



# Convention on the Rights of the Child

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## Committee on the Rights of the Child Sixty-fifth session

### Summary record of the 1860th meeting\*

Held at the Palais Wilson, Geneva, on Wednesday, 22 January 2014, at 10 a.m.

*Chairperson:* Ms. Sandberg

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*Combined third and fourth periodic reports of Portugal*

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\* No summary records were issued for the 1854th to 1859th meetings.

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*The meeting was called to order at 10.05 a.m.*

**Consideration of reports of States parties** (*continued*)

*Combined third and fourth periodic reports of Portugal (CRC/C/PRT/3-4)*

1. *At the invitation of the Chairperson, the delegation of Portugal took places at the Committee table.*
2. **Mr. Bártolo** (Portugal) explained that the delay in the submission of the third and fourth periodic reports on implementation of the Convention on the Rights of the Child had been due to poor cooperation in the past between the various public bodies concerned. The creation, in April 2010, of a National Commission for Human Rights, further to the recommendations formulated following the universal periodic review, had enabled the Government to update its submissions of human rights reports. Portugal had ratified the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure in 2013 and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) on 23 August 2012.
3. In order to fulfil its international human rights obligations, Portugal had developed and implemented numerous plans and strategies concerning, inter alia, domestic violence, the elimination of female genital mutilation, the integration of migrants and Roma communities, and equality. It had also criminalized all forms of corporal punishment in 2007 and was seeking to prevent LGBT children from being subjected to violence and harassment. Training had been organized for judges concerning the protection, within the context of judicial procedures, of child victims of ill-treatment, domestic violence or sexual abuse.
4. In order to guarantee respect for the rights of children of both legal and illegal migrant workers, the Government had ensured that the information contained in the database concerning the care of those children in schools and hospitals was confidential.
5. It was also working to guarantee equality of opportunity and promote the social inclusion of children and young people from disadvantaged socioeconomic backgrounds through its *Escolhas* (Choices) programme. It had put in place an educational programme for children aged 3 to 5 who lived in remote rural areas, and also a national early intervention system in the area of health and social services. On 1 June 2013, it had launched the first national health programme for children and young people, which prioritized the screening of children with special needs. The national road accident prevention programme placed particular emphasis on children and young people. The sale of tobacco to minors had been banned since 2007 and a decree-law adopted in April 2013 prohibited the sale of alcoholic drinks to minors in public places. Since 2008, the economic and financial crisis which had struck Portugal had forced the Government to reduce social benefits, but the social policies designed to combat child poverty had not been dropped. Under the emergency social assistance programme set up in 2011 to mitigate the effects of austerity on vulnerable groups, unemployment benefits for single-parent families had been increased by 10 per cent.
6. **Mr. Gastaud** (Country Rapporteur) stressed that the achievements of recent years had been jeopardized by the economic and financial crisis which had existed since 2008 and by the austerity measures introduced in consequence, which had resulted in a reduction in the budgets for education and children's services. He asked whether the State party was devoting maximum available resources to the implementation of the rights of the child, as prescribed in article 4 of the Convention.
7. He asked the delegation whether persons whose professional duties brought them into contact with children continued to receive training on the rights of the child and whether children themselves were informed of their rights. He requested additional

information concerning the powers of the body responsible for coordinating policies on children.

8. The Committee wished to learn the conclusions of the working group which had been appointed in 2012 to reflect on a possible reform of legislation concerning the protection of children.

9. Noting that violence against children persisted despite the criminalization of corporal punishment, he asked whether the State party had evaluated the results of the awareness-raising campaigns on that question, whether measures to prevent domestic violence were also being implemented in Madeira and the Azores, and whether any perpetrators of violence (teachers, parents or guardians) had been convicted. He would like to learn the results of the road safety campaigns and to know whether the State party planned to improve awareness among parents of the risks of drowning, which had caused the deaths of numerous children in the State party. Lastly, the delegation might indicate whether the State party intended to regulate bullfighting.

10. **Mr. Nogueira Neto** (Country Rapporteur) asked how civil-society organizations that collaborated with the Government in implementing social welfare measures were selected, and whether the State party planned to involve NGOs in the formulation of public policies and in the analysis of their results. He wished to know whether the rights of children in an irregular situation in Portugal were recognized and whether affirmative action was taken to benefit children from disadvantaged groups who suffered discrimination. He invited the delegation to indicate whether the State party had put in place family reunification measures that respected ethnic diversity and the best interests of the child, and whether it took account of the problems specific to minority communities such as the Roma and members of Portuguese-speaking minorities from Mozambique, Guinea, Cabo Verde or Angola. Lastly, he wished to know whether the rights of homosexual and transgender children were respected.

11. **Ms. Wijemanne** asked whether the State party had established a central body responsible for coordinating action for children in all the areas covered by the Convention.

12. **Ms. Oviedo Fierro** said that the safety measures applicable in the two bullfighting schools in Portugal, which were attended by over 100 children, did not seem adequate, bearing in mind that a number of children had suffered accidents. She asked whether the State party could contemplate modifying the legislation on bullfighting, for example by deciding to authorize that activity only from the age of 18. She also wished to know whether the State party had planned to carry out awareness-raising campaigns on the dangers associated with bullfighting and measures to be taken in order to guarantee the safety of children.

13. **Mr. Kotrane** asked whether the State party intended to modify the provision in article 115 of Act No. 115/2009 on the prison system, which authorized solitary confinement for a period of up to 30 days as a disciplinary measure, including for children between the ages of 16 and 18.

14. He also requested information on the question of discrimination against minorities, in particular the Roma, in the field of education.

15. **Ms. Muhamad Shariff** asked what mechanism allowed children to be heard in proceedings concerning them and at what age children were authorized to give their opinion. She also wished to know whether, in judicial proceedings, children were automatically allowed to exercise the right to be heard or whether that matter was at the discretion of the judge.

16. **Ms. Aldoseri**, noting that the number of cases of child trafficking and, in particular, those involving sexual exploitation was increasing, especially among children belonging to the most vulnerable groups, asked whether the State party had detailed data on that question and what preventive measures had been put in place.

*The meeting was suspended at 11.05 a.m. and resumed at 11.30 a.m.*

17. **Mr. Bártolo** (Portugal) said that his country was doing its utmost to fulfil its international commitments and, in particular, to limit the negative effects of the economic and financial crisis on children.

18. **Mr. Santos Pais** (Portugal) said that it was still too early to know the precise effects of the austerity measures on the situation of children. Nevertheless, whenever it had been obliged to make cuts in the budget, the Government had tried to safeguard the assistance provided to children belonging to the most vulnerable population groups.

19. **Ms. Costa** (Portugal) said the spending cuts in the education sector during the previous two years had mainly affected the salaries of teachers, whose thirteenth and fourteenth months of salary had been abolished, and school infrastructure, with a slow-down in the renovation of school buildings. The Ministry had operated mechanisms to reassign certain benefits to the most disadvantaged children and groups. Education for children with special needs had not been affected by the budget cuts.

20. **The Chairperson** asked whether the reductions in salary had led to resignations by teachers.

21. **Ms. Oviedo Fierro** asked whether those measures had affected the motivation of teachers and the quality of their teaching.

22. **Ms. Costa** (Portugal) said that she was not aware of teachers having resigned as a result of the reductions in salaries. She had no data indicating that the quality of teaching had deteriorated.

23. **Ms. Filipa Perreira** (Portugal) said that under the agreement concluded in 2011 between her Government and the “troika” composed of the International Monetary Fund, the European Commission and the European Central Bank, the Government had undertaken to reform the health system in order to ensure the viability of the national health service. Emphasis had been placed on access to primary health care. The patient’s contribution had been increased in order to rationalize the use of resources and to control expenditure. Nevertheless, pregnant women, women who had recently given birth, children up to the age of 12, persons with a disability rating of 60 per cent or more and people on low incomes received completely free health care.

24. In accordance with the national programme to promote oral and dental health, free dental care was provided for pregnant women, children up to the age of 16, people living with HIV/AIDS and older persons in receipt of the solidarity benefit.

25. **Mr. Miranda Mendes** (Portugal) said that the Government had been able to increase the 2014 budget for the *Escolhas* programme, which aimed to promote the social inclusion of children and young people from vulnerable socioeconomic backgrounds, in particular migrant children and children from ethnic minorities. Portuguese legislation recognized that, irrespective of the immigration status of their parents, all children had the right to health services and education.

26. **Ms. Susana Perreira** (Portugal) said that the Child and Adolescent Initiative was a national mechanism which covered all rights and was based on close cooperation between the public bodies and civil-society organizations working in the field of children and adolescents. Despite the crisis, and despite the austerity measures set out in the troika agreement, a number of measures that had been defined in the Initiative remained priorities. Thus, the emergency social welfare programme, which assisted the most vulnerable children and families and concerned some 3 million people, would remain in place at least until December 2014.

27. **Mr. Gastaud** asked what were the prospects for those programmes beyond 2014.

28. **The Chairperson** asked whether the State party had a comprehensive national strategy for children.

29. **Ms. Severino** (Portugal) said that the National Plan of Action for Inclusion was a European governance programme. It formed part of a new document entitled “National Reform Programme”, which contained a strategy for combating poverty and social inequality.

30. **Mr. Santos Pais** (Portugal) said that it was difficult for the Portuguese authorities to envisage what action they would take beyond 2014. The country was due to exit the troika assistance programme in May 2014; when Portugal was once again able to define its public policies unaided, the question of the protection of children’s rights could become the focus of increased attention. His Government would rely on the recommendations formulated by the Committee in that regard.

31. Human rights training programmes continued to be implemented, in particular for judges, police officers and social workers.

32. **Ms. Costa** (Portugal) said that under the multiannual financial framework of the European Union for 2014–2020 significant assistance would be provided for youth employment in Portugal.

33. Since 2012, civics had been included at all levels of education. In accordance with the guidelines of the Ministry of Education and Science, it covered areas such as human rights, gender equality and road safety. Civics formed part of training for future teachers and obligatory further training for current teachers. In addition, Portugal had participated in the Council of Europe project on Education for Democratic Citizenship and Human Rights since its inception in 1995.

34. **Mr. Nogueira Neto** said he wished to know whether the Government of Portugal considered that the share of the overall budget allocated to social matters and, in particular, to education, health and emergency welfare was sufficient. He asked whether the Government allocated the maximum possible resources for the exercise of economic, social and cultural rights, and whether it would be possible to increase such spending, in particular for the benefit of adolescents.

35. **Mr. Bártolo** (Portugal) said that his delegation was not in a position to reply to such questions, which were of a purely political nature. He nevertheless recognized that the authorities were perhaps devoting too much of their attention to short-term issues and that it was becoming difficult to take more strategic decisions covering the long term.

36. **Ms. Herczog** asked whether research was being undertaken on the reasons for inequality in the distribution of resources.

37. **Mr. Santos Pais** (Portugal) said that the numerous policies adopted over the past three years had aimed to do more with less, targeting mainly the most vulnerable. Thus, spending on education was aimed in particular at children with special educational needs and children living in remote areas. Education was now compulsory until the age of 18.

38. **Mr. Gastaud** asked for more precise information on the results of the programmes which the State party had put in place since 2012 in order to improve the quality of education. School dropout seemed to be a recurring problem despite the efforts expended, and he enquired what measures had been taken to encourage children to return to school and to prevent them from working. He asked whether the measures taken to improve school attendance by children from low-income families had yielded tangible results. Stressing that there were fewer workplace inspections and that, as a result, the number of recorded infringements of regulations relating to the minimum age of employment had also decreased, he requested details of convictions of parents or employers who had authorized child labour.

39. **Mr. Nogueira Neto** requested details of the procedures applicable to hearings involving children as victims or witnesses. He asked whether judges and police officers received human rights training. Lastly, he would like to have details on the dissemination and application of general comment No. 10 on children's rights in juvenile justice.

40. **Mr. Cardona Llorens**, noting with satisfaction that the State party had ratified the Convention on the Rights of Persons with Disabilities, said that he was concerned about the budgetary cuts that were affecting children with disabilities. Many of those children, who had formerly received technological assistance or been assisted by an accompanying adult, had had to be placed in institutions as a result of the cuts. He asked how many children with disabilities attended ordinary schools and asked what measures the State party was taking in order to ensure that those children were able to engage in play, recreational activities and cultural life.

41. He would like to learn what effects the budget cuts had had on the execution of penalties imposed on young people between the ages of 12 and 15. He asked whether Portugal intended to adopt specific provisions for young people between the ages of 16 and 18 and whether young people in that age bracket who were placed in detention were always kept separate from adults.

42. **Ms. Wijemanne** asked whether accident prevention programmes had been initiated, whether there were health services specifically for adolescents and whether Portugal planned to adopt guidelines on the promotion of breastfeeding.

43. **Ms. Herczog** asked whether a child could be placed outside his or her family solely for financial reasons and whether a child under the age of 3 could be placed in alternative care settings. She wished to know whether the guidelines relating to alternative care settings for children and the guidelines of the European Union on the transition from institutional to community-based care had been translated into Portuguese. She asked what measures the State party had taken to prevent something like the Casa Pia tragedy from happening again and, in particular, to put in place a complaints mechanism and to train personnel working in institutions on combating sexual violence.

44. **Ms. Khazova**, welcoming the measures taken by the State party in recent years in the area of adoption, and in particular the creation of the Permanent Adoption Observatory, asked why the adoption process was slow. Noting that the law authorized an adoptive parent to end the adoption process within six months if the "pre-adoption" period had not gone as planned, she asked what happened to the child concerned and whether the authorities intended to put in place measures in support of adoptive parents. Lastly, she asked whether a child had the right to know his or her origins.

45. **Ms. Winter** asked whether the model law prepared by the United Nations Office on Drugs and Crime and the United Nations Children's Fund on justice in matters involving child victims and witnesses of crime had been translated into Portuguese.

*The meeting rose at 1 p.m.*