



Convention on the Rights of the Child

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Committee on the Rights of the Child

Eighty-second session

9–27 September 2019

Item 4 of the provisional agenda

Consideration of reports of States parties

List of issues in relation to the combined fifth and sixth periodic reports of Portugal

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 15 May 2019. The Committee may take up all aspects of children's rights set out in the Convention during the dialogue with the State party.

Part I

1. In the light of the budgetary cuts mentioned in the State party's report (CRC/C/PRT/5-6, para. 23), please provide information on measures adopted to develop budgets that include a child-rights perspective. Please identify budgetary allocations intended to guarantee all children's rights, and any increases in financial resources carried out or planned in that regard. Please also provide information on studies on the impact of fiscal measures on children's rights.
2. Please provide information on the priorities and specific objectives of the National Strategy for the Rights of the Child and indicate whether an intermediate evaluation of the Strategy has been carried out. Please also provide information on the human, technical and financial resources available to the National Commission for the Promotion of the Rights and Protection of Children and Youngsters for the implementation and coordination of a national strategy. Please provide information on action plans for children adopted at the local level under Law No. 142/2015.
3. With reference to the Committee's previous recommendations (CRC/C/PRT/CO/3-4, para. 18), please provide updated information on the State party's efforts to establish a comprehensive and integrated data-collection and monitoring system on issues related to children. Please also provide information on the impact of the improved sectoral data-collection and monitoring systems on the implementation of the Convention, in particular the digital platform for access to services and statistics of the Ministry of Justice.
4. Please provide information on the effect on children of Law No. 2/2016 on the elimination of discrimination against same-sex and non-married couples with regard to adoption, civil sponsorship and other family relationships.
5. Please provide information on the practical implementation of the amendments to the Portuguese Nationality Law adopted under Organic Law No. 2/2018, aimed at the prevention of statelessness. Please provide information on the steps taken to streamline the procedures for acquiring Portuguese citizenship for children born in Portugal to non-citizen



parents who cannot prove their nationality because of difficulties in providing proper documentation.

6. Please provide detailed information on recent jurisprudence stipulating that parents and teachers are not allowed to use corporal punishment as a means of education. Please also provide information on the impact of Law No. 24/2017, which allows for the revocation of joint parental authority in cases of domestic violence against a child, and indicate whether the fifth National Plan for the Prevention and Fight against Domestic and Gender Violence for 2014–2017 has been renewed.

7. Please provide updated information on the progress made towards the deinstitutionalization of children deprived of a family environment, in particular of children under the age of 6, in accordance with Law No. 142/2015. Please elaborate on the impact of Law No. 143/2015, adopted to revise the State party's legal adoption framework.

8. Please clarify whether austerity measures have had any impact on access to hospitals and other National Health Service health-care units for children, particularly in rural or isolated areas, including for children receiving paediatric care at São João Hospital in Porto. Please provide information on the aspects of the National Mental Health Plan that are relevant to children.

9. Please provide information on the impact of the National Roma Communities Integration Strategy for 2013–2020, accompanied by a supporting fund, and the results of the national study on Roma communities conducted in 2015. Please explain the recently reported decrease in the number of Roma children, in particular girls, reaching the secondary level of education, despite the fact that education is compulsory until the age of 18.

10. Please provide updated information on the measures taken to:

(a) Strengthen the framework law on political asylum for children and to ensure its implementation, including prevention of the detention of asylum-seeking children;

(b) Improve the reception of and living conditions for asylum-seeking children at temporary detention facilities in airports and at general reception centres, including for unaccompanied and separated children and child victims of trafficking.

11. Please provide information on measures taken to implement the Committee's previous recommendations under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/PRT/CO/1), particularly with regard to the results of the studies conducted by the Ministry of Justice on:

(a) The sale of children;

(b) The liability of legal persons, including Internet and telephone service providers, and banking services, to report pornographic websites involving child victims to law enforcement authorities;

(c) Extraterritorial jurisdiction for crimes covered by the Optional Protocol.

12. Please provide information on the measures taken to implement the Committee's previous recommendations under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/PRT/CO/1), in particular on:

(a) Explicitly criminalizing the use and recruitment of all children under 18 years of age by armed forces and armed groups;

(b) Criminalizing the recruitment and use of children by private military and security companies;

(c) Coordinating the supervision of military schools between the Ministry of Education, the Ministry of Science, Technology and Higher Education, and the Ministry of National Defence.

Part II

13. The Committee invites the State party to provide a brief update (no more than three pages) on the information presented in its report with regard to:

- (a) New bills or laws, and their respective regulations;
- (b) New institutions (and their mandates) or institutional reforms;
- (c) Recently introduced policies, programmes and action plans and their scope and financing;
- (d) Recent ratifications of human rights instruments.

Part III

Data, statistics and other information, if available

14. Please provide consolidated information for the past three years on the budget lines regarding children and social sectors by indicating the percentage of each budget line in terms of the total national budget and the gross national product. Please also provide information on the geographic allocation of those resources.

15. Please provide, if available, updated statistical data disaggregated by age, sex, type of disability, ethnic origin, national origin, geographic location and socioeconomic status, for the past three years, on the number of:

- (a) Children residing in the State party;
- (b) Married children;
- (c) Racist and xenophobic acts against children;
- (d) Children living in families with lesbian, gay, bisexual or transgender parents;
- (e) Children who have obtained Portuguese citizenship pursuant to Organic Law No. 2/2018;
- (f) Children above the age of 16 who have changed their name and gender;
- (g) Criminal accusations, prosecutions and convictions against sexual abusers of children among the clergy and in public institutions;
- (h) Girls who are victims of female genital mutilation or cutting or who are at risk of becoming victims of those practices;
- (i) Children, particularly those below the age of 16, participating in bullfighting events and training in bullfighting schools;
- (j) Children who are born intersex;
- (k) Non-urgent, irreversible surgical and other procedures that have been carried out on intersex children before an age at which they are able to provide informed consent;
- (l) Children of incarcerated parents and children living in prisons with their mothers;
- (m) Children affected by or living with HIV/AIDS;
- (n) Children who use illicit drugs or substances;
- (o) Children seeking asylum in the State party, children placed in reception centres and the duration of their stay, in particular unaccompanied or separated children, including those who have been refused entry to the State party, child victims of trafficking and children who have been granted refugee status;
- (p) Students of Roma origin, collected for the first time in 2017, pursuant to authorization from the National Commission for Data Protection;
- (q) Children in street situations;

- (r) Children who are victims of trafficking, exploitation and abuse;
 - (s) Children who have had contact with the State party's child protection system, in particular child victims of trafficking who have received protection in the only shelter in the State party, which was opened in 2018.
16. Please provide data disaggregated by age, sex, socioeconomic background, ethnic origin and geographic location regarding the situation of children deprived of a family environment, for the past three years, on the number of children:
- (a) Living in institutions;
 - (b) Placed in foster care;
 - (c) Living in adoptive families;
 - (d) Previously placed in foster care, but re-entering the alternative care system after adoption or during pre-adoption procedures;
 - (e) Internationally adopted;
 - (f) Abandoned by their families.
17. Please provide data, disaggregated by age, sex, type of disability, ethnic origin and geographic location, for the past three years, on the number of children with disabilities:
- (a) Living with their families;
 - (b) Living in institutions;
 - (c) Attending regular primary schools;
 - (d) Attending regular secondary schools;
 - (e) Attending special schools;
 - (f) Out of school;
 - (g) Abandoned by their families.
18. Please provide, if available, updated statistical data disaggregated by age, sex, type of offence, ethnic and national origin, geographic location and socioeconomic status, for the past three years, on children in conflict with the law who have been:
- (a) Arrested;
 - (b) Referred to diversion programmes;
 - (c) In pretrial detention;
 - (d) In immigration detention;
 - (e) Serving a sentence in detention, including data on the length of the sentence.
19. Please provide information on how the planning, implementation and monitoring of measures for achieving the Sustainable Development Goals integrate a child rights-based approach, including with regard to child participation and data collection, and how they promote the realization of children's rights under the Convention and its Optional Protocols.
20. Please provide the Committee with an update of any data in the report that may have become outdated by more recent data collected or other new developments.
21. In addition, the State party may list areas affecting children that it considers to be of priority with regard to the implementation of the Convention.
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