This value represented 5, 85% of the children with that age in the Portuguese population and in the concerned year. According to age subgroups the following values can be found:

<b>&gt; 2 years of age</b>	<b>2.60%</b>
<b>3 to 5 years of age</b>	<b>4.37%</b>
<b>6 to 15 years of age</b>	<b>6.86%</b>

Source: National Secretariat for the Rehabilitation and Integration of Persons with Disabilities, July 2001.

**People with some impairments according to the type of limitation**

	<b>0-2 years</b>	<b>3-5 years</b>	<b>6-15 years</b>	<b>&lt;16 years</b>
<b>Sight impairment (total)</b>	<b>292</b>	<b>555</b>	<b>4702</b>	<b>5549</b>
<b>subtotal: blind</b>	<b>0</b>	<b>29</b>	<b>281</b>	<b>310</b>
<b>Hearing impairment (total)</b>	<b>73</b>	<b>428</b>	<b>6625</b>	<b>7126</b>
<b>subtotal: deaf</b>	<b>42</b>	<b>57</b>	<b>1978</b>	<b>2077</b>
<b>Speech impairment (total)</b>	<b>905</b>	<b>2088</b>	<b>10884</b>	<b>13877</b>
<b>subtotal: dumb</b>	<b>381</b>	<b>318</b>	<b>1734</b>	<b>2433</b>
<b>Other communication impairment</b>	<b>107</b>	<b>1002</b>	<b>16456</b>	<b>17565</b>
<b>Personal care impairment</b>	<b>775</b>	<b>959</b>	<b>5621</b>	<b>7355</b>
<b>Walking impairment</b>	<b>849</b>	<b>1535</b>	<b>6185</b>	<b>8569</b>
<b>Household duties impairment</b>	<b>520</b>	<b>670</b>	<b>3586</b>	<b>4776</b>
<b>Impairment before circumstances</b>	<b>3057</b>	<b>5067</b>	<b>17848</b>	<b>25972</b>
<b>Behaviour impairment</b>	<b>701</b>	<b>1406</b>	<b>20623</b>	<b>22730</b>
<b>Total</b>	<b>7279</b>	<b>13710</b>	<b>92530</b>	<b>113519</b>

Source: National Secretariat for the Rehabilitation and Integration of Persons with Disabilities, July 2001.

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### Disabled children

The number of disabled children at the considered date was 69 288, which represented a disability rate of 3,57% at that age<sup>3</sup>. Unlike what happens relatively to the impairments, the above percentage has been built by counting one disability by individual.

According to age subgroups the following disability rates have been found:

<b>&lt; 2 years of age</b>	<b>2.32%</b>
<b>3 to 5 years of age</b>	<b>3.52%</b>
<b>6 to 15 years of age</b>	<b>3.84%</b>

Source: National Secretariat for the Rehabilitation and Integration of Persons with Disabilities, July 2001.

### Children with some disability according to the type of disability

	0-2	3-5	6-15	<16 years
<b>Psychological</b>	<b>1147</b>	<b>1076</b>	<b>18092</b>	<b>20315</b>
<b>Sensorial</b>	<b>473</b>	<b>1700</b>	<b>11208</b>	<b>13381</b>
<b>Physical</b>	<b>4149</b>	<b>7881</b>	<b>20279</b>	<b>32309</b>
<b>Mixed</b>	<b>413</b>	<b>649</b>	<b>2719</b>	<b>3781</b>
<b>Total</b>	<b>6482</b>	<b>11306</b>	<b>52298</b>	<b>70086</b>

Source: National Secretariat for the Rehabilitation and Integration of Persons with Disabilities, July 2001.

### Disability rates (%) per age (<16 years) and type of disability

	0-2	3-5	6-15
<b>Psychological</b>	<b>0,52</b>	<b>0,33</b>	<b>1,34</b>
<b>Sensorial</b>	<b>0,17</b>	<b>0,54</b>	<b>0,83</b>
<b>Physical</b>	<b>1,48</b>	<b>2,51</b>	<b>1,50</b>
<b>Mixed</b>	<b>0,15</b>	<b>0,21</b>	<b>0,20</b>

Source: National Secretariat for the Rehabilitation and Integration of Persons with Disabilities, July 2001.

Note: In the total population the disability rate was 9,16%

### Children with some disability per age (< 16 years) and gender

	0-2	3-5	6-15	<16 years
<b>Men</b>	<b>2920</b>	<b>5532</b>	<b>19932</b>	<b>28384</b>
<b>Women</b>	<b>3572</b>	<b>5501</b>	<b>31832</b>	<b>40905</b>
<b>Total</b>	<b>6492</b>	<b>11033</b>	<b>51764</b>	<b>69288</b>

Source: National Secretariat for the Rehabilitation and Integration of Persons with Disabilities, July 2001.

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<sup>3</sup> We should notice that in the total population the disability rate was 9,16%

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**Disability Rate (%) per age (<16 years) and gender**

	0-2	3-5	6-15	<16 years
Men	2,7	3,3	2,6	<b>2,6</b>
Women	2,7	3,1	4,8	<b>4,2</b>
<b>Total</b>	<b>2,2</b>	<b>3,2</b>	<b>3,4</b>	<b>3,7</b>

Source: National Secretariat for the Rehabilitation and Integration of Persons with Disabilities, July 2001.

**Percentage of the probable cause of the disability**

	Common Disease	Heredity	Childbirth	Pregnancy	Accidents at home	Car Accidents	Other Accidents	Other Origins
Psychological	25,8	14,3	11,5	14,4	2,18	2,48	2,08	18,9
Sensorial	33,3	12,1	4,7	4,6	3,6	2,1	2,7	15,2
Physical	34,1	11,4	3,6	4,4	3,3	4,3	2,0	14,3
Mixed	17,4	9,2	13,0	4,8	1,3	0,6	1,2	22,2

Source: National Secretariat for the Rehabilitation and Integration of Persons with Disabilities, July 2001.

**b) Number of children with disabilities living at home and in institutions**

The equipments for children and young people with a handicap are the "Support Homes". The Support Home provides lodging for children and young people from 6 till 16/18 years of age, with special educational needs, attending socio-educational centres far away from their own homes or that need this type of support due to a temporary or permanent dysfunction of their families.

**Children and Youngsters placed in Support Homes**

Support Homes	YEARS	
	1998	2000
Number of Children/Youngsters (Total Continent)	829	786

Source: Social Charter – Services and Equipments Network 2000, DEPP.

In 1998, most of them were boys in the 13 to 18 age bracket. It is important to stress that it is exactly in that age-bracket that occurs a percentage increase between the number of boys and girls placed in Support Homes.

The majority of children and youngsters placed in Support Homes (62,5%) spent the weekends, national holidays and holidays with their families. However, the Support Home is the place where around 40% of them live everyday. The main reason why they live in Support Homes is that they need to attend socio-educational centres in order to receive special education and training. Another important reason is the fact that their real families cannot provide them all the assistance they need.

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**c) Number of children with disabilities enrolled in regular education or special education systems**

**Number of pupils receiving support**  
(levels of schooling/ types of special education needs)  
National data 1999/2000

Ages	Level of schooling	Deafness	Development delay	Learning Difficulties	Motor impairment	Multiple Impairment	Speech disorders	Serious Behavioral Problems	Optical
0-2	Home	7	401		77	34			9
	Childminder	3	27		8	1			1
	Day nursery	24	274		47	14			6
3-5	Home	2	151		37	32	17	1	2
	Childminder	1	9		5	2	3	0	0
	Day nursery	32	102		25	15	40	12	1
	Pre-school	146	2958		382	143	817	188	52
6-7	Pre-school	58		639	124	97	152	64	15
6-15	1 <sup>st</sup> cycle	692		28 398	931	666	2 577	2295	413
	2 <sup>nd</sup> cycle	359		12 090	363	82	362	1309	175
	3 <sup>rd</sup> cycle	331		6 576	298	23	217	864	145
16-18	2 <sup>nd</sup> cycle	24		603	44	16	22	54	11
	3 <sup>rd</sup> cycle	143		2 434	147	25	56	154	64
	Secondary	108		455	141	4	37	62	105
Over 18	Secondary	158		294	126	6	14	34	106

Source: Ministry of Education, July 2001.

**Students with special education needs in school, 1996/97**

Special Education Schools	8 265
Mainstream Education System (Regular Schools)	39 348

Source: Prospective Assessment and Planning Department of the Ministry of Education. Provisional data. July 2001.

**Students with Special Education needs in school, in 1998/99**

	Total	Male	Female
Special Education Schools	4 405	2 787	1 618
Mainstream Education System (Regular Schools)	70 165	43 264	29 901
<b>Total</b>	<b>74 570</b>	<b>46 051</b>	<b>28 519</b>

Source: Prospective Assessment and Planning Department of the Ministry of Education. Provisional data. July 2001.

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**d) Budget allocation in favour of children with disabilities**

No data available in Portugal.

Source: National Secretariat for the Rehabilitation and Integration of Persons with Disabilities, July 2001.

- 3. Please provide disaggregated data on adolescent health, including on the incidence of sexually transmitted diseases (STDs) (1), HIV/AIDS (2), early pregnancy (3), drug and alcohol abuse (including within the family) (4), suicide (5), accidents (6) and mental health concerns (7).**

**(1) Incidence of sexually transmitted diseases on adolescents**

**Hepatitis B (CID-10: B16) (CID-9:070.2 and 070.3)**

Age Groups	1998		1999		2000	
	M	F	M	F	M	F
<1	-	1	-	-	-	2
1-4	3	2	1	4	2	2
5-14	18	9	10	5	13	5
15-24	105	39	63	34	33	19

Source: Ministry of Health, General Health Directorate, Division for Maternal, Childhood and Adolescent Health, August 2001.

**Early syphilis (CID-10: A51) (CID-9:091 and 092)**

Age Groups	1998		1999		2000	
	M	F	M	F	M	F
<1	-	-	-	-	-	-
1-4	-	-	-	-	-	-
5-14	1	-	-	1	1	-
15-24	14	17	16	26	14	19

Source: Ministry of Health, General Health Directorate, Division for Maternal, Childhood and Adolescent Health, August 2001.

**Congenital syphilis (CID-10: A50)**

Age Groups	1998		1999		2000	
	M	F	M	F	M	F
<1	x	x	23	23	30	17
1-4	x	x	-	-	-	1
5-14	x	x	-	-	-	-
15-24	x	x	-	-	-	-

Source: Ministry of Health, General Health Directorate, Division for Maternal, Childhood and Adolescent Health, August 2001.

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**Gonorrhoeic Infections (CID-10: A54) (CID-9: 098)**

Age Groups	1998		1999		2000	
	M	F	M	F	M	F
<1	-	1	-	-	-	-
1-4	-	-	-	-	-	-
5-14	-	-	-	-	-	-
15-24	-	-	-	-	2	-

Source: Ministry of Health, General Health Directorate, Division for Maternal, Childhood and Adolescent Health, August 2001.

**(2) Incidence of HIV/AIDS on adolescents**

**Cumulative AIDS cases among women according to their age  
(from 01.01.1983 to 30.09.2000)**

<14 years	15-34 years	35-54 years	> 55 years
45 cases	723 cases	353 cases	83 cases

Source: National Commission of Fight Against AIDS, January 2001

**Cumulative AIDS cases among men according to their age  
(from 01.01.1983 to 30.09.2000)**

<14 years	15-34 years	35-54 years	> 55 years
52 cases	3.427 cases	2.338 cases	383 cases

Source: National Commission of Fight Against AIDS, January 2001

**Distribution of cumulative AIDS cases by gender  
(from 01.01.1983 to 30.09.2000)**

	Male	Female
<b>Total number</b>	<b>6 240</b>	<b>1 211</b>
<b>Percentage</b>	<b>83,7%</b>	<b>16,3%</b>

Source: National Commission of Fight Against AIDS, January 2001

**(3) Incidence of early pregnancy in adolescents**

**Number of live births from teen-age mothers (<20)**

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
No LB	9 994	9 855	9 456	9 270	8 557	8 013	8 860	7 688	8 416	7 361

Source: General Health Directorate, Ministry of Health, January 2001.



#### **(4) Incidence of drug and alcohol abuse among adolescents**

The European School Survey Project on Alcohol and other Drugs (ESPAD) is a project coordinated by the Swedish Council for Information on Alcohol and Other Drugs (CAN), with the support of the Pompidou Group of the Council of Europe. Its main objectives consist in giving comparable data on the prevalence and patterns of illicit and licit substance use among 16 year-old pupils. 26 countries participated the first study, which took place in 1995 and 30 countries participated in the second study, which took place in 1999. Portugal was involved in both of them. The data we are presenting in the present answers is directly taken from the results obtained in this study.

##### **Tobacco**

According to the results of the enquiry, approximately 59% of the pupils have had at least one experience of tobacco consumption during their lives. The indicators of a more persistent and abuse consumption present more reduced values, namely 17% in the cases of 40 or more consumption throughout the life and 8% in the cases of the daily consumption of more than 5 cigarettes in the last 30 days.

Concerning the age for initiation in the consumption, approximately 40% of the pupils have tried their first cigarette at an early age (until 13 years) and 8% started a daily consumption also before the age of 13.

##### **Alcohol**

Alcohol is the legal substance, which is the most consumed by these pupils. Approximately 78% of them have tried at least one alcoholic drink throughout their lives and approximately 49% have had at least one experience of alcohol consumption in the last 30 days. Pupils prefer spirits and beer to wine, and a percentage of respectively 44%, 37% and 15% have consumed them at least once in the last 30 days.

Approximately 3% of the pupils have already been drunk 20 or more times along their lives and 4% have been drunk 3 or more time during the last month.

Concerning the age for initiation in the consumption of alcohol, respectively 45%, 30% and 28% of the pupils had their first experience of consuming beer, wine and spirits until the age of 13 years. The first experience of drunkenness was referred by 12% of the pupils as having occurred until this age.

##### **Illicit drugs<sup>4</sup>**

The prevalence of the consumption (at least one experience) of any illicit drug was of 12%. The most consumed illicit substance is cannabis – 9%. Approximately 6% of these pupils mentioned having had at least one experience of consuming other illicit drugs: amphetamines (3%), LSD e/or other hallucinogens (1%), crack (1%), cocaine (1%), ecstasy (1%), smoked heroine (3%) and injected heroine (1%).

The age for initiation in the consumption of illicit substances lies generally at the age of 14 to 15 years, but respectively 2% and 1% of these pupils experienced cannabis and amphetamines for the first time before 14 years.

##### **Other substances**

8% of the pupils mentioned at least one experience in the consumption of tranquillisers or sedatives without a medical prescription, and 5% of alcohol associated with medicines. Approximately 3% of the pupils have consumed inhalants at least once and 1% has consumed anabolic steroids.

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<sup>4</sup> The term "illicit drugs" refers to those drugs, which were considered illicit in Portugal before the 1st of July 2001. In fact, on that occasion the consumption of any type of drugs ceased to be a crime in Portugal. For further details on the issue of drug abuse, please see the answers given to question 7 b) below.

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**(5) Suicide rate in adolescents from 15 to 19, Portugal: 1990-1999  
(per/100 000)**

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Total	2,4	3,6	2,8	1,8	2,6	3,0	1,7	1,4	1,9	1,5
Male	3,5	5,8	3,5	1,7	2,7	3,8	1,6	1,9	2,8	1,2
Female	1,2	1,4	2,2	2,0	2,5	2,1	1,9	0,8	0,9	1,8

Source: Ministry of Health, January 2001.

**Suicide rate in children from 5 to 14 years, Portugal: 1990-1999  
(per/100 000)**

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Total	0,3	0,3	0,4	0,2	0,3	0,2	0,1	0,2	0,1	0,3
Male	0,6	0,1	0,7	0,3	0,6	0,3	0,0	0,2	0,2	0,7
Female	0,0	0,4	0,0	0,2	0,0	0,2	0,2	0,2	0,0	0,2

Source: Ministry of Health, General Health Directorate, Division for Maternal, Childhood and Adolescent Health, August 2001.

**(6) Deaths due to injury in persons from 15 to 19, Portugal: 1990-  
1999**

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Total	514	528	491	390	382	387	255	274	289	242
Male	439	451	415	321	309	309	199	218	238	188
Female	75	77	76	69	73	78	56	56	51	54

Note: Deaths caused by all external causes of injury and poisoning (CID 9: E800-E999)

Source: INE, January 2001.

**Deaths due to injury in persons from 0 to 15, Portugal: 1990-1999**

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
Total	460	476	373	330	319	281	267	257	225	189
Male	287	301	241	210	198	178	176	166	141	110
Female	173	175	132	120	121	103	91	91	84	79

Note: Deaths caused by all external causes of injury and poisoning (CID 9: E800-E999)

Source: Ministry of Health, General Health Directorate, Division for Maternal, Childhood and Adolescent Health, August 2001.

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**Deaths and mortality rates due to transportation accidents (CID-9: E47)  
(/1000 000 inhabitants) (<1 year:/1 000 000 live births)**

1999

Ages	Deaths M/F	Deaths M	Deaths F	Rates M/F	Rates M	Rates F
< 1	4	2	2	3,4	3,3	3,6
1-4	21	12	9	4,8	5,3	4,2
5-14	43	23	20	3,8	4,0	3,6
15-24	356	284	72	23,6	37,2	9,7

Source: Ministry of Health, General Health Directorate, Division for Maternal, Childhood and Adolescent Health, August 2001.

**Deaths and Mortality rates due to road traffic accidents with motor vehicles (CID-9:  
E471) (/1000 000 inhabitants) (<1 year:/1 000 000 live births)**

1999

Ages	Deaths M/F	Deaths M	Deaths F	Rates M/F	Rates M	Rates F
< 1	4	2	2	3,4	3,3	3,6
1-4	21	12	9	4,8	5,3	4,2
5-14	38	18	20	3,4	3,1	3,6
15-24	343	274	69	22,8	35,9	9,3

Source: Ministry of Health, General Health Directorate, Division for Maternal, Childhood and Adolescent Health, August 2001.

According to APSI (*Associação para a Promoção da Segurança Infantil* – Association for the Promotion of Child Security)<sup>5</sup> trauma, lesion and accidental injuries constitute the major cause of death, illness, temporary and definite incapacities among children and juveniles in Portugal. Every year, approximately 600 children die, roughly 3000 have permanent disabilities, more than 350 000 are victims of domestic and recreational accidents, 120 000 are admitted to hospital and every year the Portuguese population loses 35 000 years of potential lives.

In this regard, the Association for the Promotion of Child Security (APSI) promotes several initiatives with a view to diminishing the number and consequences of accidents with children and youngsters, namely:

**a) Standardisation** - At a national level, APSI participates as consumer representative in the technical committees for toys and child care articles standardisation; at the European level, it is a member of ANEC child safety and traffic safety working groups.

**b) Professional Training** – For health professionals, educational professionals, retail shops' assistants, school bus drivers, and organising and leading workshops with urban planners, architects, landscape architects, playground inspectors, police.

**c) Consulting and guidance** – health and education professionals, architects and landscape architects and companies, product designers, trading companies.

<sup>5</sup> APSI was founded in 1992, it is a public utility private institution, operating on a non-profit-making basis. Its main aim is the union and development of efforts intended at diminishing the accidents and their consequences in children and adolescents.

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Main fields of intervention:

**a) Falls** - In 1993, APSI produced a video with pictures showing Eric Clapton talking about falls from windows, balconies and stairs after the death of his child. This video was largely shown on TV and is still used today in seminars, training sessions and sometimes on TV. According to APSI, when it comes to balconies, although there is a law (a transposed EU Directive) that says that no building should pose any safety risk to its users, there is a lack of a clear regulation, and very often you can still see, in very recent buildings, guards on balconies that do not give a proper protection against falls – either easy to climb or with gaps that allow a child's body (and sometimes even an adult's body) to go through. The same applies to windows – there is no requirement for guards or safety catches on windows, and even if a consumer wants to install a safety catch (child resistant) it is very difficult to find any solutions on the market. APSI has published some recommendations on how to protect a balcony, but the organization believes that this should be done by architects and builders from the start, and checked by the municipalities. This is not a matter to leave to parents because it requires technical knowledge to do it right. Recently (March 2000), APSI brought this matter to the agenda of the ANEC child safety working group so that common recommendations on dimensions and safety criteria for balconies can be used in all European countries and thus make it easier for APSI to lobby the national government to implement national regulations.

**b) School bus, buses and minibuses** - Since 1998, APSI has been lobbying for better safety conditions for school buses and children transportation undertaken by institutions (outside parents direct responsibility). After a press release and articles published by APSI on accidents and the lack of legislation, there was such a big movement from the press, parents, schools, consumers in general, that the government created a working group at the end of 1999 to study the problem and suggest a legislation project. This group – involving municipalities, educational professionals, General Directorate of Transports and General Directorate of Health, as well as APSI - presented a proposal to the Government in June 2000, so that all buses intended to carry children should have seat belts and children should be obliged to wear them. The vehicles should equally comply with stricter safety rules. Until now, there is still no regulation but there is a project of a law (*ante-projecto de lei*) ready for discussion.

**c) Baby walkers** - Falls related to baby walkers are also a problem because of the severity of injuries. With the collaboration of the Portuguese consumer association, APSI ran a campaign against the use of baby walkers before Christmas 1998 (a press-conference plus TV spot and articles in magazines and newspapers). During and just after the campaign, the sales in big retail stores went down by 50% but then started to rise again. Also because of the campaign, a childcare articles brand stopped selling the product as a company policy for child safety. APSI has also produced a TV-spot that could be used in other countries (with translation) to discourage the use of baby walkers, using pictures from the tests undertaken by *Stiftung Warentest*.

**d) Playgrounds** – In 1994, APSI published the first article about playground safety, making recommendations on how to build a safe playground based on the Swedish standard and prEN<sup>6</sup> 1176 and 1177. Also in 1994, APSI had the first seminar on the subject and, within a community program, made informal inspections to a few playgrounds. In 1995, APSI started to participate in the standardisation of playground equipment via ANEC. In 1996, APSI organised the first big national conference on playground safety, to discuss the works undertaken by the intergovernmental working group to produce a proposal of regulation (APSI had been lobbying for a law for quite a while). This was followed by a workshop with landscape architects and later on, another one with members of the working group and more professionals involved in playground planning and inspection. Early in 1999, APSI organised a three days conference with national and international speakers to make the standards easier to understand, and share

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<sup>6</sup> European Norm project.

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experiences. This was followed by two workshops on inspection and planning. Since then APSI has already participated in a few workshops organised by other entities, mostly municipalities, with inspectors, planners and communities.

**e) School safety** – The Project “Safe School” was carried on during 5 years: the first 2 years with primary schools (6-10 years children), the 3<sup>rd</sup> and 4<sup>th</sup> years with second grade schools (10 to 15 years old children) and the 5<sup>th</sup> year with kindergartens (3-5 years old children). The 4<sup>th</sup> and 5<sup>th</sup> years were particularly dedicated to playgrounds or school yards. This was a very interesting project involving the whole school community – teachers, parents and children and sometimes other workers. Schools were asked to make their own diagnoses concerning safety and then they had to present a project to improve the safety conditions in their school. Then the projects were analysed by a Jury and a few were selected to be subsidised. This was sponsored by an insurance company. At the end of the year, a report was prepared gathering information about all the schools that had applied (stating the safety problems and other information) and it was sent to all the concerned authorities, national and local – education, health, municipalities, etc. There was also a ceremony and press-conference to present the report and give the subsidies to the projects that had won, and it was an occasion to discuss school safety.

**f) Traffic safety** - In 1990 a new law was adopted stating that new cars had to be fitted with seatbelts for backseats. So, at that time, and for a few years after that, it was difficult to restrain children in the car either with the seat belt or using a car seat because there were no means to attach the child seat to the car seat. In 1992, APSI was created and passenger safety was one of its main concerns. Therefore, it started its activities by performing a market survey on child restraint seats. A very poor offer was found – bad quality, very expensive and only a dozen different models, most of them produced by child care articles manufacturers, and not approved to any regulation or standard. Some of the seats were tested to UN-ECE/R44<sup>7</sup> and they all failed. In some of these seats false information to the consumer was found (an imitation of an E-label, a label saying that the seat had been tested to ECER44 without mentioning the results (subsequently it was found out that it was tested but not approved), false test results in order to get an E-label from a foreign company and other means of misleading the consumers), and APSI turned those cases in to the authorities. With all the talking in the media, within 2-3 years the market had completely changed. From 1995 onwards, it was only possible to find approved seats, the prices went down by 30%, and the range of products increased amazingly.

In 1993, APSI started also its lobbying action near the Government so that the use of seat belts in the back and child seats would be mandatory. There was a European Directive that should have been transposed by the beginning of that year, and it was already being delayed by a year. APSI campaigned in the media and on the street-shows with car seat demonstrations (for the itinerary information centre APSI had logistical support of the PRP – Road Prevention Institute) and a crash simulator at 7km/h and managed to have the PM on it. Finally the use of seat belts in the back became mandatory in October 1994, and the use of child safety seats for the under 3, from January 95 (two years after the deadline settled by the EU Directive)

In 1995, APSI ran a big information campaign with leaflets, posters, TV spots, (with support from a private enterprise and the Road Prevention Institute) and an Information Centre where parents could come with their own cars, seats and children, and see around 40 different models of car seats, check the installation of their seats, or find how to choose one. They could also try the crash simulator, or it was used to try the car seats on it and see how to fit them. The videos showing unrestrained dummies in crash tests have shown to be very effective in changing behaviours on parents and also on children. Many people over the years reported that since they watched “that” video, they never dared to drive their children unrestrained again, or that it was the trigger for them to start acting and informing others as health or education professionals.

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<sup>7</sup> United Nations Economic Commission for Europe Regulation 44 (UN ECE R44) on child restraints.

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Again in 1997, APSI ran a 6 months awarded campaign involving the police, the health authorities, with leaflets, posters, a TV spot, radio spots, ads in the press to implement the use of car restraints by all children. The slogan sounded like "Belt in the back (seat), Life in front (of you)" and had many activities all over the country (information centres in major shopping centres, a pedagogic day with the police stopping the cars, press-conferences, etc.).

In 1996, APSI performed the first survey on child car safety seat use: it was undertaken in a main highway leading to Lisbon, always at the end of a weekend (so presumably when the family is coming back home). It was found out that the intention of giving some kind of protection (children restrained and children restrained but with obvious misuse of the restraint system) has been rising over the years, slowly, but steadily.

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**Children restrained (with and without misuse)**

	<b>1996</b>	<b>1997 (before campaign)</b>	<b>1997 (after campaign)</b>	<b>Dec. 1998</b>	<b>Jun. 1999</b>
<b>Children 0-12</b>					
Properly restrained	<b>16,2 %</b>	<b>19,4%</b>	<b>22,9%</b>	<b>29,3%</b>	<b>31,4%</b>
Obvious misuse	13,5% 2,7%	15% 4,4%	19,5% 3,4%	24,3% 5%	21,3% 10,1%
<b>Children 0-3</b>					
Properly restrained	<b>34,4 %</b>	<b>38,9%</b>	<b>40,9%</b>	<b>47,4%</b>	<b>50,5%</b>
Obvious misuse	24,4% 10%	26,4% 12,5%	30,2% 10,7%	35,2% 12,2%	33,4% 17,1%
<b>Children 4-12</b>					
Properly restrained	<b>10,6 %</b>	<b>11%</b>	<b>16,9%</b>	<b>19,4%</b>	<b>22,6%</b>
Obvious misuse	9,5% 1%	9% 2%	15,3% 1,6%	18,3% 1%	15,7% 6,9%

Source: APSI, July 2001.

Also since September 2000, APSI has already organised six training courses for school bus drivers so that they can be community partners, together with school and municipality people, in improving children safety as passengers as well as pedestrians when entering and leaving the bus, and also training them in defensive and reactive driving. Those training courses (4 days training) proved to be very successful.

### (7) Mental Health concerns

In 1998 Law n.º 36/98 of 24 July, the **Mental Health Act** was approved. It establishes the general principles of the mental health policy and governs the compulsory detention of persons suffering from mental disorders, namely persons with mental illness.<sup>8</sup>

In 2000 there were 1 750 persons in psychiatric hospitals in Portugal. The psychiatric consultations of adults reached 400 000 per year, with 60 000 to 70 000 new cases. As an example, in 2000 the São Francisco de Xavier Hospital (in Lisbon) had received 3 115 psychiatric emergencies, whereas this number was of 2 700 in 1999. In the same period 1 521 children attended the psychiatric consultations (whereas this number was of 928 in 1999).

<sup>8</sup> The English version of this Law can be found under: <http://www.gddc.pt/legislacao-lingua-estrangeira/english/lei-da-saude-mental.html>.

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**4. Please provide disaggregated data (by gender, age, urban or rural areas, and if possible by minority groups, such as immigrants and the Roma) covering the period 1998-2000 on the:**

**a) Rates of literacy of all under 18s**

In spite of recent improvements, 19.2% of the population of 15 years of age and older do not hold a certificate for any education level, a figure still influenced by people of or older than 65 among whom 53.8% do not possess any qualifications.

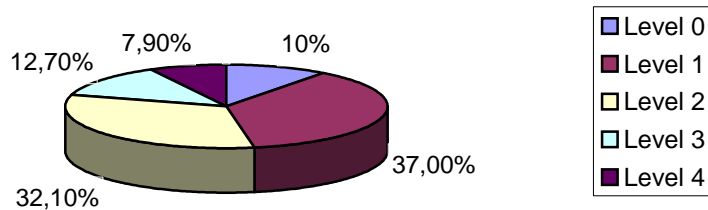
**Illiteracy rate in persons of 15 years or more**

	Total	Male	Female
1991	12,1%	8,4%	15,3%
1995	10,2%	7,1%	13,1%
1997	10,2%	6,8%	13,3%

Source: Ministry of Education, September 2000.

In literacy terms, the results of a survey carried out in 1996 placed 70% of 15 to 64 year olds in medium/low levels (levels 1 and 2).

**Percent distribution of 15 to 64 years old as a function of literacy levels, 1994**



Source: Benavente *et al* (1996), "A Literacia em Portugal".

**b) Enrolment in pre-school, primary and secondary school in percentages of the total number of pre-school age children**

**Evolution of the number and rate of children in pre-school education**

	1994/1995	2000/2001
Number of children in pre-school education	172 582	224 575
Percentage of children in pre-school education	55,5%	72,7%

Source: Ministry of Education, August 2001.



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**According to the level and modality or type of education**

Preliminary data for 1999/2000

Level or modality Institutional nature	Total	Total (%)	Public Education	Public Education (%)	Private Education	Private Education (%)
<b>Total</b>	<b>2 128 293</b>	<b>100,0</b>	<b>1 723 375</b>	<b>81,0</b>	<b>404 918</b>	<b>19,0</b>
<b>Pre-school Education</b>	<b>218 225</b>	<b>10,3</b>	<b>105 196</b>	<b>48,2</b>	<b>113 029</b>	<b>51,8</b>
<b>Basic Education</b>	<b>1 158 206</b>	<b>54,4</b>	<b>1 043 90</b>	<b>90,1</b>	<b>114 266</b>	<b>9,9</b>
1 <sup>st</sup> cycle	499 351	43,1	453 469	90,8	45 882	9,2
2 <sup>nd</sup> cycle	258 794	22,3	231 436	89,4	27 358	10,6
3 <sup>rd</sup> cycle	400 061	34,5	359 035	89,7	41 026	10,3
<b>Secondary School</b>	<b>384 523</b>	<b>18,1</b>	<b>325 166</b>	<b>84,6</b>	<b>59 357</b>	<b>15,4</b>
<b>Higher Education</b>	<b>367 339</b>	<b>17,3</b>	<b>249 073</b>	<b>67,8</b>	<b>118 266</b>	<b>32,2</b>

Source: Ministry of Education, July 2001.

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**Children enrolled according to the level of education, according to their age**  
1997/1998

Age	Pre-school education	1 <sup>st</sup> cycle	2 <sup>nd</sup> cycle	3 <sup>rd</sup> cycle	Secondary Education	Higher Education	Total
<b>Total</b>	<b>210 180</b>	<b>545 323</b>	<b>287 373</b>	<b>454 967</b>	<b>436 806</b>	<b>351 784</b>	<b>2 286 433</b>
3	56 712						56 712
4	70 483						70 483
5	79 350						79 350
6	3 635	117 881					121 516
7		119 318					119 318
8		121 962					121 962
9		121 088					121 088
10		30 702	90 642				121 344
11		12 943	110 185				123 128
12		6 118	40 751	86 747			133 616
13		2 858	21 679	111 663			136 200
14		2 491	11 160	128 571			142 222
15		125	4 440	54 759	67 675		126 999
16		171	1 641	27 049	89 632		118 493
17		169	550	12 313	104 985	4 819	122 836
18		183	394	6 302	69 165	22 387	98 431

Source: Ministry of Education (DAPP), July 2001.

**c) Percentages of children completing primary and secondary education**

**Evolution of the transition<sup>9</sup> and conclusion<sup>10</sup> rates**

**Transition Rate  
4th school year**

(%)

School year	Total	Male	Female
1996/97	85,9	83,8	88,2

Source: Ministry of Education, DAPP, July 2001.

<sup>9</sup> **Transition rate:** relationship between the number of pupils, who passed from one grade to the other and the total of pupils, who are registered that year.

<sup>10</sup> **Conclusion rate:** relationship between the number of pupils, who finished the 9<sup>th</sup> grade and the total of pupils, who are registered that year.

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**Transition Rate  
6th school year**

(%)

School year	Total	Male	Female
1996/97	86,1	85,5	86,9

Source: Ministry of Education, DAPP, July 2001.

**Conclusion Rate  
9th school year**

(%)

School year	Total	Male	Female
1996/97	80,2	77,5	82,8

Source: Ministry of Education, DAPP, July 2001.

**Education rates in Basic and Secondary levels (estimate)  
(1999/2000)**

Rates	Basic Education	Secondary Education
Gross Rate <sup>11</sup>	117,7	91,2
Real Rate <sup>12</sup>	109	64,1
Net Rate <sup>13</sup>	82,4	43,4

Source: Ministry of Education, DAPP/DSEI, August 2001.

**d) Number and percentage of children who drop out of school**

**Drop out rates – year 1995**

1 <sup>st</sup> year	2 <sup>nd</sup> year	3 <sup>rd</sup> year	4 <sup>th</sup> year	5 <sup>th</sup> year	6 <sup>th</sup> year	7 <sup>th</sup> year	8 <sup>th</sup> year	9 <sup>th</sup> year
1,9%	1,8%	1,8%	0,8%	3,4%	3,6%	6,8%	5%	5,1%

Source: Ministry of Education, January 2001.

<sup>11</sup> **Gross Rate:** Corresponds to the relationship between the total of pupils (irrespective of their ages) and the total of the proper ages for following certain school grades.

<sup>12</sup> **Net Rate:** Corresponds to the relationship between the total of pupils who followed a cycle of studies at the appropriate age and the total of the appropriate ages for following the respective cycles of frequency.

<sup>13</sup> **Real Rate:** Corresponds to the relationship between the pupils who followed a certain school grade at the appropriate age and the appropriate age for following the respective school grade.

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**Progressions, repetitions and dropouts**  
(for the years 1995/96 and 1996/97)

(%)

School year	Progression rate	Repetitions rate	Dropout rate
1 <sup>st</sup>	98,5	0	1,5
2 <sup>nd</sup>	83,7	15,2	1,1
3 <sup>rd</sup>	91,2	8,1	0,8
4 <sup>th</sup>	86,7	14,0	-0,7
5 <sup>th</sup>	85,8	11,1	3,1
6 <sup>th</sup>	88,4	8,9	2,7
7 <sup>th</sup>	79,7	13,2	7,0
8 <sup>th</sup>	81,5	11,7	6,8
9 <sup>th</sup>	-	7,7	7,4

Source: Ministry of Education, August 2001.

**e) The ratio of children to teachers per class**

**Ratio pupil/teacher**

	1st cycle	2nd cycle	3 <sup>rd</sup> cycle and secondary education
1989/90	16,8	10,7	12,9
1994/95	13,1	9,1	12,7
1996/97	13,9	8,7	11,1

Source: DAPP-ME

**f) The numbers of children per class**

Each classroom should not hold less than 20, nor more than 25 children. Under exceptional circumstances, namely in thinly populated areas, there may be an authorisation to enrol less than 20 children/classroom or adopt alternative types of pre-school provision such as itinerant education, cultural child and community activities.

**g) The number and location of teacher training facilities**

**The teacher education system<sup>14</sup>**

Embodied in a lifelong learning perspective and in the wider process of professional development, the teacher education system includes initial education, in-service education and specialisation. There is no induction period, yet initial teacher education programmes include more or less long periods – mostly lasting one school year – of internship in schools.

The teacher education system's overall political purpose is the improvement of the quality of teaching and students' learning by enabling teacher to reflectively act, throughout their

<sup>14</sup> Source: PAIVA CAMPOS, Bárto, "Teacher education policies in Portugal", *National report distributed at the Conference on Teacher Education Policies in the European Union*, Loulé, 22-23 May 2000.

teaching life cycle, as professionals of change at classroom, school and educational territory levels.

Initial teacher education aims at providing teachers not only with basic information, methods and scientific and pedagogical techniques, but also with personal and social education suited to teaching performance requirements. It is also supposed to allow for professional re-conversion and teacher mobility. In-service education aims at promoting teachers' permanent professional development, namely from a self-learning perspective. Specialisation qualifies teachers to perform specific educational functions such as school management, class coordination, teaching subject-matters co-ordination, resource-centre management, in-service teacher education management, etc. Altogether, the teacher education system is supposed to develop in close articulation with research and innovative projects focusing on school educational reality.

### **Teacher education institutions**

#### ***Initial and specialised education institutions***

Since the mid 80's, all initial teacher education, and also, more recently, specialised education, has been supplied by higher education institutions in the context of the international trend towards its "universitisation". Up to this point, since the mid 70's, pre-school and primary school teacher education had been provided by Normal Schools, which already conferred post-secondary level qualifications, but not higher education qualifications. The practical pedagogical education of secondary education teachers has long been provided by the educational administration. From the mid 70's to the late 80's, universities gradually took over this responsibility by falling back upon the collaboration of schools. However, there are still teaching qualification universities do not provide. In such cases teacher are hired from graduates who have only academic qualifications in the subject-matter to be taught, their theoretical and practical pedagogical education being guaranteed by the educational administration, with the support of higher education institutions, in most cases some years after having begun their teaching activity.

In accordance with the political definition of the Education Act, Universities are entitled to provide professional teaching qualifications in all education levels and fields. Teacher Education Colleges, the successors to Normal Schools, are integrated in Polytechnic higher education and are only entitled to provide qualifications for pre-school and the 1<sup>st</sup> and 2<sup>nd</sup> cycles of basic education. Recently, parliament offered these Colleges the possibility of preparing for the 3<sup>rd</sup> cycle of basic education as well, although there is a lack of political definition, which would make creation of the respective programmes practicable.

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	Pre-school education	Basic education			Secondary education
		1 <sup>st</sup> cycle	2 <sup>nd</sup> cycle	3 <sup>rd</sup> cycle	
Universities	—————→				
Teacher education colleges	—————→			-----→	

*Source:* PAIVA CAMPOS, Bártolo, "Teacher education policies in Portugal", *National report distributed at the Conference on Teacher Education Policies in the European Union*, Loulé, 22-23 May 2000

Whereas most Teacher Education Colleges are exclusively dedicated to teacher education and all teaching-staff departments exist for this purpose, in universities, departments for subjects to be taught are also directed at providing other types of training, although in many, teacher education makes up the highest percentage of their activity. The former *are* teacher education institutions; the latter *run* teacher education programmes.

It should be noted that the State guarantees a public network of teaching institutions at all school levels, including higher education and, therefore, in the field of teacher's education.

**Initial teacher education programmes per type of institution and teaching level (1999-2000)**

Institutions Teaching levels	Public Universities Nr = 13	Public Teacher Education Colleges Nr=14	Private Higher Education Nr=19	Total
Pre-school	6	14	11	31
1 <sup>st</sup> cycle	6	13	8	27
1 <sup>st</sup> cycle and 2 <sup>nd</sup> cycle	0	68	38	106
3 <sup>rd</sup> cycle and upper secondary	141	0	25	166
<b>Total</b>	153	95	82	<b>330</b>

*Source:* National Institute for Accreditation of Teacher Education, quoted in: PAIVA CAMPOS, Bártolo, "Teacher education policies in Portugal", *National report distributed at the Conference on Teacher Education Policies in the European Union*, Loulé, 22-23 May 2000.

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### ***In-service teacher education institutions***

The range of institutions supplying in-service education is wider. Besides university and polytechnic higher education institutions, teacher and school associations can form In-service teacher Education Centres; in principle, the same is also possible for central and regional departments of the educational administration, which aim at supplying in-service education programmes not supplied elsewhere. It should be stressed that many institutions also organise short-term initiatives for teachers, which may be relevant to their professional development.

### **Accredited Centres for In-service Teacher Education (December 1999)**

Higher Education Institutions	85
School Associations	201
Teacher Associations	57
Other	20
<b>Total</b>	<b>363</b>

*Source:* Scientific and Pedagogic Council for In-service Teacher Education, quoted in: PAIVA CAMPOS, Bártoło, "Teacher education policies in Portugal", *National report distributed at the Conference on Teacher Education Policies in the European Union*, Loulé, 22-23 May 2000

### **Teacher education programmes' funding**

#### ***Initial teacher education***

There is no specific policy for state funding of institutions and initial teacher education programmes as the general funding policy for higher education applies to them. Yet policy is different for public and private sectors, and in the public sector funding depends on the different programmes groupings, one of which are the teacher education programmes. However, there is indirect funding for 3<sup>rd</sup> cycle and secondary teacher education programmes covered by universities. In question is funding for school internship.

#### ***Specialised and in-service teacher education***

There is a specific funding system for specialised and in-service education supplied by in-service teacher education centres, whether or not this involves higher education or public or private institutions. A specific Ministry of Education body is responsible for the management of this system. The Ministry of Education sets out the priorities in terms of content and type of action and the Centres apply for funding with concrete in-service teacher education action.

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**5. Please provide statistical data (including, where relevant, by gender, age, type of crime and type of sanction) covering the period between 1998 to 2000 on the:**

**a) the number of juvenile courts and their location within the country**

In Portugal, both specialized courts (in Family and Minors) and common district courts, where the first are not implemented, have competence to judge cases involving minors. The Decree-Law n° 186-A/99, of 31.05.1999, has created 16 Family and Minors Courts, in Aveiro, Barreiro, Braga, Cascais, Coimbra, Faro, Funchal (Madeira), Lisboa, Loures, Ponta Delgada (Azores), Portimão, Porto, Setúbal, Seixal, Sintra e Vila Franca de Xira.

**b) number of minors who allegedly committed a crime reported to the police**

**Number of complaints presented to the National Republican Guard related  
to crimes allegedly committed by minors between 1998 and 2000**

	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>Total</b>
Crimes against persons	512	469	406	<b>1 387</b>
Crimes against property	1 052	1 148	1 023	<b>3 223</b>
Crimes against life in society <sup>15</sup>	108	93	113	<b>314</b>
Crimes against the State	12	18	21	<b>51</b>
Crimes foreseen in disperse legislation <sup>16</sup>	199	330	305	<b>834</b>
<b>TOTAL</b>	<b>1 883</b>	<b>2 058</b>	<b>1 868</b>	<b>5 809</b>

Source: National Republican Guard, August 2001.

**Number of complaints presented to the Public Security Police related to  
crimes allegedly committed by persons until the age of 24 years in 1999**

	<b>&lt; 16 years of age</b>	<b>Between 16 and 24 years of age</b>
Crimes against persons	356	8 878
Crimes against property	2 515	19 677
Crimes against life in society	84	1 584
Crimes against the State	19	560
Crimes foreseen in disperse legislation	212	6 360
<b>TOTAL</b>	<b>3186</b>	<b>37 059</b>

Source: Public Security Police, August 2001.

<sup>15</sup> For example crimes against the family, crimes against the security in communications, crimes against the public peace and crimes of forgery.

<sup>16</sup> For example trafficking in illicit substances, consumption of illicit substances, certain crimes against the economy, crimes related to the military service, crime of driving without licence, maritime crimes, gambling crimes.



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**Number of complaints presented to the Public Security Police related to  
crimes allegedly committed by persons until the age of 24 years in 2000**

	< 16 years of age	Between 16 and 24 years of age
Crimes against persons	416	8 395
Crimes against property	2 975	24 997
Crimes against life in society	134	1 447
Crimes against the State	9	547
Crimes foreseen in disperse legislation	217	6 195
<b>TOTAL</b>	<b>3 751</b>	<b>41 581</b>

Source: Public Security Police, August 2001.

**c) number of minors who were sentenced by Courts to sanctions, and the  
nature of sanctions (community service; detention; other types of  
sanctions);**

**Situations in which court action was taken**

	1998	1999	2000
Ill-treatment, abandonment, risk	1 065	1 359	1 818
Maladjustment to society, begging, vagrancy, prostitution, debauchery, alcohol abuse, use of illicit drugs	805	1 153	1 654
Criminal offences	1 321	1 605	2 250
<b>TOTAL</b>	<b>3 191</b>	<b>4 117</b>	<b>5 722</b>

Source: Ministry of Justice, GPLP, July 2001.

**Number of minors who committed a crime presented to court  
(cases closed during the year)**

	1998	1999	2000
Crimes against life	6	2	4
Crimes evolving physical harm	107	178	208
Crimes against property	1031	1080	1430
<b>TOTAL</b>	<b>1321</b>	<b>1605</b>	<b>2255</b>

Source: Ministry of Justice, GPLP, July 2001.

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**Measures applied**

	<b>1998</b>	<b>1999</b>	<b>2000</b>
Admonition	1 022	1 240	2 112
Delivery to parents' or others' surveillance	590	806	983
Imposition of behaviours or duties	24	30	101
Educational programme	388	573	619
Placement with a family	64	89	205
Placement with educational institutions	192	191	266
Placement in an regime of work or apprenticeship	19	8	22
Submission to a system of assistance	27	17	47
Placement in Ministry of Justice institutions	150	186	271
Other measures	347	542	571
<b>TOTAL</b>	<b>2 823</b>	<b>3 682</b>	<b>5 197</b>

Source: Ministry of Justice, GPLP, July 2001.

**d) the number of juveniles detained and imprisoned, the location of their detention or imprisonment (e.g. police station, jail or other place) and the lengths of their detention or imprisonment, including pre-trial detention;**

On the 31<sup>st</sup> of December 2000, there were 330 inmates with ages comprised between 16 and 18 years, 319 of who were male and 11 female. Among these 130 were condemned and 200 were on custody awaiting trial.

**e) percentage of recidivism cases;**

No data available.

Source: Ministry of Justice, GPLP, August 2001.

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6. With reference to, *inter-alia*, paragraphs 471 and 472 of the State party report, and to the extent that the changes referred to have been implemented, please provide statistical disaggregated data for children under 12 considered outside of judicial proceedings by the Protection Boards, with regard to:

a) The number and type of situations for which children were considered under such proceedings

**Number of minors outside the judicial proceedings of the juveniles' courts**

Procedures Initiated within the Commissions for the Protection of Children and Youngsters	1998	1999	2000
Number of minors up to 13 years of age	3 716	3 692	2 800

Source: Institute for Social Development, July 2001.

**b) The number of minors cared for in Ministry of Justice institutions**

**MINORS EXISTING IN 1998-1999-2000**

YEARS	SEX	NR. OF MINORS	MINORS, ACCORDING TO THE SITUATION WHICH DETERMINED THE INTERVENTION			MINORS, ACCORDING TO THEIR AGES					
			Victims	PARA-DELINQUENTS	AUTHORS OF THE VIOLATION	< 9	9-11	12-13	14-15	16-17	18 and >
1998	M/F	696	192	222	282	1	21	98	284	269	23
	M	495	114	132	249	1	17	76	209	176	16
	F	201	78	90	33	0	4	22	75	93	7
1999	M/F	754	110	130	514	0	15	68	301	346	24
	M	561	55	58	448	0	15	60	229	241	16
	F	193	55	72	66	0	0	8	72	105	8
2000	M/F	634	66	94	474	1	9	74	241	298	11
	M	514	41	46	427	1	9	63	200	232	9
	F	120	25	48	47	0	0	11	41	66	2

**c) The number of minors placed with their own families or with social institutions**

**Number of minors (up to the age of 12) placed with social institutions**

	<b>1998</b>	<b>1999</b>	<b>2000</b>
<b>Houses for Temporary Shelter</b>	-	691	782
<b>Homes for Children and Youth</b>	-	4 514	*

Source: Institute for Social Development, August 2001.

-: Data not available.

\*: Data still not available.

**d) The length of time of such placements**

	<b>1998</b>	<b>1999</b>	<b>2000</b>
<b>Houses for Temporary Shelter</b>	-	Approximately 13 months	-
<b>Homes for Children and Youth</b>	-	No data available	-

Source: Institute for Social Development, August, 2001.

**e) A description of how reviews of placements are conducted and how regularly**

There are two types of placements in institutions, in accordance with the type of equipment where they take place, that is, whether the placement occurs in a House for Temporary Shelter or in a Home for Children and Youth. In the first case the placement is of a short duration and in the second one it is of a prolonged one (*see* article 50 §1 of Law 147/99, of 1 September).

The reviews of placement take place in accordance with the type of institution the child is placed in. In the Houses for Temporary Shelter the placement has a maximum length of 6 months (*see* article 50, §2 of the Law 147/99, of 1 September) and must be reviewed at least within 6 months. However, when the deadline for the placement is exceeded (article 50 §3 of the above-mentioned law allows for it in cases where a return to the family is predictable or while the diagnosis of the child's situation or the definition of his/her forwarding is still to determine), this review must take place every three months.

In relation to the Homes for Children and Youth, the above-mentioned law determines that the placement in such institutions is aimed at children and youngsters who require a placement for a period of time above six months (*see* article 50, §4 of the Law 147/99, of 1 September). However, it does not determine the placement's maximum length. In relation to the review of placement, article 62 §1 determines that it must take place at the end of the deadline determined in the agreement or court decision and, in any case, by the end of periods which shall not be longer than six months. In any case, the revision can equally take place before the deadline determined in article 62 §1, namely at the request of those persons who have a special interest in the process (that is, those referred to in articles 9

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and 10 of the Law: the child's or youngster's legal guardian or the child and youngster him/herself) as long as the occurrence of certain facts justifies this request.

**7. With reference to special protection measures please provide, and evaluate, statistical data (including by gender, age, urban/rural areas, per year) between 1998 and 2000 on the number of children:**

**a) Involved in sexual exploitation, including prostitution, pornography and trafficking, and the number of children provided with access to rehabilitation and other assistance**

Given the nature of these practices it is extremely difficult to have a clear picture and direct indicators on the exact numbers of sexual exploitation of children. For these reasons we used the statistical data by the Ministry of Justice, namely those related to the number of crimes of sexual abuses registered by the police in 1998 and 1999. The evolution between 1998 and 1999 gives an idea of the tendencies suffered in Portugal in relation to these crimes, although the numbers shown are probably just the "tip of the iceberg". In this regard a study which was recently done on this subject by a researcher and professor of the National Institute of Police and Criminal Sciences mentions for example that, according to the results of this research, only one fifth of all cases of rape is communicated to the authorities.

### **Crimes of sexual abuses of children and adolescents recorded by the police (1998-1999)**

	Total	Judiciary Police	Public Security Police	National Republican Guard
<b>1998</b>	353	78	140	135
<b>1999</b>	438	86	182	169

Source: Justice Statistics, Ministry of Justice, 1998 and 1999<sup>17</sup>.

It is also worth mentioning that a Portuguese NGO (IAC - the Child Support Institute) has a telephone hotline, *SOS-criança* (SOS-child), which has an anonymous and confidential nature and is aimed at supporting and orientating situations related to children and youngsters. In 1999 IAC received a total of 1 692 calls, 138 of which on cases of paedophilia, 81 on cases of sexual abuses of children and 23 on rapes of children. In 2000 it received 3 007 calls, 3 of which on cases of paedophilia, 69 on cases of sexual abuses of children and 14 on rapes of children.

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<sup>17</sup> <http://www.mj.gov.pt/images/articles/276/EJ99.pdf> and <http://www.gplp.mj.pt/estatisticas/EJ98/part4/aab11.pdf> .

**b) Involved in substance abuse, and the number of children who received treatment and rehabilitative assistance**

In accordance with the "National Strategy of Fight against Drugs", by the Council of Ministers' Presidency of 1999, the level of knowledge about the drugs phenomena in Portugal is still unsatisfactory and there is a lack of data, which would enable a complete characterisation of the Portuguese reality. In fact there is no global survey on the numbers of persons in general, and children in particular, involved in substance abuse in Portugal. However some partial studies or surveys on the issue were undertaken in Portugal and, although they do not provide for accurate data and exact numbers on the consumers of drugs among children in Portugal, they show some trends on this question and are therefore worth mentioning.

**a)** studies undertaken on the levels of consumption of drugs in Portugal refer to lower levels of consumption than in the majority of western countries. This is also the conclusion of the above-mentioned international study by ESPAD, which took place in 1995 and 1999 (*see above answer to question 3 of this questionnaire*).

**b)** The Gabinete de Planeamento e de Coordenação do Combate à Droga (*Office for Planning and Coordination of the Fight against Drugs*) undertook another study on the levels and habits of drugs consumption in Lisbon, among 7 711 pupils of the public education system. It also leads to the conclusion that a stabilisation or slight decrease in the levels of consumption of illicit drugs occurred between 1992 and 1998. In fact, whereas the levels of drug consumption (heroin, hashish, cocaine and ecstasy), in terms of prevalence throughout the whole life, were of 5,68% and 16,18% in the 3<sup>rd</sup> cycle and secondary education (day shift) in 1992, they fell to 5,02% and 15,52% respectively in 1998. The same way, the consumption of identical drugs over the past 12 months in 1992 was of 3,31% and 16,18% in the same levels of education, whereas in 1998 it decreased to 3,04% and 11,23%. Also the consumption over the past 30 days in 1992 was of 2,27% and 7,1% respectively in the 3<sup>rd</sup> cycle and secondary education (day shift), decreased very slightly in 1998 (2,11% and 7,03% respectively).

**c)** A more recent study (from October 2000), by a collaborator of the Coimbra Regional Centre of Alcoholology<sup>18</sup>, was conducted with the aim of evaluating the relationship between the problems youngsters have with alcohol and the type of alcoholic drinks they consume. The study in question covered 506 persons, 178 of whom were students at the secondary level and 328 at university level. 61% of them were girls, with an average age of 20,2 years. The boys had an average age of 20,7 years. The majority of the youngsters were older than 18 years (70,4%), 6,5% were younger than 16 and 23,1% had an age between 16 and 18 years of age. According to the study, approximately 20% of the youngsters had their first contact with alcohol before the age of 10, 61,5% between ages 10 and 16 and only 18,5% after the age of 16 years. According to the same survey, the initiation to alcoholic drinks occurs mainly with beer (46,7%), but also with wine (36,2%) and spirits (17,1%).

Youngsters normally drink with their family (65,3%) or friends (34,7%) – which shows the importance of the family environment for the initiation in the consumption of alcoholic drinks. They consume mainly beer (50,1%), but equally spirits (47,3%) and wine (46,3%). The places of consumption are preferably discos/nightclubs (80,1%), friends' homes (53,6), home (38,1%), restaurants (32,4%) or cafés (31,5%).

The main problems associated with consuming alcoholic drinks are hangovers (74,5%), missing school (37,3%), driving after drinking (28,8%), having blackouts (35%), problems with the

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<sup>18</sup> João BREDÁ, "Diferentes Tipos de bebidas alcóolicas e Problema de Álcool entre Jovens", 27-10-2000.

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family or with the boy or girlfriend (13,5%), having fights/arguments (10,5%) or having a bad school performance (3,8%).

From those youngsters enquired, 26% had never been drunk, 32% had been drunk between once and 5 times, 23% between 6 and 20 times and 19% had been drunk more than 20 times.

Finally, the study presents several consequences deriving from the consumption of alcohol among adolescents, as for example sexual behaviours of risk (which may lead to sexually transmitted diseases and/or to unwanted pregnancies), violence, school failure, suicide, besides the fact that the consumption of alcohol is considered as a pre-stage for the consumption of illicit drugs.

Besides the studies done on the issue of drug consumption by children in Portugal, there are other indicators which may contribute to making a better picture of the way the phenomena of drugs impacts on children and adolescents in Portugal, as for example the numbers of deaths related to the consumption of drugs, as well as the number of presumed offenders for offences related to drugs – consumption and trafficking. The following tables are intended to illustrate these issues:

### Deaths related to the consumption of drugs, according to the age groups and gender (1997-1999)

	1997	1998	1999
<b>&lt;= 14 years</b>	-	-	<b>1</b>
Male	-	-	-
Female	-	-	<b>1</b>
<b>15-19 years</b>	<b>4</b>	<b>8</b>	<b>5</b>
Male	<b>3</b>	<b>6</b>	<b>4</b>
Female	<b>1</b>	<b>2</b>	<b>1</b>

Source: Forensic Medicine Institutes



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**Presumed offenders, according to the situation in relation to drugs and  
age group (1999)**

	<b>Total</b>	<b>Trafficker</b>	<b>Consumer</b>	<b>Trafficker- consumer</b>
<b>&lt;= 15 years</b>	197	37	144	16
<b>16-20</b>	2 493	270	1 773	450

Source: Models A and B (Instruments of statistical notation of the Judiciary Police).

**Presumed offenders, according to age group**

	<b>1997</b>	<b>1998</b>	<b>1999</b>
<b>&lt;= 15 years</b>	102	134	197
<b>16-20</b>	1 621	2 094	2 493

Source: Models A and B (Instruments of statistical notation of the Judiciary Police).

Finally it is worth mentioning that on the 1st of July 2001 the consumption of any type of drugs ceased to be a crime in Portugal. In fact, after a strictly repressive strategy, the State policy on drugs changed dramatically in Portugal. The consumption of drugs is now considered a mere contravention, and the consumers are just subject to pecuniary sanctions, or other types of sanctions like the prohibition of driving or of attending certain places, which are rendered by the Commission for the Dissuasion of Drug-addiction. This Commission (which has 18 local offices throughout the country) is also in charge of identifying the drug consumers and conveying them to rehabilitation programmes.

This dramatic change in the Portuguese strategy to combat drugs had two major benchmarks: the adoption in 1999 of the "National Strategy of Fight against Drugs" and the 2001 "National Plan of Action to Fight Drugs and Drug-addiction – Horizon 2004". The "National Strategy of Fight against Drugs" defined the major orientation guidelines for the new model of intervention on the issue. Afterwards, in the European Council of Santa Maria da Feira, which was held in 19 and 20 June 2000 (during the Portuguese Presidency of the European Union), a EU Plan of Action of Fight against Drugs was adopted for the period 2000-2004. Portugal assumed the engagement of implementing that Plan, given the fact that it responded to the national preoccupations and objectives in this domain.

In the context of theses orientations – at the national and European levels - the Government decided to draft a Plan of Action to Fight Drugs and Drug-addiction, which is now considered as the major reference for the Government's policies in domains like primary prevention, prevention and reductions of risks, treatment, social reintegration, fight against the illicit traffic of drugs and money laundering, research and information, evaluation of policies and international cooperation.

Thus the "National Plan of Action to Fight Drugs and Drug-addiction – Horizon 2004" determines a yearly increase of 10% of the public investment in this domain, with the aim of reaching approximately a total expenditure of 140 million US dollars in 2004. In the field of primary prevention the Plan of Action determines a 150% increase in the funding aimed at primary prevention, the reduction of the numbers of new under 18 years-old consumers, the definition and implementation of plans for primary prevention in 100% of the country's municipalities, the duplication of the civil society's intervention capacity (through the increasing involvement of NGO's and juvenile associations), the promotion of prevention campaigns. Other goals consist in including the prevention of consumptions of licit and illicit substances in the

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educational projects of 1 300 schools (22% of the school population) until 2002 and, until 2004, in 100% of the schools. Between 2001 and 2004, the production and dissemination in all schools of material aimed at supporting the early detection of risk situations. In the area of social reintegration, the Plan of Action foresees the reinforcement of the Programme Life-Employment, as a central programme for the social reintegration of drug-addicts, in order to raise its capacity in 50%.

### c) Involved in child labour (formal and informal sector and domestic work)

Governmental bodies have been paying special attention to child labour with a view to creating conditions leading to its decrease, or even disappearance, in consonance with the principles and values of human dignity, especially of minors, that are the heritage of modern societies. Some aspects of the action being carried out in the area of labour are underlined as follows.

Portugal has adopted a large and advanced legislation in this field, coupled with a series of economic and social measures, going the way defined by ILO in the areas of employment, working conditions, education and career guidance and social security.

The legal rules concerning work by children are mainly included in the **Legal Regime for Individual Labour Contracts** - Chapter VIII – Articles 121 to 125 – approved by the Decree-Law No. 49408, of 24 November 1969, with the wording given to it by Decree-Law No. 396/91, of 16 October, Law No. 58/99, of 30 June, and Law No. 118/99, of 11 August.

In this field, the Portuguese Law follows and sometimes goes further than the standards laid down in ILO **Convention No. 138**.

The following aspects of the legal rules on labour and employment of minors are underlined:

- The minimum age for being admitted to work or on a job is **16** (provisionally, until 31 December 1996, the minimum age was 15, in order to accommodate the new period of time of mandatory schooling (9 years) for pupils enrolled as from 1987/88);
- Access to work is subject to the conclusion of mandatory schooling;
- Exceptionally, light work may be done by children aged between 14 and 16 who have concluded mandatory schooling.
- Light work is defined as simple and well defined tasks that require no more than elementary knowledge nor mental or physical efforts that might create a risk to the health, global development or physical integrity of the minor (cf. **Order No. 714/93**, of 3 August);
- The State has special duties/responsibilities in supporting vocational training of minors in and out of the educational system;
- The liability of the employer with respect both to vocational training and the prevention of health and educational risks, is defined; the employer must inform the General Supervision Office of Work, within eight days, of the admission as a worker of any minor under 16 years of age;
- Medical examinations are mandatory at the time of admission to work and periodical medical examinations are mandatory from there on;
- The following categories of work are barred to minors, or subject to conditions: work entailing the risk of exposure to chemical, physical, or biological elements; working conditions or working procedures that, because of their dangerousness or their hardship, may create a risk to the health or the physical, mental or moral integrity of the minor (cf. **Order No. 715/93**, of 3 August);
- Overtime work is forbidden;

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- Children enjoy special rights so as to stimulate their continuation of studies and their vocational training;
- The General Supervision Office of Work is informed both by employers (minors admitted to work) and schools (drop outs), thus increasing the efficiency of control;
- A new and more adequate system of sanctions was approved (the new Legal Regime of Regulatory offences in the field of labour – Law No. 116/99, of 4 August and Law No. 118/99, of 11 August) that considerably increases the level of pecuniary sanctions;
- Adding to the pecuniary sanctions, ancillary sanctions may be imposed, such as the disqualification to conclude certain contracts with the State during a period of one year, or the disqualification to exploit public services, or the disqualification to submit requests to benefit from Community funds (every year, the Official Journal publishes the list of those to whom ancillary sanctions were applied);
- Any employer, who does not put an end to any illegal situation in the field of work by minors, as soon as he is notified to that effect by the General Supervision Office of Work, is punishable for the crime of qualified disobedience.

### **The General Supervision Office of Work (Inspeção Geral do Trabalho - IGT)**

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#### **Results of IGT action**

- In 1997, 1.462 flash control visits were made in the area of child work, covering 26.424 workers; 167 minors up to 16 were in an irregular situation, in 134 enterprises, covering 2.024 workers.
- In 1998, 2.475 flash control visits were made in the area of child work, covering 40.520 workers; 191 minors up to 16 were in an irregular situation, in 155 enterprises, covering 2.451 workers.
- In 1999, 4.736 flash control visits were made in the area of child work, covering 48.682 workers; 235 minors up to 16 were in an irregular situation, in 189 enterprises, covering 2.887 workers.
- In the years 1998 and 1999, there was an important increase in the number of flash visits; 1.462 visits were made in 1997, against 2.475 in 1998 (+ 69.3%) and against 4.736 in 1999 (+91.4%). The number of minors found in an irregular situation also increased in 1998 by 24 (14.4%) and in 1999 by 42 (22%).
- Flash control visits are aimed at a set of enterprises previously classified as "risk" enterprises on the basis of information received by the IGT and the evaluation of data resulting from previous visits, such as the sector of activity, the number of workers, the organisation of the enterprise, the socio-economic situation, school absenteeism. Such visits are made only for the control of the rules on the work of minors, especially the minimum age. However in all visits, the situation of the minors is controlled.

The tables that follow contain indicators representing the action carried out by the work inspectors, which are thought to be instrumental in analysing the development of this phenomenon in our country. They should be interpreted bearing in mind the control strategy based on flash visits (introduced in 1997) and also the problem of an eventual tolerance towards underground and clandestine economy that can still be found in many sectors of society.

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**EVOLUTION OF THE INDICATORS (1997-1999)**

INDICATORS	1997	1998	1999 (*)
Number of specific visits	1.462	2.475	4.736
Number of workers (a)	26.424	40.520	48.682
Number of enterprises (b)	134	155	189
Number of workers (c)	2.024	2.451	2.887
Number of minors up to 16	167	191	233
Rc (Rate of occurrence) (h)	0,6	0,4	0,4
Total number of control visits (d)	53.706	41.328	32.665
Total number of enterprises (e)	43.589	33.449	25.559
Number of workers (f)	570.78	384.66	294.89
	8	6	9
Minors up to 18	5.082	2.984	2.466
Minors up to 16 (g)	167	191	233
Rc (Minors up to 18)	0,9	0,8	0,8
Rc (Minors up to 16)	3,3	6,4	9,4
Total number of reports	19.926	19.846	13.969
Total number of reports/minors	183	232	347
Rc (Rate of occurrence)	0,9	1,2	2,5

(\*) 1999 – provisional data

- (a) Number of workers in specific visits
- (b) Number of enterprises where minors up to 14 (15 from 1992, 16 from 1997) were detected in an irregular situation
- (c) Number of workers employed in such enterprises
- (d) Total number of control visits made in all the areas of competence of the IGT
- (e) Total number of enterprises
- (f) Total number of workers
- (g) Total number of minors up to 14 (15 from 1992, 16 from 1997)
- (h) Rate of occurrence (number of irregular situations/number of workers covered) x 100. Calculated on the basis of the total number of workers at specific visits
- (i) Includes 4 enterprises that were counted twice for reasons of recidivism
- (j) Includes 61 workers of the 4 recidivist enterprises, who were counted twice
- (l) Includes 1 minor detected twice in the same enterprise
- (m) Includes one enterprise detected twice in an irregular situation
- (n) Includes 11 workers of that enterprise, who were counted twice.

With respect to the age group, it can be noted that, out of the 191 children up to 16 who were detected in an irregular situation in 1998 - 95 males (49.7%) and 96 females (50.3%) – around 58% were 15, around 24% were 14, 14% were 13, 3% were 12, 1% were 11 and 1% were 10 years old.

In 1999, out of 233 children up to 16 who were detected in an irregular situation – 126 males (54,1%) and 107 (45,9%) females – more than 59% were 15, around 22% were 14, 15% were 13, 2,5% were 12 and 0,8% were 11, none were 10 years old.

The comparative tables for 1990/99 show the following breakdown:

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**Breakdown of the ages of detected children – 1997 - 1999**

	10		11		12		13		14		15		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
<b>1997</b>	0	0,00%	0	0,00%	8	4,79%	21	12,57%	42	25,15%	96	57,49%	167	100,00%
<b>1998</b>	2	1,05%	2	1,05%	5	2,62%	26	13,61%	45	23,56%	111	58,12%	191	100,00%
<b>1999</b>	0	0,00%	2	0,86%	6	2,58%	35	15,02%	51	21,89%	139	59,66%	233	100,00%

Between 1989 and 1999, 6 of the most significant sectors of economic activity involving child developed as follows:

**Number of children involved in child labour, according to the sector of economic activity**

Activity	1997	1998	1999
Clothing	57	48	53
Textile	8	11	10
Shoes	25	41	24
Building	28	32	38
Hotels	21	19	19
Wood/ Furniture	-	7	4
Other	28	33	85
<b>Total</b>	<b>167</b>	<b>191</b>	<b>233</b>

**d) Living on the street**

The *Institute for Child Support (IAC)* – a Portuguese NGO – initiated the Project “Street Work with Children at Risk or in Situations of Marginality” (presently called Street Project) in 1989, in view of giving an adequate answer to the very large number of children who found themselves abandoned or vagrant in the downtown of Lisbon.

The children and youngsters IAC started to work with could be characterized as follows:

- they belonged to a mainly male population, which was very heterogeneous in terms of age groups, although the ages 14 to 16 were predominant;

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- these children were mostly Portuguese, with an equal proportion of black and white children;
- the children's families had their origins in the Portuguese-speaking African countries and in many other areas of Portugal, including Azores and Madeira;
- these children's families lived mainly in the outskirts of Lisbon;

Many of these children engage in the worst forms of child labour, namely prostitution, traffic of psychotropic substances, and beggary, among others. They spend most of their time in the streets, in commercial areas and leisure places. They are mainly not delinquents, although some of them may have committed some thefts. Some of them are however delinquents, showing some aggressive behaviour and signs of violence. The majority still keeps family ties, going home at night.

### Statistical data on the projects by IAC for support to street children

	1998		1999		2000	
	Systematic support	Community framework	Systematic support	Community framework	Systematic support	Community framework
Escape Community	38	—	60*	-	21	-
Olivais do Pancas District	200	500	200	500	150	500
6 de Maio District	500	3000	700	3000	275	3000
Pátio 208	180	180	100	150	140	180
Condado District	178	550	200	600	150	500

Source: IAC, July 2001.

Besides this Project by IAC there are other ones aimed at combating this problem, namely the Cultural and Social Centre of Santo Adrião (Braga) and the Project Seeds of Change (Azores).

In Braga, the projects supports 83 children between 5 and 10 years of age (40 boys and 43 girls), 75 children between 11 and 14 years of age (42 boys and 33 girls) and 42 children between 15 and 18 years of age (36 boys and 6 girls). The great majority of the children followed by this project are Caucasian, although there are 12 black children and 29 Roma children. This year some 15 children from Rumanians immigrants were followed for the first time by the project.

The major type of problems faced by these children are negligence (30%), ill treatments (5%) and psychological ill-treatment (14%). According to those responsible for the Project, 4% of the children are at risk of abandoning school and this percentage is in risk of raising given the very high percentage of school absence of these children.

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In relation to the project in the Azores, we can share the following information:

Age Groups	First ages/Prevention	Pré-Delinquency	School drop-out	Total
0-2	1	-	-	1
3-5	7	-	-	7
6-10	-	16	-	16
11-15	-	27	3	30
16-18	-	2	11	13
Total	8	45	14	67

Source: IAC, July 2001.

**e) Seeking asylum and provided with refugee status, including non-accompanied minors**

**Number of unaccompanied children having asked for asylum in Portugal**

Year	Number of children
1997	17
1998	18
1999	18
2000	14

Source: Service of Aliens and Borders, January 2001.

**B. General Measures of Implementation**

**1. Please provide information on the compatibility of domestic legislation with the provisions and principles of the Convention on the Rights of the Child.**

Before ratification of the Convention by the Portuguese Government, a study was carried out, in which bodies responsible for solving the problems covered by the Convention participated, to determine the extent to which it was compatible with the country's internal legal order. The study concluded that there was no need to make any significant changes in the internal legal order in order to bring it into line with the provisions of the instrument in question.

However, and although the Portuguese legal system does not seem to present any inconsistency with the Convention on the Rights of the Child (CRC), the Portuguese Government is aware of the fact that existent legislation may be improved - indeed must be improved - in this area. In fact, where the protection and promotion of human rights are concerned, we cannot for a moment claim to have attained such a degree of perfection as to make any further efforts to provide a greater guarantee of the effectiveness of those rights unnecessary.

Thus, as from ratification of the CRC by Portugal many legal texts have been adopted that directly concern the rights of the child, taking into consideration the constitutional principles as much as the provisions of the CRC in view of reinforcing the principles laid down in the Convention on the Rights of the Child in the Portuguese legislation and of ensuring an appropriate follow-up to the preoccupations expressed by this Committee and other UN Treaty Monitoring Bodies in the area of the realisation of the rights of the child.

Several of the measures which have been adopted since the ratification of the CRC by Portugal are mentioned in Portugal's initial report, in its first periodic Report as well as in the answers to the present list of issues, in areas such as education, juvenile justice, child labour, military service, just to mention some of them.



**2. Please explain the State party's child rights priorities under a National Plan of Action or any other principal child rights policy or programme.**

A draft National Plan of Action was drawn up in the 1990's as a follow-up to the 1990 World Summit for Children. Following a recommendation by the Office of Documentation and Comparative Law of the Attorney General's Office a Working Group, composed by members of governmental departments (the Ministry of Justice, Foreign Affairs and Education) as well as of NGO's (Portuguese Committee for UNICEF and the Child Support Institute) was created with the objective of drafting a national report and preparing a National Plan of Action on the implementation of the World Declaration on the Survival, Protection and Development of Children. Given the little time available, the Working Group just drafted the NPA, in such a way as to include the national report (a methodology, which had been equally adopted by other signatories).

The National Plan of Action is composed of an Introduction (**Part I**), statistics that are pertinent when featuring the Portuguese society (**Part II**) and a number of examples illustrating some of the most outstanding measures (**Part III**).

Despite the progress achieved by 1992, the National Plan recognized that there is still much to be done to secure for the Portuguese children for the effective realization of their rights.

Finally **Part IV** of the Plan put forward some of the goals, which the civil society and the Portuguese State were determined to attain in the years ahead (until 2000) and **Part V** made recommendations in respect of their control and assessment.

The End-Decade Review Report submitted by Portugal to the UN Secretary General<sup>19</sup> on the follow-up to the World Summit for Children makes an analysis of the goals, which were attained in this context in the past 10 years.

Examples of policies and programmes adopted by the Government in the area of the realisation of the rights of the child can be found under Part III of these answers.

**3. Please provide updated information on the Convention's implementation in the Azores and in Madeira.**

According to the Portuguese Constitution, Portugal covers the territory historically defined in the European continent as well as the archipelagos of the Azores and Madeira (article 5). According to article 6 of the Constitution, "*The State is a **unitary State** that is structured and functions under the rule of the self-governing insular system and the principles of subsidiary, autonomy of local authorities and democratic decentralisation of the public service.*" Hence, the laws, policies and programmes adopted by the national Parliament and/or the central government are applicable to the whole territory, including the Azores and Madeira.

For this reason, all the measures, as well as the legislation in the area of the rights of the child mentioned in this text as well as in the first periodic report of Portugal are fully applicable to the Azores and Madeira.

However, in accordance with the Constitution, "*there shall be special political and administrative arrangements for the archipelagos of the Azores and Madeira that are based on their geographic, economic, social and cultural characteristics and on the historic aspirations of the peoples of those islands for autonomy*" (article 225 of the Constitution). In

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<sup>19</sup> This report and its statistical annex can be accessed to under: <http://www.gddc.pt/direitos-humanos/temas-dh/temas-dh.html#criancas>.

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line with article 227 of the Constitution the two autonomous regions have the power *"to legislate, in compliance with the fundamental principles of the general laws of the Republic, on such matters of specific interest to the regions as are not within the exclusive powers of the organs with supreme authority"* and *"when the power is delegated to them by the Assembly of the Republic, on such matters of specific interest to the regions are not within the exclusive powers of the organs with supreme authority"*. Thus, there are some measures in the area of the realisation of the rights of the child, which were adopted by the Autonomous Regions of Madeira and the Azores that could be mentioned, namely:

### 1. Azores

- Regional Legislative Decree nr. 10/99/A of 7 April 1999, reformulates the Regional Youth Consultative Council;
- Regional Legislative Decree nr. 16/99/A, of 29 April 1999 creates a regional system of public reading.
- Regional Legislative Decree nr. 18/2000/A, of 8 August 2000 establishes specific orientations aimed at the regional administration for the effective realisation of the objectives of information, training and implementation of family planning and sexual education;
- The Medium-Term Plan for 2001-2004 (adopted through the Regional Legislative Decree nr. 11-B/2001/A, of 16 July 2001), determines namely
  1. In the area of Science and Technology: the creation of science spaces for children in view of enabling them to have access to the experimental learning of sciences and technologies;
  2. In the area of Education: reinforcing the investment in pre-school education and in the 1<sup>st</sup> cycle of basic education, reinforcing the integration of pre-school education and basic education, through the creation of mechanisms which facilitate the accomplishment of compulsory education; promoting the integration in schools of children with special education needs;
  3. In the area of solidarity and social security: creation, increase and improvement of the solutions given to children and youngsters, specially in urban and sub-urban areas;
  4. In the areas of Childhood and Youth: continued implementation and improvement of the network of equipments for children and youngsters, namely nurseries, kindergartens and free-time workshops; keeping the on-going programme for the creation of a regional network of centres for the temporary shelter of children and youngsters at risk; increasing the technical and human training of the heads and workers in the facilities for child support;

### 2. Madeira

- Regional Legislative Decree nr. 28/98/M, of 29 September 1998 creates a programme to support families with housing needs.
- Regional Legislative Decree nr. 7/2001/M, of 16 February 2001, creates the Youth Institute of Madeira;

**4. In the context of paragraph 19 of the Committee's recommendations (CRC/C/15/add. 45) following the State party's initial report please clarify which mechanisms/institutions have primary responsibility for the co-ordination and monitoring of the Convention's implementation at national, regional and local levels. Please indicate whether there is any independent body monitoring the Convention's implementation. In addition, please provide details of the mandate, functions and budget of the National Commission on the Rights of the Child.**

**a)** Different entities are in charge of ensuring the implementation of the Convention on the Rights of the Child in Portugal within their respective sphere of competences.

In this regard it is worth mentioning that one of the priorities of the 14<sup>th</sup> Constitutional Government consists in the adoption of a new generation of social policies, among which one finds references to the importance of supporting the families, improving the quality of education, pursuing the reform of the protection of children and youngsters at risk in conformity with the Convention on the Rights of the Child, reinforcing the fight against drugs and drug-addiction, among others. The Programme of the 14<sup>th</sup> Constitutional Government equally makes reference to the importance of improving the level of participation of young people in the community and their intervention in the definition of policies concerning them, and also the promotion and protection of the rights of children and youngsters at risk. In this regard, the National Commission for the Protection of Children and Youngsters at Risk and the Commissions for the Protection of Children and Youngsters (which have a territorial competence in the district where they are located) have the duty to promote the rights of children and youngsters and to stop situations which may affect their security, health, education or development, in accordance with article 12, §1 of Law 147/99, of 1 September 1999.

Therefore, each Ministry and State Department whose activities have an impact on the rights of children has the obligation of taking the legal norms applicable, including the principles of the Convention on the Rights of the Child, into consideration in the implementation of their respective policies.

**b)** The *Ombudsman*, who is democratically elected by 2/3 of the members of Parliament, is independent in the exercise of his/her functions, has the power to control the activities of the Public Administration and to recommend certain behaviours to the public powers in order to combat illegalities or injustices, has the competences to monitor the application of all existing legislation, including the Convention on the Rights of the Child and its principles.

The Office of the Provedor de Justiça (*Ombudsman*), is an independent organ dedicated to the defence of the legitimate rights and interests of citizens, through informal methods which ensure the legality and justice of the administration. Through this work of protecting human rights, the intervention of the Ombudsman is naturally reflected in the application of the rights recognized by the international instruments, which are themselves reflected in the text of the Constitution.

According to the *Ombudsman's* statutes, citizens may submit to him/her, orally or in writing, complaints about actions or omissions of the public authorities. The *Ombudsman* investigates them and makes the recommendations to the competent bodies necessary to prevent or redress injustices<sup>20</sup>. In addition, the *Ombudsman* must:

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<sup>20</sup> It is worthwhile noting that the success rate of the Ombudsman's intervention found itself between 75 and 80% between 1995 and 2000.

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- (a) Recommend ways in which to correct the illegal or unjust acts or to improve the services of the administration;
- (b) Draw attention to any flaws in legislation and request an evaluation of the legality or unconstitutionality of any provision whatsoever;
- (c) Give opinions on all questions which are put to him by the Assembly of the Republic; and
- (d) Ensure the dissemination of information on the fundamental rights and freedoms, their content and value and on the objectives of his activities.

In this specific area, public information programmes frequently appear in the press, or are broadcast on radio and television.

In carrying out his/her duties, the *Ombudsman* may:

- (a) Make visits of inspection to any sector of the administration, examine documents, hear the organs and agents of the administration or request any information, which he/she considers necessary;
- (b) Conduct any inquiries, which he/she considers appropriate, using any procedure in order to discover the truth, within the limits of the legitimate rights and interests of the citizens in this area. One such instance was the inquiry into acts of torture committed by some police officers and prison officers, which attracted wide media and public attention, and led to the adoption of various measures by the public authorities; and
- (c) 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.

The *Ombudsman* may order the publication of communiqués or information bulletins on his/her findings, where necessary making use of the mass media. Furthermore, he/she submits an annual report on his/her activities to the Assembly of the Republic, which is published in the official journal of that organ. The report includes statistical data on the number and nature of the complaints lodged, the allegations of unconstitutionality submitted and any recommendations he has made.

An evidence of the fact that the *Ombudsman* devotes a special attention to children, to the defence of their rights and to listening to their voices, consists in the creation in 1992, of a direct telephone line "*Messages from children*", with the aim of receiving complaints related to children who find themselves in a situation of danger or risk.

The civil society, namely several NGO's have equally an important role in monitoring the realisation of the rights of the child and the implementation of the Convention on the Rights of the Child. Some of these NGO's have participated in drafting the First Periodic report of Portugal on the CRC and the answers to this List of Issues, like IAC (*Child Support Institute*), the Portuguese Committee for UNICEF and APSI (*Association for the Promotion of Childhood Security*) and equally CNASTI (*National Confederation for Action on Child Labour*), and APAV (*Portuguese Association for Victim's Support*).

c) The National Commission on the Rights of the Child, created on 13 December 1996 and which is mentioned in the First Periodic Report of Portugal (see § 24) had the task of gathering data and studies with the aim of evaluating the implementation of the Convention on the Rights of the Child. However, the priority actions of the Commission in 1997 and 1998 consisted in drafting the first periodic report on the application of the Convention on the Rights of the Child. It finished the process of drafting the first periodic report of Portugal by the end of 1998, and developed several activities for the dissemination of the Convention on the Rights of the Child, namely a TV spot, an exhibition "The Convention seen by a child", and a context "I'm Child; I have rights". The Commission also organised a dozen Training Sessions on the Convention throughout the country.

This Commission was a governmental body, integrated in the Office of the High Commissioner for the Promotion of Equality and the Family who, on its turn, depended from

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the Presidency of the Council of Ministers. The 14th Constitutional Government, which initiated its functions in November 1999, foresaw the appointment of a Minister for Equality also under the aegis of the Presidency of the Council of Ministers, which implied the extinction of the High Commissioner for the Promotion of Equality and the Family (and consequently of the National Commission on the Rights of the Child).

### **5. Please provide details on the working relationship between NGOs focusing on human rights issues and public authorities.**

The freedom of association is expressly guaranteed under article 46 of the Portuguese Constitution - in general terms, there is no specific mechanism for setting up a non-governmental organisation aimed at promoting and protecting human rights. The steps to be followed are the same as for any private association and are pursuant to Articles 157 to 194 of the Portuguese Civil Code.

The establishment of these organisations is not subject to any prior administrative control and the Law only requires that the objects pursued are clearly defined, collective, lawful and permanent. All persons, either Portuguese or foreign, natural or legal, whether coming under private or public law, as long as they have full capacity, may form an association. This idea is reinforced by the provisions of Article 1 of Decree-Law 584/74, of 7 November, which rules the right of association.

The constitution is operated by means of a public deed, which, under the Portuguese legal framework, is a notarially recorded instrument. It must state *the property and services with which each member contributes to the association's property and the association's object, domicile as a legal person, operational mechanisms and, if it is not set up for an unlimited period of time, duration.*

All associations must register with the National Register of Legal Persons, although registration is not a prerequisite for legal personality. The association's statutes shall be published in the official gazette. The National Register of Legal Persons shall verify whether undertakings and names comply with the principles of exclusiveness, veracity and unity.

The dissolution of NGOs (like any other association) may be voluntary, by operation of law (e.g. on expiry of a time limit) or ordered by the court (eg. where the objects are unattainable or have been attained or the association is declared insolvent). Therefore, dissolution is never ordered by an administrative authority nor can it be based upon political grounds.

Furthermore, Article 13 (1) of the Decree-Law 594/74, of 7 November prescribes that *Portuguese NGOs shall be free to join international associations or organisations, providing that these do not pursue aims that are contrary [to the Law].*

#### *Public Utility Legal Persons*

Associations can request the granting of the statute of PUBLIC UTILITY LEGAL PERSONS, pursuant to the provisions of Decree-Law 460/77, of 7 November.

Such Decree-Law prescribes that the competence to declare an association or foundation as of public utility lies with the Government, providing that these entities: [...] *pursue aims of general interest, or of the national community or of any region or community, co-operating with the central or local administrations, in such terms that justify, on the part of such administration, the declaration of "public utility"* (Article 1 (1) of Decree-Law 460/77).

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For the status of public utility to be recognised, two requisites must be fulfilled (Article 2 (1)):

- a) entities must not restrain their associates or beneficiaries to foreigners, or through any criteria contrary to Article 13 (2) of the Portuguese Constitution;
- b) they must be aware of their public utility, promote and develop it, co-operating with the Administration in the fulfilment of its tasks.

Once such status has been recognised, public utility legal persons shall be entitled to the following tax exemptions:

- stamp tax;
- corporate income tax;
- property tax and tax on inheritance and donations;
- council tax;
- customs tax on goods indispensable for the prosecution of their aims, which are not produced within the country;
- car tax on ambulances.

They further enjoy the following benefits :

- subjection to the tariff applicable to the domestic consumption of electricity;
- integration into a special category on what concerns to water consumption;
- group tariff, or similar, in the public transports owned by the State;
- exemption from the taxes foreseen in the legislation on public entertainment;
- free publication in the official gazette of amendments to the statutes.

### *Private Institutions of Social Solidarity*

Association, including NGOs, can be considered PRIVATE INSTITUTIONS OF SOCIAL SOLIDARITY, in case they pursue the following aims, through the provision of goods or the rendering of services:

- supporting children and young persons;
- supporting the family;
- supporting social and community integration;
- protecting citizens in old age and disability;
- protecting and promoting health;
- providing citizens with education and professional training;
- solving housing problems.

The legal status of private institutions of social solidarity is presently governed by Decree-Law 117/83, of 25 February. These entities shall receive support and funding from the State, namely through co-operation agreements celebrated with welfare institutions. They can also be put in charge of the management of State or municipal services and equipment.

These institutions shall be supervised by the competent Ministry within their area of activity, but such supervision cannot impose restrictions on their freedom of action. The competent ministries shall organise their registration.

Pursuant to Article 8 of Decree-Law 117/83, registered institutions shall automatically acquire the status of public utility legal persons. Therefore, they shall be entitled to all the benefits thereupon, plus the following exemptions from:

- capital yields tax;
- capital gains tax;
- industrial tax;
- agricultural tax;
- regulatory tax;
- vehicle tax;

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- circulation tax.
- VAT - they are entitled to a refunding of the amounts paid.

### *European Convention on the recognition of the legal status of International Non-Governmental organisations*

On 1991, Portugal has ratified the European Convention on the recognition of the legal status of International non-governmental organisations, which establishes that: *the legal personality and capacity, as acquired by an NGO in the Party in which it has its statutory office, shall be recognised as of right in the other Parties* (Article 2 (1)).

This Convention applies to associations, foundations and other private institutions (referred to as NGOs) which satisfy the following conditions (Article 1 (a) - (d)):

- have a non-profit-making aim of international utility;
- have been established by an instrument governed by the internal law of a Party;
- carry on their activities with effect in at least two States; and
- have their statutory office in the territory of a Party and the central management and control in the territory of that Party or of another Party.

### *NGOs of Co-operation for Development*

Law 19/94, of 24 May has established the legal framework regarding the legal status of NON-GOVERNMENTAL ORGANISATIONS OF CO-OPERATION FOR DEVELOPMENT (NGODs). Such organisations are non-profit legal persons of private law with the following purposes: *co-operation and intercultural dialogue, as well as direct and effective support to programs and projects in developing countries, namely through:*

- a) Actions for development;*
- b) Humanitarian assistance;*
- c) Protection and promotion of human rights;*
- d) Provision of emergency aid;*
- e) Undertaking of dissemination, information and awareness-raising activities, with the view to developing co-operation and strengthening the intercultural dialogue with developing countries.*

These organisations pursue those objectives within the civic, economic, social, cultural and environmental spheres and their areas of activity are, namely, the following:

- teaching, education and culture;
- employment and professional training;
- health;
- environmental protection and preservation;
- determination and recovery of the historic and cultural heritage;
- social and community integration;
- support to the creation and development of programmes and projects.

Their activities can be developed both in Portuguese as in foreign territory.

ONGDs are autonomous, which means that they choose freely their areas of activity and pursue their aims in an independent manner and are free to establish their internal organisation, within the limits imposed by law and by their statutes. The Law guarantees State support, prescribing that: *the State accepts, supports and enhances the contribution of ONGDs while executing the national co-operation policies set up for developing countries.* State support to ONGDs is made effective through the provision of technical and financial aid to programmes, projects and activities of co-operation for development, and of awareness-raising of the public opinion with the view to co-operating and strengthening the intercultural

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dialogue with developing countries. However, law assures that State support cannot impose restrictions on the autonomy of such organisations.

These organisations shall be registered with the Co-operation Institute of the Foreign Affairs Ministry, and they automatically acquire the nature of public utility legal persons.

These NGOs also have the right to participate in the definition of the national and international co-operation policies, through the representation in the advisory bodies with competence in the area. The association of NGOs is also permitted, with the following aims:

- to organise services of common interest and intervention to the associated organisations, rationalising their means of action;
- to represent the common interests of the associated organisations; to promote the development of the organisations' action and to support collaboration with them while pursuing their aims;
- to monitor the associated organisations' activity in relation to any public or private entity.

### *NGOs for the Environment*

Law 35/98, of 18 July also establishes a specific legal framework regarding the NON-GOVERNMENTAL ORGANISATIONS FOR THE ENVIRONMENT. These organisations, which shall exclusively pursue the defence and promotion of the environment and of the natural and built heritage, as well as the preservation of nature, shall be recognised as public utility legal persons, five years after the registration. Such registration shall be made with the Institute for Environmental Promotion. The recognition of the status of public utility shall accord these entities the above mentioned tax exemptions and benefits.

### *Right to assemble and demonstrate*

Furthermore, the right to assemble (and demonstrate) is expressly guaranteed under Article 45 of the Portuguese Constitution, which states: *(1) Citizens have the right to assemble peacefully and unarmed, even in public places, without prior authorisation.* This excludes any possibility of restricting the freedom to meet and assemble on the part of human rights defenders.

### *Public Financing of NGO's*

Although NGOs cannot seek profit, it is clear that they are free to receive funding and other resources, in order to be able to carry out their activities. This is one of the basic requirements of Article 46 (2), when stating that: *Associations may pursue their objectives freely and without interference from any public authority, and they may not be dissolved by the State, nor their activities suspended, unless by judicial decision in the circumstances prescribed by law.* Clearly, the restriction upon the receiving of funding would be an abusive interference on NGO's activity.

Entities which promote projects of Young Volunteers for Solidarity shall receive the technical and financial support considered to be necessary for their development (Article 11 of Decree-Law 168/93, of 11 May and Article 17 of the Governmental Order 685/93, of 22 July), apart from the technical support in the development of training activities. Volunteers shall also be granted a scholarship aimed at compensating the disbursements inherent to the performance of their tasks (Article 10(1) of Decree-Law 168/93).



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Participants in projects of Young Volunteers for Co-operation shall also be granted a scholarship, to be paid by the Portuguese Youth Institute (Article 12 (2) of Decree-Law 205/93, of 14 June).

## **Part II**

**Please provide the Committee with copies of the text of the Convention on the Rights of the Child in all official languages of the State party as well as in other languages or dialects, when available. If possible, please submit these texts in electronic form.**

### **1. Text of the Convention on the Rights of the Child in Portuguese**

#### **Convenção sobre os Direitos da Criança**

*(Assinada por Portugal a 26 de Janeiro de 1990 e aprovada para ratificação pela Resolução da Assembleia da República n.º 20/90, de 12 de Setembro. Ratificada pelo Decreto do Presidente da República n.º 49/90, da mesma data. Ambos os documentos se encontram publicados no Diário da República, I Série A, n.º 211/90. O instrumento de ratificação foi depositado junto do Secretário-Geral das Nações Unidas a 21 de Setembro de 1990)*

#### **A Assembleia Geral**

*Lembrando* as suas resoluções anteriores, em especial as resoluções 33/166 de 20 de Dezembro de 1978 e 43/112 de 8 de Dezembro de 1988, e as resoluções da Comissão dos Direitos do Homem e do Conselho Económico e Social relativas à questão da elaboração de uma convenção sobre os direitos da criança,

*Tomando nota*, em particular, da resolução 1989/57 de 8 de Março de 1989 da Comissão dos Direitos do Homem pela qual a Comissão decidiu transmitir o projecto da Convenção sobre os Direitos da Criança, através do Conselho Económico e Social, à Assembleia Geral, bem como a resolução 1989/79 de 24 de Maio de 1989 do Conselho Económico e Social.

*Reafirmando* que os Direitos da Criança exigem uma especial protecção e melhorias contínuas na situação das crianças em todo o mundo, bem como o seu desenvolvimento e a sua evolução em condições de paz e segurança.

*Profundamente preocupada* pelo facto de a situação das crianças permanecer crítica em muitas partes do mundo, como resultado de condições sociais inadequadas, calamidades naturais, conflitos armados, exploração, analfabetismo, fome e deficiências, e convicta de que é necessária uma acção nacional e internacional urgente e efectiva,

*Consciente* do importante papel do Fundo das Nações Unidas para as crianças e do papel das Nações Unidas na promoção do bem estar das crianças e do seu desenvolvimento,

*Convicta* de que uma convenção internacional sobre os direitos da criança, como uma realização das Nações Unidas no domínio dos direitos do homem, traria uma contribuição positiva à protecção dos direitos das crianças e à garantia do seu bem estar,

*Consciente* de que 1989 é o ano do trigésimo aniversário da Declaração sobre os Direitos da Criança e o décimo aniversário do Ano Internacional da Criança,

1. *Exprime o seu apreço* pela conclusão da elaboração do texto da Convenção sobre os Direitos da Criança pela Comissão dos Direitos do Homem
2. *Adopta* e abre à assinatura, ratificação e adesão a Convenção sobre os Direitos da criança contida no anexo à presente Resolução,

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3. *Convida* os Estados membros a considerarem a possibilidade de assinatura e ratificação ou adesão à Convenção como prioridade e exprime o desejo de que ela entre em vigor no mais breve trecho,
4. *Solicita* ao Secretário Geral que forneça os meios e o auxílio necessários à difusão de informações sobre a Convenção,
5. *Convida* os serviços e organismos das Nações Unidas, bem como organizações intergovernamentais e não governamentais, a intensificarem os seus esforços com vista à difusão de informações sobre a Convenção e à promoção da sua compreensão,
6. *Solicita* ao Secretário-Geral que apresente um relatório sobre a situação da Convenção sobre os Direitos da Criança, à Assembleia Geral na sua quadragésima quinta sessão.
7. *Decide* considerar o relatório do Secretário-Geral na sua quadragésima quinta sessão sob o tema "Aplicação da Convenção sobre os Direitos da Criança"

61.<sup>a</sup> Reunião Plenária 20 de Novembro de 1989

### ANEXO

#### Convenção sobre os Direitos da Criança \*

##### Preâmbulo

*Os Estados Partes na presente Convenção:*

*Considerando* que, em conformidade com os princípios proclamados pela Carta das Nações Unidas, o reconhecimento da dignidade inerente a todos os membros da família humana e dos seus direitos iguais e inalienáveis constitui o fundamento da liberdade, da justiça e da paz no mundo;

*Tendo presente* que, na Carta, os povos das Nações Unidas proclamaram, de novo, a sua fé nos direitos fundamentais do homem, na dignidade e no valor da pessoa humana e que resolveram favorecer o progresso social e instaurar melhores condições de vida numa liberdade mais ampla;

*Reconhecendo* que as Nações Unidas, na Declaração Universal dos Direitos do Homem e nos pactos internacionais relativos aos direitos do homem, proclamaram e acordaram em que toda a pessoa humana pode invocar os direitos e liberdades aqui enunciados, sem distinção alguma, nomeadamente de raça, cor, sexo, língua, religião, opinião política ou outra, de origem nacional ou social, de fortuna, nascimento ou de qualquer outra situação;

*Recordando* que, na Declaração Universal dos Direitos do Homem, a Organização das Nações Unidas proclamou que a infância tem direito a uma ajuda e assistência especiais;

*Convictos* de que a família, elemento natural e fundamental da sociedade e meio natural para o crescimento e bem-estar de todos os seus membros, e em particular das crianças, deve receber a protecção e a assistência necessárias para desempenhar plenamente o seu papel na comunidade;

*Reconhecendo* que a criança, para o desenvolvimento harmonioso da sua personalidade, deve crescer num ambiente familiar, em clima de felicidade, amor e compreensão;

*Considerando* que importa preparar plenamente a criança para viver uma vida individual na sociedade e ser educada no espírito dos ideais proclamados na Carta das Nações Unidas e, em particular, num espírito de paz, dignidade, tolerância, liberdade e solidariedade;

*Tendo presente* que a necessidade de garantir uma protecção especial à criança foi enunciada pela Declaração de Genebra de 1924 sobre os Direitos da Criança e pela Declaração dos Direitos da Criança adoptada pelas Nações Unidas em 1959, e foi reconhecida pela Declaração Universal dos Direitos do Homem, pelo Pacto Internacional sobre os Direitos Cívicos e Políticos (nomeadamente nos artigos 23.º e 24.º) 4, pelo Pacto Internacional sobre os Direitos Económicos, Sociais e Culturais (nomeadamente o artigo 10.º) e pelos estatutos e instrumentos pertinentes das agências especializadas e organizações internacionais que se dedicam ao bem-estar da criança;

*Tendo presente* que, como indicado na Declaração dos Direitos da Criança, adoptada em 20 de Novembro de 1959 pela Assembleia Geral das Nações Unidas, «a criança, por motivo da sua falta

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de maturidade física e intelectual, tem necessidade de uma protecção e cuidados especiais, nomeadamente de protecção jurídica adequada, tanto antes como depois do nascimento» ;

*Recordando* as disposições da Declaração sobre os Princípios Sociais e Jurídicos Aplicáveis à Protecção e Bem-Estar das Crianças, com Especial Referência à Adopção e Colocação Familiar nos Planos Nacional e Internacional (Resolução n.º 41/85 da Assembleia Geral, de 3 de Dezembro de 1986), o Conjunto de Regras Mínimas das Nações Unidas relativas à Administração da Justiça para Menores («Regras de Beijing») (Resolução n.º 40/33 da Assembleia Geral, de 29 de Novembro de 1985) e a Declaração sobre Protecção de Mulheres e Crianças em Situação de Emergência ou de Conflito Armado (Resolução n.º 3318 (XXIX) da Assembleia Geral, de 14 de Dezembro de 1974);

*Reconhecendo* que em todos os países do mundo há crianças que vivem em condições particularmente difíceis e que importa assegurar uma atenção especial a essas crianças;

*Tendo devidamente em conta* a importância das tradições e valores culturais de cada povo para a protecção e o desenvolvimento harmonioso da criança;

*Reconhecendo* a importância da cooperação internacional para a melhoria das condições de vida das crianças em todos os países, em particular nos países em desenvolvimento;

*Acordam no seguinte:*

### **PARTE I** **Artigo 1.º**

Nos termos da presente Convenção, criança é todo o ser humano menor de 18 anos, salvo se, nos termos da lei que lhe for aplicável, atingir a maioridade mais cedo.

### **Artigo 2.º**

1. Os Estados Partes comprometem-se a respeitar e a garantir os direitos previstos na presente Convenção a todas as crianças que se encontrem sujeitas à sua jurisdição, sem discriminação alguma, independentemente de qualquer consideração de raça, cor, sexo, língua, religião, opinião política ou outra da criança, de seus pais ou representantes legais, ou da sua origem nacional, étnica ou social, fortuna, incapacidade, nascimento ou de qualquer outra situação.
2. Os Estados Partes tomam todas as medidas adequadas para que a criança seja efectivamente protegida contra todas as formas de discriminação ou de sanção decorrentes da situação jurídica, de actividades, opiniões expressas ou convicções de seus pais, representantes legais ou outros membros da sua família.

### **Artigo 3.º**

1. Todas as decisões relativas a crianças, adoptadas por instituições públicas ou privadas de protecção social, por tribunais, autoridades administrativas ou órgãos legislativos, terão primacialmente em conta o interesse superior da criança.
2. Os Estados Partes comprometem-se a garantir à criança a protecção e os cuidados necessários ao seu bem-estar, tendo em conta os direitos e deveres dos pais, representantes legais ou outras pessoas que a tenham legalmente a seu cargo e, para este efeito, tomam todas as medidas legislativas e administrativas adequadas.
3. Os Estados Partes garantem que o funcionamento de instituições, serviços e estabelecimentos que têm crianças a seu cargo e asseguram que a sua protecção seja conforme às normas fixadas pelas autoridades competentes, nomeadamente nos domínios da segurança e saúde, relativamente ao número e qualificação do seu pessoal, bem como quanto à existência de uma adequada fiscalização.

### **Artigo 4.º**

Os Estados Partes comprometem-se a tomar todas as medidas legislativas, administrativas e outras necessárias à realização dos direitos reconhecidos pela presente Convenção. No caso de direitos económicos, sociais e culturais, tomam essas medidas no limite máximo dos seus recursos disponíveis e, se necessário, no quadro da cooperação internacional.

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### **Artigo 5.º**

Os Estados Partes respeitam as responsabilidades, direitos e deveres dos pais e, sendo caso disso, dos membros da família alargada ou da comunidade nos termos dos costumes locais, dos representantes legais ou de outras pessoas que tenham a criança legalmente a seu cargo, de assegurar à criança, de forma compatível com o desenvolvimento das suas capacidades, a orientação e os conselhos adequados ao exercício dos direitos que lhe são reconhecidos pela presente Convenção.

### **Artigo 6.º**

1. Os Estados Partes reconhecem à criança o direito inerente à vida.
2. Os Estados Partes asseguram na máxima medida possível a sobrevivência e o desenvolvimento da criança.

### **Artigo 7.º**

1. A criança é registada imediatamente após o nascimento e tem desde o nascimento o direito a um nome, o direito a adquirir uma nacionalidade e, sempre que possível, o direito de conhecer os seus pais e de ser educada por eles.
2. Os Estados Partes garantem a realização destes direitos de harmonia com a legislação nacional e as obrigações decorrentes dos instrumentos jurídicos internacionais relevantes neste domínio, nomeadamente nos casos em que, de outro modo, a criança ficasse apátrida.

### **Artigo 8.º**

1. Os Estados Partes comprometem-se a respeitar o direito da criança e a preservar a sua identidade, incluindo a nacionalidade, o nome e relações familiares, nos termos da lei, sem ingerência ilegal.
2. No caso de uma criança ser ilegalmente privada de todos os elementos constitutivos da sua identidade ou de alguns deles, os Estados Partes devem assegurar-lhe assistência e protecção adequadas, de forma que a sua identidade seja restabelecida o mais rapidamente possível.

### **Artigo 9.º**

1. Os Estados Partes garantem que a criança não é separada de seus pais contra a vontade destes, salvo se as autoridades competentes decidirem, sem prejuízo de revisão judicial e de harmonia com a legislação e o processo aplicáveis, que essa separação é necessária no interesse superior da criança. Tal decisão pode mostrar-se necessária no caso de, por exemplo, os pais maltratarem ou negligenciarem a criança ou no caso de os pais viverem separados e uma decisão sobre o lugar da residência da criança tiver de ser tomada.
2. Em todos os casos previstos no n.º 1 todas as partes interessadas devem ter a possibilidade de participar nas deliberações e de dar a conhecer os seus pontos de vista.
3. Os Estados Partes respeitam o direito da criança separada de um ou de ambos os seus pais de manter regularmente relações pessoais e contactos directos com ambos, salvo se tal se mostrar contrário ao interesse superior da criança.
4. Quando a separação resultar de medidas tomadas por um Estado Parte, tais como a detenção, prisão, exílio, expulsão ou morte (incluindo a morte ocorrida no decurso de detenção, independentemente da sua causa) de ambos os pais ou de um deles, ou da criança, o Estado Parte, se tal lhe for solicitado, dará aos pais, à criança ou, sendo esse o caso, a um outro membro da família informações essenciais sobre o local onde se encontram o membro ou membros da família, a menos que a divulgação de tais informações se mostre prejudicial ao bem-estar da criança. Os Estados Partes comprometem-se, além disso, a que a apresentação de um pedido de tal natureza não determine em si mesmo consequências adversas para a pessoa ou pessoas interessadas.

### **Artigo 10.º**

1. Nos termos da obrigação decorrente para os Estados Partes ao abrigo do n.º 1 do artigo 9.º, todos os pedidos formulados por uma criança ou por seus pais para entrar num Estado Parte ou

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para o deixar, com o fim de reunificação familiar, são considerados pelos Estados Partes de forma positiva, com humanidade e diligência. Os Estados Partes garantem, além disso, que a apresentação de um tal pedido não determinará consequências adversas para os seus autores ou para os membros das suas famílias.

2. Uma criança cujos pais residem em diferentes Estados Partes tem o direito de manter, salvo circunstâncias excepcionais, relações pessoais e contactos directos regulares com ambos. Para esse efeito, e nos termos da obrigação que decorre para os Estados Partes ao abrigo do n.º 2 do artigo 9.º, os Estados Partes respeitam o direito da criança e de seus pais de deixar qualquer país, incluindo o seu, e de regressar ao seu próprio país. O direito de deixar um país só pode ser objecto de restrições que, sendo previstas na lei, constituam disposições necessárias para proteger a segurança nacional, a ordem pública, a saúde ou moral públicas, ou os direitos e liberdades de outrem, e se mostrem compatíveis com os outros direitos reconhecidos na presente Convenção.

### **Artigo 11.º**

1. Os Estados Partes tomam as medidas adequadas para combater a deslocação e a retenção ilícitas de crianças no estrangeiro.

2. Para esse efeito, os Estados Partes promovem a conclusão de acordos bilaterais ou multilaterais ou a adesão a acordos existentes.

### **Artigo 12.º**

1. Os Estados Partes garantem à criança com capacidade de discernimento o direito de exprimir livremente a sua opinião sobre as questões que lhe respeitem, sendo devidamente tomadas em consideração as opiniões da criança, de acordo com a sua idade e maturidade.

2. Para este fim, é assegurada à criança a oportunidade de ser ouvida nos processos judiciais e administrativos que lhe respeitem, seja directamente, seja através de representante ou de organismo adequado, segundo as modalidades previstas pelas regras de processo da legislação nacional.

### **Artigo 13.º**

1. A criança tem direito à liberdade de expressão. Este direito compreende a liberdade de procurar, receber e expandir informações e ideias de toda a espécie, sem considerações de fronteiras, sob forma oral, escrita, impressa ou artística ou por qualquer outro meio à escolha da criança.

2. O exercício deste direito só pode ser objecto de restrições previstas na lei e que sejam necessárias:

a) Ao respeito dos direitos e da reputação de outrem;

b) À salvaguarda da segurança nacional, da ordem pública, da saúde ou da moral públicas.

### **Artigo 14.º**

1. Os Estados Partes respeitam o direito da criança à liberdade de pensamento, de consciência e de religião.

2. Os Estados Partes respeitam os direitos e deveres dos pais e, sendo caso disso, dos representantes legais, de orientar a criança no exercício deste direito, de forma compatível com o desenvolvimento das suas capacidades.

3. A liberdade de manifestar a sua religião ou as suas convicções só pode ser objecto de restrições previstas na lei e que se mostrem necessárias à protecção da segurança, da ordem e da saúde públicas, ou da moral e das liberdades e direitos fundamentais de outrem.

### **Artigo 15.º**

1. Os Estados Partes reconhecem os direitos da criança à liberdade de associação e à liberdade de reunião pacífica.

2. O exercício destes direitos só pode ser objecto de restrições previstas na lei e que sejam necessárias, numa sociedade democrática, no interesse da segurança nacional ou da segurança

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pública, da ordem pública, para proteger a saúde ou a moral públicas ou os direitos e liberdades de outrem.

### **Artigo 16.º**

1. Nenhuma criança pode ser sujeita a intromissões arbitrárias ou ilegais na sua vida privada, na sua família, no seu domicílio ou correspondência, nem a ofensas ilegais à sua honra e reputação.
2. A criança tem direito à protecção da lei contra tais intromissões ou ofensas.

### **Artigo 17.º**

Os Estados Partes reconhecem a importância da função exercida pelos órgãos de comunicação social e asseguram o acesso da criança à informação e a documentos provenientes de fontes nacionais e internacionais diversas, nomeadamente aqueles que visem promover o seu bem-estar social, espiritual e moral, assim como a sua saúde física e mental. Para esse efeito, os Estados Partes devem:

- a) Encorajar os órgãos de comunicação social a difundir informação e documentos que revistam utilidade social e cultural para a criança e se enquadrem no espírito do artigo 29.º;
- b) Encorajar a cooperação internacional tendente a produzir, trocar e difundir informação e documentos dessa natureza, provenientes de diferentes fontes culturais, nacionais e internacionais;
- c) Encorajar a produção e a difusão de livros para crianças;
- d) Encorajar os órgãos de comunicação social a ter particularmente em conta as necessidades linguísticas das crianças indígenas ou que pertençam a um grupo minoritário;
- e) Favorecer a elaboração de princípios orientadores adequados à protecção da criança contra a informação e documentos prejudiciais ao seu bem-estar, nos termos do disposto nos artigos 13.º e 18.º

### **Artigo 18.º**

1. Os Estados Partes diligenciam de forma a assegurar o reconhecimento do princípio segundo o qual ambos os pais têm uma responsabilidade comum na educação e no desenvolvimento da criança. A responsabilidade de educar a criança e de assegurar o seu desenvolvimento cabe primordialmente aos pais e, sendo caso disso, aos representantes legais. O interesse superior da criança deve constituir a sua preocupação fundamental.
2. Para garantir e promover os direitos enunciados na presente Convenção, os Estados Partes asseguram uma assistência adequada aos pais e representantes legais da criança no exercício da responsabilidade que lhes cabe de educar a criança e garantem o estabelecimento de instituições, instalações e serviços de assistência à infância.
3. Os Estados Partes tomam todas as medidas adequadas para garantir às crianças cujos pais trabalham o direito de beneficiar de serviços e instalações de assistência às crianças para os quais reúnam as condições requeridas.

### **Artigo 19.º**

1. Os Estados Partes tomam todas as medidas legislativas, administrativas, sociais e educativas adequadas à protecção da criança contra todas as formas de violência física ou mental, dano ou sevícia, abandono ou tratamento negligente; maus tratos ou exploração, incluindo a violência sexual, enquanto se encontrar sob a guarda de seus pais ou de um deles, dos representantes legais ou de qualquer outra pessoa a cuja guarda haja sido confiada.
2. Tais medidas de protecção devem incluir, consoante o caso, processos eficazes para o estabelecimento de programas sociais destinados a assegurar o apoio necessário à criança e àqueles a cuja guarda está confiada, bem como outras formas de prevenção, e para identificação, elaboração de relatório, transmissão, investigação, tratamento e acompanhamento dos casos de maus tratos infligidos à criança, acima descritos, compreendendo igualmente, se necessário, processos de intervenção judicial.

### **Artigo 20.º**

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1. A criança temporária ou definitivamente privada do seu ambiente familiar ou que, no seu interesse superior, não possa ser deixada em tal ambiente tem direito à protecção e assistência especiais do Estado.
2. Os Estados Partes asseguram a tais crianças uma protecção alternativa, nos termos da sua legislação nacional.
3. A protecção alternativa pode incluir, entre outras, a forma de colocação familiar, a *kafala* do direito islâmico, a adopção ou, no caso de tal se mostrar necessário, a colocação em estabelecimentos adequados de assistência às crianças. Ao considerar tais soluções, importa atender devidamente à necessidade de assegurar continuidade à educação da criança, bem como à sua origem étnica, religiosa, cultural e linguística.

### **Artigo 21.º**

Os Estados Partes que reconhecem e ou permitem a adopção asseguram que o interesse superior da criança será a consideração primordial neste domínio e:

- a) Garantem que a adopção de uma criança é autorizada unicamente pelas autoridades competentes, que, nos termos da lei e do processo aplicáveis e baseando-se em todas as informações credíveis relativas ao caso concreto, verificam que a adopção pode ter lugar face à situação da criança relativamente a seus pais, parentes e representantes legais e que, se necessário, as pessoas interessadas deram em consciência o seu consentimento à adopção, após se terem socorrido de todos os pareceres julgados necessários;
- b) Reconhecem que a adopção internacional pode ser considerada como uma forma alternativa de protecção da criança se esta não puder ser objecto de uma medida de colocação numa família de acolhimento ou adoptiva, ou se não puder ser convenientemente educada no seu país de origem;
- c) Garantem à criança sujeito de adopção internacional o gozo das garantias e normas equivalentes às aplicáveis em caso de adopção nacional;
- d) Tomam todas as medidas adequadas para garantir que, em caso de adopção internacional, a colocação da criança se não traduza num benefício material indevido para os que nela estejam envolvidos;
- e) Promovem os objectivos deste artigo pela conclusão de acordos ou tratados bilaterais ou multilaterais, consoante o caso, e neste domínio procuram assegurar que as colocações de crianças no estrangeiro sejam efectuadas por autoridades ou organismos competentes.

### **Artigo 22.º**

1. Os Estados Partes tomam as medidas necessárias para que a criança que requeira o estatuto de refugiado ou que seja considerada refugiado, de harmonia com as normas e processos de direito internacional ou nacional aplicáveis, quer se encontre só, quer acompanhada de seus pais ou de qualquer outra pessoa, beneficie de adequada protecção e assistência humanitária, de forma a permitir o gozo dos direitos reconhecidos pela presente Convenção e outros instrumentos internacionais relativos aos direitos do homem ou de carácter humanitário, de que os referidos Estados sejam Partes.



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2. Para esse efeito, os Estados Partes cooperam, nos termos considerados adequados, nos esforços desenvolvidos pela Organização das Nações Unidas e por outras organizações intergovernamentais ou não governamentais competentes que colaborem com a Organização das Nações Unidas na protecção e assistência de crianças que se encontrem em tal situação, e na procura dos pais ou de outros membros da família da criança refugiada, de forma a obter as informações necessárias à reunificação familiar. No caso de não terem sido encontrados os pais ou outros membros da família, a criança deve beneficiar, à luz dos princípios enunciados na presente Convenção, da protecção assegurada a toda a criança que, por qualquer motivo, se encontre privada temporária ou definitivamente do seu ambiente familiar.

### **Artigo 23.º**

1. Os Estados Partes reconhecem à criança mental e fisicamente deficiente o direito a uma vida plena e decente em condições que garantam a sua dignidade, favoreçam a sua autonomia e facilitem a sua participação activa na vida da comunidade.

2. Os Estados Partes reconhecem à criança deficiente o direito de beneficiar de cuidados especiais e encorajam e asseguram, na medida dos recursos disponíveis, a prestação à criança que reúna as condições requeridas e àqueles que a tenham a seu cargo de uma assistência correspondente ao pedido formulado e adaptada ao estado da criança e à situação dos pais ou daqueles que a tiverem a seu cargo.

3. Atendendo às necessidades particulares da criança deficiente, a assistência fornecida nos termos do n.º 2 será gratuita sempre que tal seja possível, atendendo aos recursos financeiros dos pais ou daqueles que tiverem a criança a seu cargo, e é concebida de maneira a que a criança deficiente tenha efectivo acesso à educação, à formação, aos cuidados de saúde, à reabilitação, à preparação para o emprego e a actividades recreativas, e beneficie desses serviços de forma a assegurar uma integração social tão completa quanto possível e o desenvolvimento pessoal, incluindo nos domínios cultural e espiritual.

4. Num espírito de cooperação internacional, os Estados Partes promovem a troca de informações pertinentes no domínio dos cuidados preventivos de saúde e do tratamento médico, psicológico e funcional das crianças deficientes, incluindo a difusão de informações respeitantes aos métodos de reabilitação e aos serviços de formação profissional, bem como o acesso a esses dados, com vista a permitir que os Estados Partes melhorem as suas capacidades e qualificações e alarguem a sua experiência nesses domínios. A este respeito atender-se-á de forma particular às necessidades dos países em desenvolvimento.

### **Artigo 24.º**

1. Os Estados Partes reconhecem à criança o direito a gozar do melhor estado de saúde possível e a beneficiar de serviços médicos e de reeducação. Os Estados Partes velam pela garantia de que nenhuma criança seja privada do direito de acesso a tais serviços de saúde.

2. Os Estados Partes prosseguem a realização integral deste direito e, nomeada-mente, tomam medidas adequadas para:

a) Fazer baixar a mortalidade entre as crianças de tenra idade e a mortalidade infantil;

b) Assegurar a assistência médica e os cuidados de saúde necessários a todas as crianças, enfatizando o desenvolvimento dos cuidados de saúde primários;

c) Combater a doença e a má nutrição, no quadro dos cuidados de saúde primários, graças nomeadamente à utilização de técnicas facilmente disponíveis e

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ao fornecimento de alimentos nutritivos e de água potável, tendo em consideração os perigos e riscos da poluição do ambiente;

d) Assegurar às mães os cuidados de saúde, antes e depois do nascimento;

e) Assegurar que todos os grupos da população, nomeadamente os pais e as crianças, sejam informados, tenham acesso e sejam apoiados na utilização de conhecimentos básicos sobre a saúde e a nutrição da criança, as vantagens do aleitamento materno, a higiene e a salubridade do ambiente, bem como a prevenção de acidentes;

f) Desenvolver os cuidados preventivos de saúde, os conselhos aos pais e a educação sobre planeamento familiar e os serviços respectivos.

3. Os Estados Partes tomam todas as medidas eficazes e adequadas com vista a abolir as práticas tradicionais prejudiciais à saúde das crianças.

4. Os Estados Partes comprometem-se a promover e a encorajar a cooperação internacional, de forma a garantir progressivamente a plena realização do direito reconhecido no presente artigo. A este respeito atender-se-á de forma particular às necessidades dos países em desenvolvimento.

### **Artigo 25.º**

Os Estados Partes reconhecem à criança que foi objecto de uma medida de colocação num estabelecimento pelas autoridades competentes, para fins de assistência, protecção ou tratamento físico ou mental, o direito à revisão periódica do tratamento a que foi submetida e de quaisquer outras circunstâncias ligadas à sua colocação.

### **Artigo 26.º**

1. Os Estados Partes reconhecem à criança o direito de beneficiar da segurança social e tomam todas as medidas necessárias para assegurar a plena realização deste direito, nos termos da sua legislação nacional.

2. As prestações, se a elas houver lugar, devem ser atribuídas tendo em conta os recursos e a situação da criança e das pessoas responsáveis pela sua manutenção, assim como qualquer outra consideração relativa ao pedido de prestação feito pela criança ou em seu nome.

### **Artigo 27.º**

1. Os Estados Partes reconhecem à criança o direito a um nível de vida suficiente, de forma a permitir o seu desenvolvimento físico, mental, espiritual, moral e social.

2. Cabe primacialmente aos pais e às pessoas que têm a criança a seu cargo a responsabilidade de assegurar, dentro das suas possibilidades e disponibilidades económicas, as condições de vida necessárias ao desenvolvimento da criança.

3. Os Estados Partes, tendo em conta as condições nacionais e na medida dos seus meios, tomam as medidas adequadas para ajudar os pais e outras pessoas que tenham a criança a seu cargo a realizar este direito e asseguram, em caso de necessidade, auxílio material e programas de apoio, nomeadamente no que respeita à alimentação, vestuário e alojamento.

4. Os Estados Partes tomam todas as medidas adequadas tendentes a assegurar a cobrança da pensão alimentar devida à criança, de seus pais ou de outras pessoas que tenham a criança economicamente a seu cargo, tanto no seu território quanto no estrangeiro. Nomeadamente, quando a pessoa que tem a criança economicamente a seu cargo vive num Estado diferente do da criança, os Estados Partes devem promover a adesão a acordos internacionais ou a conclusão de tais acordos, assim como a adopção de quaisquer outras medidas julgadas adequadas.

### **Artigo 28.º**

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1. Os Estados Partes reconhecem o direito da criança à educação e tendo, nomeadamente, em vista assegurar progressivamente o exercício desse direito na base da igualdade de oportunidades:

- a) Tornam o ensino primário obrigatório e gratuito para todos;
- b) Encorajam a organização de diferentes sistemas de ensino secundário, geral e profissional, tornam estes públicos e acessíveis a todas as crianças e tomam medidas adequadas, tais como a introdução da gratuidade do ensino e a oferta de auxílio financeiro em caso de necessidade;
- c) Tornam o ensino superior acessível a todos, em função das capacidades de cada um, por todos os meios adequados;
- d) Tornam a informação e a orientação escolar e profissional públicas e acessíveis a todas as crianças;
- e) Tomam medidas para encorajar a frequência escolar regular e a redução das taxas de abandono escolar.

2. Os Estados Partes tomam as medidas adequadas para velar por que a disciplina escolar seja assegurada de forma compatível com a dignidade humana da criança e nos termos da presente Convenção.

3. Os Estados Partes promovem e encorajam a cooperação internacional no domínio da educação, nomeadamente de forma a contribuir para a eliminação da ignorância e do analfabetismo no mundo e a facilitar o acesso aos conhecimentos científicos e técnicos e aos modernos métodos de ensino. A este respeito atender-se-á de forma particular às necessidades dos países em desenvolvimento.

### **Artigo 29.º**

1. Os Estados Partes acordam em que a educação da criança deve destinar-se a :

- a) Promover o desenvolvimento da personalidade da criança, dos seus dons e aptidões mentais e físicos na medida das suas potencialidades;
- b) Inculcar na criança o respeito pelos direitos do homem e liberdades fundamentais e pelos princípios consagrados na Carta das Nações Unidas;
- c) Inculcar na criança o respeito pelos pais, pela sua identidade cultural, língua e valores, pelos valores nacionais do país em que vive, do país de origem e pelas civilizações diferentes da sua;
- d) Preparar a criança para assumir as responsabilidades da vida numa sociedade livre, num espírito de compreensão, paz, tolerância, igualdade entre os sexos e de amizade entre todos os povos, grupos étnicos, nacionais e religiosos e com pessoas de origem indígena;
- e) Promover o respeito da criança pelo meio ambiente.

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2. Nenhuma disposição deste artigo ou do artigo 28.º pode ser interpretada de forma a ofender a liberdade dos indivíduos ou das pessoas colectivas de criar e dirigir estabelecimentos de ensino, desde que sejam respeitados os princípios enunciados no n.º 1 do presente artigo e que a educação ministrada nesses estabelecimentos seja conforme às regras mínimas prescritas pelo Estado.

### **Artigo 30.º**

Nos Estados em que existam minorias étnicas, religiosas ou linguísticas ou pessoas de origem indígena, nenhuma criança indígena ou que pertença a uma dessas minorias poderá ser privada do direito de, conjuntamente com membros do seu grupo, ter a sua própria vida cultural, professar e praticar a sua própria religião ou utilizar a sua própria língua.

### **Artigo 31.º**

1. Os Estados Partes reconhecem à criança o direito ao repouso e aos tempos livres, o direito de participar em jogos e actividades recreativas próprias da sua idade e de participar livremente na vida cultural e artística.

2. Os Estados Partes respeitam e promovem o direito da criança de participar plenamente na vida cultural e artística e encorajam a organização, em seu benefício, de formas adequadas de tempos livres e de actividades recreativas, artísticas e culturais, em condições de igualdade.

### **Artigo 32.º**

1. Os Estados Partes reconhecem à criança o direito de ser protegida contra a exploração económica ou a sujeição a trabalhos perigosos ou capazes de comprometer a sua educação, prejudicar a sua saúde ou o seu desenvolvimento físico, mental, espiritual, moral ou social.

2. Os Estados Partes tomam medidas legislativas, administrativas, sociais e educativas para assegurar a aplicação deste artigo. Para esse efeito, e tendo em conta as disposições relevantes de outros instrumentos jurídicos internacionais, os Estados Partes devem, nomeadamente:

- a) Fixar uma idade mínima ou idades mínimas para a admissão a um emprego;
- b) Adoptar regulamentos próprios relativos à duração e às condições de trabalho;
- e
- c) Prever penas ou outras sanções adequadas para assegurar uma efectiva aplicação deste artigo.

### **Artigo 33.º**

Os Estados Partes adoptam todas as medidas adequadas, incluindo medidas legislativas, administrativas, sociais e educativas para proteger as crianças contra o consumo ilícito de estupefacientes e de substâncias psicotrópicas, tais como definidos nas convenções internacionais aplicáveis, e para prevenir a utilização de crianças na produção e no tráfico ilícitos de tais substâncias.

### **Artigo 34.º**

Os Estados Partes comprometem-se a proteger a criança contra todas as formas de exploração e de violência sexuais. Para esse efeito, os Estados Partes devem, nomeadamente, tomar todas as medidas adequadas, nos planos nacional, bilateral e multilateral para impedir:

- a) Que a criança seja incitada ou coagida a dedicar-se a uma actividade sexual ilícita;
- b) Que a criança seja explorada para fins de prostituição ou de outras práticas sexuais ilícitas;

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c) Que a criança seja explorada na produção de espectáculos ou de material de natureza pornográfica.

### **Artigo 35.º**

Os Estados Partes tomam todas as medidas adequadas, nos planos nacional, bilateral e multilateral, para impedir o rapto, a venda ou o tráfico de crianças, independentemente do seu fim ou forma.

### **Artigo 36.º**

Os Estados Partes protegem a criança contra todas as formas de exploração prejudiciais a qualquer aspecto do seu bem-estar.

### **Artigo 37.º**

Os Estados Partes garantem que:

a) Nenhuma criança será submetida à tortura ou a penas ou tratamentos cruéis, desumanos ou degradantes. A pena de morte e a prisão perpétua sem possibilidade de libertação não serão impostas por infracções cometidas por pessoas com menos de 18 anos;

b) Nenhuma criança será privada de liberdade de forma ilegal ou arbitrária: a captura, detenção ou prisão de uma criança devem ser conformes à lei, serão utilizadas unicamente como medida de último recurso e terão a duração mais breve possível;

c) A criança privada de liberdade deve ser tratada com a humanidade e o respeito devidos à dignidade da pessoa humana e de forma consentânea com as necessidades das pessoas da sua idade. Nomeadamente, a criança privada de liberdade deve ser separada dos adultos, a menos que, no superior interesse da criança, tal não pareça aconselhável, e tem o direito de manter contacto com a sua família através de correspondência e visitas, salvo em circunstâncias excepcionais;

d) A criança privada de liberdade tem o direito de aceder rapidamente à assistência jurídica ou a outra assistência adequada e o direito de impugnar a legalidade da sua privação de liberdade perante um tribunal ou outra autoridade competente, independente e imparcial, bem como o direito a uma rápida decisão sobre tal matéria.

### **Artigo 38.º**

1. Os Estados Partes comprometem-se a respeitar e a fazer respeitar as normas de direito humanitário internacional que lhes sejam aplicáveis em caso de conflito armado e que se mostrem relevantes para a criança.

2. Os Estados Partes devem tomar todas as medidas possíveis na prática para garantir que nenhuma criança com menos de 15 anos participe directamente nas hostilidades.

3. Os Estados Partes devem abster-se de incorporar nas forças armadas as pessoas que não tenham a idade de 15 anos. No caso de incorporação de pessoas de idade superior a 15 anos e inferior a 18 anos, os Estados Partes devem incorporar prioritariamente os mais velhos.

4. Nos termos das obrigações contraídas à luz do direito internacional humanitário para a protecção da população civil em caso de conflito armado, os Estados Partes na presente

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Convenção devem tomar todas as medidas possíveis na prática para assegurar protecção e assistência às crianças afectadas por um conflito armado.

### **Artigo 39.º**

Os Estados Partes tomam todas as medidas adequadas para promover a recuperação física e psicológica e a reinserção social da criança vítima de qualquer forma de negligência, exploração ou sevícias, de tortura ou qualquer outra pena ou tratamento cruéis, desumanos ou degradantes ou de conflito armado. Essas recuperação e reinserção devem ter lugar num ambiente que favoreça a saúde, o respeito por si próprio e a dignidade da criança.

### **Artigo 40.º**

1. Os Estados Partes reconhecem à criança suspeita, acusada ou que se reconheceu ter infringido a lei penal o direito a um tratamento capaz de favorecer o seu sentido de dignidade e valor, reforçar o seu respeito pelos direitos do homem e as liberdades fundamentais de terceiros e que tenha em conta a sua idade e a necessidade de facilitar a sua reintegração social e o assumir de um papel construtivo no seio da sociedade.

2. Para esse feito, e atendendo às disposições pertinentes dos instrumentos jurídicos internacionais, os Estados Partes garantem, nomeadamente, que:

a) Nenhuma criança seja suspeita, acusada ou reconhecida como tendo infringido a lei penal por acções ou omissões que, no momento da sua prática, não eram proibidas pelo direito nacional ou internacional;

b) A criança suspeita ou acusada de ter infringido a lei penal tenha, no mínimo, direito às garantias seguintes:

i) Presumir-se inocente até que a sua culpabilidade tenha sido legalmente estabelecida;

ii) A ser informada pronta e directamente das acusações formuladas contra si ou, se necessário, através de seus pais ou representantes legais, e beneficiar de assistência jurídica ou de outra assistência adequada para a preparação e apresentação da sua defesa;

iii) A sua causa ser examinada sem demora por uma autoridade competente, independente e imparcial ou por um tribunal, de forma equitativa nos termos da lei, na presença do seu defensor ou de outrem assegurando assistência adequada e, a menos que tal se mostre contrário ao interesse superior da criança, nomeadamente atendendo à sua idade ou situação, na presença de seus pais ou representantes legais;

iv) A não ser obrigada a testemunhar ou a confessar-se culpada; a interrogar ou fazer interrogar as testemunhas de acusação e a obter a comparência e o interrogatório das testemunhas de defesa em condições de igualdade;

v) No caso de se considerar que infringiu a lei penal, a recorrer dessa decisão e das medidas impostas em sequência desta para uma autoridade superior, competente, independente e imparcial, ou uma autoridade judicial, nos termos da lei;

vi) A fazer-se assistir gratuitamente por um intérprete, se não compreender ou falar a língua utilizada;

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*vi)* A ver plenamente respeitada a sua vida privada em todos os momentos do processo.

3. Os Estados Partes procuram promover o estabelecimento de leis, processos, autoridades e instituições especificamente adequadas a crianças suspeitas, acusadas ou reconhecidas como tendo infringido a lei penal, e, nomeadamente:

- a) O estabelecimento de uma idade mínima abaixo da qual se presume que as crianças não têm capacidade para infringir a lei penal;
- b) Quando tal se mostre possível e desejável, a adopção de medidas relativas a essas crianças sem recurso ao processo judicial, assegurando-se o pleno respeito dos direitos do homem e das garantias previstas pela lei.

4. Um conjunto de disposições relativas, nomeadamente, à assistência, orientação e controlo, conselhos, regime de prova, colocação familiar, programas de educação geral e profissional, bem como outras soluções alternativas às institucionais, serão previstas de forma a assegurar às crianças um tratamento adequado ao seu bem-estar e proporcionado à sua situação e à infracção.

### **Artigo 41.º**

Nenhuma disposição da presente Convenção afecta as disposições mais favoráveis à realização dos direitos da criança que possam figurar:

- a) Na legislação de um Estado Parte;
- b) No direito internacional em vigor para esse Estado.

## **PARTE II**

### **Artigo 42.º**

Os Estados Partes comprometem-se a tornar amplamente conhecidos, por meios activos e adequados, os princípios e as disposições da presente Convenção, tanto pelos adultos como pelas crianças.

### **Artigo 43.º**

1. Com o fim de examinar os progressos realizados pelos Estados Partes no cumprimento das obrigações que lhes cabem nos termos da presente Convenção, é instituído um Comité dos Direitos da Criança, que desempenha as funções seguidamente definidas.

2. O Comité é composto de 10 peritos de alta autoridade moral e de reconhecida competência no domínio abrangido pela presente Convenção. Os membros do Comité são eleitos pelos Estados Partes de entre os seus nacionais e exercem as suas funções a título pessoal, tendo em consideração a necessidade de assegurar uma repartição geográfica equitativa e atendendo aos principais sistemas jurídicos.

3. Os membros do Comité são eleitos por escrutínio secreto de entre uma lista de candidatos designados pelos Estados Partes. Cada Estado Parte pode designar um perito de entre os seus nacionais.

4. A primeira eleição tem lugar nos seis meses seguintes à data da entrada em vigor da presente Convenção e, depois disso, todos os dois anos. Pelo menos quatro meses antes da data de cada eleição, o Secretário-Geral da Organização das Nações Unidas convida, por escrito, os Estados Partes a proporem os seus candidatos num prazo de dois meses. O Secretário-Geral elabora, em seguida, a lista alfabética dos candidatos assim apresentados, indicando por que Estado foram designados, e comunica-a aos Estados Partes na presente Convenção.

5. As eleições realizam-se aquando das reuniões dos Estados Partes convocadas pelo Secretário-Geral para a sede da Organização das Nações Unidas. Nestas reuniões, em que o quórum é constituído por dois terços dos Estados Partes, são eleitos para o Comité os candidatos que obtiverem o maior número de votos e a maioria absoluta dos votos dos representantes dos Estados Partes presentes e votantes.

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6. Os membros do Comité são eleitos por um período de quatro anos. São reelegíveis no caso de recandidatura. O mandato de cinco dos membros eleitos na primeira eleição termina ao fim de dois anos. O presidente da reunião tira à sorte, imediatamente após a primeira eleição, os nomes destes cinco elementos.
7. Em caso de morte ou de demissão de um membro do Comité ou se, por qualquer outra razão, um membro declarar que não pode continuar a exercer funções no seio do Comité, o Estado Parte que havia proposto a sua candidatura designa um outro perito, de entre os seus nacionais, para preencher a vaga até ao termo do mandato, sujeito a aprovação do Comité.
8. O Comité adopta o seu regulamento interno.
9. O Comité elege o seu secretariado por um período de dois anos.
10. As reuniões do Comité têm habitualmente lugar na sede da Organização das Nações Unidas ou em qualquer outro lugar julgado conveniente e determinado pelo Comité. O Comité reúne em regra anualmente. A duração das sessões do Comité é determinada, e se necessário revista, por uma reunião dos Estados Partes na presente Convenção, sujeita à aprovação da Assembleia Geral.
11. O Secretário-Geral da Organização das Nações Unidas põe à disposição do Comité o pessoal e as instalações necessárias para o desempenho eficaz das funções que lhe são confiadas ao abrigo da presente Convenção.
12. Os membros do Comité instituído pela presente Convenção recebem, com a aprovação da Assembleia Geral, emolumentos provenientes dos recursos financeiros das Nações Unidas, segundo as condições e modalidades fixadas pela Assembleia Geral.

### **Artigo 44.º**

1. Os Estados Partes comprometem-se a apresentar ao Comité, através do Secretário-Geral da Organização das Nações Unidas, relatórios sobre as medidas que hajam adoptado para dar aplicação aos direitos reconhecidos pela Convenção e sobre os progressos realizados no gozo desses direitos:
  - a) Nos dois anos subsequentes à data da entrada em vigor da presente Convenção para os Estados Partes;
  - b) Em seguida, de cinco em cinco anos.
2. Os relatórios apresentados em aplicação do presente artigo devem indicar os factores e as dificuldades, se a elas houver lugar, que impeçam o cumprimento, pelos Estados Partes, das obrigações decorrentes da presente Convenção. Devem igualmente conter informações suficientes para dar ao Comité uma ideia precisa da aplicação da Convenção no referido país.
3. Os Estados Partes que tenham apresentado ao Comité um relatório inicial completo não necessitam de repetir, nos relatórios subsequentes, submetidos nos termos do n.º 1, alínea b), as informações de base anteriormente comunicadas.
4. O Comité pode solicitar aos Estados Partes informações complementares relevantes para a aplicação da Convenção.
5. O Comité submete de dois em dois anos à Assembleia Geral, através do Conselho Económico e Social, um relatório das suas actividades.
6. Os Estados Partes asseguram aos seus relatórios uma larga difusão nos seus próprios países.

### **Artigo 45.º**

De forma a promover a aplicação efectiva da Convenção e a encorajar a cooperação internacional no domínio coberto pela Convenção:

- a) As agências especializadas, a UNICEF e outros órgãos das Nações Unidas podem fazer-se representar quando for apreciada a aplicação de disposições da presente Convenção que se inscrevam no seu mandato. O Comité pode convidar as agências especializadas, a UNICEF e outros organismos competentes considerados relevantes a fornecer o seu parecer técnico sobre a aplicação da convenção no âmbito dos seus respectivos mandatos. O Comité pode convidar as



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agências especializadas, a UNICEF e outros órgãos das Nações Unidas a apresentar relatórios sobre a aplicação da Convenção nas áreas relativas aos seus domínios de actividade;

b) O Comité transmite, se o julgar necessário, às agências especializadas, à UNICEF e a outros organismos competentes os relatórios dos Estados Partes que contenham pedidos ou indiquem necessidades de conselho ou de assistência técnicos, acompanhados de eventuais observações e sugestões do Comité relativos àqueles pedidos ou indicações;

c) O Comité pode recomendar à Assembleia Geral que solicite ao Secretário-Geral a realização, para o Comité, de estudos sobre questões específicas relativas aos direitos da criança;

d) O Comité pode fazer sugestões e recomendações de ordem geral com base nas informações recebidas em aplicação dos artigos 44.º e 45.º da presente Convenção. Essas sugestões e recomendações de ordem geral são transmitidas aos Estados interessados e levadas ao conhecimento da Assembleia Geral, acompanhadas, se necessário, dos comentários dos Estados Partes.

### **PARTE III**

#### **Artigo 46.º**

A presente Convenção está aberta à assinatura de todos os Estados.

#### **Artigo 47.º**

A presente Convenção está sujeita a ratificação. Os instrumentos de ratificação serão depositados junto do Secretário-Geral da Organização das Nações Unidas.

#### **Artigo 48.º**

A presente Convenção está aberta a adesão de todos os Estados. A adesão far-se-á pelo depósito de um instrumento de adesão junto do Secretário-Geral da Organização das Nações Unidas.

#### **Artigo 49.º**

1. A presente Convenção entrará em vigor no 30.º dia após a data do depósito junto do Secretário-Geral da Organização das Nações Unidas do 20.º instrumento de ratificação ou de adesão.

2. Para cada um dos Estados que ratificarem a presente Convenção ou a ela aderirem após o depósito do 20.º instrumento de ratificação ou de adesão, a Convenção entrará em vigor no 30.º dia após a data do depósito, por parte desse Estado, do seu instrumento de ratificação ou de adesão.

#### **Artigo 50.º**

1. Qualquer Estado Parte pode propor uma emenda e depositar o seu texto junto do Secretário-Geral da Organização das Nações Unidas. O Secretário-Geral transmite, em seguida, a proposta de emenda aos Estados Partes na presente Convenção, solicitando que lhe seja comunicado se são favoráveis à convocação de uma conferência de Estados Partes para apreciação e votação da proposta. Se, nos quatro meses subsequentes a essa comunicação, pelo menos um terço dos Estados Partes se declarar a favor da realização da referida conferência, o Secretário-Geral convocá-la-á sob os auspícios da Organização das Nações Unidas. As emendas adoptadas pela maioria dos Estados Partes presentes e votantes na conferência são submetidas à Assembleia Geral das Nações Unidas para aprovação.

2. As emendas adoptadas nos termos do disposto no n.º 1 do presente artigo entram em vigor quando aprovadas pela Assembleia Geral das Nações Unidas e aceites por uma maioria de dois terços dos Estados Partes.

3. Quando uma emenda entrar em vigor, terá força vinculativa para os Estados que a hajam aceite, ficando os outros Estados Partes ligados pelas disposições da presente Convenção e por todas as emendas anteriores que tenham aceite.

#### **Artigo 51.º**

1. O Secretário-Geral da Organização das Nações Unidas recebe e comunica a todos os Estados o texto das reservas que forem feitas pelos Estados no momento da ratificação ou da adesão.

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2. Não é autorizada nenhuma reserva incompatível com o objecto e com o fim da presente Convenção.

3. As reservas podem ser retiradas em qualquer momento por via de notificação dirigida ao Secretário-Geral da Organização das Nações Unidas, o qual informará todos os Estados Partes na Convenção. A notificação produz efeitos na data da sua recepção pelo Secretário-Geral.

### **Artigo 52.º**

Um Estado Parte pode denunciar a presente Convenção por notificação escrita dirigida ao Secretário-Geral da Organização das Nações Unidas. A denúncia produz efeitos um ano após a data de recepção da notificação pelo Secretário-Geral.

### **Artigo 53.º**

O Secretário-Geral da Organização das Nações Unidas é designado como depositário da presente Convenção.

### **Artigo 54.º**

A presente Convenção, cujos textos em inglês, árabe, chinês, espanhol, francês e russo fazem igualmente fé, será depositada junto do Secretário-Geral da Organização das Nações Unidas.

Em fé do que os plenipotenciários abaixo assinados, devidamente habilitados pelos seus governos respectivos, assinaram a Convenção.

## **2. Text of the Convention on the Rights of the Child in *Braille***

Pursuant an initiative by the Office for Documentation and Comparative Law of the Attorney General's Office, within the National Commission for the Commemorations of the 50<sup>th</sup> anniversary of the Universal Declaration of Human Rights and UN Decade for Human Rights Education, the Portuguese text of the Convention on the Rights of the Child was reproduced and edited in *Braille*. The copies of the text were then distributed freely to all members of Portugal's Blinds and Amblyopics Association, which represent almost the totality of the Portuguese population affected by this handicap.

## **3. Dissemination of the text of the Convention on the Rights of the Child**

- a) The Portuguese version of the text of the Convention on the Rights of the Child is available, since 1996, at the Homepage of the Office for Documentation and Comparative Law under: <http://www.gddc.pt/direitos-humanos/textos-internacionais-dh/tidhuniversais/dc-conv-sobre-dc.html>;
- b) The same website contains the texts of the initial report of Portugal on the implementation of the Convention on the Rights of the Child, the summary records of the discussion held before the Committee on the Rights of the Child on the initial report, as well as the Concluding Observations by the Committee on that same report under: <http://www.gddc.pt/direitos-humanos/portugal-dh/portugal-relatorios.html#f>
- c) The website of the Office for Documentation and Comparative Law equally contains a special section on the "Rights of the Child", with the text of the Portuguese End-Decade Review report on the Follow-up to the Declaration and Plan of Action of the World Summit for Children, as well as several texts on the Convention on the Rights of the Child, its main provisions and principles, the functioning of the Committee on the Rights of the Child, among others under: <http://www.gddc.pt/direitos-humanos/temas-dh/temas-dh.html#criancas>.
- d) The Institute for Social Development (Ministry of Work and Solidarity) also edited and distributed widely (approximately 40 000 copies) and freely the text of the Convention on the Rights of the Child in a simplified version targeted at children. It also produced a poster (approximately 20 000

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- copies) with the same simplified version of the Convention, which was widely distributed to children.
- e) The *Guide to the Convention on the Rights of the Child*, (3 000 copies) published by the Child Support Institute in 1999 contains not only the text of the Convention, but equally an analysis of the Portuguese legislation in light of each of the provisions of the CRC.
  - f) Edition, by CIVITAS (Association for the Defence and Promotion of Citizen's Rights, a Portuguese NGO), of a booklet with the indication of the Portuguese legislation related to the Convention on the Rights of the Child;

### **Part III**

**Under this section, States parties are invited, whenever appropriate, to briefly (3 pages maximum) up-date the information provided in their report with regard to:**

- **new bills or enacted legislation** (including, in particular, those instruments referred to in the State party report)

#### **a) Ratification and signature of international human rights instruments related to the realisation of the rights of the child**

- a) Ratification of ILO Convention no. 138 on the Minimum Age for Employment, through the Decree of the President of the Republic no. 11/98, of 19 March 1998;
- b) Ratification of the amendment to article 43 §2 of the Convention on the Rights of the Child, through the Decree of the President of the Republic no. 12/98, of 19 March 1998;
- c) Ratification of the Additional Protocol to the European Social Charter Providing for System of Collective Complaints, on 20 March 1998;
- d) Signature of the Rome Statute of the International Criminal Court, on 7 October 1998;
- e) Ratification of ILO Convention no. 182 against the Worst Forms of Child Labour, through the Decree of the President of the Republic no. 47/2000, of 1 June 2000;
- f) Signature of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts, on 6 September 2000 in New York by the Prime Minister;
- g) Signature of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, on 6 September 2000 in New York by the Prime Minister;
- h) Ratification of the Protocol amending the Convention for the Suppression of the Traffic in Women and Children and the Convention for the Suppression of the Traffic in Women of Full Age, through the Decree of the President of the Republic no. 6/2001, of 27 January 2001;

**b) Extension of the application of international human rights instruments related to the realisation of the rights of the child to the Territory of Macao (most relevant cases)**

- a) Extension to the Territory of Macao of the Convention on the Rights of the Child, through the Decree of the President of the Republic no. 24/98, of 14 July 1998;
- b) Extension to the Territory of Macao of the Convention on the Elimination of All Forms of Discrimination Against Women, through the Decree of the President of the Republic no. 25/98, of 14 July 1998;
- c) Extension to the Territory of Macao of the Convention on the Elimination of All Forms of Racial Discrimination, through the Decree of the President of the Republic no. 26/98, of 14 July 1998;
- d) Extension to the Territory of Macao of the Convention against discrimination in education, through the Decree of the President of the Republic no. 31/98, of 14 July 1998;
- e) Extension to the Territory of Macao of the Convention on the Civil Aspects of International Child Abduction, through the Decree of the President of the Republic no. 32/1998, of 14 July 1998;
- f) Extension to the Territory of Macao of the Convention for the Prevention and Repression of the Crime of Genocide, through the Decree of the President of the Republic no. 33/1998, of 14 July 1998;
- g) Extension to the Territory of Macao of the Protocol amending the Convention for the Suppression of the Traffic in Women and Children and the Convention for the Suppression of the Traffic in Women of Full Age, through the Decree of the President of the Republic no. 157/1999, of 8 July 1999;
- h) Extension to the Territory of Macao of the ILO Convention 138 on the Minimum age for Employment, through the Decree of the President of the Republic no. 210/99, of 9 November 1999;
- i) Extension to the Territory of Macao of the Slavery Convention of 26 September 1926, through the Decree of the President of the Republic no. 215/99, of 9 November 1999;

**c) Minimum age for military service**

Article 276 of the Constitution, pursuant to the recent changes introduced by Constitutional Law 1/97 of 20 September, states in its paragraph 2: "*Military service shall be regulated by law, which shall prescribe the forms, voluntary or compulsory nature, duration and content of the respective service*". Military service, which was previously compulsory in accordance with the Constitution has ceased to be so and its regime is now governed by ordinary law.

A new Military Service Law has been adopted (Law 174/99) establishing voluntary military service for which the minimum age required by the law to volunteer is 18 years. This law was adopted on 21 September 1999 and the implementing legislation was adopted on 14 November 2000 (Decree-Law 289/2000), thus setting the date for entry into force of the law. As a consequence, the new Law on the Military Service entered into force on 14 December 2000.

Previously, conscription was based on the 1987 Military Service Law (30/1987) as amended by Law 22/1991. According to Article 1(4) of the Law, all citizens between the ages of 18 and 35 are liable for military service. Article 42 of the Law exempts women who can, however, volunteer. Men had to register in January of the year they become 18. A personal call-up notice for the selection was issued at least 40 days beforehand, usually in the year the individual turned 19. For those declared fit, a call-up for service was issued at least 60 days before service was due to start.

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According to the legislation formerly in force, voluntary military service was permitted from 17 years of age "with the consent of whoever exercises parental authority in respect of the young person concerned." For admission into the National Republican Guard, there is no minimum age, but the recruits must first have completed their military service.

The length of military service was normally four months. If not enough conscripts volunteered for an extra four months (or eight months for the air force or the navy), or if there were not enough professional soldiers, the Ministry of Defence could declare these extra periods compulsory. According to the Law N° 20/95 of 13 July, in the interest of national defence, all citizens subject to military obligations, already incorporated or to be incorporated can be mobilised.

During the 4th session of the UN Working Group on a draft Optional Protocol to the Convention on the Rights of the Child, Portugal expressed its support for the establishment of 18 years as a minimum required for all participation of children in hostilities, without any distinction between direct or indirect participation. In addition, Portugal expressed its support for the age of 18 concerning the minimum age required for voluntary enlistment. The Portuguese Prime Minister signed the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts on 6 September 2000, and the following declaration was made at the time of signature:

*«Concerning article 2 of the Protocol, the Portuguese Republic considering that it would have liked the Protocol to exclude all types of recruitment of persons under the age of 18 years – whether this recruitment is voluntary or not, declares that it will apply its domestic legislation which prohibits the voluntary recruitment of persons under the age of 18 years and will deposit a binding declaration, in conformity with number 2 of article 3 of the Protocol, setting forth 18 years as the minimum age for voluntary recruitment in Portugal.»*

Regarding the draft ILO Convention concerning the Prohibition and Immediate Elimination of the Worst Forms of Child Labour, Portugal claimed that: "The enlistment of children in armed conflicts, as combatants, as child soldiers or in military activities, is fully covered by subparagraph (d). This solution is advantageous because it would also cover the use of children in activities of a non-military nature which pose the same danger of physical confrontation and use of arms, for example in private security activities." (International Labour Organisation, Report IV (2A), International Labour Conference, 87th session, Geneva, June 1999).

### **d) Juvenile Justice**

As from 1995, the Portuguese Government took several initiatives in order to give substance to new guidelines in the field of the Administration of Juvenile Justice. The idea was to separate and give different treatment to, on the one hand children and youngsters who live in a situation of risk and, on the other hand, children and youngsters who are starting or developing a criminal career.

This movement led to the preparation and approval of two Acts by the Assembly of the Republic:

- Law No. 147/99, 1 September 1999 – **Law on the Protection of Children and Youngsters at Risk**;
- Law No. 166/99, 14 September 1999 – **Law on Educational Guardianship**;

The Resolution of the Council of Ministers dated 27 July 2000 ruled that the above-mentioned acts should enter into force on 1 January 2001. It also approved a vast Programme of Action to prepare the entry into force of the reform.

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One of the main features of the reform is that it is clearly in favour of non-institutional measures.

### e) Education

- Decree – Law n.115-A/98, May 4 approves the legal regime of autonomy, administration and management of schools and groups of schools.
- Law n.24/99 alters the above mentioned Decree – Law;
- Decree – Law no. 312/99, August 10, establishes the structure of the teaching staff;
- Decree – Law no. 115/99, May 10, alters the legal regime of children educators and teachers;
- Order no. 10319/99, May 26, defines the framework for itinerant pre –school education;
- Order no. 882/99 (Ministries for Education and Work), October 15, creates the Integrated Programme for Education and Training aiming in the framework of the Planning aiming the Elimination of Children’s Work;
- Order no. 989/99 (Ministries for Education and Work), November 3, approves the Programme Education/Employment;
- Order no. 959/2000, May 14, up-dates the principles regulating the curricula flexible management;
- Decree- Law no. 194/99, June 7, establishes the accreditation system of children educators, basic and secondary education teachers training courses.

### g) Other

- Law no. 65/98, of 2 September 1998, revises the Penal Code in the framework of sexual crimes committed against under 16 year old children;
- Council of Ministers Resolution no. 7/99, of 9 February 1999, approves the Plan for a Global Family Policy;
- Law no. 147/99, of 1 September 1999, on the Protection of Children and Youngsters at Risk;
- Law no. 70/2000, of 4 May 2000, on the Protection of Maternity and Paternity
- Law no. 71/2000, of 7 November, on Measures to Fight against Risk Factors among adolescents and youngsters;
- Decree-Law no. 13/2001, of 24 January 2001, which creates the project “Being Born a Citizen”;
- Assembly of the Republic Resolution no. 20/2001, of 6 March, to Fight against ill treatments and sexual abuses of children.
- Law no. 12/2001, of 29 May 2001 on Emergency Contraception;

### - new institutions

- The National Commission for the Protection of Children and Youngsters at Risk – which is responsible for planning State intervention, coordinating and monitoring the action of public entities and the community in the protection of children and youngsters at risk;

### - new policies

### a) Education

It is the Government’s objective to go on increasing pre-school education. For that purpose two major laws were published: the Pre-School Comprehensive Law (Law no. 5/97, 10 February) and the Decree-Law no. 147/97, 11 June, concerning the Expansion and Development Programme for Pre-School Education.

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This legislation defined pre-school education as the first phase in basic education, viewed in the context of lifelong learning and established that it would be provided by creating a network of schools in which public and private schools would work together and be considered as a valuable social resource, defining at the same time the general principles of pre-school education, the rules for the organisation for these schools, the requirements they must meet and the financial aid available for developing the system nation wide.

Complementary legislation drafted jointly by the Ministry of Education and the Ministry for Labour defined the pedagogical and technical requirements for the creation and running of pre-school institutions and set up a source of low interest state loans.

This law also establishes the rules for allocating financial incentives and support for the building and renovation of pre-school institutions.

The financial support for the families is defined at the beginning of the school year taking in consideration the families' revenues.

Support for the expansion and development of the pre-school system includes pedagogical, financial aid (infrastructures, equipment, running costs and training) and welfare support for the families. This support is allocated on a priority basis to areas where there is a lack of pre-school facilities, where the academic failure rate is high and urban areas with high population density.

The order no. 10319/99, May 26, defines the legal framework of Itinerant Pre-School Education, that consists of a regular displacement of a pre-school educator to areas where the access is difficult and to areas with a minor number of school age children.

To assure a basic education with quality for all, as the beginning of a lifelong education and training process, areas as Education for Citizenship, Portuguese Language and use of the information and communication technologies (ICT) have been now valued.

In order to establish a effective equality of opportunities in the access to secondary education (non compulsory schooling) there are a number of measures that have been implemented:

-additional and diversified teaching support, addressed to students with particular learning difficulties, provided their attendance is regular;

-secondary education students can have educational and career counselling through the Psychology and Counselling Services, that offer vocational and educational guidance.

They work not only with students, but with teachers and parents and are co-ordinated with enterprises;

-social welfare schemes include a wide range of measures, concerning meals and nutrition programmes with the school canteens, school transport, accommodation in student hostels and school insurance covering accidents in school;

-books and pedagogical material are totally or partially financed, depending of each case;

-scholarships for students from poor backgrounds that want to proceed studies, have increased. These take the form of an annual payment aiming at helping with the costs of attending secondary education;

-the attribution of the minimum wage helped the families to maintain children in schools.

The **Program Internet in School** is a national initiative led by the Portuguese Ministry of Science and Technology within the framework of the Green Paper for the Information Society. All 5th to 12th grade schools, as well as some 1st grade schools have been

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connected to the Internet in a total of more than 1 600 schools connected at the beginning of the 1997-1998 school year. Recently, cultural associations and libraries have also been connected.

Within the framework of the Program, schools have been equipped with a multimedia computer with a 64K ISDN connection to the Internet through the National Science Technology and Society Network (RCTS). This connection involves no additional costs for the schools.

The equipment is located in school libraries, thus promoting teachers' and pupils' access to information.

The program aims at stimulating schools to use Internet for educational purposes, supporting the production of scientific and technological content. Since this network includes universities and primary and secondary schools, it promotes communication between the scientific community and schools. Various telematic activities have been carried out to take advantage of this opportunity.<sup>21</sup>

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<sup>21</sup> More information on this Programme can be found under: <http://www.uarte.mct.pt/internet-escola/>.



## b) Fight against Poverty

For example, the **National Action Plan against Poverty and Social Exclusion** (NAP/Incl), recently approved by the Portuguese government, defined the following priority actions in the field of child protection:

- Promote social measures for children and youngsters living in a situation of poverty or in a risk of social exclusion;
- Promote preventive action in order to avoid situations of risk;
- Develop further the Plan for the Expansion and Development of Pre-school Education, contributing to the equality of opportunities and to a better education system for all;
- Invert the trend towards the early access of young people to work;
- Increase and improve the quality of the Network of Establishments and Services for children and young people;
- Provide necessary support measures for families in order to enable them to fulfill their parental responsibilities, allowing the children/youngsters to remain in their own homes;
- Develop PEETI (Plan for the Elimination of the Exploitation of Child Labour).

It is important to stress the following targets:

- Eradicate the situations of poverty regarding children and youngsters until 2010;
- Eradicate the exploitation of child labour until 2010;
- Promote the implementation of Commissions for the Protection of Children and Youngsters all over the country;
- Improve the quality of the support provided to 15 000 children and youngsters with handicap or in situations of risk in 150 projects of the Programme "What it means to be a child";
- Give support to 10 000 children in situation of need in the 9-14 age bracket through the Concerning the "Programme without Frontiers";
- Provide Holiday Camps during school holidays to 1500 children and young people (per year) living in Public Institutions and in Private Social Solidarity Institutions, in Foster Families as well as Minimum Guaranteed Income beneficiaries.

### - newly implemented programmes and projects

## a) Child Labour

### PEETI

The PEETI (**Plan for the Suppression of the Exploitation of Child Work**) and the CNETI (National Council against the Exploitation of Child Work) were set up in 1998. The PIEF (Integrated Programme for Education and Training) was set up in 1999. They all make up an innovative framework within the national policy to fight against child work, which is already having consequences at the level of the IGT (General Supervision Office of Work), increasing the efficiency of its action and clarifying the role of control in the places of work, as a specific contribution to solving the phenomenon that also is a national cause and a cause of all citizens. Getting rid of the problem depends mainly of interventions at a higher level than that of the working place, of partnership with the community and the involvement of the social partners.

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The preliminary PEETI report<sup>22</sup> is the result of an in-breadth analysis of the phenomenon, its causes and the strategies to fight against it. It was prepared with the assistance of all the social actors, of the labour world and the systems to be involved.

### b) Education

Measures to combat failure, early drop-out, inequalities, injustice and social exclusion have been adopted through the creation of **Priority Intervention Educational Territories** and through the development of *projects with alternative curricula*.

The Ministry for Labour and the Ministry of Education have developed an **Integrated Programme for Education and Training** with the aim of reintegrating children and young people under 16 in situation of children labour exploitation in regular schooling, recurring to more individualised offers of education and training.

The Ministry for Labour and the Ministry of Education established also a regime for the development of **Education and Initial Professional Training Courses**, aiming at the conclusion of the compulsory schooling, associated with one year of qualifying training.

With that purpose, (the conclusion of compulsory schooling), it was also created the **Programme 15-18**.

With the priority objective of promoting a better learning in the curricula of Basic Education, especially in Portuguese and Mathematics, it was developed the **ALFA Programme**.

In the framework of the new information technologies it was created the **Programme Nonio – XXI Century** – it supports and finances projects in the field of the new technologies.

### c) Youth

On the assumption that youth policies require permanent participation of young people in their definition, their execution and their evaluation, it was necessary to change the philosophy of the Portuguese Youth Institute and, consequently, its legal framework, opening the Institute's activities and the management of the Youth Houses to participation by the Portuguese youth. For the first time in Portugal, the possibility was created for a State body to be jointly managed by representatives of the central administration and by youngsters.

The Consultative Youth Council too was reformed. It is now a part of the Presidency of the Council of Ministers in order to allow for an effective participation of young people in that consultative body that follows governmental action.

Again on the initiative of the Secretariat of State of Youth, the first National Conference on Youth Policies was held in May 1996. The final document of the Conference will serve as the basis for the preparation of the **Strategic Pact for the years 2000**.

The **Programme to Support Youth Associations** and the **Programme Initiative** were adopted for the purpose of promoting youth associations, as a space of socialisation and democratic learning.

The Portuguese Institute for the Youth is working for a result, which is the existence in each municipality of at least one youth association, so that the young people may organise and participate in their own activities. In 1996, the number of youth associations increased by

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<sup>22</sup> The PEETI report can be found on: <http://www.peeti.idict.gov.pt/>

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25%. With a view to collecting data enabling a correct knowledge of the realities concerning young people, the **Support, Study and Planning Office** was set up and the **Permanent Observatory of the Portuguese Youth** was launched. The latter is presently processing the first data that was collected.

### d) Social Action

The **Programme Day Nursery 2000**, which is aimed at two great objectives:

- To significantly increase the number of places in day nurseries for children up to 3 years of age;
- To ensure better conditions for a better compatibility between the personal and professional lives, in particular among families subject to especially fragile life conditions.

The project **To Be Born a Citizen** has an inter-ministerial nature (Ministry of Work and Solidarity, Ministry of Justice and Ministry of Health) and is aimed at ensuring the rights of identity, primary health care and social protection from the time of a child's birth. This project enables the birth registration of children immediately after their birth, as well as an early intervention in situations of risk. This project enables parents to immediately after birth and during the mother's stay in hospital, to register their children in the Civil Registry, in the Social Security and in the Health Centre.

**Childcare Vouchers Innovative System** - (Act No. 26/99 of 28 January) – defines the general conditions the Organisations must comply with and the terms and conditions for the delivery of vouchers to pay for services provided by nurseries and kindergartens.

Programme "**What it means to be a child**" – (Decree No. 3269/2000 of the Ministry of Labour and Solidarity) – Establishes the new regulations for the Programme "What it means to be a child" and entrusts the National Commission for the Protection of Children and Youngsters at risk with the responsibility of monitoring it.

Programme "**Early Childhood Support**" – (PAPI) - (Decree No. 6802/2001 of the Ministry of Labour and Solidarity) – Establishes the regulations of the Programme "Early Childhood Support", which aims at increasing and improving the quality of private profit making social services for early childhood.

The **Programme Choices** (Council of Ministers' Resolution No. 4/2001), which establishes the Programme for the Prevention of Criminality and for the social integration of young people living in the most vulnerable suburbs of Lisbon, Oporto, Setúbal, which was prepared by the National Commission for the Protection of Children and Youngsters at Risk.

Lisbon, August 2001