



Convention on the Rights of the Child

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Committee on the Rights of the Child

Combined fifth and sixth periodic reports submitted by Portugal under article 44 of the Convention, due in 2017^{*}, ^{}**

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* The present document is being issued without formal editing.

** The annexes to the present document are on file with the secretariat and are available for consultation.
They may also be accessed from the Committee's web page.



I. Introduction

1. The present report covers the period between January 2014 and September 2017.
2. In preparing this document, Portuguese authorities have taken into account the drafting guidelines of the Committee (CRC/C/58/Rev.3). Portugal's Common Core Document (HRI/CORE/PRT/2014) should therefore be read as an integral part of this report.
3. As to the structure of the document, in Chapters I, II and III, information is provided, respectively, on the Concluding Observations (CO) formulated in documents CRC/C/PRT/CP/3-4 (Convention on the Rights of the Child, hereinafter CRC), CRC/C/OPAC/PRT/CO/1 (Optional Protocol on Children and Armed Conflict, hereinafter OPCAC) and CRC/C/OPSC/PRT/CO/1 (Optional Protocol on Sale of Children, Child Prostitution and Child Pornography, hereinafter OPSC). Pursuant to the treaty-specific guidelines (CRC/C/58/Rev.3), the information has been structured according to clusters of rights defined by the Committee. Statistics and other complementary information are enclosed in Annexes 1, 2 and 3.
4. As to the methodology used in its elaboration, the report was drafted within the National Committee for Human Rights (NCHR), under the coordination of its Executive Secretariat and integrating the contributions of the Ministry of Foreign Affairs (MFA), Commission for Citizenship and Gender Equality (CIG), High Commission for Migration (ACM), Ministry of Defense (MD), Ministry of Internal Affairs (MAI), Ministry of Justice (MJ), Ministry of Economy (ME), Ministry of Labour, Solidarity and Social Solidarity (MTSSS), Ministry of Health (MS), Ministry of Education (MEC), Ministry of Culture (MC) and *Provedor de Justiça* (Ombudsman).
5. Following the validation of the draft by all the entities involved, the document was discussed with representatives of civil society organizations working in the area of children's rights, in a meeting held in 18th December 2017. Following this meeting, contributions and suggestions of NGOs were integrated as appropriate. Additional information provided by civil society may be found in Annex 4.

II. Follow-up to the recommendations of the previous report

Chapter I — Convention on the Rights of the Child

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

Legislation (§10 of CO)

6. During the period under consideration, the Portuguese legislation on children and youngsters has undergone a profound revision. The national system of promotion and protection of children was reviewed in 2015 with the amendment of the Law on promotion and protection of children and youth at risk (Law 142/2015 of 8 September)¹ and the National Commission for the Protection of Children and Young People at Risk, which had existed for 15 years, was restructured into a new body, the National Commission for the Promotion of the Rights and Protection of Children and Youngsters (NCPRPCY), working under the aegis of the MTSSS (Decree-Law 159/2015, 10 August).²

¹ Available at: http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=2426&tabela=leis&ficha=1&pagina=1&so_miolo=.

² Available at: http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=2429&tabela=leis&so_miolo=.

7. Under the new mandate, the NCPRPCY is to contribute to the planning of State intervention and to the coordination, monitoring and evaluation of the action of public agencies and the community in promoting the rights and protecting children and youngsters.

8. The NCPRPCY has been appointed as the competent entity for the planning, monitoring, supervision and evaluation of a National Strategy for the implementation of the CRC, particularly with a view to the collection and treatment of relevant statistical data within the scope of the implementation of the Convention. The Commission is also responsible for the drawing up of a multiannual plan for promoting and defending children's rights and will be in charge of the coordination and implementation of this plan, which will come into force subsequently to the approval of the Council of Ministers (CM).

9. Other relevant legislative updates include the enactment of Law 4/2015, 15 January, which amended the Educational Guardianship Law (Law 166/99, 14 September), Law 141/2015, 8 September, on the General Regime of the Civil Guardianship Procedure, Law 143/2015, 8 September, amending the Civil Code, the Civil Register Code and the Legal Regime of the Adoption Procedure and Law 37/2015, 5 May, which establishes the legal regime of criminal identification and transposes into national law Council Framework Decision 2009/315/ JHA, 26 February, on the organization and content of the exchange of information extracted from the criminal record between Member States.

10. Law 24/2017, 25 February, on urgent regulation of parental responsibilities in case of domestic violence, Law 130/2015 of 4 September on the Victim's Statute, Decree-Law 34/2008, on the regulation of judicial procedure costs, amended by Law 7-A/2016, 30 March (article 207), which eliminated legal costs for victims of domestic violence, and Law 121/2015, 1 September, which amended Law 104/2009, 14 September, emphasizing the right of victims of domestic violence to have effective access to complaint and compensation mechanisms (article 152 of the Criminal Code), are also worth mentioning.

Comprehensive policy and strategy (§12 of CO)

11. The new NCPRPCY (Decree-Law 159/2015, 10 August reviewed by Decree-Law 139/2017, 10 November) has a reinforced role in the promotion and protection of the rights of children and youngsters. This Commission coordinates the action of public and private entities, structures intervention programmes in the area of promotion and protection of the rights of children and young people, issues recommendations and stimulates the cooperation and articulation, at the national, municipal and local levels of the commissions for the protection of children and youngsters, services and other public entities, institutions of private initiative and public interest working on social solidarity in co-operation with the state (IPSS) with competences in the area of promotion, protection and development of children.

12. A National Strategy for the Rights of the Child (NSRC) for the period until 2020 has been elaborated with the aim to step up the implementation of the principles and provisions of the CRC, mainly through the analysis of the Committee on the Rights of the Child recommendations. The strategy establishes priorities, objectives and is complemented by a Pluriannual Action Plan, containing indicators and schedules for future evaluations. It was elaborated during a period of 18 months within an inter-ministerial group coordinated by the NCPRPCY and integrating representatives from several Ministries and entities with competences on children's rights and also taking into account children's views as this Strategy's elaboration included a period of diagnostic through inquiries to children and to the Commissions for the Protection of Children and Youngsters (CPCJ).

13. The NSRC has been approved by the enlarged format of the National Council (where all institutions working for the protection and promotion of children's rights are represented) of NCPRPCY on 10 November 2017 and is under preparation for approval by the CM which is expected to occur as early as possible in 2018.

14. At the regional level, the document draws inspiration from existing strategies such as the Council of Europe's Strategy for the Rights of the Child (2016–2021) and encompasses principles such as participation, child-friendly justice, vulnerable children and best interests of the child.

Coordination (§14 of CO)

15. Coordination with regard to children's rights, policies and programmes takes place under the direction of the NCPRPCY.
16. In addition to this coordination function, the NCPRPCY also provides support and monitors the activity of the local Commissions for the Protection of Children and Young Persons (CPCYP).
17. The facilities and support required for the daily management of the local Commissions are mostly guaranteed by the municipalities. In order to achieve optimal cooperation, cooperation protocols are celebrated with State services represented in the NCPRPCY.
18. The NCPRPCY, which currently depends on the MTSSS, is a public-law legal person with administrative and financial autonomy.
19. The 2017 budget of the NCPRPCY was of 9.267.000 €.
20. The responsibility for the implementation of the Convention lies with several Ministries according to their respective areas of competence and is not centralized in one authority. Responsible ministries are also primarily in charge of assessing the impact of policies.
21. The NCHR, which works under the aegis of the MFA, has coordinating powers solely with regards to compliance with international obligations undertaken under the Convention and its Protocols as well as monitoring the follow-up to the conclusions and recommendations of the Committee.

Allocation of resources (§16 of CO)*Child-rights approach in the elaboration of the State budget*

22. The protection of socially vulnerable children and young people remains a priority of social security intervention.
23. Nonetheless, budgetary cuts took place as a result of the sovereign debt crises, as illustrated by the amounts of execution of programmes/projects directed to children and young people (see Table 1, Annex 1).
24. The adoption of measures to fight against child poverty aiming at eliminating situations of social exclusion that affect children, led to the availability of financial support directly to children, or their families, namely, the increase of the family allowance from 20% to 35% for single-parent families; pre-natal family allowance; minimum guaranteed income; financial support to children and young people subject to measures of promotion and protection in natural environment.

Recommendations on "Resources for the rights of the child"

25. Cooperation between State and IPSS responsible for the provision of proximity services closer to the community, children and their families is one of the strategic options for the management of social services, and consequently, one of the priority areas of social security.
26. The main objectives of the Programme for the Enlargement of the Network of Social Services (PARES) are the expansion and qualification of the network of social services of proximity, in terms of the number of places available, quality of the solutions and equity in territorial distribution (see Table 2, Annex 1, on execution of PARES).
27. The cooperation between the States and the IPSS is materialized through cooperation agreements for financial and technical support (see Table 3, Annex 1, on public funding for these agreements).
28. Recommendations on the responsibility of States related to child sensitive and child friendly judicial procedures have been duly taken into account by the MJ.

Data collection (§18 of CO)

29. The new NSRC will allow for a profound reform of the data collection system on children, integrating information from various areas.

30. For the moment, the collection of data on children takes place under different ministries.

Health

31. Under the NPCYH (Standard no. 010/2013, 31 May) data are collected under two systems: the Notícia Nascimento, containing information on the birth of the child at the hospital, to be forwarded to primary health care services, and the Child and Youth Health Module, which registers information at the level of primary health care (Order 5656/2017, 28 June from the Assistant Secretary of State for the Minister of Health).

32. The Health Action for Child and Youth at Risk (HACYR, Order no. 31292/2008, 5 December 2008) has an informal system of data collection for all the five regions in Portugal. Inclusive data collection is in place as all official documents of the MS are written on the basis of inclusive language and the data disaggregated by sex (Order no. 9/2015 of March 23rd, determines that).

33. In the National Health Service (NHS), from 2018 to 2016, more than 50,000 cases of child maltreatment were reported and monitored by health professionals, more than 10% of the national total referenced.

Education

34. The Education Statistics includes data disaggregated by age, sex, level and type of education, geographic location, and nationality, socio-economic or family background (level of parents' qualification / education).

35. Due to constitutional constraints, there is no systematic data collection on ethnic groups/ minorities or migrant background, that is, only data relating to the nationality of the pupils and students are collected. However, in the framework of the Roma Communities Integration Strategy, data regarding the pupils and students from Roma descent are being collected, in 2017, for the first time, pursuant to a recent authorization from the National Commission for Data Protection.

Justice

36. The MJ has put in place a digital platform of access to services and statistics (justice.gov.pt) which, for the first time and in one place, brings different thematic areas and Justice services (Courts Registrations, Reinsertion and Prison Services, Industrial Property, Legal Medicine or Criminal Investigation), in a total of more than 60 available service sheets and more than 120 indicators and statistics.

37. The platform also includes an area focused on an Open Governance model — partilha.justica.gov.pt, inspired by good international practices and based on 3 fundamental axes: transparency, participation and community.

38. The launch of the platform will occur gradually in Beta, that is, in a model of continuous improvement which enables faster introduction of new features and enhancements of the current ones, with more use of user feedback.

Social Security

39. The System of Information on Social Security (SISS) incorporates data on the characterization of children and young people beneficiaries of the system of social security and their respective households.

Independent monitoring (§20 of CO)

40. Issues concerning the rights of children, the rights of elderly persons and the rights of persons with disabilities are addressed by the Children, Elderly Persons and Persons with

Disabilities Unit (N-CID) of the Ombudsman, which has been in operation since 2009 and runs three specialized and toll-free telephone services: the Children's Hotline, created in 1993; the Elderly Citizens' Hotline, created in 1999 and the Persons with Disabilities Hotline, created in 2011.

41. These three telephone lines work in close connection with the Public Relations Division under a special and integrated project developed since 2015. The N-CID comprises one Coordinator and three other members (two law graduates and one psychologist).

42. Within this scope, N-CID is also engaged in human rights education and awareness-raising activities including the provision of specialized information and advice on complaints to the Ombudsman. N-CID therefore seeks not only to find solutions for the concrete cases under investigation, in cooperation with the competent public authorities, but also to inform people on their rights and the means available to uphold them.

43. Since 2014, there has been a reinforcement of the activity regarding the promotion and protection of children's rights, including: the elaboration of a report on homes and temporary shelters for children and young people in Madeira (available at: <http://www.provedor-jus.pt>, please see Documentation/Other Reports and Documentation/Publications); the making and dissemination of posters and flyers on the mission and scope of the Ombudsman (2015); the signature of Protocols with ACM (on assistance to migrants, namely children) and the MEC (aimed at regulating mutual collaboration in the promotion of human rights within the public school); celebration of the International Children's Day in 2015 and 2016; participation in human rights education activities with students in 2016 (http://www.e-activist.com/ea-campaign/action.retrievefile.do?ea_fileid=14113); interventions on children's rights in Postgraduate Courses, Seminars and Conferences.

44. Since 2012, the Ombudsman runs a child-friendly webpage on the role, functions and activities of the Ombudsman in the area of children's rights (<http://criancas.provedor-jus.pt/index.php>).

45. Special mechanisms of access of children to the Ombudsman were created, including a special complaint mechanism and a children's telephone line. The Ombudsman's website was overhauled in 2015, with the introduction of a full English version and a specific webpage for the National Preventive Mechanism. A Facebook page was also created, in 2016, (<https://www.facebook.com/Provedor-de-Justiça>) with regular posts, which is also an important tool to inform people regarding their right to file a complaint.

46. Children have the right to file a complaint directly to the Ombudsman and the site contains accessible, simple and child friendly instructions on the complaint procedure as well as an explanation on the content of children's rights.

47. Regarding the activity of the Children's Line in the last 5 years, 67 complaints were filed directly by children/youth (14 in 2012, 9 in 2013, 19 in 2014, 4 in 2015 and 21 in 2016). On behalf of children in the last 5 years a total of 3179 complaints were filed through the Children's Line (682 in 2012, 584 in 2013, 701 in 2014, 671 in 2015 and 541 in 2016).

Dissemination and awareness-raising (§22 of CO)

48. Portuguese authorities have undertaken, over the last two decades, substantial efforts in the area of education for citizenship, through a trans-sectorial approach.

49. There were key improvements in the last two years.

50. Since the beginning of 2016 an extensive discussion on curricula goals and teaching-learning practices was undertaken with the holding of expert conferences and surveys. As a result, the Student's Profile at the End of Compulsory Education was drafted by a group of experts and recently published (https://dge.mec.pt/sites/default/files/Noticias_Imagens/perfil_do_aluno.pdf), following discussions in schools and with civil society during the first semester of 2017.

51. The document enshrines a framework for curricula development in all education levels and pathways for children and young people envisioning a humanist-based education, which promotes competences and values for the construction of a fairer society, respecting the human dignity and singularity of each person.

52. A National Strategy on Citizenship Education (NSCE) was launched in 15 September 2017 (http://dge.mec.pt/sites/default/files/Projetos_Curriculares/Aprendizagens_Essenciais/estrategia_cidadania.pdf) with the aim to mainstream Citizenship Education in all education levels and creating the new curricular subject “Citizenship and Development” from the 5th to the 9th grade. The Strategy also provides for teachers training and school coordination on this area, development of a digital resources centre and support to the cooperation between schools and civil society. Human rights, gender equality, intercultural relations, sustainable development, environmental education and health, will be compulsory in all education levels,³ through the development of specific approaches adapted to each school’s context and resources. The strategy is to be implemented in 235 public and private schools integrating the pilot Project of Autonomy and Curricular Flexibility.

53. The CRC is one of the international reference documents taken into account in structuring Citizenship Education in Portugal and is included in teacher training (see <http://www.dge.mec.pt/educacao-para-a-cidadania/documentos-de-referencia>).

54. Awareness raising projects and actions developed by the Directorate-General of Education include a programme on human rights in schools, focusing especially on children’s rights, held in cooperation with the Ombudsman office; the participation in the Council of Europe Campaign “Movement against Hate Speech: young people for Human Rights”, including actions in many schools, youth seminars and the Segura Net project (promoting safety and rights in the Internet uses); special classes, projects and pedagogic resources, associated with the UN World’s Largest Lesson, this year opened by the Minister of Education and the Secretary of State of Education, in a major session with more than 100 students from all education levels, in the school cluster of Caneças (Odivelas), on the 22 September.

55. Education and awareness-raising on the rights of the child is included in the initial and lifelong training of judges and prosecutors and provided to lawyers by the Portuguese Bar.

Training (§24 of CO)

56. Since the last report, considerable efforts have been made in order to improve training on children’s rights, both aimed at society at large and specific professional sectors.

57. In the law enforcement sector, the Safe School Programme (PES), implemented by the Public Security Police (PSP) and the National Republican Guard (GNR), includes annual awareness raising campaigns on children’s rights and prevention of sexual abuse and sexual exploitation for a target population of approximately 15,000 children and young people. Numerous conferences for children and professionals working with children have been held on “alcohol and drugs”, “tolerance and racism”, “bullying”, “juvenile delinquency”, “safe use of internet and social networks”, “gender equality”, “traffic safety” or “violence in dating”. A 35 hours training programme for police officers allocated to the PES has also been created, with an emphasis on the school network and juvenile behavior, including themes such as psychiatric disturbances, normative behavior, autism, opposition behavior, anxiety and addictions taught by a team of psychologists and psychiatrists.

58. Furthermore, and in the context of training sessions on trafficking in human beings, which include the topic of trafficking in children, the GNR provided a total of 67 hours of specific training, covering 785 military personnel in 2016 (see Table 4, Annex 1).

59. Since 2014, PSP’s training programmes on Community Policing include 70 hours of Training to Trainers and 30 hours of basic training on Community Policing.

³ http://www.dge.mec.pt/sites/default/files/Projetos_Curriculares/Aprendizagens_Essenciais/estrategia_cidadania.pdf.

60. In the end of July 2017 the first 50 police officers from a total of approximately 350 police officers had been trained.
61. In the framework of the HACYR and the Health Action on Gender, Violence and Life Cycle (Order no. 6378/2013, 16 May), several training actions and technical seminars are performed yearly for health professionals as well as for other significant partners in the area of children's rights.
62. From 2014 to July 2017, approximately 3200 professionals participated in sessions totaling 473 hours of vocational training.
63. The MS also cooperates with other ministries and institutions in campaigns to promote children's rights (namely with the NCPRPCY — Child Maltreatment Protection Month: <http://www.cnpcjr.pt>) and has organized seminars and events on Children's Rights in 2014, 2015 and 2016.
64. Within the MEC, an electronic application has been created where, since the school year 2014/2015, data and training actions in the frame of the continuous training of teachers are registered by training entities/trainers. In 2016–2017, sessions on citizenship education have been carried out, including training programmes for teachers on the Council of Europe Competences Framework for a Democratic Culture (2016–2017) and on the implementation of the national referential for security, protection and peace (with the National Defence Institute). In 2017–18 training programmes for teachers on Human Rights, Democracy and Citizenship and Citizenship Education will be held and an online platform with pedagogical resources and experiences on Citizenship Education will be launched. The Directorate-General for School Administration has conducted training actions on children's rights between the years of 2014 and 2017.
65. In the area of social security and solidarity, vocational training on the CRC is provided to IPSS staff. Between 2014 and 2017, courses were held on parenting capacity, adoption, child sponsorship, well-being, the participation and hearing of the child and violence against children (see Table 5, Annex 1). In addition, the ISS, IP has provided vocational training to a wide range of professionals including social assistants, psychologists, multidisciplinary court support teams in the judicial context of promotion and protection of children and young people, as well as to residential staff.
66. Judges and public prosecutors have extensive systematic and mandatory training on the protection and promotion of children's rights and family law. (*Please see answers to §28 of the OC, on child-friendly procedures and child-participation, § of CO 66 on administration of juvenile justice and §34 of the CO on the OPSC*).

B. General Principles (articles 2, 3, 6 and 12 of the Convention)

Non-discrimination (§26 of the CO)

67. Elimination of discrimination against children of immigrants, foreign, ethnic and racial minorities and promotion of intercultural dialogue are at the core of numerous activities conducted by ACM:
- The internet campaign **Discover your color!**, launched in 2015, using a special website (<http://www.descobreatuacor.pt>) and also Facebook;
 - In 2016 a campaign included a toolbox a set of 6 color pencils with different skin tones and also a book with the story **The colors of the grey city** (“*As cores da cidade cinzenta*”) and invited children to color the book and reflect about the main message of the story: the city receives new citizens that bring with them new colors, new ideas and perspectives :http://www.acm.gov.pt/documents/10181/167771/As+Cores+Da+Cidade+Cinzenta_BR.pdf/c740288d-4832-49ff-8cfc-75d14d9b5f9f All Portuguese public schools with students until 5 years received the pencils and the book and the outcome was quite positive;
 - The facilitation of actions in public schools on the need to combat discrimination (including a theatre play, discussions and collaborative artwork) took place in four cities across the country in 2017 <http://www.acm.gov.pt/-/dia-internacional-para-a>

eliminacao-da-discriminacao-racial-acm-promove-campanha-de-sensibilizacao-em-escolas-do-1-ciclo;

- Awareness raising activities performed by ACM in the areas intercultural dialogue and diversity for schools and children;
- The **Intercultural School Stamp** initiative was launched in 2012 to distinguish schools that stand out in the promotion of projects for the recognition and valuing of diversity, presently in its fourth edition. <http://www.acm.gov.pt/-/selo-de-escola-intercultural-32-escolas-premiadas-pelo-trabalho-em-prol-da-valorizacao-da-diversidade>;
- The **Intercultural School Kit** designed by the ACM and partners. The Kit aims to provide schools and education staff, families and children, a range of materials on intercultural issues — toolkits, books, leaflets, posters, games. <http://www.acm.gov.pt/-/kit-intercultural>;
- The **Intercultural Education School Network**, launched in October 2016 by ACM and the Directorate-General of Education and Aga Khan Portugal Foundation. (<http://www.acm.gov.pt/-/sessao-de-lancamento-da-rede-de-escolas-para-a-educacao-intercultural>);
- ACM's membership in the **SIRIUS Network** — European Policy Network on the Education of Children and Young People with a Migrant;
- The interreligious youth meeting — MEET IR — jointly held in 2016 and 2017 by ACM and the Municipalities of Fundão (2016) and Palmela (2017) to discuss religious diversity in Portugal, namely through the drafting of a Charter on Interreligious Dialogue targeted at their peers;
- Two awareness-raising and training national campaigns linked to basic education were launched in 2016: the “*Projeto Mais do que Números*” <http://www.dge.mec.pt/noticias/lancamento-do-projeto-beyond-not-just-numbers-mais-do-que-numeros> (More than Numbers Project) organized in partnership with the Directorate-General of Education and the International Organization for Migration and the “*E se fosse eu?*” <http://www.esefosseeu.pt/> (What if it was me?) campaign, organized with the Refugee Support Platform, the Directorate-General of Education and the Portuguese National Youth Council;
- The Fund to Support the Activities of National Roma Communities Integration Strategy (FAPE)⁴ launched by the ACM in 2015 and the National Roma Communities Integration Strategy 2013–2020 (ENICC) have important framework tools for intervention priorities.⁵ FAPE finances projects focused on the fight against discrimination targeting Roma Communities. In 2015 and 2016 many projects focused on children and youngsters in particular: the Projects “*Integra-te*” (Integrate) and “*Cultura Cigana em movimento*” which raise awareness on and fight discrimination through artistic activities, namely music and dance; the Project “*Oficinas de Musica*” (Music Workshops), which provided four different workshops of dance, music and singing; the Project “*Olhar em Roda*” (Look around), which consisted of training sessions on Roma history and culture and sessions on multimedia skills; the Project *Romano Atmo*, that involved the production of a Pedagogical Kit presented in schools;
- The creation of *Observatory of Roma Communities* (ObCig) in 2014, to improve knowledge on Roma communities and combat myths and stereotypes facilitating discrimination. A National Study on Roma Communities was also conducted and launched in January 2015. More than 24.000 Roma in 149 municipalities were contacted. Conclusions regarding children indicate that the number of Roma youngsters with the second and third educational cycle (6 and 9 years of school) had risen and that more than half of respondents have children or grandchildren attending school.

⁴ <http://www.acm.gov.pt/-/fundo-de-apoio-a-estrategia-nacional-para-a-integracao-das-comunidades-ciganas-fape->.

⁵ <http://www.acm.gov.pt/-/estrategia-nacional-para-as-comunidades-ciganas-enicc-concig>.

68. Awareness raising actions to eliminate discrimination of children on grounds of sexual orientation and gender identity have consistently been undertaken by CIG:

- In July 2015, a national campaign was launched in order to improve the visibility and foster discussion on homophobia and transphobia in Portugal;
- In September 2016, the Canadian Olympic athlete John Fennel, lead a three-day outreach programme in Lisbon to address bullying and inclusion issues in Portuguese high schools. This programme included visits to schools and to a university to talk about the relationship between sport, bullying and sexual orientation;
- In 2017, a Campaign was launched on the 17th May (international day against homophobia and transphobia) to raise awareness against homophobia and transphobia through sports (among other activities, more than two thousand athletes using rainbow laces during their matches);
- The Portuguese Association *Rede ex aequo* conducts workshops against homophobia and transphobia in schools, covering around 40 schools, including in more remote areas of the country. This is part of the larger governmental initiative “Citizenship Roadmap” that took place implemented between 2016 and 2017 with local actors and civil society in order to stimulate debate and reflection on citizenship, largely reflecting the objectives and Portugal’s commitment to the UN 2030 Agenda;
- The NSCE aims at developing citizenship competences and knowledge in children and youth, preparing them to become citizens that value and respect, among others, interpersonal relations, diversity, human rights and non-discrimination.

69. Training of law enforcement officials on non-discrimination has been improved with the elaboration of a new GNR’s training referential titled the “Common View about the Child”.

70. In July 2016, PSP signed a National Protocol with ACM, IP, for the implementation of the Programme “*JUNTOS POR TODOS*” (“*Together for All*”).

71. The initial training courses for trainee inspectors and the courses for coordinators of criminal investigation and chief inspectors held at the Criminal Police School focus on the application of the non-discrimination principle.

Best interests of the child (§ 28 of OC)

72. The national system of promotion and protection of children’s rights, laid down in Law 147/99 of 1 September, as amended by Law 142/2015 of 8 September, enshrines the best interest of the child as a structuring principle (Article 4, 58, 60 and 62-A).

73. The integration and effective implementation of this principle has been strengthened with the enactment of new legislation on civil guardianship law and civil sponsorship (Law 141/2015, 8 November, articles 5, 17, 27, 35 and 40), adoption (Law 143/2015, 8 September, articles 3, 36, 38, 34, 36, 50,52,63,79 and 82) and educational guardianship (Law 4/2015, 15 January, articles 6, 36, 40,45,47,77,101,107,123,133 and 140).

74. In the field of adoption, the Programme of preparation of the child for adoption and the Vocational Training Plan for Adoption (PFA), foreseen in the Judicial Regime of the Adoption Process (Law 143/2015 of 8 September), give centrality to the best interests of the child.

75. The creation of child-friendly procedures to improve child-participation in accordance with the best interests of the child has been a priority in the justice and social security sectors, including through the holding of seminars (Joint MJ and Council of Europe Seminar on Child Friendly Justice held in November 2016), professional capacity building (the 2014 National Meeting of Commissions for the Protection of Children and Young People (CPCJ), which involved around 1000 technicians working with and for children — teachers, doctors, social workers, psychologists, among others — was dedicated to “The Superior Interests of the Child, Subject of Rights — Interpellations and Responsibilities”) and updating of professional materials (such as the Manual for the

Hearing of the Child and other documents to support technical intervention in advisory matters developed by the ISS). Also worth mentioning is the MJ's cooperation in translating to Portuguese and the dissemination of General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration (art. 3, §1).

76. The best interests of the child are taken as a primary consideration and given due weight in policy-making and programming also the education sector, where initiatives to eliminate all forms of violence against children have been carried out through the PES and the Segura Net initiative.

77. Technical intervention of health professionals in advisory matters in compliance with the best interests of the child has also been stepped up with the development of new materials, in December 2014, on Interpersonal violence, approach, diagnosis and intervention in health services.

78. Professionals and agents working with children are encouraged to create facilitating contexts for the free expression of the child, in all matters that concern the child.

Right to life, survival and development (§30 a) and b) of the CO)

79. Awareness raising and inspection actions on child road safety are annually conducted to ensure compliance with current regulations. Non-compliance with child-retention systems is penalized under the Portuguese Road Code.

80. PSP's prevention campaigns have evolved to a more specialized and participative approach. Sessions with youngest children (aged between 6 and 10), use cartoons made by the children themselves in order to develop different scenarios (see Table 6, Annex 1).

81. Road safety education actions are also carried out by the MEC under the Citizenship for Education curriculum and a reference framework on Road Safety Education for preschool, 1st cycle, 2nd cycle and 3rd cycle of basic education was published in 2012. Road Safety Education is designed as a process of acquisition of knowledge, capacities and attitudes that aims at citizen's development, as passenger, pedestrian and driver.

82. In addition, guidelines within the health care system have been created, drawing inspiration from Law no. 13/2006 of 17 April, which regulates the collective transport for Children and Decree-Law 170-A/2014, which establishes the legal regime of the homologation and use of seatbelts and retention systems for children in road vehicles:

- Standard no. 005/2013, 10 April, creates the National Programme for the prevention of accidents;
- Standard no. 001/2010 — Rules for the transport of children in automobiles since the discharge from the maternity;
- The National Child and Youth Health Programme (NCYHP) acknowledges the importance of the restraining system in accident prevention.

83. The Portuguese Institute of Sport and Youth has competences on public swimming pool projects pursuant to Decree-Law no. 141/2009, of June 16, as amended by Decree-Law No. 110/2012, of 21 May. According to Point 6.1.1.4 of NP EN 15288-2 (Safety requirements for operation) areas where access has to be restricted (eg. personnel areas, engine rooms) must be properly marked and unauthorized access prevented, including where the facilities or part of the facilities are out of service (eg. closed / closed during repairs). In this case, the installation of a system suitable for preventing unauthorized access, namely of children (eg. a fence, a cover, an alarm system) may be considered.

84. Portuguese Standard NP 4500, 2012, entitled "Pools and other water plans: fences and access protection", as well as safety requirements and test methods' also contribute to improving the safety of children and reduce accidents in swimming pools.

Respect for the views of the child (§32 of the OC)

85. The right of the child to be heard and express her/his views freely has been fortified, inter alia, through legal reforms in the area of civil guardianship and sponsorship (Law

141/2015, 8 September Civil, articles 4, 5, 21, 23, 24, 38, 39 and 49), protection of children and youth in danger (Law 142/2015, 8 November, article 4, 58, 84 and 85), adoption (Law 143/2015, 8 September, articles 3, 36 and 54), educational guardianship (Law 4/2015, 15 January, articles 45, 47, 77, 84 and 94) and victims' rights (Law 130/2015, 4 September, article 22). Other initiatives include the drafting of an online inquiry on the right of children to be heard in judicial proceedings, including civil proceedings and juvenile justice, the organization of seminars and the translation of General comment No. 14 (*please see answer on the implementation of § 28 of OC*).

86. Professionals in the health, judicial and welfare sectors receive training both at initial and advanced levels on communication, ethics and deontology with the aim to hear and take into account children's views and opinions, including in the context of informed consent.

87. Participation of students in the governance of school, rights of representation and assembly, the setting up of a students' association and students' representation in the School Board and other bodies are recognized in the Status of Students and School Ethics and under Decree-Law 137/2012, 2 July.

88. Participation of children in school life and in the education system is encouraged, namely with regards to curricular changes (the debate held in November 2016 "A Curriculum for the Twenty-first Century: The voice of students" is a relevant example) and through the Schools' Participatory Budget (SPB), implemented in public schools during the 2016–17 school year.

89. Participation in artistic and cultural activities by children and young people is acknowledged as an important means of expression and expansion of children's views and of their right to free expression, both in the educational and other sectors. Education policies strive to stimulate access to culture and art, promoting the contact of children and youth with monuments and museums. Between 2012 and 2015, there was an 11% growth in the number of museum visitors in school groups (see Table 7, Annex 1).

90. In order to reinforce the positive developments of recent years, public policies assign an increasingly important role to the creation of educational services in cultural equipment for communicating art and provide lasting interactions with spaces and artistic objects. The number of activities has grown in recent years (5% per year, on average between 2012 and 2015) totaling 338 actions of this type in 2015 (see Table 8, Annex 1).

C. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39 of the Convention)

Corporal punishment (§34 of the CO)

91. Social tolerance towards corporal punishment of children in Portugal has decreased in last years.

92. Criminalization under article 152-A of the Criminal Code has induced the progressive rejection of violent forms of discipline, while at the same time an emphasis has been put in the promotion of positive parenting through awareness raising campaigns. Recent jurisprudence clearly states that parents and educators are not allowed to use corporal punishment as a means of education (*Acórdão do Tribunal da Relação de Lisboa 413/15.3PFAMD.LI-3*).

93. In an effort to raise awareness on violence against children, the MJ in collaboration with the NCPNPCY, has undertaken a legal review of a Portuguese translation of the General Comment No. 13, on Article 19: The right of the child to freedom from all forms of violence.

94. The development of parental responsibilities is one of the goals of the NCYHP and primary healthcare services include care groups of preparation for parenting that promote positive skills related to parenting.

95. The MS also collaborates with other ministries and institutions in campaigns to promote children's rights (namely with NCPRPCY on the subject of corporal punishment).

Abuse and neglect (§36 of the CO)

Means of protection and prevention

96. The V National Plan for the Prevention and Fight against Domestic and Gender Violence, 2014–2017 emphasizes effective access to complaint mechanisms, investigation and prosecution of perpetrators, as well as protection and assistance to victims and prevention of re-occurrence of domestic violence.

97. In the last years, access to means of protection has been enhanced with the extension of the tele-assistance system, increased availability of electronic surveillance devices and training actions for judges and prosecutors. In their contact with law enforcement agents, namely PSP and GNR, victims of domestic violence receive all the attention and assistance possible, are given specialized advice and are duly forwarded to specialized Reception Centers.

98. The public network of shelters (covering 83% of the mainland and 100% of the autonomous region's territory) currently comprises 39 shelters for women and children, with a total of 679 vacancies, and one shelter for men victims of domestic violence with 10 vacancies. In addition to shelters, there are 130 emergency vacancies for crisis situations and immediate and short-term security needs. The occupancy rate of shelters is around 78% and considerably lower in emergency accommodations. This national support network is fully financed by the State and managed by NGOs that establish cooperation agreements with the state. Victims are usually placed outside their residence area due to re-victimization risk and safe and secure transport service to the domestic violence services is provided.

99. The tele-assistance service for victims of domestic violence provides for 24/7 free of charge psychosocial support and protection allowing for an adequate response to emergency situations, reinforcing the victims' sense of security and empowerment. It is ordered by the judge or, during the investigation phase, by the Public Prosecutor's Office and requires the informed consent of the victim. Since 2011 and until 31 December 2016, 2241 persons have benefited from this protection measure.

100. Remote surveillance of perpetrators as well as legal, medical social and labor support to victims are also in place.

101. The LNES — National Social Emergency Hotline (144) is a free, permanently available service that since 2001 provides immediate response to people in an imminent danger situation. It covers all those in the country that find themselves in vulnerable circumstances and in need of social support. The LNES ensures the protection and security of children and young people in dangerous situation, including victims, by providing shelter in care homes all over the country.

102. Recently introduced measures on prevention of violence and abuse and protection of victims include:

- Preventive measures in the professional contact with minors established under Law 103/2015, 24 August. In recruitment for professions, jobs, functions or public activities whose exercise involves regular contact with minors, the recruiting entity is obliged to ask the candidate to present a certificate of criminal record. After recruitment, the employer or person in charge of the activities is obliged to ask the person who carries on the profession or the activities referred to above, for a criminal record certificate and to take it into account in the assessment of suitability for the performance of the duties;
- The launching, in 2016, of a new decentralized strategy with a strong focus on the needs of victims living in more remote areas with a view to achieving national coverage of victim support and protection services;
- Enhanced protection for children under Law 24/2017, 24 May, namely by repealing the shared exercise of parental responsibilities deemed contrary to the best interests

of the child when a coercive measure/an accessory penalty of prohibition of contacts between parents is decreed or when the safety of victims of domestic violence is at risk;

- The creation of a Retrospective Homicide Review Team;
- Urgent decision (20, instead of 30 days) on requests for income support allowance (*rendimento social de inserção*) by victims of domestic violence (Decree Law 90/2017, 28 July, amending Law No. 13/2003, of 21 May);
- A new regulatory decree setting the conditions for the organization and operation of support centres, emergency vacancies and shelters of the national support network for victims of domestic violence;
- A new phone app launched in March 2017 for victims of domestic violence and relevant professionals with information on available support services, ways to file a complaint or a request for information and information on entities that provide legal or psychological counseling. The app allows direct telephone calls or electronic messages to these services.

103. Other steps taken include prevention efforts centered in the elimination of gender stereotypes and empowerment of women and girls, bullying, violence and teen violence through ICT's, particularly in the school community, annual information campaigns for specific target groups and the development and dissemination of informative and educational materials, namely for the education community.

104. Information on the protection available for victims is consistently provided by law enforcement actors and procedures to be followed for the attribution of the victim's statute (Law 130/2015 of 4 October) have been defined, namely by GNR (Circular 03/2017). Since 2012, PSP has received a substantial number of domestic violence complaints and has improved the support afforded to victims (See Table 9, Annex 1).

105. Within the GNR, the Unit of Investigation and Support to Specific Victims has allocated resources for specific initial training on Domestic Violence and supports public prosecution services in the investigation of this type of crimes.

106. With regards to complaints, in 2015 police forces registered 18184 of cases of domestic violence, 2367 of which were specifically directed to shelters or support structures; in 2016, 15435 cases were registered, 1598 of which were specifically directed to shelters or support structures.

107. Please see Table 10 for statistics on criminal cases/ defendants at the trial stage in 1st instance courts on some crimes committed against minors, in the years 2014 to 2015 (*Source: MJ*).

Access to health

108. Access to health services by victims including physical and psychological rehabilitation is ensured. The HACYR has a network of nuclei in hospitals and primary health care with multidisciplinary teams that provide support and counseling in physical and mental health. This action has an important role in the collaboration with other institutions regarding the support of vulnerable children and families.

109. Psychological support is provided by victim support services, encompassing psychosocial care, risk assessment and assessment of social needs of victims, as well as legal information and assistance.

110. In 2016, a crisis centre for women and girls victims of sexual violence was opened in Lisbon, providing psychosocial and individual psychological support to women and girls victims of sexual violence through a network of specialized services in awareness raising, risk prevention and secondary victimization.

Training

111. Training of professionals working with and for children, in particular judges, law enforcement, social security and health professionals, on domestic violence, prevention and detection of violence and abuse of children takes place regularly and at various levels.

112. Within the national system of promotion and protection of children's rights, representatives from all sectors (including education, health, justice and welfare) closely work with the NCPRPCY and the Local Commissions in order to identify risks of abuse and neglect of children, such as early school leaving, truancy and child abuse.

113. Since 2012, based on the Manual for Education Professionals, the NCPRPCY has been launching each year, with zero-budget and in partnership with MEC, one or two on-line courses, mainly for teachers who work in the Local Commission for the Protection of Children and Youngsters.

114. Teachers undergo a number of training hours ranging from 25 to 50 hours.

Investigation and prosecution of perpetrators and statistical data

115. Please refer to Annex 2 for information on persons convicted in criminal cases at the trial stage in the courts of 1st instance by some crimes committed against minors according to the court decision, from 2014 to 2015 (*source*: MJ).

116. The MJ has developed a digital platform of services and statistics (justice.gov.pt), as mentioned above (answer to §18 of CO).

Cooperation with the SRSGVAC

117. Portugal is an active supporter of the work of the SRSGVAC and has cooperated with her office on numerous occasions, including by holding a meeting of the NCHR with the Special Representative and civil society organizations in 2014. Portugal contributes to the reports drafted in the area of children's rights on a systematic basis and is a vocal partner on children's rights in the international arena, namely at UN's Human Rights Council and 3rd Committee of the General Assembly.

Bullfighting (§38 of the CO)

118. On 14th February 2014, Decree-Law No. 23/2014 was published, establishing the operating regulations of (a) the artistic performances and (b) the installation and inspection of fixed hosting venues for artistic performances. This same Decree amends the previous legislation regarding the age classification for tauromachy shows, which increased from 6 to 12 years of age.

119. As far as underage performers are concerned, the minimum age for performing is 16 years of age under Law No. 31/2015, of 23rd April, in conjunction with Law No. 105/2009, of 14th September.

120. With respect to reported cases of 16-year-old-artists having performed at tauromachy shows, always with permission of the Commission for the Protection of Children and Young People, there was 1 case registered in 2014, 2 in 2017 and none either in 2015 or 2016. There are no official data on training taking place in bullfighting schools.

D. Family environment and alternative care (arts. 5, 9–11, 18(1) and (2), 20, 21, 25 and 27 (4) of the Convention)**Family environment (§40 of CO)**

121. Several measures were approved with the objective of supporting families and protecting children living or at risk of poverty.

Social security

122. Act 83-C/2013 of 31 December (State Budget for 2014), approved a 10% increase in the unemployment benefit for families in which both beneficiaries are unemployed and have dependent children, as well as for single parent families receiving the unemployment benefit (in the following years the measure was extended to self-employed workers).

123. The family allowance for children and young people has been updated twice, as well as the allowances for larger families and for single parent families (Law 7-A/2016, Decree-Law 2/2016 and Ordinance No 11-A/2016) with the aim of strengthening family-oriented policies and in line with the strategy of reducing poverty among children and young people.

124. The value of all benefits guaranteed under the subsystem of family protection was updated and the process of convergence between the family benefit amounts paid to children from 12 to 36 months and those paid to the children up to 12 months was initiated (Ordinance 62/2017).

125. The 4th income bracket for children up to 36 months was reintroduced and the increases for single parents and larger families were updated with reference to the values determined for the family allowance.

126. Due to the financial crisis, the Social Integration Income (SII) was submitted to legislative amendments which resulted in a decrease in the amount for poor families according to the composition of the household (see Graph 1, Annex 1). In 2016 the applicable equivalence scale was modified (Decree-Law 1/2016) as a measure of poverty reduction by increasing the percentage of the amount to be granted to each adult from 50% to 70% of the SII reference value, and for each minor, from 30% to 50% of the same reference value.

127. In addition to the 2016 update that paid back 25% of the previous cuts, a new update of the SII reference value took place in 2017 (following the update of the Social Support Index). Considering that it is still necessary to counteract the penalising changes as a result of austerity measures, the Government intends to reinforce inclusive measures with a view to protecting the more vulnerable groups (Decree-Law 90/2017, 28 June and of the Ordinance 253/2017, 8 August).

128. The parental protection benefits scheme was modified in order to strengthen maternity and paternity rights (Law 120/2015): the initial parental leave can now be simultaneously enjoyed by both parents between 120 and 150 days; the compulsory part of the father's exclusive parental leave, which corresponds to an allowance paid by the social security, increased from 10 to 15 days.

129. Regulation 3/2016 has modified the Special Education Allowance in order to improve the rules of attribution of benefits. The special education allowance scheme has therefore been improved so as to ensure harmonization of criteria for verifying the proof of disability and the need to attend special education or specialized individual support.

130. During the "austerity years" more resources were being allocated for the development of social services (see Graph 2, Annex 1).

131. The development of social services, such as nursery schools, free time child care, financial support for the attendance of preschool education establishments and Family Support and Parenting Counselling Centres (CAFAP), in particular for families in a more vulnerable situation, greatly relies on the cooperation between State and IPSS.

132. In 2016, 5804 cooperation agreements were signed for social facilities and services for Children and Young People (SISS COOP 2014–2017), comprising 228333 children, young people and their families with a State financing of 532 281 959 € (IGAS 2015–2016), i.e. 41% of the financing of all the cooperation agreements celebrated in 2016. These measures will allow for an increase in social transfers, namely, family allowances, for the recovery and activation of the coverage of the social minima, such as the SII, and further investment in social and integrated social responses for children and families in order to mitigate, and eventually eliminate child poverty in Portugal.

133. In the frame of Cooperation Protocol signed in July 2014 between the NCPRPCY and the European Anti-Poverty Network (EAPN), training on “*Poverty and Social Exclusion: A Look at Children and Young People*” has been provided to technicians and joint collaboration in the field of prevention and response to situations where children’s rights may be at risk has been established.

Education

134. Access to good-quality regular education for all, preventing and combating segregation and providing comprehensive and equitable access is a priority. Several benefits, allowances and other services, such as counselling services, are in place to support families affected by the economic crisis, single parent families, families with two or more children, families with children with disabilities, and families living in persistent poverty. See Annex 3 — G, School Social Support.

135. Compulsory public education (12 years) is free, no enrolment fees are due and no payment is necessary for activities related to attendance and certificated awards.

136. Disadvantaged families can benefit from subsidies for school transport, food, text books and school materials. Welfare is extended to upper-secondary school students.

137. Financially disadvantaged families can receive a monthly subsidy that varies according to the family’s income and number of children in the education system.

138. The Priority Intervention Education Territories (PIET) Programme, created in 1996 and since extended, provides additional resources, including psychologists, mediators, social workers and teachers, to 136 school clusters located in disadvantaged areas, in order to provide a closer follow-up of students and their families, according to specific needs and projects of the school.

Health

139. The right to the protection of health is constitutionally inscribed (article 64) and the Basic Health Law (Law 48/ 90, 24 August) defines special measures for groups at greater risk, such as children, adolescents, pregnant women, elderly, disabled and drug addicts.

140. Exemptions on access fees to the health service for pregnant and parturient women, children under 18 years of age, children and youth at risk undergoing a promotion and protection process, minors subjected to measures under the Educational Tutelary Law, children and youth integrated in hosting social responses following a judicial decision issued in civil guardianship proceedings, asylum seekers and refugees, their spouses or equivalent and direct descendants are in place (Decree-Law 131/2017, 10 October).

Children deprived of a family environment (§42 of the CO)

Prevention of out-of-home placements and strengthening of family-based care

141. The Law on Protection of Children and Young People in Danger (Law 147/99, revised by Law 142/2015, 8 September) seeks to respond to problems faced by children and young people placed in the foster care system, namely by strengthening its framework model, reinforcing measures to decrease the period of institutionalization of children and young people, improving the quality of care and of the promotion and protection projects offered to children and youngsters.

142. Under the revised framework, family foster care is the preferential measure for children up to 6 years old. Foster care homes must develop socio-educational models of intervention suitable for the children and young people under their care and give response to emergency situations, as well as to specific educational and therapeutic intervention needs.

143. Family care measures are to be privileged as an alternative to residential care, especially for children up to 6 years old. A new programme of Family Care is envisaged in order to improve enforcement of family based care measures and the existent family care system.

Deinstitutionalization strategy

144. Law 142/2015, 8 September, reinforced the right of the child to the preservation of the nurturing relationships required for his/her development.

145. In the last years, there has been a predominance of the measures in natural living environment (support for relatives, or other reliable persons and support for an autonomous life) as compared to placement measures (family care and residential care), in both the judicial and the CPCJ proceedings.

146. In 2014, out of the global number of children in care, 46, 5% had benefitted from a measure in natural living environment previous to residential care. This number increased to 49, 5% in 2015 and to 52, 3% in 2016. In parallel, there has been an increase in the percentage of children and young people that have left the care situation (see Table 11, Annex 1).

147. According to the 2016 report, the main causes for the termination of care were the return of children and young people to their natural living environment (reintegration with the parents / father / mother, uncles / grandparents / brothers (64, 2%), placement with an adoptive family or reliable person or family (13, 6%) and civil custody of young people that did not continue their trajectory towards autonomy (0, 3%).

148. The number of Care Homes in Portugal has simultaneously decreased, from 315 in 2014, to 313 in 2015 and 310 in 2016.

Qualification of professionals and caregivers

149. Qualification of human resources in care facilities has received considerable attention at legislative level in the context of the strategic management of social institutions.

150. Care homes are mandatorily composed of a pluridisciplinary technical team (responsible for the diagnosis of the situation of the child or young person and the definition and execution of the respective life project), an educational team (integrating staff with specific vocational training to carry out socio-educational functions) and an auxiliary team.

151. Recruitment and selection of professionals is a strict process, requiring academic qualifications, professional experience and an adequate psychological profile. Vocational training with the support of public and academic institutions and aimed at the integration, updating and consolidation of socio-educational good practices within the system of promotion of rights and protection of children and young people regularly takes place.

Inspection and monitoring

152. The inspection and monitoring of the social responses in childhood and youth takes place at two levels:

- Technical intervention with regards to the social responses to children and young people in care, according to a bi-annual accompaniment model of the various social responses in the area of residential care;
- Technical accompaniment with regards to social responses (SR) with cooperation agreement and /or licensing (See Tables 12 and 13, Annex 1).

153. Technical intervention in specialized care homes aims at the therapeutic care of children of 12 to 18 years old who demonstrate serious emotional difficulties as a consequence of disruptive behaviours that seriously affects their health, security, formation, upbringing or development, where the opposition of parents, legal representatives or legal guardians is insufficient to change the situation. Intervention is based in therapeutic models of involvement, so that children may develop in a well-thought and guided environment. It requires a straight accompaniment that is translated into monthly meetings and articulated channels of communication, from the ISS, I.P. and the Technical, Educational and Direction Teams. It has a temporary nature, in average 18 to 36 months.

Support for children leaving alternative care

154. The System of Promotion and Protection comprises measures in natural living environment (MNLE) and measures of residential placement.

155. Measures in natural living environment (MNLE) include support of a psychopedagogic and social nature and whenever justifiable, of an economic nature (occasional and/or regular). These supports can be cumulative.

156. Young people subjected to measures of institutional placement (residential or familiar care), are provided with financial, social and psychopedagogic support and autonomous apartments for a more autonomous life in a more protected environment.

157. These measures are accompanied by the technical team when there is consent for the intervention. Whenever necessary they trigger other resources of the community, namely the Centres of Family Support and Parenting Counselling.

158. Regarding the technical assistance, from the total of the 14 387 measures in natural living environment accompanied in 2016, there were a total of 13 413 resources made available. The social support was verified in 5 598 of the accompanied measures (42%), the psychopedagogic support in 4 120 (31%) and the economic support in 3 695 (27%).

Recruitment and monitoring of staff

159. Under Law 103/2015, 4 August, the exercise of functions involving regular contact with children, of a private or public nature, remunerated or voluntary, by persons who have been convicted for crimes against sexual self-determination and sexual freedom of minors (Article 69 B of the Criminal Code) can be prohibited for a period extending from 2 to 20 years, depending on the seriousness of the offense. Since 2015, a Criminal Identification System for Persons convicted for the Practice of Crimes against Sexual Self-Determination and Sexual Freedom of Minors has been created and it is now mandatory for persons working or intending to work with children to certify that their criminal record is clean.

Training on care standards

160. The *Social Security Strategic Plan for Childhood and Young People* implements an integrated model of intervention with children, youth and family that encompasses social intervention, social responses and childhood and youth. It comprises three axes:

1. (Re)Organization of the services for an integrated intervention with children, young people and families (elaboration/revision of manual and technical instruments; definition of ratios of human Resources Affectation; creation / implementation of information systems);
2. Specialization of the intervention with children, young people and families (Competence profile and service patterns definition; training promotion; intervention and supervision);
3. Intra and interinstitutional articulation (definition and implementation of a plan of communication and inter and intra institutional articulation).

Data analysis and records

161. Collection and systematic analysis of information on children in all alternative care settings takes place through the Annual Characterization of Care which, since 2003, analyses children and young persons in care according to a clearly defined methodology. The 2016 report was drafted with the collaboration of the Academy (ISCTE).

162. In the scope of the technical assistance to courts, access to sensitive personal data requires a judicial decision and the consent of the data holder or his/her legal representative.

163. Throughout the adoption process and respective preliminary proceedings, including the ones of administrative nature, confidentiality with regards to identity must be preserved. Violation of secrecy is criminalized and punishable with an imprisonment sentence of up to 1 year or a fine of up to 120 days.

164. The same rules are applicable to data processing in technical and administrative proceedings pertaining to the adoption process.

165. Regarding access to records on the family background, the law foresees that the services have the duty to provide information, counseling and technical support, so these records must be preserved for at least 50 years.

Adoption (§44 of CO)

166. The adoption regime has been revised by Law 143/2015, 8 September, in accordance with Portugal's international obligations and taking the best interests of the child as a primary consideration.

167. Innovations include the elimination of the restrict form of adoption, the criminalization of unauthorized intervention of entities, such as adoption intermediaries, the recognition of the right to know one's genetic origins, simplification of procedures and reinforcement of the IPSS participation.

168. Additionally, Law 2/2016, 29 February, has eliminated discrimination of same sex and non-married couples with regards to adoption, civil sponsorship and other family relationships.

169. A transition period to foster mutual knowledge and bonding between the adoptee and the candidates is foreseen, with a variable duration of up to 15 days. A pre-adoption period of up to 6 months is subsequently initiated. During pre-adoption, social security services continue to provide the support and trigger the necessary actions to an effective care having in mind the building and consolidation of the family bond.

170. Return of children takes place only in exceptional cases, whenever the interests of the child are put into question or the technical evaluation concludes that there is no sufficient bonding. The Vocational Training Plan for Adoption, attended by the adoptive parents, and the Plan of Preparation of the Child for the Adoption intend to prevent these situations.

171. The ISS, I.P. is the Central Authority for the International Adoption, responsible for the fulfilment of the international commitments undertaken by Portugal.

E. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1–3) and 33 of the Convention)

Children with disabilities (§46 of CO)

Integration into all areas of social life

172. Portugal has high rates of integration of children and young people with disabilities in the educational system. The country pursues an inclusive education policy and only 2% of the school population with special education needs attends segregated special schools. In 2015/2016 more than 98.5% of SEN pupils attended regular schools. Children with Special Education Needs (SEN) have priority in the enrolment in public pre-school primary and secondary education. See Annex 3, D — SEN Children and Students.

173. Ordinance 201-C /2015, 10 July, aims to prepare the transition of pupils with severe disabilities, aged 15 or more years old, from school to a full and active adult life, and wherever possible to working life.

174. The rights of children with disabilities are legally guaranteed and enjoy, in general, a satisfactory legal protection, but negative labels and stereotypes associated with disability still occur.

175. Additional barriers to the education of children with disabilities include shortages of specialized support in mainstream schools, availability of support materials in accessible format, training for teachers and other staff, transportation and effective implementation of regulations on accessibilities in accordance with the principle of universal design enshrined in the Convention on the Rights of Persons with Disabilities (CRPD).

176. In this regard, Portugal is making efforts in order to:

- Strengthen monitoring mechanisms and implementation of existing legal provisions in the field of education;
- Review the existing legislation in order to ensure that all essential legal acts related to children with disabilities respect the principles of the CRPD and the CRC, and that all interventions related to children with disabilities comply with the principles of participation and empowerment;
- Review the criteria set out in Decree-Law no. 3/2008 to include right of the child to be heard in the definition and evaluation of their educational plan, and to ensure the effective involvement of parents and students in the preparation of their Individual Specific Curriculum (ISC) and Individual Transition Plan (ITP).

177. The CM discussed the setting up of the “Inclusion Programme for Students with Special Education Needs” in 2016, which will implement effective measures to promote greater school inclusion of SEN pupils and students. This Programme will be drafted by a Working Group that will also review existing legislation.

178. In 2014, the National Education Council carried out a study on the characterization of the current situation of SEN pupils within the national education system which identified inclusive education as a major guideline of public policies for children with special needs.

179. Following-up to this study, the National Education Council issued Recommendation 1/2014 with 19 guidelines on the legal framework of special needs and inclusive education (Recommendation 1/2014).

180. Non-included children and youngsters (2%) are placed in special schools and subsidized by the authorities with regards to tuition, meals, transport allowance and different kinds of therapy.

181. A set of specialized responses, particularly for autism, multiple disabilities, deafness, blindness, low vision and early childhood intervention is also available.

182. In addition, measures to remove barriers and segregation and to promote inclusion and educational success, where implemented, namely:

- Allocation of special needs education teachers and specialised technicians in almost all regular schools, providing support to students with long term special educational needs;
- Support for children from 0 to 6 years under the National System of Early Childhood Intervention- SNIPI;
- Special conditions in enrolment and school attendance of SEN children, who are given priority in enrolment, and may attend a kindergarten or school regardless of their residential area;
- Creation of a national network of 25 ICT Resource Centres for Special Needs Education;
- Establishment of an Allocation System for Support Products (SAPA) with the aim to implement a global, integrated and wide-ranging policy for people with disabilities to compensate and mitigate the limitations resulting from impairment or disability, via free and universal support;
- Creation of a national network of 90 Resource Centres for Inclusion (CRI), designed to support the inclusion of children and young people with disabilities, and working in coordination with the school clusters;
- Enactment of Ordinance 201-C/2015, 10 July, regulating the teaching of students aged 15 or over, with individual specific syllabus for the transition of post-school life;
- Adaptation (Braille, Daisy and PDF format) and distribution of textbooks for basic and secondary education is guaranteed by the central services of the MEC;

- Distribution of universal design books to school libraries by the central services of the MEC;
- Provision of specific forms of education for students who require adapted material and specialised human resources, enabling mainstream schools to meet the students' specific needs, namely:
 - Schools of Reference for the bilingual education of deaf students;
 - Schools of Reference for the education of blind students and students with poor eyesight;
 - Special units organized for students with autism spectrum disorders;
 - Specialized units for students with multiple disabilities and congenital deaf/blindness.

183. The schools of reference and specialized units are created whenever justified, according to the number of pupils from one school or groups of neighboring schools, the nature of the responses, the specific equipment and professional expertise required.

184. Accessibility within inclusive education is also a priority. A Handbook for Accessibility in Schools is in use in existing and new education facilities addressing issues such as adaptability and flexibility of spaces, mobility, access to all school areas; adequate lighting; acoustic and controlling environmental noise; furniture and specialized equipment (special software, adapted keyboards, pointing braille, etc.); management of school accessibility conditions by the school management.

185. Access to the curriculum and participation of SEN students in school activities has been encouraged through the adaptation and distribution of textbooks for primary and secondary education in accessible formats; the assessment of needs for assistive technologies; the allocation of assistive products to access the curriculum through the national system — SAPA; the granting of free licenses of Easy Reader software to the blind students and reading of books in Daisy format; or training activities by the ICT Resource Centres for SEN with the aim of promoting the accessibility of school web pages and the use of assistive technologies by teachers and students.

186. Incentives for the development of projects and initiatives in partnership with schools and non-governmental organizations, such as the publication of children's books in universal design and its distribution by school libraries from the School Libraries Network and Inclusive projects in school libraries aimed at the construction of reading materials in accessible formats have also been put in place.

187. Inclusion policy measures adopted in public schools comprise:

- Annual funding for the operation of 25 ICT Resource Centres Special Needs Education. These centres assess students' needs for assistive technologies;
- Annual funding to support assistive technologies for students with special needs who attend public school;
- Annual funding for adaptation and distribution of textbooks for basic and secondary education in accessible formats (Braille, Daisy and PDF format), by the central services of the MEC;
- Annual funding for distribution of books in universal design for school libraries;
- Annual funding for Action Plans submitted by school clusters and the Resource Centres for Inclusion (CRI). CRI provide specialized services in mainstream schools, aimed at students with SNE, teachers and families and ensure activities in the implementation of the Individual Transition Plans (PIT);
- Annual funding for the operation of the Specialized Support Units for the Education of Students with Multiple Disabilities and Deafblind as well as for Structured Teaching Units for the Education of Students with Autism Spectrum Disorders.

188. During the reporting period, there was an increase in the number of children and young people encompassed by agreements following under the social response of Precocious Intervention in Childhood, a decreasing trend of the Support Care Home users

and a stabilization in the number of children and young people encompassed by cooperation agreements in the response “transport of disabled people” (See Table 14, Annex 1).

189. In 2015, 234 leisure projects were developed by disability NGOs and funded by the National Institute of Rehabilitation, IP, in a total of 685 628 €. In 2016, there were 292 leisure projects amounting to 999 028 €. The projects financed the promotion of artistic, cultural and sports activities, recreational activities, development of information and awareness raising campaigns regarding persons with disabilities and holiday camps for persons with disabilities and their caregivers.

190. In the field of Education and Sport, several Portuguese youth associations working with children and young people with disabilities are supported by the State. The Portuguese Sports and Youth Institute (IPDJ), encourages School Adapted Sports by financially supporting sports federations for the promotion and development of sport for children and young people with disabilities. The Sport for All National Programme, initiated in 2015, finances sports organizations and other stakeholders, as well as NGOs and Physical Medicine and Rehabilitation Centres, with the goal to promote sport as a means of inclusion of persons with disabilities, including children and young people.

Requests for special education allowance

191. In the 2013/2014 school year there was an increase in rejected requests for special education allowance. The 2013 annual report concerning the application of the Non-Discrimination Law showed that 78 discrimination complaints in the area of education were submitted. Compared with 2012 annual report this was a substantial increase (9 education complaints). However in 2014 the number of complaints decreased to 26 compared to the previous year, and in the years 2015 and 2016 reached 45 and 44 complaints respectively.

Training

192. Public investment in special needs and inclusive education includes the amounts spent with the special needs education teachers and other technicians (occupational therapists, speech therapists, physiotherapists, psychologists, interpreters and Portuguese Sign Language teachers, etc.).

193. Between 2014 and 2017, the training of teaching staff carried out 202 training actions for 241 classes regarding special needs issues. The non-teaching staff training entities carried out, respectively in 2014 and 2017, 37 training actions for 151 classes.

194. In 2015 and 2016, numerous trainings sessions were addressed to professionals (See Table 15, Annex 1).

195. In the frame of the *National System of Precocious Intervention in Childhood*, 7 vocational training actions took place under the Vocational Training Plan of the ISS, IP, reaching a universe of 175 technicians working in technical supervision centers. The training focused on the key principles of precocious intervention in childhood.

196. An online guide for professionals on “Recommended practices in early childhood intervention” was developed (available at: <http://im2.anip.net/index.php/guia/versao-on-line>) and disseminated in 5 regional sessions; 16 vocational training actions on his guide took place between October 2015 and March 2016 reaching a universe of 439 early childhood intervention professionals.

Health and health services (§48 of the CO)

197. The concerns expressed by the Committee on possible negative implications of austerity measures on the right of children to the enjoyment of the highest possible standard of health have been taken into account. Interventions under relevant National Health Programmes (such as the NCYHP, the HACYR, or the National School Health Programme, NSHP) have been reinforced in order to improve responses in this regard.

198. Available data do not substantiate the negative impact of austerity on children’s access to the NHS. In fact, the proportion of children complying with the schedule of child

and juvenile health surveillance consultations foreseen in the national programme, has been increasing since 2012 until 2016 (see Tables 16 and 17, Annex 1).

Mental Health (§50 of the CO)

199. The new National Mental Health Plan will have a focus on mental health of children and adolescents, following the identification of mental health care and services for children and adolescents as a pressing need.

200. It is estimated that 500 child places in the Mental Health Network for Continued Integrated Care should be created up to 2020 (<http://www.saude.mental.pt/mais-informacao/4594066908/Plano-Nacional-para-a-Saude-Mental---2017/11234964>).

201. The “*Plan of Development of the National Network of Continuous Care (RNCCI) 2016–2019*” encompasses palliative care to the paediatric population and to persons with serious mental disorder regardless of age. Priority has been given to paediatric care responses (Ordinance 153/2016, 27 May 12). In June 2017 there were 46 units of continuous paediatrics care (see Table 18, Annex 1) including 16 units for mental health.

202. Since 2016 there has been a strong investment in Pediatric Integrated Care Units and from 2017 onwards in the availability of beds in health care for children and young people.

203. The Children’s Mental Health Support Group (*Grupo de Apoio à Saúde Mental Infantil — GASMI*), is a good example of a multidisciplinary approach in the treatment of psychological and psychosocial ill-health and disorders among children. Under the project, teams were trained through a cooperation agreement with the Children’s Hospital Dona Estefânia (Lisbon), in order to overcome the lack of services and psychiatric specialty units for childhood and youth in the Algarve hospitals.

Data on children and adolescents receiving treatment

204. Information on the number of patients receiving treatment, the number of facilities and outpatient services for psychosocial rehabilitation as well as distribution of facilities and services within the Portuguese territory is available in the 2015 report of the National Programme for Mental Health (NPMH) (<https://www.dgs.pt/em-destaque/portugal-saude-mental-em-numeros-201511.aspx>) and in the NHS portal in the section transparency (monthly update).

Adolescent health (§52 of the CO)

205. Sexual Education is compulsory in all levels of education, it integrates the health education curriculum and is implemented in projects developed by schools, from pre-school to the end of secondary education.

206. The framework for the implementation of sexual education in schools was established in 2009 (Law 60/2009 and Ordinance 196-A/2010). The recent Referential for Health Education (RHE) for teachers/educators in all education levels includes a topic on “Affection and sexuality education”, focused in the prevention of sexually transmissible diseases and early pregnancy, improvement of emotional and sexual relationships, and in conscious decisions with regards to sexuality.

207. All public school clusters have a psychology office, including a weekly hour to confidentially receive students who wish to discuss health and sexuality issues.

208. Free of charge family planning consultations are available at the primary health care level of the NHS and the NSHP includes a cluster on education for affection and sexuality (Order 8815/2015, 20 July.)

209. The Portuguese Institute for Sports and Youth (IPDJ) runs an anonymous and confidential Sexuality hotline offering psychological services to young people in the area of sexual and reproductive health, (<http://juventude.gov.pt/Eventos/SexualidadeJuvenil/Paginas/Sexualidade-em-lia-novo-numero-800222003.aspx>).

Drug and substance abuse (§54 of the CO)

Promotion of healthy lifestyles

210. Reduction of addictive behaviours and promotion of healthy lifestyles for children and youth, including in the school environment, are emphasized in education and health policies.

211. Relevant programmes include the NSHP, the NPMH, the NPCYH, the National Programme for the prevention and control of smoking and the National Plan for the Reduction of Addictive Behaviors and Dependencies 2013–2020 and the National Programme for the Promotion of Physical Activity, created in 2016, which also delineates interventions for children and youngsters.

212. Healthy food habits are encouraged with the distribution of fruits, vegetables and dairy, with a view to reduce childhood obesity and prevent heart disease and diabetes in students attending public preschool, basic and secondary education. Meals and food supplies in schools follow the dietary principles of variety and quality, defined by legislation and guidelines developed by the MEC and implemented by the school's direction.

213. The practice of physical education throughout the school path, the availability of school sports as a curriculum supplement and leisure time; the Take care of yourself (CUIDA-TE) programme, educating for health and life- skills in this area, which targets around 30.000 young people between the ages of 12 and 25; the online Sexuality phone hotline run by the IPDJ, the PERA Programme, the School Fruit Regime and the School Milk Regime are also worth mentioning.

214. Since 2017, the Healthy School Stamp rewards schools that promote the health and well-being of the educational community (more details at <http://area.dge.mec.pt/selo-escola-saudavel/Regulamento.pdf>).

215. Life-skills education and healthy lifestyles are also encouraged through joint programmes, partnerships and protocols in the education and health sectors.

216. All public school grades implement projects for the promotion of health and health education, focusing on nutrition education and physical activity, sexual education and prevention of sexually transmissible infections, prevention of use of psychoactive substances, mental health or prevention of violence at school. Relevant initiatives include cross-curricula activities, legislation and guidelines for schools.

Life-skills education and training

217. Learning resources aimed at teachers/ educational staff and children and young people on life-skills education and training have been published and websites aimed at children and youth have been launched.

218. The REH includes specific guidelines for teachers/educators in all education levels for the promotion of healthy life-styles among students, based on a holistic perspective, namely on the prevention of addictive behaviours and dependencies.

219. Between 2014 and 2017, 244 training courses for teaching staff were conducted for 381 classes in health education. Non-teaching staff training entities conducted six training actions between 2014 and 2017 for 41 classes.

Sale and advertising of alcohol and tobacco

220. The Portuguese Advertising Code (Law 330/90, of 23 October) forbids the advertising of tobacco products.

221. Advertising of alcohol products in schools, publications, programmes and activities that specifically target minors is prohibited under article 18. Article 20 prohibits any advertising to alcohol products on TV and radio between 7.00 AM and 09.30 PM.

222. The legal minimum age of consumption of alcoholic beverages was risen to 18 years of age (Decree-Law 50/2013, 16 April, as amended by Decree-Law 106/2015, 16 June) with the aim to restrict the consumption of alcohol by adolescents, who are a risk group.

223. The Economic and Food Safety Authority (ASAE) is responsible for supervising application, investigating cases and imposing fines and accessory sanctions (see Table 19, Annex 1).

224. Law 37/2007, of August 14, amended by Law 109/2015, August 26, prohibited the sale of tobacco to minors under the age of 18 (for infractions registered by ASAE, please refer to Table 20, Annex 1).

Breastfeeding (§56 of the CO)

225. The NPCYH follows UNICEF's recommendations on breastfeeding, and the subject is addressed in training sessions. Exclusive breastfeeding up to 6 months of age and maintenance with complementary foods at least until the second year of life are encouraged as a nutritional optimum for new-borns which reduces morbidity, mortality, inequalities, violence and environmental damage.

226. The Child and Youth Health Module allows for the register of information about breastfeeding and feeding from 0–18 years old.

227. The MS is active in awareness raising on the importance of maternal breastfeeding and joins the celebrations of the World Breastfeeding Week, which in 2017 included the holding of an International Breastfeeding Conference.

228. In 2017 the Directorate-General for Health, in partnership with the UNICEF Baby Friendly Initiative, under the NCYHP, established a working group to define a national food policy and strategy of infants and young children up to 3 years of age, according to WHO guidelines.

229. Marketing regulations relating to breast milk substitutes are monitored ASAE.

Standard of living (§58 of the CO)

230. Parenting benefits in place to reduce child poverty include the allowance to child support (absence from work to help in urgent and necessary care to biological, adoptees or the partners' children) and the allowance to support grandchildren (absence from work due to birth or assistance to grandchildren with a view to replace the income lost during the days of absence from work under 3 types: assistance to the birth assistance to young grandchildren or to grandchildren with disabilities or chronic disease).

231. Other measures adopted in 2016 that may impact on vulnerable households with dependent children were:

- The restoration of levels of protection to families in poverty, that resulted in an increase in the percentage of the RSI that improved from 50% for each individual to 70% of the RSI value and for each individual less than 30% to 50% of the reference value — Decree-Law no. 2/2016, of January 6. This diploma also updated the value of the RSI from 178.15 € to 180.99 € (from 42.495% to 43.173% of the value of the Social Support Indexer);
- Reinstatement of reference amount of the minimum income scheme (RSI) and of its equivalence scale, having as a result an increased percentage of the amount to be allocated to each adult from 50% to 70% of the RSI reference value, and to each minor from 30% to 50%;
- Update of Child Benefit amounts for the first three households' income levels (3.5% for bracket 1; 2.5% for bracket 2; and 2% for bracket 3) and an increase of the mark-up from 20% to 35% of Child Benefit for single parent families;
- Rollover of 10% growth to the unemployment benefit for unemployed parents.

F. Education, leisure and cultural activities (arts. 28, 29, 30 and 31 of the Convention)

Education, including vocational training and guidance (§60 of the CO)

Budgetary cuts

232. During the last decade, most acutely in 2012, there were major cuts in the education sector as a result of austerity measures.

233. Since 2013, the State budget for education has slightly increased, but is still far from 2010 levels. In 2015 spending accounted for 6% of GDP, down from 7.6% in 2010. As the nominal level of GDP in those two years was nearly identical, education expenditure shrunk by some 20% over the period.

234. The decrease of public expenditure in education since 2011 was mainly associated with the decline of the number of civil servants and the temporary cut in salaries of teachers and school staff. Cuts had a huge impact on the public expenditure on education, since the component of personnel expenses in the education budget is about 80% of the total amount. Budget shortage was aggravated by the suspension of key programmes such as renovation and building of schools and ICT. School Social Action and PIET were not affected by these cuts.

235. In 2016, the civil servants' wages cuts were progressively removed and the number of teachers and non-teaching staff in the public system increased. In 2017, the capital expenses also started to rise, with important investment in the rebuilding of schools in vulnerable conditions. Migratory fluxes and the population ageing — reinforced during the economic crisis), which imply a decrease in the number of children and young people in Portugal, are additional explanatory factors.

Pre-school education

236. Portugal is progressing towards full public provision of pre-school education for all children aged 3 to 5 years by 2019. The objective of full provision of pre-school — set in 2016 — is likely to be achieved for children aged 5 in 2017. In the 2015/ 2016 school year, pre-school rates were of 94,8% for 5 years-old children; 90,1% for 4 year-old children and 79,9% for 3 years-old children. See Annex 3, B, on enrolment rates.

237. In 2015, the participation of children aged between 4 and the compulsory school age was of 93.6%, slightly below the EU-average (94.8%).

238. Intervention in early childhood education and care (ECEC) is regulated through the legal mechanisms developed under the aegis the Ministries of Education and Labour, Solidarity, and Social Security.

239. Expansion and improvement in the quality of the national preschool education network has been taking place since 1995 with the aim to allow all children to have access to preschool and ensure varied and quality educational responses, adapted to the needs of families.

240. The extension of the provision of preschool education, which is also a priority of the educational policy measures at this education level, is currently ensured to approximately 83% of 3–6 year-old children attending preschool.

241. The national network of preschool education in place builds on robust partnerships between the MEC, the MTSSS, the Union of Private Institutions for Social Solidarity, the Union of the Mutual Benefit Societies, the National Association of Portuguese Municipalities and other institutions.

242. Cooperation Protocols established with the various social partners, guarantee the gratuity of the teaching time thanks to the financial support of the State to public and not for profit private institutions. Opening hours of preschool institutions were also extended, so as to adapt care services schedules to the needs of families. When enrolling in

kindergartens, children with special needs, with permanent disabilities or whose parents are minors are given priority.

243. Professional qualification of preschool teachers (of the 0–6 age group) is obtained through an initial teacher training course, taught in higher education institutions (universities or polytechnics), organized according to teaching qualification profiles and including in-service teacher training. These courses qualify preschool teachers and award a first degree. In-service training provides updating, improvement, reconversion and support to the professional activities of teachers leading to career development and mobility.

Premature dropout

244. Combat to early school leaving in order to improve the rate of successful completion of compulsory education (secondary education or 18 years) is a national education priority. See Annex 3, A and B, on pupils and enrolment rates.

245. A strong improvement in the rate of early leavers in Education and Training (from 43.6 % in 2000 to 14.5% in 2016) has taken place. However, Portugal still lags behind the European average (10.7 %). See Annex 3, F — Statistics on Early School Leavers.

246. Progresses achieved rely on measures implemented in the last decade, including the diversification of supply at secondary level, namely through VET, the implementation of projects aiming at the improvement of students' basic skills as well as projects to prevent and correct low achievement and school drop-out, the reorganisation of the schools network, and some Lifelong Learning initiatives, considered as compensatory measures, aiming at the return to the education and training system of early school leavers.

247. Secondary prevention programmes have been implemented, such as the Educational Territories for Priority Intervention Programme, the More School Success Programme, the Alternative Curricula Pathways Programme, the Integrated Education and Training Programme, and education and training courses.

248. In 2016, the National Plan to Promote Success in School (NPPSS) was adopted as the flagship initiative to prevent school failure and reduce the retention rate in all educational stages, focusing on the first grade of each basic education cycle. In basic education, the new national examination system introducing formative tests in the 2nd, 5th and 8th grades (7-, 10- and 13-year-old students) for Portuguese and Maths is now fully implemented. Since the school year 2016/2017, students who have repeated more than one grade are assigned a trained tutor to accompany their learning process and improve performance outcomes, but also to build their trust in school. See Annex 3, C — Retention Rate.

249. During the first year of implementation, 663 education centres joined the NPPSS that is, 80% of all schools. In all, schools have proposed 2,915 measures in different fields such as curricular flexibility, organisational flexibility, multidisciplinary teams, experimental sciences and parents' education.

250. Other measures to combat early school leaving, successful learning and inclusion are the free distribution of text books to children enrolled in the 1st cycle of Basic Education since the 2017- 2018 school year; social services schemes for books, food, transportation and scholarships/grants (universal, differentiated, restricted direct, indirect, whole or partial, free and subsidized social school supports); availability of counselling services, namely educational and vocational guidance, and psychological support provided by schools to reduce early-school leaving.

251. Families of students with special education needs have access to specific school material adapted to the students' needs, extra pedagogic aid at no additional cost, public funding of private education and specific tax benefits. Decree-Law 125/2017, concerning the accessibility conditions of all public institutions, including schools, will allow for improved accessibility in schools.

252. The "Choices Programme" (www.programaescolhas.pt) developed by the ACM, promotes the social inclusion of children and young people (6 to 30 years) from vulnerable socio-economic contexts particularly descendants of immigrants and ethnic minorities. In

this Programme, local projects are designed to match the specific needs of the people to whom it is directed and have a strong emphasis in school support to increase academic success. The Programme aims to fight against early school leaving by promoting non-formal education, vocational training, community participation, digital inclusion and empowerment.

253. It is presently in its 6th generation (2016–2018), supporting 112 approved projects, involving around 85.000 participants. The projects are defined by local consortia of partners. The projects are structured in five main categories: 1) School inclusion and non-formal education; 2) Vocational training and employability; 3) Community and civic participation; 4) Digital inclusion and 5) Entrepreneurship and empowerment.

Vocational training

254. The diversified supply of VET programmes positively contributes to the completion of the 12 years of compulsory education and increases the level of qualification of Portuguese young people. VET plays an important role in the promotion of educational success and in the reduction of school drop-out, as well as in the improvement of students' employability. The emphasis on VET has contributed to an increase in participation rates (42.4%, in 2015/16) and completion of upper secondary education. One of the advantages of VET lies in the fact that it awards double certification — school certification (12th grade) and professional — providing students with technical and professional skills, as well as with key and transversal skills. The employment rate of recent VET graduates increased to 69.8% in 2016, but it is still below the EU average of 75%.

255. Efforts are being made to increase the attractiveness of VET and to boost participation of students in upper secondary vocational programmes, having in mind the ambitious national goals for 2020: 90% of young people with an upper secondary degree; 50% of them through a VET programme (double certification). The VET Day has been launched to ameliorate the visibility and the social image of VET as well as its potential for VET students, businesses and the country. In 2017, a 25% increase in the number of vacancies in professional courses took place as a result of the involvement of the Psychology and Guidance Services in schools.

Mainstreaming of gender equality

256. Portugal is strongly committed to the elimination of gender stereotypes in and through the education system.

257. The Education Guides on Gender and Citizenship developed by CIG and the MEC are used since the 2008–2009 with a view to mainstream gender equality in the education system, in an effective, permanent and sustained way (See Table 21, Annex 1).

258. It offers teachers a range of concrete and common themes from a gender perspective to work on with their pupils and students, such as body and movement, health, sexuality, security, sexism or stereotypes. These guides are now available in teachers training. In the period of 2014–2017, 84 training sessions were carried out, involving 1314 teachers, from 180 school groupings.

259. The Guides have been put into practice in the cross curricular area of Education and Citizenship and in several subjects of the national curriculum for preschool, basic and secondary education, as well as in school projects on health and sex education, ensuring continuity in subsequent school years.

260. Several schools have decided to adopt the Guides as schoolbooks for the compulsory curricular subject area of Education and Citizenship. The Guide for preschool education was used as a schoolbook in a Professional Education Course (level III) for Assistants in preschool education.

261. The Guides project has been enlarged and partnerships reinforced between CIG, the MEC, schools, universities, polytechnic institutes, municipalities, and associations. Protocols have been signed between CIG and Mass Communication and Journalism Universities/Faculties to integrate gender issues in their curricula.

262. The NSCE, which will be implemented in the 2017/2018 school year as a pilot project in 235 schools, in all levels of education, includes equality between women and men, human rights, non-discrimination, diversity, and citizenship, as structuring axes. This strategy includes the training of teachers in citizenship education and the definition of a concrete teacher profile.

263. Gender equality has also been integrated in the 2nd National Strategy for Development Education drafted in 2017.

264. Finally, the pilot project “Engineers for a Day” was launched on 10 October 2017, anticipating International Girls’ Day (12 October), through an initiative of the Government’s Equality Area. It aims to prevent the intensification of segregation in education and vocational choices and later professional careers by reason of sex and, in particular, the absence of women in the engineering areas and technologies. For this purpose, a protocol is being put in place between CIG, the Portuguese Technical University, schools and companies active in the relevant sectors.

265. This pilot project is taking place throughout school year 2017–2018. It is targeted at lower secondary female students who are challenged to engage in different engineering tasks. It stimulates their interest in STEM areas and challenges the male dominated sector stereotype.

G. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d), 38, 39 and 40 of the Convention)

Asylum-seeking and refugee children (§62 of CO)

266. All applications for asylum submitted by unaccompanied minors are immediately notified to the competent Family and Juvenile Court. Article 79 of the Asylum Law for the appointment of a representative applies, with a view to allow these children to exercise their rights in compliance with the process of international protection and the goals of promotion and protection of children’s rights in judicial proceedings.

267. According to ACM’s data there are currently 488 minors refugees, within the framework of the European Agenda for Migration relocation programme, in Portugal (277 boys and 211 girls), mostly Syrian nationals (360 minors), followed by Iraqi (113). Appropriate reception of these minors is ensured through ACM’s Support Unit for the Integration of Refugees, in close articulation with the local authorities and reception institutions.

268. In March 2017, Portugal welcomed five unaccompanied minors from Afghanistan. This initiative took place as a bilateral solidarity mechanism with Greece, in order to fully comply with article 3 of the Convention and the recommendations issued by the Committee on the Rights of the Child in its General Comment 6. A Working Group integrating representatives of relevant public entities guaranteed access to education, legal documentation, health and Portuguese language-learning. Portuguese authorities stand ready to receive additional groups of unaccompanied minors in the future.

269. In order to accommodate the growing number of asylum seekers, Portugal has chosen to host families with children in apartments, rented in the housing market, according to the size of the household to be housed, benefiting from all material conditions of reception and support to asylum seekers.

270. In addition, the construction of a new shelter for refugees was initiated which will take into account the specific accommodation needs of families with children, providing for an adequate environment in accordance with United Nations standards. The Portuguese Council for Refugees is responsible for the construction and management of this Center.

271. The reviewed National Referral Mechanism (NRM) pays particular attention to children. When presumed child victims of trafficking are flagged, they are referred to the system for protection by competent entities (e.g. police authorities, NGO’S or courts). The system for the protection of children at risk pursuant to Law 147/99 on the Protection of Children and Young People in Danger, last amended in September 2015, does not provide

for specific measures for child victims of trafficking and there are currently no specialized facilities for child victims of trafficking in human beings in Portugal, ie. a victim of trafficking aged under 18 will receive assistance in the same way as any child at risk or in danger. In the event of imminent danger, children may be subject to emergency placement.

272. The issues related with trafficking in human beings will be considered in the future multiannual plan for promoting and defending children's rights, which is currently being prepared by the new NCPRPCY.

273. Professionals dealing with children refugees and asylum seekers, unaccompanied and separated children, victims of trafficking or otherwise traumatized children are trained to attend these children's specific needs. Universal access to health services, including in the area of mental health, namely in situations of trauma, is provided. The MS also develops specific training actions under the 3rd Action Plan to Prevent and Combat Trafficking in Human Being, the HACYR and the Health Action on Gender, Violence and Life Cycle (Order no. 6378/2013, 16th May), targeted to the specific needs of victims of trafficking in human beings, including children.

274. The MJ actively participates in the work of European Network on Guardianship of (third-country national) unaccompanied children, created under the aegis of the European Commission.

Economic exploitation, including child labor (§64 of CO)

275. Child labour is monitored by the Authority for Working Conditions (ACT). In the last years, a specific programme focusing on the intervention in the prevention and control of discrimination and working conditions of vulnerable groups of workers, which includes monitoring of the working conditions of minors (<18 years) has been implemented.

276. ACT conducts inspections on the working conditions of minors, in compliance with the minimum age of admission and education of the young workers and conditions of participation of workers in small shows, advertising and related activities.

277. Programmes in education and training, financial support given to families through the subsidy of social insertion, and the institution of a national minimum wage contributed for the eradication of child labour.

278. The number of minors in child labour situations is currently residual (See Table 22, Annex 1).

279. Regarding bullfighting, Law no. 31/2015, of April 23rd, states that bullfighters and auxiliary artists must be at least 16 years of age (article 3, §3).

280. The International Labor Organization Convention No. 189 (2011) concerning Decent Work for Domestic Workers was approved for ratification by Resolution No. 42/2015 of the Assembly of the Republic and ratified by Decree No. 31/2015 of the President of the Republic, both published in the official journal (*Diário da República*) on 27th April 2015 (Series I, No. 81).

Administration of juvenile justice (§66 of CO)

281. Between 2014 and 2017, several training actions for professionals working in the juvenile justice system took place, including: training for new social reintegration professionals; Council of Europe's Guidelines on child friendly justice; motivational interviews; GPS-Generate Personal Routes; psychological assessment and expertise about the personality of young offenders; technical training of Teams of Community Rehabilitation and Educational centres on the Youth Level of Service — Case Management Intervention; management of cases where measures of educational monitoring (enforcement activity in the community) and internment in Educational Center are applied; intervention with families of young people in fulfilment of tutelary educational measures; suicide prevention programme; specific programmes directed to young violent offenders; specific programmes directed at young sex offenders.

282. Training is an essential tool for improving the quality of law enforcement actors. The initial training and promotion courses given at the police schools include training in

human rights, multiculturalism, prohibition of discriminatory practices and non-violent conflict resolution, use of coercive means or citizenship rights.

283. The referential “Common View About the Child” is used in training sessions and a new training for the police officers working in the PES has been designed and is currently being implemented (50 out 350 officers have been trained).

284. A study on the prohibition and abolishment of the use of solitary confinement conducted by the MJ is ongoing.

H. Ratification of international human rights instruments (§67 of CO)

285. Portugal is not considering the ratification of this Convention, as it partially follows under the scope of EU competences. The national standard of protection afforded to migrants and their families goes beyond the standards laid down therein.

I. Cooperation with regional and international bodies (§68 of CO)

286. Portugal regularly cooperates with the Council of Europe in the field of children’s rights.

287. Participation in the Ad-hoc Committee on the Rights of the Child and in the Lanzarote, Istanbul and Cybercrime Convention Committees is especially meaningful and has measurable and positive impact in domestic policies affecting children.

288. In this vein, Portugal has also contributed to the *Council of Europe Strategy for the rights of the child 2016–2021*.

Chapter II — Follow-up the recommendations on the OPCAC

A. General measures of implementation

Coordination (§7 of CO)

289. The MDN is undergoing a profound reform of its specific educational frameworks, with the ultimate objective of improving awareness of the students of military education institutions (elementary and higher) to the complex challenges of human rights — including with regards to the rights of children in armed conflicts — as well as equipping the Portuguese military with the necessary skills to carry out their missions in the field.

290. The MDN, through its educational institutions, has allocated human, pedagogical and financial resources so that the pedagogical contents currently under review can integrate the various pedagogical projects in the school year 2018/2019.

291. Furthermore, the Ministry is involved in the doctrinal development of the protection of children in armed conflict through its participation in the International Society for Military Law and the Law of War.

Dissemination and awareness-raising (§9 of CO)

292. The new educational framework under elaboration by the MDN (please see answer above) will be used in all national schools with a view to its integration in the pedagogical plan for the area of citizenship. This will allow for a wide dissemination not only among school age children but also in the military community.

Training (§11 of CO)

293. The training framework of the Portuguese military, both initial and lifelong, has a strong component in human rights, international humanitarian law, armed conflict law, gender equality and combat to violence against women. Other relevant courses include the

National Defense Auditor Course, taught by the National Defense Institute, and the War Reporter course, taught by the Military Academy.

294. With the creation of the new training framework, these contents will be made available to all young Portuguese students, increasing sensitization on these themes.

295. Portugal made considerable efforts to expand and reinforce Human Rights education in schools, namely through the establishment of a training team giving short-term training in schools and NGOs, the granting of awards to schools with good intercultural practices, and curricular reforms in science and humanities courses in order to cover citizenship, health and sexuality topics.

296. The GNR provides training to security forces placed in the different theaters of operations and in the context of missions within the international organizations. In order to prepare for these actions, thorough inspective actions take place to evaluate the organization, type of training (individual and group), establish the adequate administrative and logistic procedures and, if necessary, propose corrective measures.

297. Military personnel is also appointed by GNR to participate in the Civil Crisis Management Course and the initial training and promotion courses given at the GNR School and at the Military University Institute in the Curricular Units of Criminal Law, Criminal and Constitutional Procedures include training on human rights.

Data (§13 of the CO)

298. Through the community and proximity policing, law enforcement agents seek to collect relevant information on this problem and identify and report potential cases of recruitment or use of children in hostilities to the Immigrants and Borders Service (SEF).

299. The refugees and asylum seekers arriving in Portugal are being relocated from Greece and Italy, under the European Agenda for Migration Programme. ACM receives the data on the people arriving from the SEF — MAI.

B. Prevention

Direct participation (§15 of the CO)

300. The Portuguese legal framework explicitly prohibits the use of children in any armed forces activity. This legislation is enforceable during all times (peace and/or war time) to all Portuguese citizens. Regarding this particular recommendation, it should nevertheless be made clear that the Code of Military Justice is only applicable to military personnel, and therefore, has a potential limited reach.

301. The Portuguese solution of prohibiting all uses of children in armed activities by general law ensures the fundamental aim of the recommendation, which is to ensure that all the acts against children rights are punished by law.

Military schools (§17 of the CO)

302. Military education institutions are subject to a rigorous scrutiny. As Military Public University and Higher Education Institutions, the Military Academy, the Naval School and the Air Force Academy, are fully integrated into the National Education System, notwithstanding necessary adaptations to meet the needs of each branch of the Armed Forces. They are therefore subject to the monitoring and supervision of both the MEC and the Ministry of Science, Technology and Higher Education, in addition to that of the MDN. The same happens with the Military School which integrates the Portuguese Education System in equal standing with public educational institutions from a pedagogical point of view.

303. According to the legal framework that regulates Military Service in Portugal, one can only acquire the status of “military” at the age of 18. For this reason, students of military educational institutions (Military School and Army Pupils Institute) can only

acquire military status if they voluntarily join one of the branches of the Armed Forces from the age of 18.

304. The Military School mission is to establish a solid military, intellectual, technical, physical, moral and civic matrix, inspired by the qualities and virtues of military life and in pursuance of the fundamental principles defined in the Portuguese Educational System, as well as highlighting the role of national defense and the armed forces in society.

305. Students do not undergo military training at the school. Instead, at various military schools, an emphasis is put on the development of physical-motor skills, deemed a fundamental component of personal development and on healthy lifestyles that foster health education.

306. Recently, military schools underwent a rigorous reforming process aiming to improve the educational answer to the children's needs. In this process all the students were inquired in order to assess their personal views on the future solution.

Human rights and peace education (§19 of the CO)

307. Education for Peace is one of the dimensions of the Citizenship Education curriculum.

308. Within the context of the Education for Security, Defence and Peace initiative, a protocol was signed between the MEC and the MDN, with the main objective of promoting values pertaining to security and protection in primary and secondary education.

309. Following this protocol, the National Defence Institute and the Directorate-General for Education jointly developed an Education for Security, Protection and Peace reference framework for teaching in all education levels. Under the protocol they also undertake to collaborate in the design, implementation and dissemination of teacher training activities within the framework of in-service training and encourage and support relevant civil society initiatives related to the promotion of a culture of security, protection and peace, which are part of the School Education Project.

C. Prohibition and related matters

Criminal legislation and regulations in force (§21 of the CO)

310. The Military Service Law (Law 174/99, 21 September) stipulates that the recruitment reserve is made up of Portuguese citizens aged 18–35, who, having not actually served in the ranks, may be recruited in exceptional circumstances. Recruitment of children takes place under no circumstances (see answer provided on §15 of the CO).

311. Law 31/2004, 22 July, as amended by Law 59/2007, which adapts national legislation to the International Criminal Court Statute, criminalizes recruitment of children by armed forces or other armed groups as a war crime against persons under its Article 10, § 1 h) punishable with 10 to 25 years of imprisonment.

D. Protection, recovery and reintegration

Measures adopted to protect the rights of the child victims (§23 of the CO)

312. Although children in these situations have not been identified by Portuguese authorities, police officers and other personnel are given adequate training and protocols are in place to identify and forward hypothetical cases to the competent authorities.

313. Through the community policing and proximity, GNR dedicates special attention and is able to collect relevant information on this problem reporting situations that it may be aware of to the competent national authority on this matter, ie, SEF.

314. Portuguese authorities are sensitive to the heightened psychological vulnerability of child refugees and asylum seekers.

315. Considering the need for psychological support of refugees arriving in Portugal, ACM and the Portuguese Association of Psychologists (OPP) signed a cooperation agreement in July 2016 to jointly work in the identification of psychosocial risks and intervention in catastrophe situations. The OPP committed to make available to ACM a list of psychologists who completed the training: “1000 Psychologists for Catastrophe Situations” and who are available, at no cost, to provide support in the process of reception of refugees in Portugal. A protocol was also signed with the Portuguese Olympic Committee.

Assistance for physical and psychological recovery and social reintegration (§25 of the CO)

316. Although Portuguese authorities have not identified children who may have been recruited or used in hostilities, the physical and psychological recovery and social reintegration measures available for victims would apply in such cases.

317. In 2017, the GNR created a special programme of support to migrants (*Programa de Apoio ao Migrante* — PAM), with the aim to promote their rights and therefore contribute to a society based in values of equality. The programme’s goals are to strengthen the co-responsibility of all social partners in promoting the security and protection of citizen’s rights.

318. Children deprived of parental care, originating from other countries or stateless (Unaccompanied Foreign Minors, UFM), undergo two simultaneous judicial proceedings to ensure the UFM total protection and a safe entry into national territory: 1) a judicial proceeding which runs in the Family and Juvenile Court, with the purpose of guaranteeing the promotion and protection of the measures foreseen in Law 147 / 99, 1 September 2) an administrative proceeding, which runs in the SEF (asylum, provisional protection, return), with the objective of ensuring provisional international protection, the concession of asylum or the returning of the child to his/her country of origin (when possible).

319. Portugal is currently streamlining procedures to clarify the field of action of the different actors in the process, both the competences of the Courts and from different public and private entities, through the development of a Guide of Procedures for hosting UFM and the definition of a specialized reception model in the framework of interministerial working groups.

320. Support to the recipients and beneficiaries of international protection stems from an Interministerial Collaboration Protocol.

321. The migratory crisis that has been going on in the last four years was escalated by the massive flux of migrants originating from the Mediterranean, who seek international protection or better living conditions in EU countries. This circumstance brought about an increase of around 190% of the number asylum requests received by Portugal in 2016 (1.496 requests) when compared to the corresponding figures in 2013 (507 requests).

322. An increase in the number of asylum requests is still expected regarding 2017, given the commitments undertaken by Portugal at an EU level, in the frame of the resettlement programme.

323. After the decision on admissibility of the Foreigners and Borders Service, these children benefit from the support of *Santa Casa da Misericórdia* (a Portuguese private institution of administrative public utility) and of the Institute of Social Security — entities with competence to ensure the material conditions in the reception of families in situation of economic deprivation.

324. Currently, Portugal has one Specialized Reception Center for unaccompanied refugee children located in Lisbon.

325. There are, however, a number of specialized reception centers for the reception of unaccompanied minors throughout the country and also for accommodating unaccompanied minors or refugees where the competent Family and Minors Court considers it appropriate in accordance with the best interests of the child.

Chapter III — Follow-up of the recommendations on the OPSC

A. Data (§8 of the CO)

326. The Integrated System of Operational Police Information (SIIOP), collects data that is used for analytic purposes, namely the elaboration of the Annual Internal Security Report (RASI).

B. General measures of implementation

Legislation (§10 of the CO)

327. The MJ is conducting a study on the incorporation of the OP into the domestic legal system which will also touch upon the explicit definition of sale of children.

National plan of action (§12 of CO)

328. The drafting of a specific plan of action on the implementation of the OPSC was not deemed necessary, as the new NSRC and the III PNPCTSH (2014 -2017) encompass most of the obligations set forth in this international instrument. The NSRC will include a plan of action that incorporates issues related to OP.

329. Moreover, the Observatory of Trafficking on Human Beings (OTSH) created in 2008 (Decree-Law 229/2008, 27 November) can also monitor areas covered by the Protocol.

Coordination and evaluation (§14 of the CO)

330. The Convention and the Protocols were considered as a normative unit for the purposes of coordination and evaluation under the NSRC. The National Strategy will include a plan of action that incorporates issues related to the OP.

Dissemination and awareness-raising (§16 of the CO)

331. While there have been no specific awareness raising actions on the OP, awareness and knowledge of the phenomena of child pornography, sexual violence against children or illegal adoption are expanded through national campaigns on children's rights and media coverage.

332. Relevant examples include campaigns raising awareness on the sharing of sexual intimate contents and sexting (<https://www.youtube.com/watch?v=AxSzREwaKnM>), the E-Safety Label awarded to schools (<http://www.seguranet.pt/pt/esafety-label>), the Digital Leaders Initiative (<http://www.seguranet.pt/pt/iniciativa-lideres-digitais>), a new hotline on health and youth sexuality launched by the Portuguese Institute for Youth (<http://juventude.gov.pt/Eventos/SexualidadeJuvenil/Paginas/Sexualidade-em-linha-novo-numero-800222003.aspx>) and civil society's initiatives, such as APAV's prevention campaigns' on sexual abuse of children and young people (https://www.apav.pt/apav_v3/index.php/pt/; https://apav.pt/apav_v3/index.php/pt/1297-apav-lanca-campanha-de-prevencao-dos-abusos-sexuais-de-criancas-e-jovens).

Training (§18 of CO)

333. Systematic training on the OP for professionals working with children such as judges, prosecutors, social workers, law enforcement and immigration officials takes place in the frame of initial and lifelong training on human rights and rights of children.

(Please also refer to information provided above, under §§ 24, 28, 66 of the CO on the CRC and §34 of the CO on the OPSC).

C. Prevention of the sale of children, child prostitution and child pornography (art. 9 (1) and (2))

Measures adopted to prevent offences prohibited under the Protocol (§22 of the CO)

334. Austerity measures did not affect the support afforded to the various national plans, strategies and programmes, including the Strategic Plan for Migration, the ENICC and the Choices Programme.

335. Although the Choices Programme (www.programmeaescolhas.pt) does not specifically target the prevention of offences prohibited under the OP, it has proven an important support for the young people in vulnerable situations in Portugal.

336. Acknowledging the importance of the work developed in this area, the Portuguese government continued to provide technical and financial support. Implementation contemplates technical teams that are distributed throughout the country, including the islands. The monitoring of the projects is supported by an online platform for reporting on the status of each project and financial support for the projects is attributed in phased payments.

337. For a closer look at the fieldwork being developed, in 2016 an introductory video was compiled based on the existing projects: <https://youtube/dfnlrxiK8cM>.

338. Early identification of children who are especially vulnerable to becoming victims takes place in a variety of ways, including through the community policing and proximity action of the police forces and the functioning of the system of promotion and protection of children's rights in articulation with existing strategies and programmes, namely those aimed at more vulnerable children, such as Roma children.

339. ENICC comprises 105 measures in the areas of education, health, housing, employment and a cross-cutting pillar covering discrimination, mediation, citizenship education, social security, promotion of Roma history and culture, and gender equality.

340. Roma communities benefit, without discrimination, from all measures in place for the general population, including social protection under the Social Insertion Income, housing programmes and access to the NHS.

Child trafficking (§24 of CO)

341. Targeted measures focusing on children in the most vulnerable and marginalized situations are carried out under the III PNPCTSH 2013–2017 and other programmes, such as the HACYR and the Health Action on Gender, Violence and Life Cycle (Order 6378/2013).

342. The IV PNPCTSH currently under preparation will include issues related to child trafficking.

343. International assistance in connection with investigations and cross-border cooperation to combat trafficking for the purposes of forced labour and sexual exploitation takes place under the applicable police and judicial cooperation mechanisms.

344. Other projects and awareness raising initiatives worth mentioning include: the Training Toolkit for social workers designed by the “European Cross-Actors Exchange Platform for Trafficked Children on Methodology Building for Prevention and Sustainable Inclusion — CATCH & SUSTAIN”, currently being implemented by *Instituto de Apoio à Criança* (IAC), introducing preventive methods based on identification and risks assessment, empowerment and life-skills education approach and data gathering through participatory research; the launching of a national campaign in 2016, on the European Day against trafficking in human beings, aimed specifically at raising awareness on the risk of child trafficking.

D. Prohibition of the sale of children, child pornography and child prostitution and related matters (arts. 3, 4 (2)–(3) and 5–7)

Existing criminal or penal laws and regulations (§26 of the CO)

345. Portuguese current criminal framework criminalizes the solicitation of children for sexual purposes and the access to child pornography by means of ICTs. Relevant legislation includes articles 176 and 176-A of the Criminal Code, on child pornography and solicitation of children, Law 83/2015, 5 August, on the limitation statute for sexual crimes on children, and Law 103/2015 on the criminal identification register of persons convicted for crimes against sexual self-determination and sexual freedom of children.

346. A Study on the sale of children in accordance with articles 2 and 3 of the OP is being conducted by the MJ.

Impunity (§28 of the CO)

347. Available data on “abductions” and “kidnappings” are not disaggregated by age.

348. Enhanced coordination and strengthening of law enforcement investigation practices with regards to sexual crimes against children is a national criminal policy priority.

349. Coordination and strengthening of investigation practices are pursued through the joint interaction of mechanisms set forth in various laws: Law 96/2017, 23 August, which stipulates that cybercrime, crimes against freedom and sexual self-determination as well as crimes against children are of priority prevention; Decree- Law 81/2016, 28 November, creating the combat unit to cybercrime and technological criminality; Decree- Law 68/2017, 16 June, on the electronic request of the criminal certificate; Law 71/2015, 20 July, implementing the European Protection Order (Directive 2011/99/E, 13 December 2011); Law 158/2015, 17 September, implementing Council Framework Decision 2008/909/JHA, 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty, and Council Framework Decision 2008/947/JHA, 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions; Law 36/2015, 5 April, implementing Council Framework Decision 2009/829/JHA, 23 October 2009, on the application of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention; Law 38/2015, 11 May on the improvement of the interoperability conditions of criminal police organs; Law 88/2017, 21 August, implementing Directive 2014/41/EU, 3 April 2014 on the European Investigation order in criminal matters; Law 37/2015, 5 May, establishing a criminal identification system and implementing Council Framework Decision 2009/315/JHA, 26 February 2009; Decree-Law 171/2015, 25 August, regulating the criminal identification law.

350. Additionally, on a more societal level, the PES contributes to the prevention of crimes against children, including child abduction, child prostitution and child pornography, as well as other forms of violence and improves knowledge of children’s rights.

Liability of legal persons (§30 of the CO)

351. The MJ is conducting a study on the amendment of legislation to require Internet and telephone service providers and banking services to report the detection of pornographic sites involving children and to provide information to law enforcement officials about persons who distribute child pornography and related content.

Extraterritorial jurisdiction (§32 of the CO)

352. Extraterritorial jurisdiction is ensured for conducts criminalized under the OP (Article 5 of the Criminal Code). A study is being carried out by the MJ on this issue.

E. Protection of the rights of child victims (arts. 8 and 9 (3) and (4))

Measures adopted to protect the rights of child victims (§34 of the CO)

Right to protection and assistance

353. Law 130/2015, 4 September, amended the Code of Criminal Procedure (CCP) and approved the Victim's Statute transposing Directive 2012/29/EU, 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime.

354. The Statute and the CCP (article 67-A) enshrine a broad concept of victim which includes not only the person directly affected by the crime but also his/her family in case of death.

355. Victims have, inter alia, the right to information, assistance, protection and participation in criminal proceedings, including by providing information and giving evidence. They may become parties to the proceedings at any stage, including after the first degree instance has been issued (Article 68, §3 c).

356. When filling the complaint, they have the right to free assistance and to the translation of the written confirmation of the complaint into a language they understand (Articles 11 and 12 of Law 130/2015 and Article 246, §5, CCP), and must be given a registration certificate of the complaint describing the essential facts of the crime (Article 247, §7, CCP).

357. Moreover, victims are heard whenever there is a change in the coercive measures (Article 212 CCP) and during the enforcement of sentences, particularly in cases of non-compliance with the conditions of the suspended sentence by the offender (Article 495, § 2, CCP).

358. Particularly vulnerable victims (Articles 20 et seq. of Law 130/2015) benefit from special protection measures during proceedings, such as the right to be interrogated by the same person and by a person of the same gender in cases of sexual, domestic or gender violence, the right to testify or deliver statements by videoconference in order to avoid contact with the aggressor or to have their statements recorded to be used as evidence at trial phase.

359. The rights of the child victim are specifically addressed under article 22: children have the right to be heard in criminal proceedings having their age and maturity taken into account; they can be accompanied during the hearing by their parents, legal representative or guardian or to have a legal representative mandatorily appointed whenever there is a conflict of interests or when the child with sufficient maturity so requests it (the appointment of the legal representative is performed in accordance with the law of legal aid). Their privacy is also protected, as no information that could lead to the identification of a child victim may be publicly disclosed. Violation amounts to a crime of disobedience. Whenever the age of the victim is uncertain and there are reasons to believe that he or she is a child, the victim is considered to be a child.

360. Law 121/2015, 1 September, which amended Law 104/2009, 14 September, emphasises the rights of the victims of domestic violence to access to complaint and compensation mechanisms (article 152 of the Criminal Code).

Strengthening of the protection and security of child victims

361. Please see answer provided to §36 of the CO on the CRC above.

362. Portugal is preparing the implementation of a shelter for children victims of trafficking. In that shelter, as with the others three shelters, children victims of trafficking will have the right to subsistence, access to suitable and urgent medical treatment, psychological assistance, protection, translation and interpretation services, as well as child-friendly legal services. All the support and services will be adapted to the needs of the children.

363. Training is already implemented for all stakeholders using the above mentioned training toolkit.

364. Long-term monitoring of the reintegration of child victims of trafficking will be reinforced.

365. In the year 2016 of the 2 396 children and young people who got into foster care, 485 (20,2%) demanded immediate protection, a growth of 2,3% in relation to the previous year (in 2015 were 394 children).

366. Children in the most vulnerable situations have specific emergency vacancies in the foster care homes. Also the National Social Emergency Hotline gives responses to situations of unprotecting and in social support immediate need, ensuring the protection and safety, amongst others, of children and young people in situation of danger.

Systematic and regular training

367. In the framework of the work carried out by a Working Group set up by the NCPRPCY for the development of technical-scientific cooperation projects / actions on the promotion and protection of children and young people, GNR developed the Common View About the Child training framework current in use.

368. The Centre for Judicial Studies (*Centro de Estudos Judiciários*, CEJ) conducts training on children's rights topics, including international law, in initial and ongoing training courses taking place between 2013 and 2017. These courses are dedicated to judges and public prosecutors. In addition to children's rights, CEJ's training also focus on domestic violence and gender mainstreaming, victimology and on the system of promotion and protection in Portugal.

369. PSP, GNR and the Criminal Police are given extensive training on victims' rights, their identification, protection and assistance at different stages of the criminal justice process.

Compensation

370. Law 130/2015, 4 September on the Victim's Statute has reinforced the rights of the victims to seek compensation (article 16).

Recovery and reintegration of victims (§36 of the CO)

371. As referred to above (answer to §34 of the CO on the OPSC), Portugal is preparing the implementation of a shelter for children victims of trafficking. In that shelter, as with the others three shelters, children victims of trafficking will have the right to subsistence, access to suitable and urgent medical treatment, psychological assistance, protection, translation and interpretation services, as well as child-friendly legal services. All the support and services will be adapted to the needs of the children.

International assistance and cooperation (art. 10)

Multilateral, bilateral and regional agreements (§37 of CO)

372. International cooperation and coordination with a view to improve detection, investigation and punishment of sale of children takes place in the frame of relevant international and regional conventions, including the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, judicial and police cooperation mechanisms and other initiatives, such as Portugal's integration of the "We Protect Global Alliance to End Child Sexual Exploitation Online", an international initiative dedicated to national and global action to end the sexual exploitation of children online.⁶

⁶ <http://www.weprotect.org/>.