

Country session: Portugal

Date of session: 19 and 20 September 2019 (82nd session)

Background information

[OHCHR press release](#)

Webcast: [first part](#) and [second part](#)

[Audio file](#)

Reporting

Reporting methodology

Regular reporting procedure

Simplified reporting procedure

Concluding Observations with urgent measures

State report

Common core document	
Initial submission	30 January 2011
Updated document	27 August 2014
Annexes I and II	-

CRC	
No. of report	5 ^o and 6 ^o
Due date	20 October 2017
Submission	16 January 2018

Written replies	
Submission	28 June 2019
Annex	28 June 2019

Public reports from children's rights defenders

[Alternative reports and additional information](#)

NGOs	<ul style="list-style-type: none"> • National Secular Society (NSS) (UK) • Plataforma Portuguesa para os Direitos das Mulheres (Portuguese Platform for Women's Rights) • ECPAT International • UNICEF Portugal • Juvenil Justice Advocates • StopIGM.org / Zwischengeschlecht.org
NHRIs	Portuguese Ombudsman

State delegation

The [delegation](#) of Portugal was large and multisectoral. It consisted of representatives of the National Commission for the Promotion of Rights and the Protection of Children and Young People of Portugal; the Permanent Representative of Portugal to the United Nations Office at Geneva; the Ministry of Foreign Affairs; the Ministry of Internal Administration; the Ministry of Justice; the Ministry of Science, Technology and Higher Education; the Ministry of Education; the Ministry of Labour, Solidarity and Social Security, the Ministry of Health; and the High Commission for Migration.

CRC Committee's Task Force members

Name & Last Name	Country
Luis Pedernera (coordinator)	Uruguay
Suzanne Aho Assouma	Togo
Bragi Gudbrandsson	Iceland
Ann Skelton	South Africa

Dialogue description

I. Character of the dialogue

The dialogue held with the multisectoral delegation was constructive and interactive. The atmosphere was positive.

II. General assessment made by the Committee

The Committee welcomes the progress achieved by the State party in various areas. The Committee notes with appreciation also the legislative, institutional and policy measures adopted to implement the Convention, in particular the revision of legislation on the promotion and protection of children and youth at risk and the restructuring of the national mechanism in charge of planning, coordination, monitoring and evaluation of action to promote the rights and the protection of children and youngsters.

I. Main issues discussed:

- **Early marriage:** The Committee asked the State party about the exceptions in the legislation that allow marriage under the age of 18 years. The delegation remarked that young persons wishing to get marry face a series of restrictions. Between the age of 16 and 18 it was possible to marry but it requires authorization, the concerned youths cannot make that decision by themselves. The number of early marriages had been dwindling in the past years: there had been 26 marriages between two people under the age of 18 and 49 early marriages involving one individual under the age of 18.
- **Intersex children:** The Committee was concerned about the harmful practices towards intersex children and asked the State whether the parents were consulted and informed about the consequences of the surgery and if the children have access to justice and remedies. The State replied that, in line with the rights of children to bodily self-determination, the first LGBTB strategy had just been adopted to protect individuals.
- **Children involved in bullfighting:** The Committee was concerned about the negative consequences for children involved in bullfighting. They asked the State about the minimum age for participation and assisting bullfighting events and how bullfighting could contribute to a violent mentality in children. The delegation

replied that legislation does not allow children participation under 12 years old. Between 12 – 18 it depends on the protection commission of the community. The National Commission has been following this and there were meetings with the inspector of cultural activities.

- **Discrimination against children:** The Committee expressed concerns regarding the discrimination practices against certain groups of children: children with disabilities, gay and transgender children, girls and, specially, Roma children who are particularly vulnerable. They asked the representatives of Portugal about their plans and aspirations in this regard, as the new legislation and the measures taken did not seem to focus on children, they said. The delegation said they were aware of the complaints alleging discriminative practices against children, most of them in the area of education. Therefore, a campaign was developed during the school year 2017-2018 to promote inclusive education and fight against racial discrimination by disseminating information among schools and associations. With regards to the high number of roma girls' school dropouts, the delegates said that 32 students who wanted to continue with education were awarded scholarships. One of the other main measures taken was a national study carried out to analyze the situation of roma communities in Portugal. The delegates explained that all municipalities were consulted, and the outcome of the study will be published this year.
- **Children deprived of a family environment.** The Committee expressed concern about the widespread use of institutionalization, including of children below the age of 3 years and for reasons attributable to poverty and disability. It also asked the delegates about the quality of care, including the provision of accessible channels for reporting, monitoring and remedying maltreatment of children. The State said that the priority was to place children within a family environment and to prevent children to be placed in institutions. The pro child lab implements the right of children to remain with the family, if possible. When they cannot live with the natural family, the Foster family program establishes a protocol to select the families and asses the family dynamics.

Recommendations of the Committee:

In its [Concluding Observations](#), the Committee drew attention to the need for urgent measures concerning the following areas:

- **Comprehensive policy and strategy:** The Committee recalls its previous recommendation and recommends the State party to expedite the adoption of the NSRC and of the corresponding plans of action; to allocate adequate resources to the National Commission for the Promotion of the Rights and Protection of Children and Youth for the monitoring and coordination of the implementation of this strategy.
- **Best interest of the child:** The Committee recommends the State party to ensure that the principle of the best interests of the child is incorporated in legislation and in all policies, programmes and projects that have an impact on children; to develop procedures and criteria to provide guidance to all relevant persons in authority for determining the best interests of the child in every area and for giving it due weight as a primary consideration and to establish compulsory processes for impact assessments of these laws and policies.
- **Sexual exploitation and abuse:** The Committee recommends Portugal to adopt a strategy to combat child sexual abuse, a child-friendly and multiagency response system to avoid secondary victimisation; to raise the awareness of parents, children, teachers and other professionals working with and for children on referral procedures and ways of minimizing the risks to children in their online conduct; to increase the resources allocated to the effective prevention, identification, investigation and prosecution of sexual abuse of children and to collect and publish disaggregated data on trafficking of children for sexual exploitation and on the exploitation of children in prostitution in the country.

- **Children deprived of a family environment:** The Committee recommends the State party ensuring that policies and practices are guided by the principle that financial and material poverty should never be the sole justification for removing a child from parental care; guaranteeing that children up to the age of 6 years are placed in family foster care rather than in institutions; adopting an overall deinstitutionalization strategy and developing and implementing policies and action plans to guarantee coordinated and quality alternative care.
- **Standard of living:** The Committee recommends the State party to consider holding targeted consultations with civil society on the issue of child poverty, with a view to identifying priority actions and developing a rights-based strategic approach to eradicate child poverty; to expedite planned inclusive measures to protect the more vulnerable groups and to strengthen measures to ensure that families with children have access to adequate and affordable housing, as well as to safe drinking water, sanitation and electricity services.
- **Asylum-seeking, refugee and migrant children:** The Committee recommends the State party to ensure that any form of detention of migrants and asylum seekers under the age of 18 years, of unaccompanied children and families with children is avoided and to guarantee the implementation of alternatives to detention; to assess and determine the best interests of the child at the different stages of migration and asylum; to strengthen policies and practices to improve the identification and registration of unaccompanied and separated children; to prioritize the immediate transfer of asylum-seeking children and their families out of temporary detention and to continue to enforce multidisciplinary and transparent procedures for age assessments that are in line with international standards.

The Committee would also like to draw the State party's attention to the recommendations concerning the following areas:

- **General measures of implementation:** Legislation; coordination; allocation of resources; data collection; independent monitoring; dissemination, awareness-raising and training; children's rights and the business sector.
- **Definition of the child.**
- **General principles:** Non-discrimination; right to life, survival and development; respect for the views of the child.
- **Civil rights and freedoms:** Nationality
- **Violence against children:** Corporal punishment; abuse and neglect; bullfighting; harmful practices.
- **Family environment and alternative care:** Family environment; adoption.
- **Disability, basic health and welfare:** Children with disabilities, health and health services, mental health, adolescence health, breastfeeding, standard of living,
- **Education, leisure and cultural activities:** Education, including vocational training and guidance
- **Special protection measures:** Sale, trafficking and abduction; administration of child justice; child victims and witnesses of crime
- **Ratification of international human rights instruments.**
- **Cooperation with regional bodies.**

Sustainable Development Goals

Throughout its Concluding Observations the Committee referred to the following targets:

- 16.2 on ending abuse, exploitation, trafficking and all forms of violence against and torture of children.
- 5.3 on eliminating all harmful practices, such as child, early and forced marriage and female genital mutilation.



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- 3.8 on achieving universal health coverage, including financial risk protection, access to quality essential health-care services and access to safe, effective, quality and affordable essential medicines and vaccines for all.
- 3.4 on reducing by one third premature mortality from non-communicable diseases through prevention and treatment and promote mental health and well-being.
- 3.5 on strengthening the prevention and treatment of substance abuse.
- 1.3 on implementing nationally appropriate social protection systems and measures for all and achieving substantial coverage of the poor and the vulnerable.
- 4.c on increasing the supply of qualified teachers.
- 8.7 on eradicating forced labour, end modern slavery and human trafficking and securing the prohibition and elimination of the worst forms of child labour.

Next State report

CRC	
No. of report	7 th and 8 th
Due date	20 March 2025

Disclaimer: Child Rights Connect reports are all drafted in English. If the State report and/or the alternative reports were submitted in another UN language (Spanish, French, Arabic, Russian or Chinese) the report will be translated accordingly.