Committee on the Rights of the Child
Eighty-second session

Summary record of the 2418th meeting
Held at the Palais Wilson, Geneva, on Thursday, 19 September 2019, at 3 p.m.

Chair: Mr. Pedernera Reyna

Contents

Consideration of reports of States parties (continued)

Combined fifth and sixth periodic reports of Portugal

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.
The meeting was called to order at 3 p.m.

Consideration of reports of States parties (continued)

Combined fifth and sixth periodic reports of Portugal (CRC/C/PRT/5-6; CRC/C/PRT/Q/5-6 and CRC/C/PRT/Q/5-6/Add.1)

1. At the invitation of the Chair, the delegation of Portugal took places at the Committee table.

2. Ms. Farmhouse (Portugal), introducing the combined fifth and sixth periodic reports of Portugal (CRC/C/PRT/5-6), said that her country unreservedly supported the United Nations in promoting and protecting the rights of the child and that it too was committed to respecting and guaranteeing those rights. Portugal attached great importance to the role of civil society and the National Committee for Human Rights habitually consulted civil society during the preparation and finalization of its human rights reports.

3. Since its last review, Portugal had made great efforts to implement the Committee’s concluding observations (CRC/C/PRT/CO/3-4). For example, the National Commission for the Promotion of the Rights and Protection of Children and Youngsters had coordinated the drafting of the National Strategy for the Rights of the Child, which drew on multiple contributions from governmental bodies and from children themselves and which was now awaiting approval. The Government had recently adopted several national human rights plans and strategies relevant to the rights of the child, which addressed issues such as equality and non-discrimination, the health of LGBTI persons, the integration of Roma communities, civic education and preventing trafficking in human beings.

4. The powers of the National Commission for the Promotion of the Rights and Protection of Children and Youngsters had been strengthened and its intervention capacity enhanced through the establishment of regional technical teams.

5. The Government had implemented a policy to regularize the legal status of children and young people of foreign nationality who were accommodated in State institutions, while a 2015 legislative reform had prioritized the placement of vulnerable children in foster families rather than residential care. Significant progress had been made in the protection of children and young people in conflict with the law and in the development of child-friendly justice.

6. The Civil Code had been amended to regulate parental responsibilities in situations of domestic violence, thus strengthening the protection of children’s rights and of their physical and emotional integrity. Magistrates and security forces personnel had undergone training to build a culture of defending and guaranteeing human rights. In respect of sexual violence against children, the Victims Statute devoted special attention to children, while Portugal also had a shelter for children and young people who were victims of trafficking.

7. To promote the rights of LGBTI children and young people, legislation had been enacted to ensure the right to self-determination of gender identity, with the result that 16 to 18-year-olds were able to change the designation of sex in their civil register entry. Administrative measures had been taken to guarantee non-discrimination against LGBTI children and young people in schools.

8. Portugal had continued to make progress in reducing its child mortality rate, while child labour had been eradicated thanks to the implementation of the Plan for the Elimination of Exploitation of Child Labour and the Programme for Inclusion and Citizenship, among other efforts aimed at safeguarding children. The Government had comprehensively reformulated social benefits and social support, especially those benefiting children with disabilities and children living in vulnerable households, while the national minimum wage had risen by about 14 per cent in real terms over the previous four years, in keeping with the Government’s policy of raising families’ living standards.

9. In the context of continuing migration flows and recognizing the need to ensure respect for diversity, the Assembly of the Republic had enacted amendments to the legal regime for combating ethnic and racial discrimination. Under the Choices Programme, the Government was supporting 103 projects for the inclusion of vulnerable children and young
people, particularly descendants of migrants and Roma children; while the security forces had helped promote interculturality, citizenship, gender equality and the rights of minority communities through awareness-raising activities in schools under the Safe School Programme. A survey had been launched in schools to learn about the situation of Roma children there.

10. The Government promoted the school attendance of all children aged 3 to 18 and sought to ensure that all children were learning as expected and were in a position to complete their secondary education. The early dropout rate had fallen sharply between 2014 and 2018 and was moving closer to the European Union average. In the 2019/20 academic year, the State had for the first time provided all primary and secondary school students with free textbooks, thus demonstrating its commitment to guaranteeing a cost-free education for all, with equal opportunities.

11. The Chair (Coordinator, Country Task Force) said that he was interested to know what steps had been taken to implement the laws that Portugal had passed since its previous review, including impact assessments and subsequent amendments to those laws, if any. He asked what steps had been taken to remove the provisions whereby persons aged under 18 were permitted to marry under certain conditions. He asked how the National Strategy for the Rights of the Child related to the broader public policy framework on children’s issues and how it was coordinated with different levels of government. What was the mandate and the budget of the National Commission for the Promotion of the Rights and Protection of Children and Youngsters, and were its decisions binding on other governmental bodies?

12. Notwithstanding the State party’s efforts to tackle multidimensional poverty by providing allowances to families, the Committee remained concerned that children in Portugal faced a significant risk of falling into poverty. He wondered whether the State party had evaluated the austerity policy that had been implemented in previous years, whether it prepared its budget in a way that earmarked resources to safeguard the rights of children, and how it monitored the effectiveness of expenditure on children.

13. Noting that the National Strategy for the Rights of the Child would allow for a thorough reform of the system for gathering data on children, he asked when the new system would be introduced and how it would address the problem of fragmentation. What was the size of the increase in the budget allocated to the Office of the Ombudsman (Provedor de Justiça) and why did that Office not yet have a department specializing in children’s issues?

14. The Committee was grateful for the information provided on awareness-raising initiatives; however, it was unclear what was being done to raise awareness of children’s rights in the community and to provide continuous, systematic and compulsory training to raise awareness of children’s rights among professionals who worked with children. To what extent had the State party adapted its laws to ensure that the business sector, particularly the tourism industry, respected the rights of children?

15. While the Committee welcomed the adoption of Act No. 93/2017 laying down the legal framework for preventing, prohibiting and combating discrimination, together with various programmes and proposals to combat discrimination, it was interested to know what data had been collected by the Observatory of Roma Communities, what measures had been implemented on the basis of that information, and what measures the State party envisaged to prevent discrimination against migrant and Roma children.

16. Noting that the State party had commissioned a translation into Portuguese of the Committee’s general comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration, he asked what further steps had been taken to ensure the determination of children’s best interests, specifically in the justice and social security sectors. Recalling that the Committee had previously raised concerns about road safety and cases of drowning, he wondered what was the status of the Child Safety Action Plan and the National Programme for the Prevention of Accidents, and whether the State party had taken steps to improve the safety of private swimming pools. Lastly, he asked what was being done to address the situation in which justice officials were reportedly dismissive of children’s opinions, for example by training officials to take children’s views into account. What steps were being taken to empower children to voice their opinions, to
implement Acts Nos. 2/2018 and 26/2018 on matters concerning nationality, and to protect children’s privacy within the family and in digital environments?

17. Mr. Gudbrandsson (Country Task Force) said that while Portugal was to be praised for the adoption of Act No. 93/2017, the development of the National Strategy for Equality and Non-Discrimination and the implementation of several anti-discrimination actions and policies, it was unclear whether all of those measures were effectively focused on children. Considering that Portugal had a long way to go to effectively eliminate discrimination against girls and young women, migrant, Roma, Afrodescendent and Muslim children, and lesbian, gay, bisexual and transgender adolescents, he invited the delegation to explain the State party’s plans for combating discrimination against those categories of children.

18. The Committee recognized that the principle of the best interests of the child had been incorporated in some legislation and that the justice system applied it more extensively than in the past. However, it was apparent that its application in political, administrative and legal decision-making was limited and that a high level of decentralization and the lack of a unified case-management system meant that the best interests of the child were not systematically determined in child protection interventions. Therefore, he wondered whether the State party had protocols to ensure that in cases concerning children, different sectors and agencies coordinated to ensure the best interests of the child and to avoid secondary victimization. Could the delegation give examples of a general, social or political nature in which the principle of the best interests of the child had been applied?

19. Despite some progress over the previous 20 years, injury remained the leading cause of death and disability among children and adolescents in Portugal, with accident rates that were among the highest in the European Union. He therefore wished to know when a new Child Safety Action Plan would be adopted and whether Portugal had examined the feasibility of setting up a child fatality review team to investigate, for preventive purposes, the causes of premature or unexpected child deaths, including deaths as a result of abuse or suicide.

20. Considering that little information had been provided on children’s right to development – which the Committee expected States to interpret in the broadest sense, to mean physical, mental, spiritual, moral, psychological and social development – he wished to know more about the State party’s approach to that right.

21. He commended Portugal for its measures to guarantee children’s right to be heard, including the adoption of Act No. 141/2015, which sought to improve child participation and child-friendly procedures in the civil guardianship regime. However, the delegation might wish to comment on reports indicating that, in educational and other settings, children did not feel that their opinions mattered and that they had few avenues for participation or for making their opinions known. He wished to know how the State party might address a particular problem that children encountered in institutional responses to sexual abuse or domestic violence cases; namely, that they were obliged to repeat their disclosure several times to multiple persons in different locations.

22. Lastly, he invited the delegation to give examples of best practices in which children had been given the opportunity to publicly express themselves on social, political, economic and environmental issues, and he asked whether Portugal might establish a children’s parliament to enhance their right to be heard.

23. Ms. Aho Assouma (Country Task Force) said that she would like to know whether steps were being taken to amend the law in order to prohibit the use of corporal punishment in all settings and whether information campaigns emphasized that corporal punishment was unacceptable and encouraged the use of positive, non-violent means of discipline. The measures in place to support children who had been exposed to domestic violence or orphaned by femicide, and the efforts made in the State party to address the high rate of child deaths resulting from ill-treatment, should be explained. She wished to know whether families affected by domestic violence were provided with adequate support, and whether data was available on the standard of training and specialist knowledge of the professionals who worked with those children.
24. Information should be provided on abuse within religious institutions and children’s homes, and on the steps taken to ensure that young boys who were sexually abused did not encounter discrimination when reporting abuse. She would appreciate information on the State party’s investment in training for professionals and in the provision of relevant support measures, the support provided to victims and families throughout legal proceedings, and any cases in which members of the clergy had been prosecuted for such crimes.

25. The delegation should clarify the age of consent for marriage, given the apparent contradiction in the Civil Code on that matter. She would welcome details of the measures taken to combat female genital mutilation and an explanation of how the State party intended to put a stop to the systematic performance of surgery on intersex babies, given that the law prohibiting the practice did not appear to have stopped it and the surgery continued to be funded by the State and by insurance companies. It would also be useful to know whether parents were informed of the consequences of the practice for their child and whether restorative surgery was offered to intersex children who had been mutilated by the surgery. She would appreciate more details on the practice of sterilization, who was sterilized and for what reason, whether the operation was always performed with the patient’s consent, and what means of redress were available to victims of sterilization.

26. With regard to the traditional practice of bullfighting, the delegation should clarify how the law on children’s participation as actors or spectators in bullfighting was applied in practice, and whether there were plans to harmonize the legislation on the matter. Details should be provided on the training given to children at bullfighting schools and the measures taken by those schools to protect children from violence, along with data on the children who attended the schools.

27. She would welcome more details on how the Children’s Hotline worked, whether it had a web page explaining the procedure for children’s complaints and what training was given to persons who answered the calls. She asked whether the State party intended to establish a dedicated hotline for children to talk about their problems and any violence they experienced, and whether there was any special provision to tackle sexual exploitation and online grooming.

The meeting was suspended at 3.55 p.m. and resumed at 4.20 p.m.

28. Mr. Marinho Pires (Portugal) said that a number of changes had been made to criminal law to improve the protection of children’s rights, including the adoption of a law on the status of victims of crime. Female genital mutilation and forced marriage had been criminalized and an Act had been adopted in 2019 on the coercion, rape and abuse of persons in care with a view to implementing the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol).

29. The provisions in the Criminal Code on trafficking in human organs had been amended. The legal safeguards for juvenile defendants in criminal proceedings, contained in the Code of Criminal Procedure, had been reviewed. A bill currently before the parliament would provide for stricter penalties for crimes of a sexual nature and the automatic blocking of websites that contained pornographic material. Legislation had been adopted providing for mandatory training on human rights and domestic violence for the judiciary. The majority of the legal measures adopted stemmed from directives of the European Union or the provisions of international conventions. Specific monitoring mechanisms were not in place for all laws, but had been established for those that were based on international instruments.

30. Ms. Monteiro (Portugal) said that social security benefits designed to protect children and young people could be prolonged up to the age of 25 if so requested. Changes to the social security system had increased the number of beneficiaries of the family allowance by expanding the eligible income bracket. The system of benefits for students who worked in the holidays had also been amended. Benefits for persons with disabilities had been increased and the single social supplement extended to cover all young people with disabilities.
31. Over the past four years the cuts that had been implemented during the previous legislature had been reversed and, as a result, persons who had previously fallen through the gaps were again able to sign up for income support allowance.

32. Ms. Horta (Portugal) said that laws had been introduced on inclusive education and on the incorporation of civics education into the school curriculum under the National Strategy for Citizenship Education. Compulsory education lasted 12 years and had been fully enforced in recent years. The Ministry of Education monitored enrolment and attendance and collected the relevant statistics. School dropout rates had fallen steadily over recent years and were approaching the average rate for Europe.

33. Ms. Afonso (Portugal) said that the legal age of majority was 18. Before the age of 18, children could engage in restricted activities under specific conditions and, from the age of 16, could marry if they received the appropriate authorization. The rate of early marriage was low, however, and falling: in 2019 to date there had been 26 marriages in which both parties had been under 18 years old, and 49 in which one of the parties had been under 18 years old.

34. Ms. Farmhouse (Portugal) said that the National Commission for the Promotion of the Rights and Protection of Children and Youngsters was independent by virtue of its composition, comprising as it did members drawn from a broad range of areas, including government ministries, the cabinet of the President, the judiciary, the regional governments of the Azores and Madeira, the Portuguese National Youth Council, community and parents’ associations and prominent public figures. The Commission had approximately 50 staff and had been strengthened in 2015 by the introduction of new legal provisions that provided for technical teams in the regions. The Commission’s budget had been increased to more than €9 million. In addition, joint projects using community funds had been launched for the first time.

35. The national strategy for the implementation of the Convention had been developed in collaboration with the relevant ministries and was awaiting approval. One of the main concerns of the Commission was to ensure, through cooperation with academia, the quality of data collected so that it could inform public policy.

36. Ms. Santos (Portugal) said that her Government had not been able to adopt a comprehensive strategy to combat child poverty, but did provide financial support to vulnerable citizens, including families with children. The budget for the family allowance and social benefits for children had increased significantly between 2016 and 2018. The extension of an inclusive, lifetime allowance for children and young people with disabilities had recently been approved. For 2019–2020, a 3.5 per cent increase in investment in the social security and solidarity infrastructure was planned.

37. Mr. Barros (Portugal) said that the Observatory of Trafficking in Human Beings was responsible for disseminating data and information on trafficking in persons. It also provided a National Referral Mechanism for victims, including child victims, and collected data on age, nationality and destination and the form of exploitation involved. The Observatory met with the police every three months to consolidate information from various sources such as the police, NGOs and government ministries. The Observatory issued public annual reports on its activities.

38. Ms. Fernandes (Portugal) said that, over the past three years, only three children had been identified as victims of trafficking for the purpose of sexual exploitation. The children had been placed in specialized residential care and provided with specialist support from multidisciplinary teams comprising psychologists, doctors and social workers.

39. Mr. Marinho Pires (Portugal) said that the Office of the Ombudsman was a constitutional body and responsible for ensuring that the fundamental rights of citizens were upheld and receiving complaints from citizens. Its staff were highly skilled, and its children’s unit was staffed by specialists. The body met the minimum requirements for such an institution.

40. Ms. Horta (Portugal) said that civics education was taught once a week in schools. Compulsory subjects included human rights and sustainable development; a range of other issues, such as democratic participation and financial literacy, were also addressed. In
addition, schools set aside time and resources for interdisciplinary projects on citizenship, some of which were carried out in partnership with other institutions.

41. **Ms. Farmhouse** (Portugal) said that the National Commission for the Promotion of the Rights and Protection of Children and Youngsters provided training on child-related issues to people who worked with children and adolescents.

42. **Mr. Marinho Pires** (Portugal) said that sexual offences against minors, including those perpetrated in the context of tourism, were prohibited by law. The parliament was considering a bill that would criminalize the preparation of sex tourism offences and broaden criminal jurisdiction to cover acts of sexual exploitation committed outside national territory by Portuguese nationals or against minors whose place of residence was in Portugal.

43. **Mr. Quá** (Portugal) said that 3.8 per cent of the complaints registered by the Commission for Equality and against Racial Discrimination in 2018 had exclusively concerned children and some of those had related to racial discrimination. The Government was working hard to combat racial discrimination through a large number of projects and awareness campaigns, such as the coloured pencil campaign described in paragraph 67 of his country’s report, which had had a significant impact since its launch in 2016. During the 2017/18 school year, more than 20,000 children had taken part in activities to combat discrimination that had been organized in partnership with the Fundação Benfica (Benfica Foundation). The Commission also supported the work of a female handball team that carried out awareness-raising in schools. The National Roma Communities Integration Strategy had been extended to 2022 and the Observatory of Roma Communities was conducting research that would be used to improve public policies affecting the Roma community.

44. **Ms. Afonso** (Portugal) said that the principle of the best interests of the child was enshrined in national legislation and was reflected in the various strategies that had been adopted to support children and young persons.

45. **Ms. Vilhena Catanho de Menezes** (Portugal) said that an interministerial working group had been set up to issue recommendations on swimming pool safety. All public swimming pools had to be monitored by trained lifeguards and all private swimming pools had to undergo a safety inspection. The Ministry of Health ran pool safety awareness campaigns on a regular basis.

46. **Mr. Barros** (Portugal) said that the various institutions that dealt with domestic violence had different data collection practices. Steps were being taken to better coordinate the work of those institutions and to investigate the impact of domestic violence on children in a more structured and systematic manner. Guidelines were being prepared for professionals who worked with child victims of domestic violence.

47. **Mr. Ramos** (Portugal) said that the security forces had provided road safety education to more than 150,000 children in 2018. They were also working to raise public awareness of digital citizenship. At the start of the school year, schoolchildren were given the contact details of a law enforcement officer to whom they could report problems. Their concerns were dealt with by the security forces or referred to another relevant authority. The officers involved had all received appropriate training.

48. **Ms. Afonso** (Portugal) said that the right of children to be heard had been taken into account in various pieces of legislation, including the Code of Criminal Procedure and the law on civil guardianship. For example, the Code of Criminal Procedure stipulated that child victims of crimes against sexual self-determination must not be brought face to face with their aggressor during the initial enquiry.

49. The institution that provided training for judges was working to ensure that children were seen as autonomous rights holders and that their opinions were given due weight. The Ministry of Justice had recently been involved in a project carried out under the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, concerning children’s perceptions of the risk of falling victim to a crime committed online.
50. **Ms. Monteiro** (Portugal) said that there were support programmes aimed at preparing children for adoption. Court officials received guidance on the right of children to be heard during adoption and guardianship proceedings. Children over 12 years old were automatically involved in any decision regarding their placement in residential care.

51. **Ms. Farmhouse** (Portugal) said that a children’s council had been set up by the National Commission for the Promotion of the Rights and Protection of Children and Youngsters.

52. **Ms. Afonso** (Portugal) said that the law on nationality had been amended in 2018 to provide for the granting of nationality on the basis of *jus soli*. The new provisions stated that any child born in Portugal to parents of foreign nationality was entitled to Portuguese nationality provided that one of the parents had been living legally in Portugal for at least two years. Unofficial data suggested that Portuguese nationality had been granted to 668 children on the basis of those provisions; the real figure was likely to be higher.

53. **Ms. Farmhouse** (Portugal) said that the National Commission for the Promotion of the Rights and Protection of Children and Youngsters had invested heavily in training the members of its local protection commissions, in order to ensure that the best interests of the child were at the heart of any decision concerning children. Over 4,000 people had received training of that kind in 2018.

54. **Mr. Quá** (Portugal) said that training and awareness-raising to combat discrimination was conducted in schools, law enforcement agencies and associations. Over 3,000 hours of training and awareness-raising of that kind had been carried out in 2018. Investments had been made in order to combat school dropout among Roma girls. A programme aimed at bringing down the barriers between Roma communities and the formal education system had been launched in 2006. A scholarship programme for Roma was in place, under which 33 scholarships had been awarded in 2018, and a grant scheme for Roma who wished to continue their education beyond the ninth grade had recently been set up.

55. **Ms. Vilhena Catanho de Menezes** (Portugal) said that legislation passed in 2018 prohibited non-consensual surgery to modify a person’s sex characteristics. The first health strategy for lesbian, gay, bisexual, transgender and intersex persons had recently been adopted, the second volume of which focused specifically on intersex persons. Clinical guidance concerning intersex persons would be drawn up by the Directorate General of Health in accordance with the standards of care published by the World Professional Association for Transgender Health.

56. **Mr. Marinho Pires** (Portugal) said that the Criminal Code had been amended in 2015 to criminalize acts such as female genital mutilation, forced marriage and stalking, in accordance with the Istanbul Convention. A register of persons convicted of child sexual offences had been established in order to prevent such persons from working in certain professions. Almost 1,000 cases of child sexual abuse had been dealt with between 2014 and 2017. However, there were no official statistics on the number of members of the clergy and civil servants who had been convicted of such offences.

57. **Ms. Rodrigues** (Portugal) said that a Cabinet resolution passed that year had adopted guidelines on a national arts plan for 2019–2029, under the auspices of the culture and education ministries. Although the Plan addressed all ages, it focused on children and young people. Since accessibility was a key priority, it provided for the use of audio description and Portuguese Sign Language at artistic performances for young people.

58. The Government intended to expand educational and cultural provision through initiatives such as the National Reading Plan, the National Cinema Plan, and the Aesthetic and Artistic Education Programme. It planned to foster cooperation with public and private entities and involve educational institutions in cultural activities. It would take a holistic approach to promoting participation in the arts, bringing students and teachers into contact with artists.

59. **The Chair** said that, although the delegation had said that child marriage numbers had gradually fallen, the Government’s written replies to the list of issues stated that the number had increased between 2017 and 2018 (CRC/C/PRT/Q/5-6/Add.1, para. 93). Also,
although on the one hand the delegation had said that compulsory education now lasted 12 years, on the other the report said that compulsory education for Roma children lasted 9 years. He would like the delegation to clarify those points.

60. **Ms. Aho Assouma**, noting that the delegation had mentioned legislation on surgery on intersex children, said that she failed to understand how consent could be obtained, given the young ages of the children concerned. She also wished to have more information on the means whereby parents were warned of the long-term effects of such surgery.

61. **Ms. Farmhouse** (Portugal) said that compulsory education lasted 12 years for all Portuguese citizens, including Roma children. She would provide the correct figures for early marriage as soon as possible.

62. **Ms. Vilhena Catanho de Menezes** (Portugal) said that parents were included in decisions regarding intersex newborns and were told what the long-term developmental consequences were, based on the most recent evidence. The National Health Service provided multidisciplinary paediatric services at maternity hospitals, with the involvement of paediatricians, social workers and other specialists. All health professionals were always required to follow best clinical practices, which had evolved in recent years.

63. **Mr. Jaffé** asked whether intersex persons or children who had had interventions were consulted when evaluating intersex children and whether any policies took their advice into account. He also asked whether anyone other than the parents spoke on behalf of the children.

64. **Mr. Gudbrandsson** said that he was concerned that child sexual abuse was not being dealt with adequately at the local level. The number of cases seemed small, given the population size.

65. He wished to know whether the Government had taken any radical, cross-cutting measures to address the deepening poverty levels affecting children in Portugal. He also wished to know whether the Government intended to extend parental leave, since four months was short compared with most European countries and left a long gap before the start of early childhood education. He wondered whether the Government encouraged breastfeeding and provided support for working mothers to breastfeed.

66. The Committee applauded the State party for its enhanced measures to protect children from domestic violence, including Act No. 24/2017, which amended the Civil Code so that the shared exercise of parental responsibility was considered contrary to the interests of the child when the safety of the child was at risk of domestic violence. He wondered whether the State party had any plans to speed up criminal proceedings, which could last up to four years, in order to protect the child’s right to regularly see both parents.

67. Drawing attention to the Committee’s recommendation to the State party, made in 2014, to protect children deprived of a family environment, he noted that the slight decline in the number of children in out-of-home placement since then was simply proportional to the decline in the number of children due to the declining fertility rate. It was particularly disturbing that only 3 per cent of children deprived of a family environment were placed in foster care, the rest being institutionalized. The number of children aged under 3 who were institutionalized had not declined, despite the Committee’s recommendations in 2014 and despite new legislation stating that all children under 6 not living with their families should be placed in foster care. He wished to know why the State party believed that the new law to enhance foster care services would be more effective than the existing legislation. He was particularly concerned that children aged 4 or under accounted for around 13 per cent of children going into care, violating international standards and severely affecting those children’s development. The Committee wished to know how the State party intended to comply with Convention standards and the recommendations of the scientific community on the deinstitutionalization of care.

68. The State party had done well in many areas of education, including in the Programme for International Student Assessment (PISA) and especially in early childhood education. He encouraged the State party to move closer towards universal early childhood education by expanding education for 2-year-olds. Despite the law on inclusive education, there were concerns about insufficient support and human resources for children with
disabilities. He wished to know whether the State party planned to address those concerns. He also wished to know whether it would make the principles of the Convention part of the formal curriculum in schools. Sex education seemed to focus on preventing pregnancy and sexually transmitted diseases rather than on comprehensive sexual and reproductive health education and the prevention of violence in intimate relationships.

69. Ms. Aho Assouma said that she wished to know whether the National Strategy for Disability 2011–2013 had been evaluated, what the results were and whether a new strategy was in place; what percentage of children lived with disabilities, what disabilities they had and what measures had been taken to detect disabilities early and to treat them; and what mechanisms existed to prevent and detect any ill-treatment of institutionalized children with disabilities. She would like to know what budget was allocated to health and to ensuring access to facilities, especially in remote areas; whether paediatric care was available elsewhere than at the São João Hospital in Porto; and why paediatric care stopped at age 12 even though the definition of a child was a person under 18. She asked whether there was a vaccination strategy, what the vaccination rate was and whether campaigns reached remote areas. How did the Government address child obesity?

70. Noting that the number of mothers exclusively breastfeeding up to the age of 6 months seemed low despite the baby-friendly hospital initiative and other measures, she wished to know what measures had been taken to regulate the distribution of food supplements to 4-month-old infants, what strategies had been adopted to counter the advertising and sale of breastmilk substitutes, whether midwives were properly trained in applying legislation and whether there had been awareness-raising campaigns about breastfeeding.

71. Turning to the subject of adolescent health, she said that the Committee wished to know what programmes were in place to prevent suicide and to help potential suicide victims, including young mothers. She wished to know what the Government planned to do to change behaviours such as online pornography consumption.

72. On mental health, she wondered whether the State party had evaluated and updated the National Plan for Mental Health 2007–2016; whether it had a budget for campaigns to address regional disparities; whether it had proper structures in place so that children received mental health care separately from adults; and whether there were enough child psychiatrists. Referring to paragraph 30 of the written replies, she asked how exactly the State party had dealt with the issue of children’s access to care at São João Hospital. Could outpatient children obtain all medicines and proper medical support?

73. On the question of alcohol and tobacco, she wished to know whether there was a law regulating their sale to children and whether there had been awareness-raising campaigns targeting schools and the general public. How was the Government dealing with the problem of drunk 11 to 15-year-olds roaming the streets?

74. Were the staff of drug rehabilitation centres trained in dealing with adolescents?

75. She wished to know what the prevalence of HIV/AIDS was, what measures were in place to prevent mother-to-child transmission, how accessible anti-retroviral treatment was, how many orphaned children had HIV/AIDS and what programmes existed for them.

76. Lastly, she wished to know what access the many homeless people in Lisbon and Porto had to water and sanitation facilities.

77. Ms. Skelton (Country Task Force) said that she wished to know how the State party ensured that all migrant, asylum-seeking and refugee children arriving in Portugal were properly identified and registered. She wondered whether the State party determined the best interests of all children, accompanied or unaccompanied and, if so, how. She wished to know how tutors and guardians were assigned.

78. It would be helpful to know whether children had legal representation during asylum and age-determination procedures. She also wished to know whether officials applied the benefit-of-the-doubt principle when it was unclear whether a person was under or over 18 years of age and whether they used any methods other than wrist and dental X-rays to establish age.
79. She understood that children who had lived in foster care for a certain number of years could not obtain naturalization, unlike children born in residential care: was that in fact the case? Were children awaiting the results of an asylum application entitled to health care and education and, if so, were those services available in the community or in closed centres? The Committee had received conflicting figures for the number of children in situations of migration; it would be helpful if the delegation could provide more information.

80. The report mentioned that apartments were available in the community for migrant children with their families, yet the Committee had also received information that families could be detained for up to 60 days and that children under 16 could be held at airports for 7 days. She would like to hear more about the new temporary detention centre being built and what the Government was doing to create alternatives to detention for children in situations of migration.

81. Drawing attention to the table in the Government’s written replies showing the number of sexual abuse cases by year (para. 95), she said that she would appreciate an explanation of the data-collection methodology, as well as of the reasons behind the high conviction rate: did that relate only to the cases that went to trial? Noting the recent convictions of Roman Catholic priests for the sexual abuse of children, she wondered whether the State party had considered appointing an impartial commission of inquiry.

82. Regarding trafficking in the context of migration, she said that concerns had been raised about the State party’s system of victim identification. Given that there had apparently been only three cases of trafficking for sexual purposes, she wondered whether the system really detected all cases.

83. Although the minimum age of criminal responsibility in Portugal was set at 16, education measures for younger children included placement in centres, which was a form of deprivation of liberty. She wondered what means the State party used to evaluate the system’s effectiveness. The Committee would like to receive information on the proportion of children helped in institutions compared with those helped in the community. Was the State party doing enough to create non-custodial alternatives? She also wondered whether child-offender trends were going up or down and whether reform initiatives took the dynamics into account.

84. The Committee would like to hear about any legislative measures specifically addressing offences under the Optional Protocol on the sale of children, child prostitution and child pornography, particularly in terms of the liability of legal persons, extraterritorial jurisdiction and data-collection measures.

The meeting rose at 6 p.m.